



The Washington Report

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

October 6, 2023

Last Chance! Register Now for NAPO's 2023 Legal Seminar

*For Public Safety Officers, Union Leadership, Associations, and
the Attorneys and Law Firms who Represent Them*

October 22 – October 24, 2023 ~ Hyatt Regency Lake Tahoe

Join NAPO at our [Legal Seminar, Defending the Protectors: Current Issues for Attorneys & Law Enforcement Leaders](#). This is the perfect seminar for those representing Public Safety Employees and Associations.

Earn up to 14.5 Hours of CLE Credits, including 2 Hours of Ethics!

The Key Issues to be discussed:

- Civil Rights Charges for On-Duty Conduct
- Qualified Immunity
- Legal Issues When Dealing with the Media
- Recruiting & Retaining Issues
- Tactics and Strategies for Collective Bargaining in Today's Environment
- Artificial Intelligence & Discipline
- Ethical Issues in High-Profile Cases

The Seminar will feature a two-hour ethics section led by nationally recognized expert Professor Larry J. Cohen. Professor Cohen will feature real-life ethical scenarios encountered by public safety labor attorneys.

For registration and information including hotel reservations, transportation discounts, and updates to the meeting agenda check out NAPO's 2023 Legal Seminar webpage: www.napo.org/legal23. If you have any questions or need additional information, please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at elorange@napo.org or (703) 549 - 0775.

NAPO Participates in DOJ De-Escalation Training Meeting

The Law Enforcement De-Escalation Training Act, NAPO priority legislation, was enacted into law in December 2022. This Act builds off of the existing Byrne Justice Assistance Grant (Byrne-JAG) structure to provide a dedicated stream of funding to local and State law enforcement agencies to train their officers – as well as mental health professionals working with those officers – in de-escalation tactics, alternatives

to use of force, safely responding to mental or behavioral health crises, successfully participating on a crisis intervention team, and making referrals to community-based mental and behavioral health services and support and other social programs.

NAPO worked closely with our partners in the law enforcement, mental health, and criminal justice communities in developing this important bill to ensure it gives state and local law enforcement the resources and flexibility needed to train their officers in effectively responding to individuals in crisis.

On September 20, NAPO participated in a listening session held by the Office of Community Oriented Policing Services (COPS) with the law enforcement partners we worked closely with on the bill. Our goal in participating in the meeting was to ensure that the de-escalation training program met the intent of the bill and would not be a Washington-knows-best, top down, prescriptive program, but rather one that is flexible and meets the real world needs of the officers on the streets and the communities they serve. It is vital that this training protects officers' safety as well as that of the individuals they encounter, especially those in crisis.

The group came to consensus around pre- and post-training evaluations, and continually adjusting the training in response to those evaluations, as being an important part of any training. There was also agreement that the de-escalation training should be built into the culture of the department, with buy in from all levels – particularly the rank-and-file – and reiterated in other department trainings.

We look forward to continuing to work with the COPS Office as they move forward with identifying and recommending a national de-escalation training framework that will benefit officers whether they work in major cities, small towns, or rural communities.

U.S. DOT and DOJ Hold Joint Meeting on Traffic Safety, Law Enforcement, and Equity

On September 29, NAPO participated in a meeting hosted by the U.S. Department of Transportation (DOT) and the Department of Justice (DOJ) on Traffic Safety, Law Enforcement, and Equity. The Departments are hosting a series of meetings on this issue with various stakeholder groups, including civil rights organizations, community advocacy groups, and local transportation departments, in addition to law enforcement organizations. Transportation Secretary Pete Buttigieg kicked off the meeting, which focused on the role of traffic stops in public safety and touched on questions around how to ensure bias-free traffic stops and the use of technology and other methods to reduce or change law enforcement's role in enforcing traffic laws.

The participating law enforcement organizations agreed that traffic safety is an integral part of law enforcement in maintaining public safety and it should remain so. We discussed the inherent danger of traffic stops for law enforcement officers and that ensuring the safety of the officer and the civilian(s) being stopped must be a top priority. Public education is vital to this effort. Citizens must be taught why officers make traffic stops, how to behave during a stop, and both the officers' and citizens' rights and responsibilities during these stops. NAPO has long pressed for and developed a public education campaign around "comply, then complain". If a person feels like they have been mistreated or wrongly ticketed by an officer, they can file a complaint to the department after the stop is over.

While we understand that officer conduct does play a role in whether a traffic stop escalates, so do the actions and words of the individual(s) being pulled over and it is important both sides receive training on

their role in the encounter. Public education and dialogue around traffic stops, their role in public safety, and the reasons why law enforcement enforce traffic laws are key to improving police-civilian encounters.

The group also discussed departments' policies as well as state and local prosecutors' policies on traffic infractions and the role they play in traffic stops. It was a very productive discussion with little dissent between the law enforcement groups.

The DOT stated they will be using these discussions to inform department policies, particularly its civil rights policies, and they will not be made public. NAPO, echoed by other meeting participants, stated that any policies around traffic safety must meet local needs as every department and locality has different requirements based on the jurisdiction and the communities being served.

NAPO appreciates the opportunity to participate in these discussions and looks forward to working with the DOT and DOJ on protecting public safety on our nation's roads, highways, and public transportation.

Congress Avoids Government Shutdown, but Turmoil Ensues in House with Ousting of Speaker McCarthy

Congress passed a bipartisan, clean continuing resolution (CR) to fund the federal government for an additional 45 days on September 30th, with just hours to spare before a shutdown. In passing the CR, the goal of both the House and the Senate is to use the 45 days to pass the twelve individual Fiscal 2024 appropriations bills through regular order and avoid the need for an "omnibus" appropriations package, which combines multiple appropriations measures into one. The House has passed its versions of the Military Construction-Veterans Affairs, Defense, Homeland Security, and State-Foreign Operations appropriations bills. The Senate is expected to consider their versions of the Military Construction-VA, Agriculture, and Transportation-Housing and Urban Development appropriations measures next week.

NAPO has been working to protect our priority grant programs with the Departments of Justice and Homeland Security from considerable cuts as the House moves to significantly lower spending levels for FY 24. We joined with ten national law enforcement organizations on a [September 27 letter](#) to House and Senate Appropriations Committee leadership urging robust funding for state and local law enforcement in the FY 24 Commerce, Justice, Science, and Related Agencies (CJS) and Homeland Security appropriations measures. We were able to successfully protect the Urban Area Security Initiative (UASI) and the State Homeland Security Grant Program (SHSGP) from cuts in the House-passed Homeland Security spending bill (H.R. 4367), which funded the grant programs at \$615 million for UASI and \$530 million for SHSGP.

While completing the entire appropriations process in 45 days is an ambitious objective without any hiccups, it was made all the more difficult on October 3 when Representative Matt Gaetz (R-FL) forced a vote to oust Kevin McCarthy as Speaker of the House for his support of the clean CR. The measure prevailed with 8 Republicans, including Gaetz, joining all the Democrats to vote in favor of kicking McCarthy out of the Speaker's office.

Representative Patrick McHenry (R-NC) assumed the role of acting speaker pro tempore and recessed the House until October 10. The House Republican Conference will meet that day for a forum to hear from potential candidates for Speaker, with a vote tentatively scheduled for October 11. Until a new Speaker is voted into office, all work in the House has come to a standstill, meaning it loses at least a week of appropriations work.

The House was set to consider the Legislative Branch and the Energy-Water appropriations bills this week, but those will have to wait until a new Speaker is elected. The House CJS bill has not yet been approved by the Appropriations Committee as there is disagreement amongst Republicans as to funding the Department of Justice.

Once the House and the Senate approve their versions of the twelve appropriations bills, they will then need to go to conference to work out the significant differences between the bills. Again, this is a herculean task, especially with the House temporarily without a Speaker, so it is expected that another CR will be needed in order for Congress to finish its appropriations work.

NAPO continues to be involved in the appropriations process and is working to ensure that state and local law enforcement assistance grant programs are sufficiently funded in FY 24.

NAPO Participates on Panel at IFEBP Conference

NAPO's Director of Governmental Affairs, Andy Edmiston, participated in a panel discussion on Public Sector Recruitment Challenges at the International Foundation of Employee Benefit Plans (IFEBP) Annual Employee Benefits Conference in Boston, Massachusetts. She was joined on the panel by Kyle Arnone with the American Federation of Teachers (AFT), Dan Doonan with the National Institute for Retirement Security (NIRS), and Shaun O'Brien with the American Federation of State, County and Municipal Employees (AFSCME). NAPO appreciates the opportunity to participate in the IFEBP Conference, which provides training and continuing education credits to multiemployer plans, public employer plans, corporate sponsor plans, service providers, and plan trustees.

NAPO's Legislative Positions & Sponsor/Cosponsor Updates

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available on [NAPO's website](#). The spreadsheet accompanies the latest "[Legislative Positions](#)" document, which is also available on the NAPO website. NAPO's Legislative Positions is a document that highlights all the legislation that we have taken an official position on or are monitoring during the 118th Congress. It is continually updated to reflect the work we are doing on Capitol Hill.

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 updates this spreadsheet regularly and continues to ensure our voice is heard on Capitol Hill.

IMPORTANT REMINDER!

Deadline for 9/11 Responders to Apply for PSOB Benefits Under PAFRA is November 17, 2023

The Protecting America's First Responders Act (PAFRA) established a two-year window from enactment (November 18, 2021) specifically for 9/11 responders to file a disability claim under the Act for an injury sustained in the line of duty as a result of the 9/11 terrorist attacks, assuming no claim had already been filed or the claim had been denied on the fact that the injury did meet the old disability requirements. It also

allows families of 9/11 responders catastrophically injured because of the attacks, but who died of those injuries prior to being able to apply for benefits, to apply for death benefits within the two-year window.

The two-year window is important because under PSOB statute, a claim has to be filed within 3 years of the injury or death and PSOB considers September 11, 2001 the date of injury for 9/11 responders. **The two-year window for 9/11 responders to submit a claim ends November 17, 2023.** To meet the deadline, an officer or their family only need to start a claim application on the [PSOB website \(PSOB.gov\)](https://www.pso.gov) - the application does not need to be completed by November 17.

This window is only for those officers who became catastrophically disabled or died due to their injuries prior to the enactment of PAFRA. A 9/11 responder who becomes disabled or dies due to a 9/11 related illness after 2021 is eligible for PSOB death or disability benefits through the normal PSOB process, as long as the application is started within 3 years of the death or date of disability diagnosis.

PAFRA eased the strict requirements for disabled officers to qualify for PSOB disability benefits, ensuring that officers who are catastrophically injured in the line of duty, but can perform some level of meaningful work, would still qualify for the much-needed benefit. Further, officers who become quadriplegic, paraplegic, or blind due to the line of duty injury automatically qualify for the PSOB disability benefit.

If you have any questions on the PSOB Program or filing a claim under PAFRA, please contact NAPO's Director of Governmental Affairs, Andy Edmiston, at aedmiston@napo.org or (703) 549-0775.

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