



The Washington Report

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

February 7, 2018

NAPO Files *Amicus* Brief in *Janus v. AFSCME*

With the U.S. Supreme Court scheduled to hear oral arguments for the *Janus v. AFSCME* case on February 26, NAPO joined with several of our member organizations in filing an [amicus curiae brief](#) supporting the American Federation of State, County and Municipal Employees (AFSCME) and the right of public sector unions to collect “fair share” fees.

Janus v. AFSCME 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 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 *Aboud v. Detroit Board of Education*.

In the current *Janus* case, Mr. Janus is asking the Supreme Court to overturn its previous opinion in *Aboud* 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, granting a huge victory for right-to-work proponents. While NAPO has several member organizations in right-to-work states such as Florida, Texas and Arizona that have been successful in maintaining and growing membership in such environments, NAPO has long fought to give all law enforcement officers the basic right to bargain collectively.

NAPO stands ready to help our member organizations as they prepare for the possibility of the right to collect fair share fees being overturned and will be a clearing house for lessons learned and best practices for navigating a right-to-work environment.

NAPO will give a full report to our members on how the oral arguments went for *Janus* and keep you updated on its status. If you have any questions about the *amicus* brief NAPO filed or on the case itself, please contact Bill Johnson at bjohnson@napo.org.

NAPO on the Hill: House Judiciary Committee

NAPO met with staff of Representatives Karen Handel (R-GA), Brad Schneider (D-IL), and Val Demings (D-FL), three new members of the House Judiciary Committee, as well as new Judiciary staff for Representative

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

317 S. Patrick Street ~ Alexandria, VA 22314 ~ (703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515

www.napo.org ~ Email: info@napo.org

John Ratcliffe (R-TX) this past week to introduce the staff to NAPO and our priorities for the remainder of the 115th Congress. Specifically, we discussed improvements to the Public Safety Officers' Benefits (PSOB) Program, the Community Oriented Policing Services (COPS) Program, increasing penalties for violence against law enforcement officers, and the Protecting Lives Using Surplus (PLUS) Equipment Act, all of which fall under the Committee's jurisdiction.

PSOB Improvements

NAPO is collaborating with Congressman Raul Ruiz (D-CA) on legislation to increase the PSOB death, disability and education benefits. Congressman Ruiz represents the families of Palm Springs Officers Lesley Zerebny and Jose Gilbert Vega, who were gunned down in an ambush while responding to a domestic disturbance call on October 8, 2016. The families of the officers reached out to the Congressman on the need to increase the PSOB benefits so that the families left behind would not be left struggling with mortgages, loan debts and the costs of raising children.

NAPO has long fought to increase PSOB benefits, from the first benefit increase in 1988 from \$50,000 to \$100,000 plus annual cost of living indexing, to the next significant raise in 2002 following the September 11, 2001 terrorist attacks when the benefit was raised to \$250,000. Additionally, we worked to ensure these death and disability benefits are federal and state income tax free. The PSOB one-time death and disability benefit is currently \$350,079.

Additionally, healthcare coverage as an included benefit is now becoming increasingly necessary, given the continuously escalating costs of healthcare. Healthcare coverage as an included benefit would remove a great financial burden from the loved ones of those who so selflessly gave their lives for the safety of our communities.

COPS Program

NAPO has supported the COPS Program since its inception in 1994 and we continue to remind members of importance of funding this program as we fight attempts to gut it almost yearly. It is vital that the COPS Hiring Program, the National Blue Alert System, and the new peer mentoring pilot program we passed as part of the Law Enforcement Mental Health and Wellness Act are supported and funded in Fiscal 2019.

As the Judiciary Committee is responsible for authorizing the COPS Program, Committee members' support for adequate and sustained funding to ensure these important programs and grants are not eliminated is significant.

Increased Penalties

NAPO supports legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers. The Committee, and then the House, passed the NAPO-supported Thin Blue Line Act last year, but that bill only provides increased protections for officers if there is a federal nexus to their case. We continue to push the Back the Blue Act and other legislation that would provide increased penalties for violence against federally-funded police officers, which would protect a significantly larger number of state and local officers whose agencies receive federal grant funding.

PLUS Equipment Act

On August 28, 2017, President Trump issued an Executive Order, "Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources", which fully repeals President Obama's Executive Order 13688 and any policies and recommendations that were created pursuant to that Executive Order. This was a huge victory for NAPO as we fought to reinstate state and local law enforcement's unfettered access to this vital equipment since President Obama restricted it in May of 2015.

With the enactment of President Trump's Executive Order, we need to amend the PLUS Equipment Act to reflect that and ensure that state and local law enforcement's access to this equipment does not become a political football, with access to this equipment being determined by whichever political party is in the White House. By

amending the bill, the focus will no longer be on repealing President Obama's Executive Order but ensuring that future Administrations are not able to restrict law enforcement's access to surplus military equipment unless approved by Congress.

Reception of NAPO's priorities by staff were generally supportive on all counts, with staff of Republican members, Representatives Ratcliffe and Handel, being much more engaged on wanting to pass an amended PLUS Equipment Act. NAPO looks forward to working with Representatives Handel, Ratcliffe, Demings and Schneider as members of the House Judiciary Committee to ensure law enforcement's needs are met.

If you have any questions about NAPO's priorities listed above, please contact Andy Edmiston at aedmiston@napo.org.

NAPO, National Law Enforcement Organizations Set 2018 National Police Week Legislative Agenda

Since 2015, NAPO has joined with other national law enforcement organizations to set a joint legislative agenda for National Police Week, with the goal of highlighting and passing a few of the law enforcement community's priorities. These are priorities that all segments of the law enforcement community agree on – sheriffs, chiefs, and rank-and-file – and they do not encompass all of NAPO's top legislative and policy priorities. The joint legislative agenda is an opportunity for law enforcement to join together with one voice to try to move significant policies around National Police Week.

Not every bill is passed during Police Week, but last year, we passed the Thin Blue Line Act in the House, the Law Enforcement Mental Health and Wellness Act and the Children of Fallen Heroes Scholarship Act in the Senate and got the PSOB Improvement Act signed into law in the days during and surrounding that week. Additionally, the House and Senate Judiciary Committees acted on several of our priority legislation.

Last week, NAPO hosted a meeting with the International Association of Chiefs of Police, the National Sheriffs Association, the Major County Sheriffs of America, the Fraternal Order of Police, the Federal Law Enforcement Officers Association, and the National Narcotics Officers Association to develop our priorities for National Police Week 2018. This year's list of priorities is a mix of hold-overs from last year that have not yet been enacted and new policy priorities we want to highlight, including:

- Legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers, including the Thin Blue Line Act, the Back the Blue Act as well as new legislation yet to be introduced;
- Providing for continued health insurance coverage for officers disabled in the line of duty and for the families of officers killed in the line of duty;
- Legislation to reform the delivery of PSOB Program benefits to disabled law enforcement officers;
- The Protecting Lives Using Surplus (PLUS) Equipment Act;
- The Project Safe Neighborhoods Grant Program Reauthorization Act of 2017;
- The Children of Fallen Heroes Scholarship Act, which would eliminate the expected family contribution of a Pell Grant-eligible student whose parent or guardian died in the line of duty; and
- The 9/11 Heroes Medal of Valor Act, which would make public safety officers who participated in response and recovery efforts of the September 11, 2001 terrorist attacks and die of 9/11-related health conditions eligible for the Presidential 9/11 Heroes Medal of Honor.

In the upcoming weeks, NAPO and our fellow law enforcement representatives will be meeting with House and Senate leadership to get their buy-in for these priorities, as well as with House and Senate Judiciary Committee staff and members to build support for moving these important bills around National Police Week. We will keep our members up-to-date on our efforts and the status of the legislation.

In addition to these bills and policies, NAPO continues to prioritize and push for the Public Safety Employer-Employee Cooperation Act, the Law Enforcement Officer's Procedural Bill of Rights, the Middle Class Health Benefits Tax Repeal Act and full funding for vital state and local law enforcement grant programs.

If you have any questions about our joint efforts with the national law enforcement community or the priority issues listed, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Supports DNA Cold Case Act

NAPO pledged its support for the DNA Cold Case Act, sponsored by Senators John Cornyn (R-TX) and Amy Klobuchar (D-MN), which would authorize the use of a small percentage of funds under the Debbie Smith Act to prosecute cold cases that have been solved due to DNA forensic analysis. NAPO has supported the Debbie Smith Act since its inception in 2004 with the purpose of ending the extensive backlog of untested and unanalyzed DNA evidence.

The DNA Cold Case Act has the support of Debbie Smith as well as the RAINN (Rape, Abuse, & Incest National Network). NAPO looks forward to working with Senators Cornyn and Klobuchar to pass this important legislation.

Please monitor NAPO's website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.