



# The Washington Report

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

---

May 21, 2021

## **NAPO President Calls on All Elected Officials to Support Law Enforcement During National Police Week**

NAPO President Mick McHale issued a [statement on behalf of the organization](#) marking National Police Week on May 11 and called on all our nation's elected leaders to show the political courage to honor those 394 officers whose names were added to the National Law Enforcement Officers Memorial in Washington, D.C. this year and celebrate the acts of bravery of officers across the country.

While Attorney General Merrick Garland and Homeland Security Secretary Alejandro Mayorkas issued strong statements recognizing the men and women who serve in law enforcement and the sacrifices so many have made, President Biden did not follow suit with his May 7, 2021 [Proclamation on Peace Officers Memorial Day and Police Week, 2021](#).

We appreciate that the President felt the need to issue a Proclamation and value its recognition of the contributions of the men and women who serve in law enforcement, particularly over the past-year, which has been incredibly challenging for law enforcement officers. However, it was not at all a strong statement in support of our nation's law enforcement community, particularly considering the statements made by his Cabinet members. Men and women faithfully and selflessly serve and protect their communities as law enforcement officers and during National Police Week they deserve respect and recognition for their work without qualifying it with statements on the need for reforms.

NAPO sent a [letter to the President](#) expressing our profound disappointment that he chose to use the Proclamation as a political messaging opportunity and felt the need to toss a sop to anti-police extremists instead of simply honoring the fallen.

## **NAPO Priority Bills Move Through Senate**

In a victory for NAPO, the Senate Judiciary Committee approved two of our priority bills during National Police Week: the Protecting America's First Responders Act (S. 1511) and the COPS Counseling Act (S. 1502). It also approved the Jaime Zapata and Victor Avila Federal Law Enforcement Protection Act (S. 921), which NAPO also supports.

The **Protecting America's First Responders Act**, sponsored by Senator Charles Grassley (R-IA), would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's

Benefits (PSOB) Program's disability benefits. It would also ensure that beneficiaries receive the highest award amount possible and it will make 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 **COPS Counseling Act**, sponsored by Senator Catherine Cortez Masto (D-NV), would implement confidentiality standards for federal law enforcement peer support counseling programs and direct the U.S. Attorney General to report on best practices and professional standards for state and local peer support counseling programs.

The **Jaime Zapata and Victor Avila Federal Law Enforcement Protection Act**, sponsored by Senator John Cornyn (R-TX), would ensure 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 will ensure that federal law enforcement officers serving abroad receive the same protections as those serving at home.

These three bills have broad bipartisan support and we are working with the bills' sponsors and Senate leadership to pass them by unanimous consent as soon as possible.

NAPO appreciates that the Senate Judiciary Committee recognized National Police Week and did so in a strong, bipartisan manner. In addition to the Committee approving these three bills, the Senate passed a resolution in recognition of National Police Week and our nation's officers who serve with bravery, dignity and valor. The House of Representatives, on the other hand, did not deign to recognize National Police Week either in the House Judiciary Committee or on the House floor, other than a few speeches by individual representatives. It was incredibly disheartening that the House could not bring itself honor those law enforcement officers who have paid the ultimate sacrifice and support those who are still serving and protecting our communities.

NAPO thanks Senators Grassley, Cortez Masto and Cornyn for their continued support of the law enforcement community and we look forward to seeing these three bills signed into law.

## **NAPO Responds to NYC Pride's Decision to Ban NYPD from Events**

NAPO sent [a letter to the co-chairs of NYC Pride](#) to express our disappointment in their decision to ban the New York City Police Department (NYPD) from both exhibiting and participating at NYC Pride events through 2025.

The NYPD has worked cooperatively and successfully with NYC Pride to ensure the safety of the parade and event participants for years, particularly as the Pride Parade and surrounding events have become larger-scale, city-wide community events. It is disheartening that the reasons behind the ban, which also includes the participation of the Gay Officers Action League, do not recognize the contributions of the NYPD and its officers to ensuring the safety and success of NYC Pride events. NYC Pride is choosing to demonize law enforcement, including LGBTQ+ officers, rather than stand up for the officers who participate in and work to protect its events in good faith and solidarity.

With this decision, NYC Pride is fanning the flames against law enforcement. It is only instilling further hatred and fear of law enforcement into the community while not exemplifying how real police-community partnerships can be positive and effective.

The men and women who serve as law enforcement officers risk their lives every day to ensure our neighborhoods and communities are safe. It is only with real community-police partnerships that positive change can be affected and so, in our letter, NAPO urged NYC Pride to reverse its ban and recognize its partnership with law enforcement for what it is: a powerful instrument for good.

## **NAPO Meets with DOJ Civil Rights Division**

On May 10, NAPO Executive Director Bill Johnson participated in an introductory meeting with senior staff of the Department of Justice's Civil Rights Division, including the Principal Deputy Assistant Attorney General Pamela Karlan, Deputy Assistant Attorney General Robert Moosey, Senior Counsel Carrie Pagnucco, and the Chief of the Special Litigation Section, Steven Rosenbaum. Staff opened the meeting by stating that they view law enforcement as their ally and they want open lines of communication and dialogue with us.

During the meeting, Johnson took the opportunity to urge the Civil Rights Division to use current law and statutes to the fullest extent possible to prosecute those who commit crimes against law enforcement officers. NAPO believes that state and local law enforcement, as part of the performance of their duties, are protectors of citizens' civil rights and thus any attacks on officers who are engaged in such duties should be viewed by the Civil Rights Division as a violation of protected federal civil rights. Johnson urged the staff to work collaboratively with law enforcement and ensure federal prosecution, where applicable, of those who commit crimes against officers.

NAPO appreciates the open lines of communication with the Civil Rights Division and we look forward to working with the Division to protect the rights of officers and ensure our state and local law enforcement have the support and resources necessary to serve and protect our communities.

## **NAPO on the Hill: Police Reform**

Senators Tim Scott (R-SC), Lindsay Graham (R-SC), John Cornyn (R-TX), Cory Booker (D-NJ), and Richard Durbin (D-IL) and Representatives Karen Bass (D-CA), John Rutherford (R-FL) and Pete Stauber (R-MN) continue to hold conversations about coming to a compromise on police reform legislation. While those conversations are about a range of issues, including qualified immunity and criminal civil rights prosecutions, they seem to be making progress on other issues such as no-knock warrants, changes to the 1033 program and chokeholds. We continue to work closely with Senator Scott's staff and those involved in the conversations and provide our input on the issues being discussed.

NAPO has concerns with ensuring there is no outright ban on no-knock warrants, that law enforcement's access to defensive protective equipment through the 1033 program must be preserved, and that chokeholds must be allowed when their use is justified.

The discussions around qualified immunity continue as some top Democratic leadership in the House and Senate have stated in the press that they would be willing to move a bill that does not eliminate qualified immunity to get police reform across the finish line. Rep. Bass, who is leading the negotiations for the House Democrats, does not agree with those statements and continues to feel strongly that qualified immunity must be eliminated to hold officers personally accountable for their actions. Members' misunderstanding of how qualified immunity works continues unabated despite our best efforts to educate. Senator Scott and his fellow Republicans maintain their opposition to any changes to qualified immunity.

The Department of Justice has given Democrats recommended language changes on aspects of the George Floyd Justice in Policing Act, specifically around Section 242, the threshold for federal criminal civil rights prosecutions, to ensure its constitutionality. Instead of changing the intent from “willfully” to “knowingly and with reckless regard” as the Justice in Policing Act does, the DOJ amendments instead substantially expand Section 242 and add a new list of crimes for which officers can be prosecuted under the statute. We are still considering all the consequences of the DOJ suggested amendments, but we have significant concerns that they will make it easier to criminally prosecute officers for mistakes on the job.

NAPO continues to reiterate to members of Congress and those negotiating that qualified immunity and Section 242 are red lines for us and they must not be tampered with.

NAPO is doing everything we can to safeguard the individual rights of officers. In addition to qualified immunity and Section 242, we are also working to ensure officer due process is protected, officer privacy and confidentiality rights are guarded, and the rights of law enforcement to bargain over accountability and disciplinary actions is not eroded.

We will continue to be actively involved with the staff and Senators participating in the negotiations and ensure our voice is heard. We will keep you updated on our efforts and will be in touch with any possible requests for action.

## **NAPO Priority Bills Increasing Protections for Officers Introduced**

In honor of National Police Week, Representative Don Bacon (R-NE) and Senator John Cornyn (R-TX) reintroduced the Back the Blue Act, Representative John Rutherford (R-FL), co-chair of the House Law Enforcement Caucus, reintroduced the Protect and Serve Act, and Senator Pat Toomey (R-PA) reintroduced the Thin Blue Line Act.

The **Back the Blue Act (H.R. 3080 / S. 1599)** is a priority for NAPO as so many of our members work for jurisdictions that receive federal funding, and this legislation will help to bring federal resources to bear in the prosecution of those who attempt to murder or murder any of these officers. In addition to creating new federal crimes for violence against police officers, the bill would also establish a new federal crime for interstate flight to avoid prosecution for killing, attempting to kill, or conspiring to kill a federally funded public safety officer. It would also expressly allow all judges, prosecutors, and law enforcement officials, subject to limited regulations, to carry firearms into all federal facilities, federal courts, and in jurisdictions where the carrying of such weapons is otherwise prohibited by law.

The **Protect and Serve Act (H.R. 3079)**, another priority for NAPO, would provide for new criminal provisions for deliberate, violent targeted attacks on officers.

Finally, the **Thin Blue Line Act (S. 1595)** would increase penalties on those who harm or target for harm public safety officers by making the murder or attempted murder of a local police officer, firefighter, or first responder an aggravating factor in death penalty determinations in federal court. This would be applicable whether they were targeted or murdered on duty, because of the performance of their duty, or because of their status as a public official. The only requirement is that the homicide provide federal jurisdiction.

These bills are critical, as there is a serious and growing trend of armed attacks on law enforcement officers. According to a report from the Office of Community Oriented Policing Services (COPS), 87 officers were shot and 14 died in ambushes or premeditated, calculated assaults in 2019. This trend appears to be only increasing through 2020 and 2021.

NAPO has long supported enacting new federal criminal provisions to address (1) the assault and murder of federally-funded state and local law enforcement officers, such as those officers whose agencies or jurisdictions receive aid from the Departments of Justice or Homeland Security; and (2) the assault and murder of state and local officers engaged in the protection of federally recognized civil rights, such as those officers attacked while safeguarding protests or marches.

The passage of the Back the Blue Act, the Protect and Serve Act, and the Thin Blue Line Act would be a significant step towards increasing federal protections for state and local law enforcement, who are the front line in keeping our nation and our communities safe.

NAPO thanks Reps. Bacon and Rutherford and Senators Cornyn and Toomey for their steadfast support for law enforcement and dedication to reintroducing these critical pieces of legislation.

## **NAPO Supported Public Safety Collective Bargaining Bill Introduced**

Congressman Pete Stauber, (R-MN) reintroduced the Public Safety Employer-Employee Cooperation Act (H.R. 3225) on May 13. This important legislation would guarantee that law enforcement officers, firefighters, and emergency medical service workers in all 50 states have the right to discuss workplace issues with their employers. It will provide a framework for such discussions, while respecting the right and flexibility of states to write their own laws for public sector workers. This legislation will not overturn current collective bargaining laws – it will only provide basic collective bargaining rights to those who currently do not have them.

The Public Safety Employer-Employee Cooperation Act would allow law enforcement officers to have a say in their own working conditions to better serve and protect their families and the public. Most importantly, it will allow public safety officers to secure the necessary protections that will permit them to walk unselfishly into the line of fire to save the lives of our fellow citizens.

With the push for police reform, there have been calls to amend the Cooperation Act to strip and prohibit any language that would allow law enforcement officers – and only law enforcement officers – to bargain over accountability or disciplinary actions in their collective bargaining agreements. Firefighters and EMTs would be allowed to continue bargaining over disciplinary provisions in their contracts. We oppose those changes as we are not willing to create substandard collective bargaining rights for law enforcement officers, setting them apart from their counterparts in public safety, and take steps backwards from where we are today.

Congressman Dan Kildee (D-MI), our long-time sponsor of the Public Safety Employer-Employee Cooperation, supports prohibiting law enforcement from bargaining over disciplinary issues in the legislation. Given our opposition to those changes, Congressman Kildee instead introduced a fire fighter and EMS only collective bargaining bill, the Fire Fighters and EMS Employer-Employee Cooperation Act.

NAPO has been working with Congressman Stauber to reintroduce the Public Safety Employer-Employee Cooperation Act to ensure *all* public safety officers gain the right to collective bargaining. The bill was introduced with 20 bipartisan original cosponsors, showing there remains strong support in Congress for law enforcement collective bargaining rights.

The public safety is best protected through effective partnerships between first responders on the front lines and the agencies that employ them. This legislation will ensure that public safety officers can meet with local officials to discuss how they do their jobs and how best to protect the public. NAPO thanks Congressman Stauber for his unwavering support for law enforcement and for taking up the mantle on this important issue.

## **NAPO Supports Bill to Safeguard 1033 Program**

NAPO has once again pledged its support for the Lifesaving Gear for Police Act (S. 1597), sponsored by Senator Pat Toomey (R-PA), which would prevent future presidents from implementing restrictions on state and local law enforcement's access to surplus military equipment, like then-President Obama did in 2015 with his Executive Order.

While former-President Trump repealed that Executive Order, President Biden has stated he will reissue an executive order similar to the one issued by former-President Obama. This legislation will ensure that law enforcement will not face such equipment restrictions in the future unless enacted by Congress. Programs like the Department of Defense's (DOD) 1033 program and grant programs at the Departments of Justice and Homeland Security have been vital resources in allowing state and local law enforcement to 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 in protecting communities against violent criminals with increasing access to sophisticated weaponry, IEDs, and body armor. The limitations on military surplus equipment for state and local law enforcement as a result of President Obama's Executive Order and the subsequent recall by the DOD of this lifesaving equipment left law enforcement scrambling to fill in equipment gaps left behind. The DOD's 1033 program and the protective equipment it provides should not be a political football. We cannot stand by and let such limitations be put in place again.

NAPO thanks Senator Toomey for his support and we will continue to work to ensure law enforcement retains full access to this equipment.

## **NAPO Endorsed Bills Introduced for National Police Week**

In addition to the Thin Blue Line Act, the Protect and Serve Act, the Back the Blue Act, the Lifesaving Gear for Police Act, and the Public Safety Employer-Employee Cooperation Act, several more NAPO priority legislation were introduced during National Police Week:

- **H.R. 3060 / S. 1618, the "Putting First Responders First Act,"** introduced by Representative Ralph Norman (R-SC) and Senator Steve Daines (R-MT). This bill would codify existing Internal Revenue Code regulations making service-connected disability compensation exempt from Federal income taxes. In 1985, the IRS clarified in the IRS Revenue Ruling 85-105 that service-connected disability compensation for first responders is tax-exempt. Unfortunately, many auditors and first responders are not aware of this tax benefit and the first responders, who gave up so much in the line of duty, end up paying the tax unnecessarily. By codifying the Revenue Ruling, the Putting Our First Responders First Act would clarify the ruling and help ensure first responders' injury-related compensation is tax-exempt. Importantly, this legislation makes the tax-exempt status of the compensation permanent.
- **H.R. 3071, the "Public Safety Officer Support Act,"** introduced by Representative David Trone (D-MD). This bill would make post-traumatic stress disorder (PTSD) a line of duty injury under the Public

Safety Officers' Benefits (PSOB) Program and ensure that officers who suffer from PTSD and those who take or attempt to take their own life as a result of that diagnosis will be covered under the program.

- **S. 1610, the “LEOSA Reform Act,”** introduced by Senator John Kennedy (R-LA). This bill 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. 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 House companion bill is H.R. 1210, sponsored by Representative Don Bacon (R-NE).
- **H.R. 3153 / S. 1586, the “Restoring the Armed Career Criminal Act,”** introduced by Representative David Kustoff (R-TN) and Senator Tom Cotton (R-AR). Congress passed the Armed Career Criminal Act (ACCA) in 1984 to protect our nation’s communities from the most dangerous violent criminals. Specifically, the ACCA established a 15-year mandatory minimum sentence for repeat violent felons convicted of unlawful possession of a firearm in violation of 18 U.S.C. § 922(g) who have been previously convicted of serious felonies on three separate occasions. In 2015, the Supreme Court effectively voided the ACCA in its 2015 decision in *Johnson v. United States* due to part of the definition of “violent felony” being unconstitutionally vague. The Restoring the Armed Career Criminal Act will fix the ACCA by using a specific definition for “serious felony” and restore the Act, thus giving prosecutors and law enforcement back a significant resource in the fight against violent crime.

## First Round of American Rescue Plan State & Local Aid Released

On May 10, the Treasury Department announced the launch of the [Coronavirus State and Local Fiscal Recovery Funds](#) to distribute the \$350 billion in state and local aid that was provided as part of the American Rescue Plan. With this launch, eligible state, county, municipal and Tribal governments are now able to access the funding.

The largest portion of the direct aid - \$195.3 billion – would go to state governments, most of which (\$169 billion) will be distributed based on a state’s share of total unemployed workers and the rest (\$25.5 billion) will be evenly divided among the states. \$130.2 billion will go directly to county, municipal and city governments:

- \$45.57 billion to metropolitan cities, to be allocated based on the Community Development Block Grants formula;
- \$65.1 billion to counties with populations of 200,000 or more; and
- \$19.53 billion for "non-entitlement" cities and counties, with funding to be provided to the state and then allocated based on the state’s non-metropolitan populations versus other states. A local government cannot receive aid that equates to more than 75 percent of its budget as of Jan. 27, 2020.

This state and local aid provided through the American Rescue Plan can only be used for:

- Providing premium pay of up to an additional \$13 an hour to essential workers, capped at \$25,000 per worker;
- Aid to small businesses, nonprofits and households;
- Aid to impacted industries such as tourism, travel and hospitality;
- Funding government services that were reduced due to the pandemic and related revenue losses; and
- Making necessary infrastructure investments.

Funding cannot be used to replace revenues lost due to a tax cut or tax rebates provided to citizens during the pandemic nor can they be used to fund public pensions. The aid will remain available until December 31, 2024.

Additional resources on the Coronavirus State and Local Fiscal Recovery Funds can be found on the program's [website](#). The Treasury Department has also created a [fact sheet](#) and has posted the [interim final rule](#) on implementation of the program. The National Association of Counties has created a helpful breakdown of allocations by county that can be found [here](#).

## **NAPO'S 117<sup>TH</sup> Congress Legislative Priorities Booklet**

NAPO's Legislative Priorities Booklet for the 117th Congress is now available on our [website](#). The booklet is an in-depth look at the work NAPO has accomplished for our members over the years and the priority issues we continue to fight for in Congress today. Hard copies will be available at our Annual Convention.

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