



The Washington Report

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

April 9, 2021

NAPO on the Hill: National Police Week Priorities, Collective Bargaining

National Police Week Priorities

NAPO met virtually with majority staff of the House Judiciary Committee and staff for Senator Judiciary Committee Chairman Richard Durbin (D-IL) to discuss our priority legislation to move during National Police Week. NAPO works in conjunction with other national law enforcement organizations – both management and labor – to push a list of bills we all agree on and support to move during National Police Week. The support of both the House and Senate Judiciary Committees is vital to our success.

Although the traditional National Police Week in-person events – NAPO's TOP COPS Awards®, the National Law Enforcement Memorial Fund Candlelight Vigil, and the National Peace Officers Memorial Service – have been moved to October, we are continuing to use National Police Week (May 9-15, 2021) to move our legislative priorities.

We discussed the need for legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers, legislation to ease the requirements for officers to qualify for the Public Safety Officers' Benefits (PSOB) Program disability benefits, the LEOSA Reform Act, and legislation protect state and local law enforcement's access to surplus military equipment through the Department of Defense 1033 Program.

Increased penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. NAPO is backing two bills that would provide increased penalties for such violent crimes against officers – the **Back the Blue Act** and the **Protect and Serve Act**.

Protecting America's First Responders Act. This bill 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 LEOSA Reform Act. 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.

Legislation to prevent restrictions on state and local law enforcement's access to surplus military equipment through the Department of Defense 1033 program. NAPO supports legislation protecting law enforcement's access to this equipment through the 1033 program or other existing programs that would hamper the work of law enforcement or unnecessarily put officers' lives in danger.

We have much work to do to ensure that these bills are ready to move and have enough bipartisan support both in Committee and on the floor. NAPO continues meeting with members of the House and Senate to gain support for our priority legislation.

Collective Bargaining

NAPO continues to communicate with Representative Dan Kildee (D-MI), the long-time sponsor of the Public Safety Employer-Employee Cooperation Act, which would grant the basic rights to collectively bargain over wages, hours and working conditions to public safety officers, to find a path forward to ensuring law enforcement officers are not excluded. With the death of George Floyd last year and the push for police reform, there are 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 issues in their collective bargaining agreements. Firefighters and EMTs would be allowed disciplinary provisions in their contracts.

House Education and Labor Committee Chairman Robert Scott (D-VA) and Committee Democrats are not willing to move the Cooperation Act forward without those significant changes to law enforcement collective bargaining rights. We are not willing to create substandard collective bargaining rights for law enforcement officers, setting them apart from their counterparts in public service, and take steps backwards from where we are today, so we oppose any changes to prohibit officers from bargaining over disciplinary actions. However, we are committed to continuing the conversation to see if there is a possible path for compromise that would not give inferior bargaining rights to law enforcement. While Rep. Kildee supports the amendments being called for, he agreed to our request not to include them in the Public Safety Employer-Employee Cooperation Act and is open to possible compromise.

Rep. Kildee is moving forward with introducing a new version of the Employer-Employee Cooperation Act that would only cover firefighters and EMTs and exclude law enforcement. Law enforcement will also continue to be excluded from the larger public servant collective bargaining bill, the Public Service Freedom to Negotiate Act. NAPO is working with other associations and unions that represent law enforcement officers to reintroduce the original Public Safety Employer-Employee Cooperation Act and find a new sponsor for the bill.

In addition to meeting with members of the House and Senate to gain support for our priority legislation like the Protecting America's First Responders Act, the LEOSA Reform Act and the Public Safety Employer-Employee Cooperation Act, we continue to engage with Senators and Representatives on police reform efforts to ensure our concerns and priorities are met in the final product, especially as regards protecting qualified immunity.

Chairman Neal Reintroduces WEP Reform Bill

House Ways and Means Committee Chair Richard Neal (D-MA) reintroduced his Windfall Elimination Provision (WEP) reform legislation, the Public Servants Protection and Fairness Act of 2021 (H.R. 2337), which NAPO strongly supports.

Though most law enforcement officers must retire after specific time served, usually in their early to mid-fifties, many look for new opportunities to serve their community. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by the WEP. Instead of receiving full support from their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

The WEP unfairly penalizes law enforcement officers for choosing a public service profession that mandates early retirement by taking away hard-earned, and much needed benefits. The Public Servants Protection and Fairness Act will right this wrong by replacing the WEP with a new Social Security benefit formula designed to more accurately account for years a public employee paid into Social Security versus the years paid into a public pension system in a non-Social Security covered position. Importantly, this legislation ensures that WEP reform will not further harm public safety officers' retirement benefits by including a benefit guarantee and maintaining the current WEP exemptions.

While NAPO's continues to advocate for full repeal of the WEP and the Government Pension Offset (GPO) through the Social Security Fairness Act, we understand there are significant fiscal challenges associated with this effort. We look forward to working with Chairman Neal to pass meaningful WEP reform that helps restore retirement security to public employees across this nation.

NAPO in the News

On April 8, [The Detroit News](#) covered [a letter](#) NAPO sent to Third Judicial Circuit Court of Michigan Chief Judge Timothy Kenny on April 6 expressing our dismay at the decision of Wayne County Judge Lawrence Talon to grant medical compassionate release to Eddie Ray Johnson Jr., who is charged with the premeditated murder of Detroit Police Sergeant Elaine Williams, the mother of his son and a highly respected officer.

Johnson is charged with 1st Degree Premeditated Murder and Felony Firearm for the shooting death of Sgt. Williams, who he shot five times, with her son still in the house. Judge Talon decided to release Johnson on a \$10,000 bond and a GPS tether, a release that is usually reserved for non-violent offenders.

"Medical compassionate release is not intended for someone who committed such a heinous and violent crime," the association's letter reads. "It is an affront to Sgt. Williams' family, her fellow officers of the Detroit Police Department, and the citizens of Detroit that such a violent criminal is being allowed back into the community on compassionate release.

"We strongly question the reasons behind Judge Talon's decision to grant an individual charged with the murder of a law enforcement officer in an act of domestic violence compassionate release, especially on such a low bond," the letter continues. "He must be held accountable for it."

Judge Talon granted the release in the face of objections from law enforcement and Wayne County Prosecutor Kym Worthy.

NAPO Executive Director Bill Johnson was quoted in a New Jersey Advance Media (nj.com) article entitled, "[N.J. releases data showing every time cops hit, tackled or shot suspects on groundbreaking new website](#)". The New Jersey Attorney General's Office runs the [use of force database](#), which tracks every use of force by officers statewide. Every officer in the state now uses the same form to document every use of force, from twisting an arm during an arrest to using their firearm, and that data gets uploaded into the database. It includes the name of the officer who used force, but not the name of the individual who the use of force was against, and the

reasons the officer gave for using force. It also tracks how many officers, as well as subjects, were injuring in the altercation.

Johnson told NJ.com that New Jersey's portal "is the first one I've heard of that has such a degree of granularity".

While NAPO believes that data collection on the use of force is one key to improving policing, it is important that the data collected on the use of force reflect the entirety of the situation: use of force by officers and use of force against officers, and not just force using firearms. We also feel that the data should be anonymized to protect the privacy of both the officers and the subjects and to prevent the misuse of the data by members of the public. NAPO worked with the Federal Bureau of Investigation to establish their [Use of Force Database](#) in 2019 and we support promoting greater use of it by federal, state, and local law enforcement agencies.

NAPO will continue to ensure our members' voices are heard loud and clear on the Hill, with the Administration, and in the media.

Coalition to Preserve Retirement Security Update

The Coalition to Preserve Retirement Security (CPRS), of which NAPO is a member, held its annual meeting on March 24. CPRS was formed for the sole purpose of opposing mandatory Social Security participation for state and local government employees. The coalition is also a good source of information on retirement security issues and members often work together on Social Security issues affecting state and local government employees.

While there has been no push for mandatory Social Security participation for public employees in the Congress, CPRS continues to ensure that we are ready in case the issue does come to the forefront. CPRS just released an updated [Segal Report on the Cost of Universal Social Security Coverage for State and Local Workers](#).

"The purpose of this report is to assess the initial five-year cost of universal Social Security participation to state and local governments and their new employees. The report estimates the employer and employee cost of Social Security coverage for newly hired workers for the first five years of coverage will reach \$35 billion and possibly as high as \$50 billion. This increased cost in payroll taxes will be felt in every state."

NAPO strongly believes that even if Social Security taxes were limited to new hires, the likely consequence of universal Social Security taxes, including reduced benefits, lower salaries, and/or frozen cost-of-living increases, would make law enforcement work less financially desirable. This Segal Report supports our position on the negative costs of imposing Social Security on all state and local public sector workers.

Also discussed during the meeting was House Ways and Means Chairman Richard Neal's (D-MA) proposal to amend the Windfall Elimination Provision (WEP), the Public Servants Protection and Fairness Act (H.R. 2337), which NAPO and other members of CPRS support. NAPO continues to work with the Chairman and other CPRS members to ensure the Public Servants Protection and Fairness Act moves this Congress.

Gupta, Monaco Nominations Move Forward

On March 25, the Senate Judiciary Committee voted to move forward the nominations of Lisa Monaco to be Deputy Attorney General and Vanita Gupta to be Associate Attorney General. Ms. Monaco was advanced by voice vote with no opposition, but the vote for Ms. Gupta was split on an 11-11 party-line vote. Republicans

stood together in their opposition to her nomination. Majority Leader Schumer will have to advance her nomination to the floor.

Ms. Monaco was President Obama's homeland security advisor. Ms. Gupta is president of the Leadership Conference on Civil and Human Rights and was the Assistant Attorney General for the Civil Rights Division under President Obama. Under this DOJ leadership team, we can expect a very active Civil Rights Division, much like it was under the Obama Administration, greater scrutiny of state and local law enforcement, and changes in priorities for funding for state and local law enforcement assistance programs to reward grants to those agencies that have implemented or are implementing certain police reform policies.



The **National Association of Police Organizations** is pleased to announce a collaboration with AT&T, with a shared goal of educating NAPO members about reliable communication tools that can **help law enforcement better serve and protect their communities**.

FirstNet®, Built with AT&T, is the **only network built with and for first responders** and those that support their vital efforts. Created by the United States Congress to address gaps in national and local communications identified by the 9-11 Commission, FirstNet is accountable to keeping lines of communication open for law enforcement and other public safety organizations.

On or off duty, FirstNet is mission ready and available to law enforcement agencies and active officers on their personal line of service.

With FirstNet, first responders have access to:

- One nationwide network that allows public safety to efficiently **coordinate emergency response across agencies and jurisdictions**.
- A separate, dedicated and **highly secure network** core purpose-built for public safety's sensitive communications.
- **Always-on priority** and preemption that gives first responders reliable access to the connection they need—even when commercial networks are congested.
- **Exclusive pricing** and flexible rate plans for organizations and individuals—with multiple ways to connect.

More than **15,000 public safety agencies, including 2,000,000 connections**, are on FirstNet. **To learn more or to connect with a FirstNet Specialist, visit [FirstNet.com/lawenforcement](https://www.firstnet.com/lawenforcement).**

NAPO Supports Bill Providing Protections for Officers Abroad

NAPO pledged our support for the Jaime Zapata and Victor Avila Federal Law Enforcement Protection Act (H.R. 2137 / S. 921), introduced by Representative Henry Cuellar (D-TX) and Senator John Cornyn (R-TX).

Current federal law outlaws the murder or attempted murder of a federal law enforcement officer during the performance of their duties. This is the law because Congress recognized that any persons contemplating

harming a federal law enforcement officer must know that they will face serious punishments. However, when U.S. Immigration and Customs Enforcement (ICE) Special Agent Jaime Zapata was killed and ICE Special Agent Victor Avila was wounded in the line of duty while serving in Mexico by members of a Mexican drug cartel, they do not receive the justice they deserve.

The U.S. Court of Appeals for the D.C. Circuit threw out the murder and attempted murder convictions of Special Agents Zapata's and Avila's assailants under 18 U.S.C. § 1114 on the grounds that it does not apply outside the country. Allowing cop killers to escape the utmost penalty under law is an affront to the thousands of federal law enforcement officers who have dedicated their lives to serving our country, at home and abroad.

This legislation is critical to ensuring 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.

House Resolution Introduced in Support of an Officer Bill of Rights

On August 22, Representative Lee Zeldin (R-NY) reintroduced a resolution, House Resolution (H.Res) 283, in support of America's law enforcement officers and the creating of a law enforcement officer bill of rights. NAPO strongly supports the effort of Representative Zeldin to call attention to the need to protect officer due process rights during the course of an investigation. The creation of a national law enforcement officer procedural bill of rights has long been a top priority of NAPO.

No one of us would condone shielding officers who have committed crimes, yet we must remain vigilant in protecting an officer's legitimate due process rights. These rights are crucial and necessary to preserve the integrity of the criminal justice system as a whole, particularly when media and political pressure lead to an irrational rush to judgment aimed at condemning law enforcement before all the facts are known.

NAPO believes there is a serious need for the implementation of national standards and procedures to guide both state and local law enforcement agencies and law enforcement officers during internal investigations, administrative hearings, and evaluation of citizen complaints. Too often law enforcement officers are subjected to the whim of their departments or local politics during internal investigations and administrative hearings. Law enforcement officers in less than twenty states have been given statutory bills of rights granting comprehensive procedural protections to officers in the complaint investigation and disciplinary process. These rights need to be uniform and guaranteed to officers throughout the country.

Further, national standards for complaint investigation and disciplinary processes would provide greater transparency and accountability to internal investigations, which would increase public trust.

This resolution calls on Congress to respect the rights of police officers to carry out their duties to protect our communities with integrity and to have essential protections during the course of investigations. NAPO thanks Representative Zeldin for standing up for and working on behalf of the law enforcement community.

FEMA to Provide Financial Aid for COVID-Related Funeral Costs

Beginning April 12, FEMA will provide financial assistance for funeral expenses incurred after Jan. 20, 2020 for deaths related to COVID-19 to help ease some of the financial stress and burden caused by the pandemic.

This assistance is capped at \$9,000 per funeral and a maximum of \$35,500 per application and is intended to assist with expenses for funeral services and interment or cremation.

To be eligible for COVID-19 funeral assistance, the applicant must be a U.S. citizen, non-citizen national, or qualified alien who incurred funeral expenses after Jan. 20, 2020 for a death attributed to COVID-19. If multiple individuals contributed toward funeral expenses, they should apply under a single application as applicant and co-applicant. An applicant may apply for multiple deceased individuals.

The following documentation is required as part of the application:

- **An official death certificate** that attributes the death to COVID-19 and shows that the death occurred in the United States. The death certificate must indicate the death “may have been caused by” or “was likely the result of” COVID-19 or COVID-19-like symptoms. Similar phrases that indicate a high likelihood of COVID-19 are considered sufficient attribution.
- **Funeral expense documents** (receipts, funeral home contract, etc.) that include the applicant’s name, the deceased individual’s name, the amount of funeral expenses and dates the funeral expenses were incurred.
- **Proof of funds received from other sources** specifically for use toward funeral costs. Funeral assistance may not duplicate benefits received from burial or funeral insurance, financial assistance received from voluntary agencies, federal, state, local, tribal, or territorial government programs or agencies, or other sources.

For more information about this assistance, visit [COVID-19 Funeral Assistance / FEMA.gov](#) and the [FEMA Funeral Assistance FAQ](#). To apply for the assistance, call (844) 684-6333.

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.



JOIN TEAM HURST



THE CITY OF HURST IS SEEKING A POLICE OFFICER

Entrance Exam Saturday, May 1, 2021
Pre-register for the exam and apply for the position at
hursttx.gov/openpositions.

For more information on how to become a Hurst police
officer, visit hursttx.gov/policecareers.

HURSTTX.GOV/OPENPOSITIONS
#HURSTHEARTS

Police Officer Entrance Exam Pre-registration and Application

The City of Hurst Police Department, a Civil Service Department, is seeking a Police Officer. Applicants must pre-register for the Police Officer Entrance Examination and apply for the Police Officer position online at:

www.hursttx.gov/openpositions.

Written Exam Date:

Saturday, May 01, 2021, 9 a.m.

Application Deadline:

Thursday, April 29, 2021, 5 p.m.

Minimum Qualifications:

- United States Citizen
- At least age 21 at time of testing
- A person who is 45 years of age or older may not be certified for a beginning position in the Police Dept.
- High school diploma or GED and completion of 60 hours from an accredited school, college or university with a grade point average of 2.0 or better.
- Vision correctable to 20/20 - no color blindness

- Normal hearing
- Must be licensable by the Texas Commission on Law Enforcement
- Good moral character
- Stable employment history
- Valid Texas Driver's License (or able to obtain one)
- Pass:
 1. Physical assessment test
 2. Written examination
 3. Psychological examination
 4. Medical examination with drug screen

5. Background investigation
6. Oral interview
7. Polygraph test
8. Typing test

Starting Annual Salary:

\$72,925 increasing to \$79,850 at completion of probationary period.

Application Instructions:

Pre-register/apply online at www.hursttx.gov/openpositions. Upon successfully submitting your application, you will receive a confirmation email. Applicants must also review Minimum Qualifications and Disqualifications for the position at www.hursttx.gov/policecareers, and then click on "Becoming a Police Officer."

The City of Hurst is an Equal Opportunity Employer.