



# The Washington Report

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

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January 6, 2016

## Congress Cuts \$1.2 Billion from Asset Forfeiture Program

The Bipartisan Budget Act of 2015 and the Consolidated Appropriations Act of 2016 together rescinded \$1.2 billion from the Department of Justice Asset Forfeiture program, causing the DOJ to suspend the program and its equitable sharing payments. The DOJ announced that it will be deferring payments under the equitable sharing program in this [letter](#) to state and local law enforcement agencies. This shortsighted decision by Congress to gut the program will have a significant and far-reaching impact on state and local law enforcement and the communities they serve.

The resources provided by the equitable sharing program have allowed state and local agencies to participate in joint task forces to prevent and foil serious criminal activity and terrorism, purchase equipment, provide training, upgrade technology, engage their communities, and better protect their officers. Given the remarkable success of this program, the funding cuts approved by Congress and the Administration are inexplicable. It seems like the decision to disable the program was merely a political move in response to articles in the press claiming abuses within the program. While there may be examples of abuse, they are anomalies in an otherwise successful partnership between the federal government and state and local law enforcement.

The suspension of equitable sharing payments not only will cause agencies to cut training for officers and scrap the purchase of needed new technology and equipment, it may cause some agencies to reconsider their ability to participate in joint task forces with the federal government. The effects of this decision are far reaching and are not only harmful to law enforcement, but also to the public they are sworn to protect.

NAPO has joined with the sheriffs and chiefs as well as district attorneys in fighting the cut to the Asset Forfeiture program and calling on the DOJ to immediately reverse course and reinstate the equitable sharing program. Congress and the Department of Justice failed to consult with its state and local partners before taking this drastic step on a program of such critical importance to the law enforcement community. Given the immense impact that this decision will have on agencies throughout the country, it is simply unconscionable that such a decision was made without our input.

Please see the [joint law enforcement letter](#) sent to President Obama, the Attorney General and Congressional Leadership opposing this cut.

We will keep our members informed on the status of the equitable sharing program and NAPO's work to restore it. If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

# NAPO in the News

On January 1, 2016, NAPO's Executive Director Bill Johnson was quoted in a *Wall Street Journal* article, "Police Contracts Draw New Scrutiny After Shootings". The article is focused on Chicago's new collective bargaining agreement (CBA) for its police officers and its inclusion of protections for officers who are under investigation for misconduct, including rules for interrogations and video evidence. The CBA is being challenged by activists in the wake of the police shootings, who are calling for greater accountability. In his comments, Johnson addresses the need for due process language in police contracts:

"From the rank and file point of view, it's really important to us. Especially in the last 18 months with the scrutiny of police officers, we really have to do something in there that provides some minimal due process to say, 'Hey, is this a valid claim?'"

The full article can be found at: <http://www.wsj.com/articles/police-contracts-draw-new-scrutiny-after-shootings-1451696651>

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On December 29, 2015, Johnson was quoted in a *New York Times* article, "More Officers Facing Charges, But Few See Jail", which discusses what the author considers a lack of criminal convictions for police officers facing charges after fatal shootings. Johnson reiterates that there is a difference between an unfortunate police shooting and a criminal one and the public has to look at all of the facts of the case in order to understand the difference. He points out that Tamir Rice had a realistic looking toy gun and that forensic evidence supported the officer's account in the shooting of Michael Brown in Ferguson, Missouri.

"The anger on the part of protesters is misguided if it's focused on the grand jury. If they want change, what they need to look at is training, on the part of officers, but also training on the part of the community to understand how the criminal justice system does work. And also in, I don't know how else to put it, but common sense on the part of the public."

The full article can be found at: [http://www.nytimes.com/2015/12/30/us/more-police-officers-facing-charges-but-few-see-jail.html?ref=todayspaper&\\_r=1](http://www.nytimes.com/2015/12/30/us/more-police-officers-facing-charges-but-few-see-jail.html?ref=todayspaper&_r=1)

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The January 2016 issue of *Washington Lawyer*, the magazine of the District of Columbia Bar, extensively quotes Johnson in its cover story "Policing the Police". The article focuses on the recent high-profile police shootings, the current public perception of police, and the call for greater accountability and transparency in police policies and procedures.

Under the section entitled "The 'Bad Guys'", referring to the public perception of police in some communities, Johnson addresses police morale:

"In the wake of national and international criticism, police morale throughout the country is low... Law enforcement officials... have grown weary of being painted as the 'bad guys'.

"In public discourse, people talk about the police as if we are a monolithic thing. In actuality, members of law enforcement are individuals with their own perspectives and histories. They are

individual men and women who are doing a job that can be exceedingly ugly and violent and dangerous.”

Further, Mr. Johnson states that “it has become politically incorrect to support the police, whose job it is to serve and protect the community. ‘From our point of view, we feel strongly that we want the officer to win [a fight against a criminal]. After all, the officer is out there trying to enforce the laws. The sense is that it’s become taboo to publicly advocate for the officers, to say that between the officer and the mugger, let’s stick up for the officer.’”

“Critics, says Johnson, are quick to find fault in a given situation without fully understanding it in context. ‘Yes, it can look awful when you see a 10-second clip on YouTube, but that doesn’t explain the background that led up to the interaction.’”

Regarding police critics who call for officers to receive “proper training on implicit bias” as a way to combat what they see as the use of racial discrimination and profiling in police work, Johnson suggests:

“... if an experienced police officer or group of experienced police officers conduct the training, that would engender a greater degree of buy-in from the officers receiving the training, rather than having an outside professor or lawyer or academician coming in and telling the department how to do their job.”

Johnson points out that “often times it seems to us that the instructor or the lecturer is not open to the suggestion that they themselves have an implicit bias against police or how the police have been doing their job.”

The article also addresses the push for the use of civilian review boards to oversee police conduct and the point of view of many activists that board members be community members chosen by the community. To that point, Mr. Johnson argues “that a civilian review board might not be comprised of people with any experience in law enforcement.”

“It can be akin to having a civilian with no experience in electrical codes evaluating the electrical codes in the construction industry. If you don’t have the training or expertise in a particular profession, you may not reach an accurate conclusion.”

The article in its entirety can be viewed here.

Source:

Persky, Anna Stolley. “Policing the Police.” *Washington Lawyer*. Jan. 2016: 28 – 35.

**NAPO will continue to ensure our members’ voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: [bjohnson@napo.org](mailto:bjohnson@napo.org).**

## **NAPO Attends DOJ Meeting on President’s Task Force on 21<sup>st</sup> Century Policing**

On January 5<sup>th</sup>, NAPO participated in a meeting with the COPS Office and the President’s Task Force on 21<sup>st</sup> Century Policing to discuss what state and local law enforcement organizations have done related to the

Task Force Recommendations and any future work or plans for implementation. The meeting was dominated by organizations representing chiefs and sheriffs, with only two organizations representing the rank-and-file participating. NAPO Treasurer, Sean Smoot, is the sole member of the Task Force representing rank-and-file officers.

NAPO reiterated the need for state and local agencies and governments to include police unions and associations in the development of new policies and trainings that implement the Task Force recommendations. It became very clear as the representatives of the chiefs and sheriffs around the room spoke of what they have done and plan to do to implement the recommendations that they are not including officers and unions in the decision making process. While including employees and police unions are part of the Task Force recommendations, it does not seem like chiefs and sheriffs are considering those a priority in what they decide to accomplish.

The COPS Office, which is in charge of running the Task Force and ensuring the implementation of the recommendations, agreed that rank-and-file officers and union leaders have to be part of the conversation, but little has been done to reinforce that so far. According to COPS Office Director Ron Davis, the next step involving police unions will be a convening of union leadership with community representatives and activists to open up a discussion to educate community members on police collective bargaining agreements, particularly around provisions regarding due process for officers under investigation, and how unions and activists can work together to foster greater police accountability and transparency.

NAPO will ensure we have a seat at the table for any discussion regarding police collective bargaining agreements and we will continue to push with the COPS Office that the voices of the rank-and-file have to be part of implementing the Task Force recommendations.

If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **Push for Independent Prosecutors for Cases of Police Use of Deadly Force**

Representative Steve Cohen (D-TN) introduced the “Police Training and Independent Review Act” on May 13, 2015. The goal of this legislation is to incentivize states to adopt laws requiring independent investigations and prosecutions of law enforcement officers in cases where one or more of the alleged offenses involve an officer’s use of deadly force in the course of carrying out his or her official duties. The incentives are penalties to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program - a critical resource for law enforcement. This legislation has the potential to jeopardize public safety through Byrne JAG penalties.

Additionally, NAPO fears that an independent prosecutor would be under a great deal of pressure to justify his or her work. There is a risk that decisions to prosecute would be made based on politics, not on the law and admissible evidence. NAPO is concerned that an officer would be indicted, even if he or she did nothing wrong.

While the bill had little movement in 2015, there is a renewed push to pass it in 2016 as part of an effort to reform the criminal justice system. NAPO not only has serious concerns with this bill, but with many of the proposals being considered as part of criminal justice reform, including those reducing mandatory minimum sentences and increasing credits towards pre-release custody. The bill will have to go through the House Judiciary Committee, where Chairman Bob Goodlatte (R-VA) is putting together his own package of reform

bills. We will lobby to ensure that the “Police Training and Independent Review Act” stays in Committee and does not move forward.

NAPO will continue to closely monitor this legislation as well as the other bills aiming to reform the criminal justice system and will keep our members updated as these issues move forward. If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO’s Sponsor/Cosponsor Spreadsheet**

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 Andrea Edmiston at: [aedmiston@napo.org](mailto:aedmiston@napo.org).

**REMINDER: TOP COP Nominations are due January 12<sup>th</sup>!**  
See below for more details on how to submit a nomination.

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.



Don't let your TOP COPS® nominations get lost in the holiday shuffle! **The January 12<sup>th</sup> deadline for nominations will be here before you know it.**

We ask that you help get the TOP COPS® nomination form out to officers nationwide today. Please assist us in reaching our goal to see all 50 states represented with a nominee by posting the [nomination form](#) on your website, in your office or department, or anywhere else you find it appropriate. As always, if you have any questions, please do not hesitate to contact us at (800) 322-6276.

2016 will mark the twenty-second year NAPO has hosted the TOP COPS Awards®. With your help and partnership, TOP COPS® will be a tremendous success.

The TOP COPS Awards® Reception and Dinner will take place Saturday, May 14, 2016, at the JW Marriott Hotel, again coinciding with National Police Week. Thank you in advance for your support.