



The Washington Report: Update

The Newsletter of the National Association of Police Organizations
Representing America's Finest

June 11, 2021

Urgent, Action Needed!

Senator Booker Proposes Horrible Police Reform Bill

Senator Cory Booker (D-NJ), is trying to negotiate a deal on police reform with the International Association of Chiefs of Police (IACP) and the Fraternal Order of Police. Sen. Booker froze out NAPO and other police groups, despite the fact that NAPO represents just about all law enforcement officers in the senator's state of New Jersey. This proposal is entirely of Senator Booker's doing as the other two main negotiators – Senator Tim Scott (R-SC) and Congresswoman Karen Bass (D-CA) – were not involved in its drafting. The other members of Congress and Senators who have been involved in the negotiations also did not have a hand in the drafting of the proposal.

NAPO was able to obtain the text of Senator Booker's police reform bill and we have grave concerns with it. We are actively opposing the proposal and encouraging negotiators to reject this proposal as it is untenable.

The reasons for our opposition are too many to completely list (Sen. Booker's proposal runs to 125 pages), but in general:

- Sen. Booker proposes adding four new federal criminal offenses to incarcerate state and local police officers (Sec. 101).
- The bill removes the “knowing” *mens rea* requirement for the new criminal federal obstruction crime it establishes (Sec. 101).
- Deadly Force is defined to include Taser use in certain circumstances, carotid restraints, and even the “position or posture” of a suspect (Definitions, Sec. 2).
- It does away with both Sovereign Immunity for both State and Federal law enforcement agencies, and does not protect officer's Qualified Immunity at all. In fact, it *reminds* readers that they can still sue *individual* officers “*under this section or under any other source of law*” (Sec. 102).
- It expands pattern and practice investigations and specifically adds prosecutors, not just investigators, to the process (Sec. 103).
- It authorizes \$750,000,000.00 (you read that right) to hire prosecutors to prosecute individual officers involved in use of force incidents (Sec. 104).
- It calls for the national establishment of Civilian Review Boards (Sec. 114).
- It defines “Serious Misconduct Complaint Information” to *include complaints that were not sustained* (Sec. 201).

- It would establish a public “National Police Accountability Database” into which individual officer information would be entered, without basic due process protections of notice and an opportunity to be heard; officers would only be allowed to include a “personal statement” *after* their personal information had already been added to the database (Sec. 202).
- It expands an FBI national database to collect information on all state and local officers’ use of force, including “less lethal” force, which is defined to include touching someone with a hand (Sec. 223).
- It provides for lawsuits against individual law enforcement officers in State and Federal courts for alleged acts of discrimination, which are defined to include disparate impact of official agency policies (Sec. 312).
- It does away with no-knock warrants in drug cases where destruction of evidence is occurring (Sec. 361).
- It restricts the justification defense for officers in use of force cases (Sec. 363).
- It bans facial recognition technology (Sec. 372 and others).
- It *requires* discipline of officers for bodycam policy violations, without requiring due process (Sec. 372).
- Tear gas and OC spray may only be used against “violent” offenders, not to disperse crowds (Sec. 393).
- Provides \$50,000,000.00 for reinstatement of offenders’ suspended or revoked drivers licenses, and \$0 for addressing officer suicides (Sec. 803, Sec. 1004).
- Calls for looking at the *repeal of state and local misdemeanor crime enforcement* (Sec. 806).
- It greatly limits legitimate law enforcement tools, including further restricting the 1033 Program (Sec. 364).
- It severely restricts the confidentiality of peer-counselor communications by officers who have gone through a critical incident, such as a use of force (Sec. 1002).
- It lacks any language on Officer Suicide (Sec. 1004).
- It lacks any language on protecting officers who are whistle-blowers (Sec. 1005).
- It offers, apparently in exchange for all of the foregoing, not more than “a total of 6 months” disability coverage under the PSOB program (Sec. 1301); and repeal of the Social Security WEP and GPO provisions, *which are already covered in other legislation NAPO has helped support* (Sections 1102, 1103).

Senator Booker’s proposal in effect sets up a situation where the Department of Justice will be managing the hiring, training, deployment, and policy, including use of force and equipment, for every state and local agency. It would make law enforcement more dangerous and difficult for officers and it would exacerbate the already dire recruitment and retention issues facing state and local agencies.

NAPO is not alone in our serious concerns with the proposal. Senate and House support is imperative to pass any legislation and this proposal does not seem like it will win many Republicans and moderate Democrats over. **BUT THEY MUST HEAR FROM YOU NOW!**

We ask you to please join us in opposing Senator Booker’s police reform proposal by contacting your Congressional Representatives and Senators and making them aware of your concerns with the proposal.

This will likely be our best, and maybe only, chance to save American law enforcement from a catastrophe.