



# The Washington Report

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

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**February 27, 2024**

## **NAPO on the Hill: National Police Week Priorities**

Every year, NAPO works in conjunction with other national law enforcement organizations – both management and labor – to push a list of bills we all agree on and support to move during National Police Week. This past week, we met with staff of House Democratic and Republican leadership to discuss the pro-law enforcement legislation we want to see moved during National Police Week this year to honor the law enforcement profession.

We met with the staff of House Speaker Mike Johnson (R-LA), Minority Leader Hakeem Jeffries (D-NY), Majority Leader Steve Scalise (R-LA), and Majority Whip Tom Emmer (R-MN). The support of these leaders is vital to our success in moving our priorities.

We discussed the need for legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers, the LEOSA Reform Act, legislation aiding state and local agencies to hire and retain qualified officers, a bill to cover exposure-related cancers under the Public Safety Officers' Benefits (PSOB) Program, and legislation to provide public safety officers with access to affordable homeownership.

Increased penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. NAPO is backing several bills that would provide increased penalties for such violent crimes against officers, including the Back the Blue Act and the Protect and Serve Act.

The LEOSA Reform Act would ensure the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented. The bill would expand the areas qualified, current or retired, officers are allowed to carry a firearm, including on a Gun Free School Zone, on state, local and private property otherwise open to the public, and in certain federal facilities. Furthermore, it will allow qualified officers and retired officers to carry an ammunition magazine of any capacity that is not prohibited by federal law. Importantly, it will reform qualifications standards to alleviate undue burdens for those carrying under LEOSA.

The Recruit and Retain Act would boost recruitment opportunities for state and local law enforcement agencies by expanding the Department of Justice's Community Oriented Policing Services (COPS) Program to help agencies that are understaffed and struggling to attract new applicants. It would also create a new program to encourage partnerships between schools and police departments to foster a stronger local pipeline for law enforcement careers. This bipartisan bill passed the Senate by voice vote last July and has been languishing in the House ever since.

The Invest to Protect Act would create a broad grant program through the Department of Justice (DOJ) specifically for small state, local or tribal law enforcement agencies that will give them resources to train their officers, provide mental health resources for their officers, and retain and hire officers. A small agency is defined as one that employs 200 sworn law enforcement officers or fewer.

The Honoring Our Fallen Heroes Act would cover exposure-related cancers under the Public Safety Officers' Benefits (PSOB) Program for death and disability benefits.

The HELPER Act would create a new home loan program through the Federal Housing Administration (FHA) that removes the biggest financial barriers for buying a house – the down payment requirement and a monthly insurance premium requirement – for public safety officers and teachers.

We are also working with both the House and Senate Judiciary Committees and will meet with them next week to discuss the list of bills that will be marked up in honor of National Police Week.

While much of our list is pro-law enforcement legislation, we unfortunately had to spend time during these leadership meetings to discuss our strong opposition the Fourth Amendment is Not For Sale Act (FANFSA), which was supposed to be taken up as an amendment the Foreign Intelligence Surveillance Act (FISA) reauthorization bill last week, but the entire debate and bill were scuttled due to strong internal disagreements within the Republican Caucus. NAPO lobbied members of the House to vote against the FANFSA amendment and we will continue to press our opposition as House leadership figures out how to reauthorize FISA before it expires on April 19.

NAPO strongly opposes the FANFSA as it would produce significant public safety consequences by restricting law enforcement access to critical, publicly available investigative information that is utilized every day to combat violent and serious crimes such as murder, kidnapping, drug trafficking, human trafficking, child sexual exploitation, terrorism, and threats of mass violence. In our meetings, we expressed our frustration with having to be on defense for the past six months with a Republican-led House and urged leadership to put us on the offense by moving our priority legislation.

## **NAPO Supports Bill Creating Increased Penalties for Violence Against Law Enforcement**

NAPO pledged its support for the Justice for Fallen Law Enforcement Act, S. 3767, sponsored by Senator Thom Tillis (R-NC), which would create a criminal penalty of the death penalty or life imprisonment for the murder of a federal, state, and local enforcement officer and create a criminal penalty of 20 years in prison for assault resulting in serious injury to a federal, state, and local law enforcement officer.

This bill is critical, as there is a serious and growing trend of armed attacks on law enforcement officers. According to a May 2023 report from the Office of Community Oriented Policing Services (COPS), 331 officers were shot in the line of duty in 2022, of which 62 officers died from their injuries. 126 of those officers were shot and 32 died in ambushes or premeditated, calculated assaults. While the number of officers dying from their injuries may be decreasing, the number of officers targeted for violence remains persistently high.

NAPO has long been fighting to establish stricter penalties for those who harm or target for harm law enforcement officers. Any persons contemplating harming an officer must know that they will face serious punishments. NAPO strongly believes that increased penalties make important differences in the attitudes of criminals toward public safety officers and ensure protection for the community.

NAPO thanks Senator Tillis for his continued strong support of the law enforcement community and we look forward to working with him to pass this important legislation.

## **NAPO Opposes End Solitary Confinement Act**

Senator Edward Markey (D-MA) introduced S. 3409, the End Solitary Confinement Act, with which NAPO has some serious concerns. As the bill title indicates, it would end solitary confinement and strictly limit the use of alternative unit placement in all federal correctional facilities and would attempt to force state and local detention centers and prisons to follow suite using penalties to Byrne Justice Assistance Grant (Byrne JAG) program funding. We sent the Senator [a letter](#) on February 26 outlining our concerns and why we must oppose the bill.

The staffing and resource shortages at the U.S. Bureau of Prisons (BOP) is a growing issue that is impacting both correctional officers, BOP staff, and incarcerated individuals. Correctional officers are facing mandated overtime, often working 16 hours shifts, and when overtime is not enough to ensure the prison population is sufficiently supervised, BOP management is forced to pull medical personnel, librarians, and janitors from their duties to function as correctional officers. This places all individuals within the prison facility in danger.

With BOP facilities facing such staffing and resource shortages, ending the use of solitary confinement endangers both inmates and staff and is not consistent with sound correctional practices. There is a need for flexibility, particularly when dealing with predatory or violent individuals, that this bill does not allow for. Solitary confinement is necessary for the safety of all individuals within the prison facility. Individuals are put into solitary confinement for violence against other inmates or correctional officers, for gang and drug-related activity, or even to keep individuals safe from violent threats from other inmates.

Unfortunately, state and local correctional facilities are facing the same scarcities in staffing and resources. Through arbitrary penalties to Bryne JAG grant funding, the End Solitary Confinement Act endangers the ability of state and local prisons to increase staffing, provide mental health and substance abuse services, and anti-recidivism programming to inmates. This would be counterproductive to the intent of this legislation.

NAPO believes that Congress should address the staffing and resource shortages that the BOP and state and local detention facilities are experiencing and ensuring the safety of both facility staff and inmate populations. The fact that those who are tasked with putting their lives on the line to ensure the safety and rehabilitation of those incarcerated are treated with less respect than the inmates themselves is unfathomable. Once our nation's prisons are fully staffed with trained, qualified correctional officers and have the resources to deliver other required anti-recidivism programs and services, then we can discuss how to provide flexible, more expansive out-of-cell time for incarcerated individuals that provides for the safety of both staff and inmates.

## **NAPO Works to Build Opposition to 3rd Circuit Court Judge Nominee**

NAPO has serious concerns with President Biden's nominee to be a judge on the U.S. Court of Appeals for the Third Circuit, Adeel A. Mangi, who was narrowly approved by the Senate Judiciary Committee on January 18. We sent [a letter](#) to Senate Majority Leader Chuck Schumer (D-NY) and Minority Leader Mitch McConnell (R-KY) and Senate Judiciary Committee Chair Richard Durbin (D-IL) and Ranking Member Lindsey Graham (R-SC) on January 25, outlining our concerns with Mr. Mangi's nomination and urging opposition to his nomination to the Third Circuit Court of Appeals.

President Biden has nominated an individual with no experience being a judge to the bench one step removed from the Supreme Court. Not only that, but Mr. Mangi is also an Advisory Board Member of the Alliance of Families for Justice, which boasts of its founding board member Kathy Boudin, who was convicted for her role in the 1981 Brink's robbery by the Weather Underground that left two police officers executed in cold blood.

The Alliance of Families for Justice has advocated for the release of at least six other cop-killers – Sundiata Acoli, Mumia Abu Jamal, Mutulu Shakur, Russell Maroon Shoatz, Jamil Al Amin, Kamau Sadiki – referring to them all as “elder freedom fighters.” The fact that the Alliance raises these cop-killers as leaders to follow and is calling for their release is an affront to the men and women who have dedicated their lives to protecting our communities as law enforcement officers. NAPO has worked to ensure these murderers are denied parole and remain in prison for their heinous acts.

NAPO strongly feels that Mr. Mangi's work and continued affiliation with the Alliance of Families for Justice as an Advisory Board Member should be disqualifying. We have received significant pushback for our opposition from allies of Mr. Mangi, who are scrubbing the internet of any references to Ms. Boudin, Sundiata Acoli or the other cop-killers the Alliance has worked to free. We stand by our opposition and several of our member organizations have joined us in our opposition, including the New Jersey State Policemen's Benevolent Association, the New Jersey State Troopers NCO Association, the Rockland County Patrolmen's Benevolent Association, and the Phoenix Law Enforcement Association.

We continue to work to ensure Mr. Mangi's nomination is not brought up for a vote.

## **NAPO in the News: Washington Times Op-Ed on De Minimis Loophole and the Battle Against Fentanyl**

NAPO Executive Director Bill Johnson had an opinion piece published in the *Washington Times* on February 20, entitled, “[In the battle against fentanyl, closing U.S. trade loophole bolsters law enforcement efforts](#)”:

There are no silver bullets in law enforcement's arsenal to battle the alarming rise in fentanyl trafficking and record-setting overdose deaths ravaging our communities. But there is one mechanism that Congress and this administration can reform to immediately help choke a massive pipeline of imported fentanyl while easing the burden on our nation's law enforcement officers and saving lives.

Federal agencies have interdicted millions of pounds of fentanyl and other illicit drugs making their way to the U.S., but those resources and efforts have not been enough to stem the flow of fentanyl across our borders. More must be done, and it starts before these drugs enter the country.

Cartels and criminals are exploiting a somewhat lesser-known portal to ship these dangerous drugs directly to Americans. And it needs to be closed.

The loophole is known as the Section 321 de minimis provision, which was established under the Tariff Act of 1930 and was originally intended to take the burden off the Customs Service on low-value items such as souvenirs brought back by tourists.

Despite its original purpose, this provision has failed to keep up with the modern marketplace. Today, the de minimis mechanism allows a package of goods valued at \$800 or less per person to come into the country duty-free every day. With the rise of e-commerce and mass distribution

shippers, the de minimis provision has exploded in popularity, creating a supercharged black market for counterfeit products, goods produced with slave labor, hazardous materials and illicit drugs, including fentanyl.

Fentanyl is a highly addictive synthetic opioid that is significantly more dangerous than heroin, methamphetamine or cocaine. Two milligrams of fentanyl, just enough to fit on the tip of a pencil, is considered a potentially lethal dose. Hundreds of thousands of deadly doses of fentanyl can be shipped into the country in one small package.

Consider these two important facts:

- In fiscal 2023, the U.S. received more than 1 billion individual packages claiming de minimis preferences, up from the 150 million packages that entered via de minimis in 2016.
- At the same time, U.S. Customs and Border Protection's fentanyl seizures have risen more than 800% since fiscal 2019, many of them made in the de minimis environment. As of this past September, CBP had seized over 26,000 pounds of fentanyl.

What is even more alarming is that Department of Homeland Security and CBP officials recently acknowledged at a hearing the steep challenges they face in tracing even a small percentage of these de minimis shipments, which amount to nearly 3 million packages a day.

The outdated de minimis provision has become a dangerous gateway, allowing millions of direct mail shipments of illicit drugs from anywhere in the world to enter the U.S. market virtually uninspected, destroying families and communities and overwhelming law enforcement agencies.

As law enforcement officers, our members are on the front lines, and they see firsthand how devastating this drug epidemic is. Our officers work hard to keep fentanyl and other dangerous opioids off the streets and out of our neighborhoods, yet officers respond to a fentanyl overdose every day.

Trained in responding to an overdose and armed with naloxone, they try to save lives. But all too often, they are left with the harrowing task of telling families that their lives will never be the same again.

Officers are fighting a losing battle if Chinese drug smugglers can circumvent U.S. trade laws and ship hundreds of thousands of shipments directly to consumers with the click of a button. In 2023, over 112,000 people died from overdoses — the highest number to date. That number is only increasing. Fentanyl is being mixed with already deadly illicit drugs, hidden in counterfeit drugs, and being peddled at alarmingly high rates to our youth through social media.

The National Association of Police Organizations has long fought for resources to support law enforcement's efforts to combat fentanyl and similar opioids. Eliminating de minimis e-commerce shipments would help stanch the surge of illicit drugs that are exploiting this loophole to wreak havoc across the country and protect and safeguard the lives of our children, families and friends.

Law enforcement agencies are understaffed and under-resourced while violent crime is surging in cities and communities across the country. Our resources are stretched thin among a multitude of priority areas.

We see an opportunity before us that would help bolster law enforcement efforts in confronting the deadly illicit drug trade. That critical solution is closing the de minimis loophole.

We must fight these poisonous drugs before they are shipped into our markets from China and other countries. Otherwise, our efforts will continue to be undermined by the massive volume of suspected fentanyl and opioids entering our market from China through the de minimis back door.

In this moment of crisis, we need to use every weapon we have to curb this unfettered flow of imported drugs. Congress and the administration have the authority to close off one major avenue that is facilitating large volumes of these lethal drugs and give us the much-needed reform that will help law enforcement battle this epidemic and save lives.

## **FY24 Justice and Mental Health Collaboration Program Funding Opportunity Announced**

**FY24 Justice and Mental Health Collaboration Program:** <https://bja.ojp.gov/funding/opportunities/o-bja-2024-171978>

- With this solicitation, the Bureau of Justice Assistance seeks applications for funding programs that support cross-system collaboration to improve public safety responses and outcomes for individuals with mental health disorders or co-occurring mental health and substance use disorders.
- For the purposes of the FY24 solicitation, the program will focus on pretrial, prosecution, courts, probation/parole, and addressing the needs directly related to the criminal activity of adults with mental health conditions, living in homelessness or marginalized communities with minimal access to treatment, needing wrap around services, in the criminal justice system and leaving incarceration.

**FY24 Connect and Protect: Law Enforcement Behavioral Health Response Program:**  
<https://bja.ojp.gov/funding/opportunities/o-bja-2024-171967>

- This program supports law enforcement–behavioral health cross-system collaboration to improve public health and public safety by improving responses to and outcomes for individuals with mental health disorders or co-occurring mental health and substance use disorders.
- Through this opportunity, the Bureau of Justice Assistance provides grant funding to help entities prepare, create, or expand comprehensive plans and then implement these collaborative projects to target people who qualify.

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