



The Washington Report: Update

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

December 3, 2021

President Signs Three NAPO Priority Bills Supporting Law Enforcement into Law

On November 19, in a significant victory for NAPO, President Biden signed the Protecting America's First Responders Act (S. 1511), the COPS Counseling Act (S. 1502), and the Jaime Zapata and Victor Avila Federal Officers and Employees Protection Act (S. 921) into law. NAPO was at the White House for the bill signing ceremony.

The Protecting America's First Responders Act makes it easier for public safety officers disabled in the line of duty to qualify for the federal Public Safety Officer's Benefits (PSOB) Program's disability benefits, ensures that beneficiaries receive the highest award amount possible, and makes certain that all children of public safety officers disabled or killed in the line of duty are able to benefit from the Public Safety Officers' Education Assistance Program.

The Protecting America's First Responders Act also includes a two year extension of the COVID presumption for PSOB eligibility for public safety officers who had COVID-19 at the time of death or who are disabled due to COVID-19. The presumption will last through December 31, 2023, or until the end of the COVID-19 pandemic, whichever occurs later. This bill was sponsored by Senators Charles Grassley (R-IA) and Kirsten Gillibrand (D-NY) and Representative Bill Pascrell (D-NJ).

The COPS Counseling Act implements confidentiality standards for federal law enforcement peer support counseling programs and directs the U.S. Attorney General to report on best practices and professional standards for state and local peer support counseling programs. It is a significant step forward in ensuring that all law enforcement officers across the nation have access to confidential peer support programs. This bill was sponsored by Senator Catherine Cortez Masto (D-NV) and Representatives David Trone (D-MD) and Guy Reschenthaler (R-PA).

The Jaime Zapata and Victor Avila Federal Law Enforcement Protection Act ensures justice is served by applying federal extra territorial jurisdiction to federal murder or attempted murder cases of federal law enforcement officers. It is a simple fix to a hole in federal law that ensures that federal law enforcement officers serving abroad receive the same protections as those serving at home. This bill was sponsored by Senators John Cornyn (R-TX) and Chris Coons (D-DE) and Representative Henry Cuellar (D-TX).

NAPO thanks all the bills' sponsors and their staff for championing these important issues and for all the efforts they made on our behalf to push these bills across the finish line.

If you have any questions about what these bills mean for you and your members, please contact NAPO's director of governmental affairs, Andy Edmiston, at aedmiston@napo.org or (703) 549-0775.

DOJ Moves Forward with National Decertification Index

NAPO Executive Director Bill Johnson participated in a meeting of the Nation Decertification Index (NDI) Expansion Advisory Group Governance Subcommittee. The Advisory Group is spearheaded by the International Association of Directors of Law Enforcement Standards and Training (IADLEST), in partnership with the Department of Justice, Bureau of Justice Assistance (BJA). The purpose of this committee is to help design the expansion of the NDI, which was implemented under President Trump's 2020 Executive Order on Safe Policing for Safe Communities. The governance committee is tasked with developing the policies of the NDI, including the definitions of terms and methods that will be used in governing the database.

The Biden Administration is continuing with the expansion of the National Decertification Index (NDI), with BJA guiding the project at a strategic level and approving the scope, schedule, and budget. The Governance Subcommittee reviewed IADLEST's draft request for proposal (RFP) for the expanded NDI, which cast a much wider net in terms of certification actions than what was proposed under President Trump's Executive Order.

Under the project, the database will be modified and expanded to serve as a national registry of certificate or license revocation actions relating to officer misconduct to facilitate the sharing of such information between and among federal, state, local, tribal, and territorial law enforcement agencies. According to the draft RFP, the NDI is intended to contain data on cases where officers are found to have "moral flaws, commit acts of dishonesty, commit crimes or serious misconduct, or engage in the excessive or improper use of force". It is supposed to include only decertification due to officer misconduct, not due to administrative or technical issues, such as failing to complete yearly training requirements.

The expanded NDI will heavily rely on the POST agency to determine, according to its established protocols regarding discipline, certification status and officer due process, whether a certification suspension, revocation or court-ordered relinquishment is necessary and to upload that information into the NDI's computerized database. The NDI will also track whether an officer decides to avoid such action by voluntarily relinquishing their certification. This reliance on POST agencies and state policies would leave significant variance across the country in how officers are placed in the NDI.

Of significant concern to NAPO, the draft RFP does not provide any due process protections outside of what states may – or may not – already offer. Johnson raised this point during the meeting, stating that many states do not offer much in the way of due process for officers and the NDI must ensure that all suspensions and decertification have been fairly adjudicated and that officers have due process before such actions are taken and officers are placed in the NDI. Establishing standards to ensure fair due process prior to inclusion in the database is supposed to be one of the core duties of the Advisory Group. Johnson will continue to push the Advisory Group to fulfill its duties and approve due process standards for inclusion on the NDI.

Agency and state participation in the NDI continues to be voluntary for the moment. NAPO will keep our members updated on the status of the NDI expansion project as we continue to participate in the Advisory Group.

NAPO Endorses Bill to Exclude Essential Workers from COVID Vaccine Mandates

NAPO pledged our support for the Keeping Our COVID-19 Heroes Employed Act (S. 3079 / H.R. 5860), sponsored by Senator Marsha Blackburn (R-TN) and Representative Tim Burchett (R-TN), which would exempt essential workers from any COVID-19 vaccination mandate imposed by any public or private entity that receives federal funding. For public employers, any department, agency, or government that has received any coronavirus relief funds from the federal government must provide for an exemption for essential workers.

The Keeping Our COVID-19 Heroes Employed Act gives first responders a choice – a personal choice about vaccination, their health, and their beliefs – without fear of losing their livelihood. It does not oppose vaccinations against COVID-19, but rather grants first responders and essential workers the same choice millions of Americans have regarding getting vaccinated. It is about having a voice in the decision to get vaccinated and how best to protect the health and safety of first responders and those they serve. That is why NAPO supports this important legislation and we thank Senator Blackburn and Representative Burchett for their leadership and support.

NAPO Participates in American Security Task Force Roundtable

NAPO participated in a law enforcement roundtable held by the House Republican Conference American Security Task Force, chaired by Congressman John Katko (R-NY), to discuss law enforcement's legislative priorities and what areas the federal government can best support law enforcement. Task Force members that participated in the roundtable were Representatives John Rutherford (R-FL), Nicole Malliotakis (R-NY), Michael Guest (R-MS), Brian Babin (R-TX), and Warren Davidson (R-OH). NAPO was the only organization representing state and local rank-and-file officers that took part in the roundtable. NAPO's Executive Director and several NAPO member organizations participated in an earlier roundtable held by the American Security Task Force Chairman Katko in New York City in June.

Much of the discussion revolved around the rise in violent crime in our cities and communities, officer retention and recruitment issues, and low officer morale. NAPO mentioned that bail reform laws, like the one in New York that took effect in July 2020, coupled with progressive prosecutors, has not only contributed to the increase in crime rates, but has also impacted officer morale. Criminals are being released without bail only to quickly re-offend and get re-arrested, making law enforcement's work more difficult and dangerous as officers must put themselves at risk to recapture the offenders.

NAPO brought up its support for Chairman Katko's SERVE Our Communities Act, which incentivizes states to allow judges to consider "dangerousness" when determining whether to release a repeat offender before trial. NAPO also mentioned the need to address the lack of oversight of pre-trial release programs, recommending that Congress mandate that federally funded pre-trial service agencies publicly report on program participants, including if they have a history of criminal behavior, whether they appear for their trial, and whether they have ever previously failed to appear for trial. Increased oversight of these programs would decrease the possibility of the accused committing crimes while on pre-trial release or simply disappearing to avoid facing justice.

NAPO also touched on the issue of officer morale and retention and recruitment issues. Not only is the job getting more dangerous for officers, but public resentment in certain places has also led to an exodus of officers – either to retirement or to cities and towns where they feel they are supported by the public and elected officials. Better salaries and benefits will certainly help with recruitment and retention, but we cannot underestimate the power of public support for law enforcement – by the community, elected officials and department leaders – especially in the face of tough situations.

Finally, NAPO brought up the need to ensure access to confidential peer counseling services for all officers. Currently, only half of states have statutes that protect the confidentiality of peer mentoring and critical incident stress management services and there are no federal confidentiality protections for state and local officer mental health and wellness programs. Congress moved to protect federal law enforcement peer counseling services with the passage of the COPS Counseling Act, but more must be done to protect state and local law enforcement at the federal level.

NAPO appreciates being able to participate in the Roundtable, and thanks Chairman Katko and Representatives Rutherford, Malliotakis, Guest, Babin, and Davidson for their strong support of the law enforcement community. We look forward to working with them to ensure state and local law enforcement have the assistance and resources they need to protect and serve our communities.

NAPO Fights Restrictions to 1033 Program

NAPO opposes and lobbied against an amendment to the National Defense Authorization Act (NDAA) for Fiscal 2022, offered by Senator Brian Schatz (D-HI), that would restrict state and local law enforcement's access to surplus military equipment through the Department of Defense and other federal grant programs.

NAPO worked with Republican Senate Armed Services Committee staff and sent [a letter](#) to every member of the Senate, including leadership, advising them of our strong opposition to amending the NDAA to limit our access to this life saving equipment and urging them not to consider this amendment. We defeated a similar amendment offered by Representative Hank Johnson (D-GA) to the House NDAA and it appears, for the moment, that Senator Schatz's amendment will not be considered as part of the Senate NDAA. Debate over the bill in the Senate has stalled over Republicans demands that their amendments be voted on.

Programs like the Department of Defense's 1033 Program have been vital resources in allowing state and local law enforcement acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the "militarization" of police, but rather has proven to be essential not only in protecting communities against violent criminals, but also in responding to natural disasters, which are unfortunately increasing in frequency.

Given that state and local law enforcement are our nation's first responders to incidents from foreign and domestic terrorism to active shooter situations to flood rescues, Congress should be ensuring law enforcement agencies are able to acquire such equipment for the protection of their communities, not limiting it.

Restricting access to this equipment will endanger the lives of police officers and the civilians they are sworn to protect. NAPO will continue to work to protect the 1033 Program as the NDAA moves its way through Congress.

DOJ Holds Listening Session on Review of Law Enforcement Grantees Adherence to Civil Rights Act

NAPO participated in a law enforcement listening session with staff and leadership of the Department of Justice Civil Rights Division, Community Oriented Policing Services (COPS) Office, Office of Justice Programs (OJP) and Office on Violence Against Women regarding the [memorandum](#) issued by Associate Attorney General Vanita Gupta directing the Civil Rights Division to review the implementation and enforcement of Title VI of the Civil Rights Act and nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act for federal grantees.

According to the DOJ, the review is intended to ensure that the Department is providing sufficient oversight and accountability in ensuring that recipients of grants from COPS, OJP (including the Bureau of Justice Assistance), or the Office of Violence Against Women are not discriminating against any person based on color, race, national origin, sex or religion. At the end of the review, staff will provide recommendations on any changes that need to be made to the grant programs and grant-making process in a report to Associate Attorney General Gupta by December 14.

During the listening session, NAPO stressed the importance of transparency and open, consistent communication throughout the process and the need to view the grantees as partners in ensuring civil rights are protected and not as subjects of an investigation. As Title VI mandates voluntary compliance, these should not be treated by the Department as pattern and practice investigations. There must also be engagement at the beginning of the process with the department and agency, particularly with rank-and-file officers. The point was also raised during the discussion that the Department must make certain that its standards and expectations for complying with Title VI

and the Safe Streets Act are clear and apparent at the beginning of the grant process to ensure grantees know what is expected of them.

NAPO hopes that the Department will listen to our concerns and the interests of the law enforcement community when deciding on how it will investigate Title VI civil rights complaints against grantees and work with the grantees to help them comply rather than use this process to punish them.

Senate Judiciary Committee Approves Better Cybercrime Metrics Act

The Senate Judiciary Committee approved the NAPO supported Better Cybercrime Metrics Act (S. 2629), sponsored by Senators Brian Schatz (D-HI) and Thom Tillis (R-SC). This legislation would establish standardized metrics for tracking cybercrime that would help law enforcement, policy makers, and criminologists better understand the scope and size of cybercrime in the United States. It also would mandate the FBI integrate the new cybercrime metrics into its current reporting systems and databases, making it easier for state and local law enforcement to collect and report on data on cybercrime incidents in their jurisdictions.

Robust data on cybercrime is necessary to supporting and enhancing the capacity of state and local law enforcement to prevent, investigate and respond to such crimes. Law enforcement's job is to serve and protect our communities from all crime, whether it is cyber or violent crime, and the data collected as a result of the Better Cybercrime Metrics Act would help departments across the nation better investigate and prosecute these crimes.

NAPO continues to work with Senators Schatz and Tillis to see this legislation passed by the Senate.

Register Today for NAPO's Pension & Benefits Seminar

December 3 is the Last Day to Qualify for the Early Bird Discount!

Register Now

Learn from industry experts the latest information on Pensions and Benefits

**January 23 - 25, 2021
Caesars Palace Hotel & Casino
Las Vegas, Nevada**

Please join us at [NAPO's 33rd Annual Police, Fire, EMS, & Municipal Employee Pension & Benefits Seminar](#), January 23 – 25, 2021 at the Caesars Palace Hotel in Las Vegas, Nevada.

The seminar will focus on the brittleness and potential causes for concern in today's pension and benefits environment. While stock markets continue to set new records, individual investment confidence is faltering. Inflation and stagflation are rearing their heads, and the market run-up, while high, is also narrow, and confined to a relatively few areas. Politically, both parties are already looking ahead to the midterm elections, and economic policies are a major dividing line between them. Global corporate taxation, the long-term impact of extraordinary governmental stimulus spending, mounting national debt, and expansion of IRS taxation and reporting powers are just some of the issues being debated. We will examine these areas and more as we evaluate the effect of these trends on public employment benefits and security, and the overall economic situation for the near- and mid-term.

Take an active role in improving the future of your fund by registering today. You will find information regarding registration, hotel reservations and the full agenda on NAPO's website: www.napo.orgPB22 or download the attached brochure and fax to NAPO at (703) 684-0515.

NAPO's Executive Board Meeting will be held in conjunction with the Pension & Benefits Seminar on January 23, 3:30 p.m. – 5:15 p.m.

If you have any questions or need additional information, please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at eloranger@napo.org or (703) 549 -0775.

NOMINATE A TOP COP[®] TODAY

The National Association of Police Organizations, NAPO, will once again be hosting the Annual TOP COPS Awards Dinner, Thursday, May 12, 2022, at the MGM National Harbor Hotel & Casino located just outside of Washington, D.C. The 29th Annual TOP COPS Awards takes place during the National Police Week. **This year more than ever we must recognize outstanding officers!**

The purpose of the TOP COPS Awards[®] program is to educate the American public about our nation's heroes and to pay tribute to law enforcement officers in federal, tribal, state, county, and local agencies from across the country for outstanding service to their communities during the preceding year. The TOP COPS[®] are nominated by fellow officers and are selected from hundreds of nominations by an independent awards committee. The officers from the top ten cases (our TOP COPS) are flown to Washington, D.C. and recognized at the ceremony. In the past The President, Vice President and Attorney General of the United States have honored the award winners. NAPO bears all cost of travel and lodging of the winners.

A [nomination form](#) is attached. Any sworn law enforcement officer may nominate their fellow officer for a TOP COPS Award. Selection for an award is based on involvement in a specific incident or case wherein an officer(s) has gone above and beyond the call of duty. I am sure you have many officers in your department that should be recognized, we would like very much to honor these officers. We look forward to nominations from your department. **The deadline for nominations is January 11, 2022.**

The NAPO website is: www.napo.org and you can download a nomination form [here](#).

If you need assistance or have any questions, please do not hesitate to contact the NAPO Office at (703) 549-0775.

Thank you for your assistance in honoring our Nation's TOP COPS!

NAPO Partners with American Intercontinental University System for Degrees Anytime, Anywhere

NAPO has partnered with the American Intercontinental University System to offer members and their family's discounted educational opportunities at Trident University International and American Intercontinental University.

[Trident University International](#) is a 100% online, regionally accredited institution¹. Trident offers Associate, Bachelors, Masters, and Doctoral degree programs within four colleges in the areas of Business, Health and Human Services, Education and Information Systems.

Complete a degree **ANYTIME and ANYWHERE**, with support services from dedicated staff. Over 80% of our faculty hold doctoral degrees and instruct using the case-based teaching model, which drives students to develop their critical thinking, problem-solving, and writing skills; a skill set that is so important in today's workforce.

Benefits of Trident University International

- **Complimentary Evaluation of your College Credits**
 - You may already have college credits! As a police officer you may have completed a ton of training and classes. Your law enforcement training can be evaluated for college credit
- Monthly Starts
- 8-week courses
- Up to 26% tuition savings

Trident allows working adults to complete their degree while balancing work and family commitments.

[American Intercontinental University](#) for 50 years, AIU (regionally accredited institution¹) has offered specialized, flexible degree programs to students around the globe. The University is committed to developing curricula designed to provide students with career preparation in business, criminal justice, education, information technology, design, and healthcare management.

Today, AIU operates campuses in Atlanta, GA and Houston, TX as well as Online.

Benefits of American Intercontinental International

- The Law Enforcement Advanced Standing Program (LEASP) allows law enforcement personnel who have successfully completed a state approved law enforcement academy or related training program the eligibility to receive up to 36 credits towards a criminal justice degree at AIU.
- 5-week courses for undergraduate students and 10-week for graduate students
- Up to 26% tuition savings

For more information about these programs visit www.trident.edu/napo or www.aiuniv.edu/napo or contact Mrs. Caterina Swaggerty Caterina.Swaggerty@Trident.Edu

1. Trident and AIU are part of the American InterContinental University System, which is accredited by the Higher Learning Commission (hlcommission.org), a regional accreditation agency recognized by the U.S. Department of Education.
2. Transfer credit is evaluated on an individual basis. Not all credits are eligible to transfer. See the University Catalog for transfer credit policies.

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.