



The Washington Report

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

October 2, 2017

NAPO extends our thoughts and prayers to the victims of the Las Vegas shooting, their families, and to the officers who responded to the event.

Supreme Court Agrees to Hear *Janus v. AFSCME*

Yesterday, the U.S. Supreme Court issued an order agreeing to take up the case *Janus v. AFSCME*. This case will potentially have a big impact on public sector unions and employee associations (including NAPO members) in those states which currently allow a “closed shop” collective bargaining unit. In *Janus*, an employee in Illinois, who works in a position in a bargaining unit covered by a collective bargaining agreement recognizing AFSCME as the proper representative of all employees in that unit, has challenged the right of the American Federation of State, County and Municipal Employees (AFSCME) to collect “fair share” payments from non-union members who still work within the bargaining unit. Such fees are common across the United States, and serve to help defray the costs which the union incurs in negotiating and administering a contract that covers all unit workers, including those who have chosen not to join the union itself. This practice has long been upheld by the courts, including the U.S. Supreme Court in a 1977 case known as *Abood*.

In the current *Janus* case, Mr. Janus is asking the Supreme Court to overturn its previous opinion in *Abood*, and declare all “fair share” fee arrangements unconstitutional under the First Amendment. If the Court agrees, and most observers think it will, “fair share” policies will be struck down all across the nation. The Court has now said that it will hear this case, and although an exact date for arguments has not yet been set, it will most likely be this fall or winter.

NAPO members in many right to work states such as Florida, Texas and Arizona have already had to deal with state laws which prohibit closed shops and fair share fees. These member associations have been successful over the years in not just maintaining, but growing membership. Our brother and sister union leaders from right to work states are ready, willing and able to assist all NAPO member organizations in successfully navigating this new national right to work threat.

PLEASE ATTEND NAPO's upcoming seminar in Chicago, November 6 and 7, to hear from successful police union leaders in right to work states, as well as from the attorneys who are involved with defending fair share policies in the courts. **This will be a most important opportunity to prepare to not just survive, but thrive in the new union environment.** Here is a link to our registration: <http://www.napo.org/events/upcoming-events/2017-fall-seminar/>

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If you have any questions or need additional information about *Janus v. AFSCME*, please contact NAPO's Executive Director and General Counsel, Bill Johnson, at bjohnson@napo.org or (703) 549-0775. For questions about our November seminar, please to contact NAPO's Director of Events, Elizabeth Loranger, at eloranger@napo.org or (703) 549-0775.

NAPO Attends Meeting on Attorney General's Back the Blue Initiative

On September 28, NAPO participated in a meeting with the Associate Deputy Attorney General and Director of the new Office of Law Enforcement Liaison, Steven Cook, regarding the Department of Justice's (DOJ) efforts to help state and local law enforcement fight violent crime in our neighborhoods and the Attorney General's Back the Blue Initiative. The Initiative was created by Attorney General Sessions to implement the President's Executive Order on Preventing Violence Against Federal, State, Tribal, and Local Law Enforcement Officers.

Mr. Cook, who previously was the president of the National Association of Assistant U.S. Attorneys, has been traveling the country with Attorney General Sessions and Deputy Attorney General Rod Rosenstein talking to state and local law enforcement about how the DOJ can be a better partner in the fight against violent crime. As a result of these discussions, the Attorney General and Deputy Attorney General are committed to ensuring the Department is an active partner at the table with law enforcement, increasing federal prosecutions of gang, gun and drug crimes, helping agencies identify crime trends, and developing better relationships with the communities that law enforcement serve. The Back the Blue Initiative is part of this effort.

The most visible efforts the Department has made in support of state and local law enforcement and in partnership with organizations like NAPO include the President's executive order repealing restrictions on surplus military equipment, changes to federal asset forfeiture policy to make it easier for state and local agencies to participate, the creation of the Office of Law Enforcement Liaison, and support for full implementation of the National Blue Alert System. The Attorney General has also begun sending out personal condolence letters to the families of officers who have died in the line of duty. It is very evident that the Attorney General and the Department are dedicated to supporting the law enforcement community, both in words and actions.

The meeting was a part of a continuing conversation with DOJ leadership on how it can support state and local law enforcement. NAPO priorities such as the need to increase funding for the hiring and retention of cops through the Community Oriented Policing Services (COPS) Hiring Program and increasing penalties for the assault, attempted killing and killing of law enforcement officers were discussed. The Department is currently working on putting together possible legislation to address the issue of officer assaults and killings through increased federal penalties. This is something for which NAPO has been advocating for a long time and we expressed our support for the Department taking the lead on this issue and offered any assistance we can give. With the added pressure from the Department and the backing of the Administration, we have a better chance of moving such legislation through Congress.

Also discussed was the need to expand the resources provided by Project Safe Neighborhoods (PSN) and to allow more local control of those resources by removing strings that the previous Administration had placed on the program. PSN, a grant program through the Department's Bureau of Justice Assistance (BJA), helps state and local agencies target gang and gun crimes. Department leadership agreed that PSN needed to be more robust and respond better to local agencies' needs.

Mr. Cook will be holding these meetings with national law enforcement representatives quarterly to ensure that our voices are being heard and our needs are being met. NAPO looks forward to continuing our work with the

Department to ensure state and local law enforcement – particularly rank-and-file officers – have the support, resources and equipment needed to protect themselves and the communities they serve.

NAPO on the Hill: Reauthorization of Internet Crimes Against Children Task Forces, Law Enforcement Mental Health & Wellness

The House Judiciary Committee is holding up two NAPO endorsed bills – the Providing Resources, Officers, and Technology to Eradicate Cyber Threats to (PROTECT) Our Children Act of 2017 (S. 782 / H.R. 1846) and the Law Enforcement Mental Health and Wellness Act – both of which were passed by the Senate earlier this year. The Committee is holding the PROTECT Our Children Act to use as part of a broader deal involving a variety of other bills in order to get law enforcement support. While the Committee staff relayed to NAPO that the bill package is positive for law enforcement, staff did not indicate what bills are involved nor did staff give any details as to why the PROTECT Our Children Act must be part of this package.

This legislation, sponsored by Senators John Cornyn (R-TX) and Richard Blumenthal (D-CT) and Congresswoman Debbie Wasserman Schultz (D-FL), reauthorizes the Internet Crimes Against Children Task Force Program, which is a national network of 61 coordinated task forces representing over 3,500 federal, state, and local law enforcement and prosecutorial agencies. These agencies are continually engaged in proactive and reactive investigations and prosecutions of persons involved in child abuse and exploitation involving the internet.

Additionally, these task forces provide forensic and investigative technical assistance to law enforcement and prosecutors as well as provide community education information to parents, educators, prosecutors, law enforcement, and others concerned with child exploitation.

Staff indicated that there might be movement on the package last week, but it seems that no agreement was reached. NAPO is wary of attaching such an important and easy to pass bill to a larger package that may slow down the bill's passage. NAPO pressed the Committee staff to discharge the bill from Committee and allow it to go to the House floor for a vote. There is no need for a Committee markup of a straightforward reauthorization of a proven, successful program.

NAPO also discussed the Law Enforcement Mental Health and Wellness Act (S. 867 / H.R. 2228) with Committee staff as the bill has been sitting in the Judiciary Committee without any hint of action despite broad bipartisan support and the Senate passing it by unanimous consent back in May.

The Law Enforcement Mental Health and Wellness Act will help law enforcement agencies establish or enhance mental health care services for their officers. The legislation would make grants available to initiate peer mentoring pilot programs, develop resources for mental health providers based on the specific mental health challenges faced by law enforcement, and support law enforcement officers by studying the effectiveness of crisis hotlines and annual mental health checks.

According to the National Study of Police Suicides, officers are 2.5 times more likely to die from suicides than from homicides. State and local law enforcement officers are our nation's first responders. They respond to our country's greatest tragedies as well as violent crimes that unfortunately occur more frequently in our communities. They have seen and experienced horrors that they cannot forget, yet they still put their lives on the line every day to protect and serve our communities. It is time that we as a nation recognize the stress and strain of the job and give officers the resources they need to address their emotional and mental well-being.

The Law Enforcement Mental Health and Wellness Act is a priority for NAPO as it is an important step forward in the fight to ensure officers across the country have access to the best mental health services available and feel supported in using those services.

While Committee staff recognizes the importance of the bill, there is some concern about where to house the peer mentoring program that the bill establishes. It is not a secret that House Republicans do not like the Community Oriented Policing Services (COPS) Program and a few Republican members of the Committee have requested that the peer mentoring program be moved to the Byrne Justice Assistance Grant (Byrne JAG) Program. NAPO feels strongly that the program belongs in the COPS Office, as that Office has long worked with the law enforcement community on officer safety and wellness and this Program would just get lost under Byrne JAG. Helping departments establish peer mentoring programs is too important to let that happen. We will continue to work with Committee staff and members of the Committee to ensure all concerns are answered and we are able to move the bill quickly through Committee.

We have also asked Congresswoman Brooks to weigh in heavily with Committee Chairman Robert Goodlatte (R-VA) and House leadership about the importance of moving this bill.

We will keep our members updated on the status of the PROTECT Our Children Act and the Law Enforcement Mental Health and Wellness Act. If you have any questions about this bill, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Previews New PSOB Online Claims System

NAPO participated in a stakeholder run through of the new Public Safety Officer's Benefits (PSOB) Program online claims system. With this new system, claimants will file their entire claim online and their claims will be assigned to one claims management officer who will manage their claim throughout the entire process. Claimants will also be able to list persons or organizations helping them with their claim and authorize them to receive information regarding the claim.

Once the system goes live, which is expected to happen before the end of the year, all new claims will have to be filed online. If a claimant is unable to file the claim online, the PSOB Office will connect them with the Concerns of Police Survivors (COPS) or the National Fallen Firefighters Foundation to assist them file the claim online. Other organizations, such as police benevolent associations, will also be able to file claims on the behalf of families. Current claims pending determinations will continue as they are and they will not be refiled in the new system.

The new system has streamlined and simplified the claims process for both families and agencies. The addition of a dedicated claims management officer to each claim will ensure families and officers have one person, who will have intimate knowledge of their case, to address all their questions and concerns. Claimants will know where their claim is in the process and communication between all parties will be improved.

NAPO appreciates the PSOB Office working with us and the stakeholder community on this new online system. They have listened to our long-held concerns about how complicated and onerous the claims process has been and they have created a user-friendly online system that should improve the experience of claimants.

If you have any questions about the new online claims system or the PSOB Program, please contact Andy Edmiston at aedmiston@napo.org.

NAPO's Latest Legislative Positions & Sponsor/Cosponsor Updates

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO will update this spreadsheet regularly, and continue to ensure our voice is heard on Capitol Hill.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andy Edmiston at: aedmiston@napo.org.

PLEASE HELP OUR BROTHER AND SISTER OFFICERS AFFECTED BY HURRICANES HARVEY & IRMA

*Thank you to all our member groups and individual members and supporters
who have already donated to NAPO's Relief Fund!*

The requests for relief checks are flowing in. Many, many officers in Texas, and now South Florida, have lost everything due to Hurricanes Harvey and Irma. Attached please find a [donation form](#) that you can fill in and submit. Several of our groups have reposted it to their own members and we ask that other groups please do the same. The form is also up on our Facebook site and webpage (www.napo.org) and we have a direct donations link for our Relief Fund up and running on our website.

Here is the link to make donations: <http://www.napo.org/about/how-support-law-enforcement/napo-relief-fund-hurricane-harvey-assistance/>

PLEASE SHARE WITH YOUR MEMBERS

We will repeat our requests for contributions to our Relief Fund as long as needed.

100 percent of donations will be used to provide direct financial relief to the officers affected. We will rely on the local unions and associations to confirm the damage and losses and will immediately cut checks to the officers.

Thank you for your support and generosity for all our brother and sister officers and their families affected by Hurricanes Harvey and Irma.



Michael "Mick" McHale, President



Bill Johnson, Executive Director