



## NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

*Representing America's Finest*

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### EXECUTIVE OFFICERS

June 11, 2020

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Executive Director and

General Counsel

The Honorable Jerrold Nadler  
Chair  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Jim Jordan  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Nadler and Ranking Member Jordan:

I am writing to you today on behalf of the National Association of Police Organizations (NAPO), representing over 241,000 sworn law enforcement officers from across the country. NAPO is a coalition of police unions and associations from across the nation, which was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action and education.

For the oversight hearing on Policing Practices and Law Enforcement Accountability the Committee held yesterday, NAPO was disappointed that the Committee did not consider the views of our members, rank-and-file police officers, who work tirelessly to keep our communities safe and have firsthand knowledge of the issues that are being considered. It is a view that the Committee largely ignored for this hearing and in the development of the Justice in Policing Act. Our members have a significant stake in the outcomes of this hearing and this legislation, both as public safety officers who are responsible for carrying out the law, and as citizens of communities that will be impacted by new policies on public safety.

We are trying to have a voice in the conversation around reforming policing in America, but we are being locked out by those who do not want to hear what we have to say. You cannot fairly say that police unions and officers are against reform when you have not allowed us at the table for these discussions. Yes, we have significant concerns with several provisions of the Justice in Policing Act, including those impacting mens rea, qualified immunity, and the current legal standard of "objective reasonableness" for the use of force outlined in the 1989 U.S. Supreme Court decision *Graham v. Connor*. However, we believe there are areas that we can come together on to address the need for greater transparency, accountability and training in law enforcement.

What happened to George Floyd was egregious. There is no legal justification, self-defense justification, or moral justification for the actions of the officer. However, in the weeks since this horrible incident, rank-and-file police officers have been uniformly vilified. While it was recognized in today's hearing that millions of the men and women in law enforcement are upholding their oath to serve and protect the public, the entire premise of the hearing, and the Justice in Policing Act, was that all cops are bad.

Further, there have been attacks on police unions, who have been wholly blamed for bad cops remaining on the force. No cop wants to work with a bad cop. It makes the job more

dangerous and difficult. Unions simply want to protect officers' right to due process, a right we give all citizens, a right all unions work to protect for their members in disciplinary actions. Blaming unions is how management avoids taking blame for not following the processes and procedures agreed to – by both sides – in a collective bargaining agreement to rightfully fire an employee.

NAPO feels that police officers continue to be unfairly and inaccurately portrayed, which has led to dangerous misconceptions about their work. We expect our officers to offer every citizen respect, dignity, compassion, and fairness. Officers are expected to enforce the law strictly based on the law, not based on politics, gender, or race. This is a standard that we expect from all of our officers, and a standard that our officers uphold. We strongly feel that they should receive this same treatment when they are being investigated.

It is vital that society nurtures a culture where the public's default view is that the police are ordinary men and women doing an extraordinarily difficult job, making split second decisions, and more often than not, getting it right. This oversight hearing, unfortunately, seemed aimed to do the opposite.

Law enforcement officers across the nation take an oath that they will run towards danger when everyone else is running away – and they do so to protect our families and communities. Focusing on “police misconduct” and subjectively changing the legal standard for holding officers accountable for their actions will have a chilling effect on the men and women in uniform. It undermines their ability to respond in an immediate and decisive manner, and thus creates a hesitation that would threaten the safety of our families, communities and officers.

The loss of even one life is too many, and an officer's use of deadly force is and must be a last resort. This is a sensitive and important issue and we urge you to work with NAPO and the law enforcement community to develop truly effective and achievable improvements to help law enforcement minimize the use of force. We hope that this hearing does not do irreparable damage to rank-and-file law enforcement's trust that they will be supported when enforcing our nation's laws and not just thrown under the bus for political expediency.

I hope you will include us at the table and consider the perspective of the officers on the street moving forward as you work to mark-up and move the Justice in Policing Act. Please feel free to contact me at (703) 549-0775 if you would like to discuss our concerns further.

Sincerely,

A handwritten signature in black ink, appearing to read 'William J. Johnson', with a long horizontal flourish extending to the right.

William J. Johnson, Esq.  
Executive Director

Cc: Members, Judiciary Committee, U.S. House of Representatives