



# The Washington Report

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

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February 18, 2015

## NAPO WASHINGTON REPORT

### NAPO's Executive Director Testifies at Task Force on 21st Century Policing Listening Session



On December 18, 2014, President Obama signed an Executive Order to create the Task Force on 21<sup>st</sup> Century Policing, and announced its members, which include NAPO. **NAPO is the only police rank and file group in the nation to have a seat on the Commission itself.** Our Treasurer, Sean Smoot, of the Illinois PB&PA, was appointed by the President to the Commission.

On February 14, 2015, NAPO's Executive Director, Bill Johnson, testified at the Task Force's fifth listening session, which focused on "Training and Education."

In his testimony, Johnson made the following recommendations to the panel:

- **Increase both the time and page limitations for testimony.**
  - NAPO appreciates the opportunity to provide recommendations to the Task Force, but we are deeply concerned about the quite limited opportunities to inform the panel due to page and time limits imposed

on written and oral testimony. These brief comments cannot do full justice to many of the important areas the panel is reviewing.

- **The U.S. Department of Justice, at the very highest levels, must publicly support officers when they have made unpopular, but legally correct, decisions.**
  - Johnson urged the task force to work with NAPO to show the media and the public at large that police officers are ordinary men and women doing an extraordinarily difficult job, and still usually getting it right. These officers must have the support of our leaders.
  
- **Publicly support the legitimate workplace and adjudicative rights of officers.**
  - Johnson stressed that we hold our officers to the highest standards, and we expect our officers to afford 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. But it is vital to emphasize, particularly as it regards training and enculturation, that officers, like any other persons, can be expected to treat others the way they are treated themselves. If officers are consistently exposed to a corrosive climate of suspicion, distrust, second-guessing and heavy-handed or arbitrary discipline, then we cannot feign surprise when those same officers accrete a similar worldview of the social environment outside the department. On the other hand, everyone benefits when a sense of fairness, mutual respect, and benefit of the doubt is recognized as not just being expected *from* officers, but as being owed *to* them as well.
  
- **Provide financial resources directly to agencies who wish to hire local applicants, to enable those agencies and their academies to provide educational opportunities to assist local applicants to become viable candidates.**
  - Johnson explained that NAPO continues to support efforts to hire a diverse workforce. We continue to advocate that expectations be set high and that only the most highly qualified officer candidates are recruited. Johnson furthered that one often overlooked aspect of recruiting and hiring deserves to be pointed out: There is an obvious relationship between the minimum standards of education or experience that a hiring agency sets and the set of candidates who will meet those threshold requirements. In economically depressed communities, and communities with failing schools, for example, it is far more difficult for a young man or woman to acquire the needed credentials to become a viable candidate. At the same time, critics of policing will often urge that a department needs better educated officers, or officers from our own community. Our community shouldn't be policed by outsiders, or by an agency whose demographic makeup is different than ours, they say. There is thus a risk of tension between demands for highly qualified candidates and demands that candidates be selected from a locality when the school system or job market is failing to provide the needed tools and experience. Providing resources to agencies who wish to hire local applicants, to enable those agencies and their academies to provide educational opportunities to assistant local applicants to become viable candidates will help to alleviate this tension.

Johnson's full written testimony is available at the following site:

[http://www.cops.usdoj.gov/pdf/taskforce/submissions/Johnson\\_Bill\\_Testimony.pdf](http://www.cops.usdoj.gov/pdf/taskforce/submissions/Johnson_Bill_Testimony.pdf).

NAPO was grateful for the opportunity to testify at the listening session, and we will continue to make our voice heard as the Commission moves forward.

If you have any questions about the Task Force on 21<sup>st</sup> Century Policing, please contact Bill Johnson at: [bjohnson@napo.org](mailto:bjohnson@napo.org).

**Source:**

"Discussing Recruit Training with IADLEST, NAPO, NYPD Dep Commr. & Oregon DPSST." *Twitter*. DOJ CS Office, 14 Feb. 2015. Web. 16 Feb. 2015.

# NAPO In the News

Last week, NAPO's Executive Director, Bill Johnson, was quoted in a Wall Street Journal article on college requirements for police. The reporter noted that some law enforcement experts have argued against requiring a degree, as some say the degree requirement makes it difficult to build a force that is representative of the communities they serve. Johnson noted that:

“Some of the critics of policing, especially since the events of the summer, one of the things that they point out sometimes is that the department doesn't represent the community and sometimes the same critics are insistent on requiring a college degree.”

Johnson was able to build on this comment during the aforementioned Task Force Listening Session (see above).

The full article is available at the following link: <http://www.wsj.com/articles/college-rule-for-police-at-issue-1423788045>.

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Johnson was also quoted in a Boston Globe article regarding police accountability measures. When asked about body cameras, Johnson explained that as important details are considered regarding body camera policy, “body camera legislation is the response to the police incidents most likely to be successful. Lawmakers on both sides of the aisle support body camera bills, and police unions and officers back cameras, too.”

The full article is available at the following link: <http://www.bostonglobe.com/news/nation/2015/02/15/police-accountability-measures-flood-state-legislatures-after-ferguson-staten-island/8tC3efOX4WwDtGjepkIZVI/story.html>.

NAPO continues to stress the importance of including state and local agencies, as well as law enforcement leadership, in discussions regarding body camera requirements. NAPO looks forward to continuing to discuss this issue with members of Congress as legislation related to body cameras is considered.

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NAPO will continue to advocate for the rights of law enforcement officers across the nation. If you have any questions about our efforts, please contact Bill Johnson at: [bjohnson@napo.org](mailto:bjohnson@napo.org).

## **NAPO VICTORY!**

### **Don't Tax Our Fallen Public Safety Heroes Act Passed by Senate Finance Committee**

On February 11, 2015, the Senate Finance Committee passed the Don't Tax Our Fallen Public Safety Heroes Act by a voice vote. This legislation clarifies that both federal and state death benefits for the survivors of law enforcement officers killed in the line of duty should be treated the same and not be subjected to federal income tax. Survivor benefits for federal law enforcement officers are currently not subject to federal income tax, but there is some ambiguity about the treatment of these benefits for similar state-based programs.

NAPO continues to work closely with senior staffers for the bill's sponsors, **Senator Kelly Ayotte (R-NH)** and **Congressman Erik Paulsen (R-MN)**, to pass this bill. We will keep our members updated on the status of this legislation. If you have any questions about our efforts, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

# NAPO Supports the Ax the Tax on Middle Class Americans' Health Plans Act

Last week, NAPO pledged our support for the Ax the Tax on Middle Class Americans' Health Plans Act, sponsored by **Congressman Frank Guinta (R-NH)**. (NAPO's letter of support is attached to this report for your convenience and review).

Beginning in 2018, the Patient Protection and Affordable Care Act imposes a new 40% annual excise tax on taxpayers who are covered by high-cost, or "Cadillac" health insurance plans. NAPO continues to fight against the impending "Cadillac" health insurance plan tax, as the new tax will negatively impact public safety officers across the nation. **This bill will repeal the "Cadillac Tax," and ensure public safety officer and their families are not unduly burdened.**

We look forward to working with Congressman Guinta and his staff to pass this important legislation. If you have any questions about our efforts to repeal the "Cadillac Tax," please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

## NAPO Supports the Thin Blue Line Act

Last week, NAPO pledged our support for the Thin Blue Line Act, sponsored by **Congressman David Jolly (R-FL)**. (NAPO's letter of support is attached to this report for your convenience and review). This bill would make the murder of a police officer, firefighter, or first responder an aggravating factor in death penalty determinations. This would be applicable whether they were murdered on duty, because of the performance of their duty, or because of their status as a public official. This bill would encompass every police officer, whether federal, state, or local, as well as any firefighter or first responder. The only requirement is that the homicide provide federal jurisdiction.

These cases would be applied to capital murder offenses and would be tried in federal court. Current federal law only cites the homicide of a federal public servant. This bill would close that loophole and treat all law enforcement officers equally under federal law.

This bill is critical, as law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. Establishing stricter penalties for those who harm law enforcement officers will deter crime. Any persons contemplating harming an officer must know that they will face serious punishments. Increased penalties make important differences in the attitudes of criminals toward public safety officers, and ensure protection for the community.

On February 13, 2015, NAPO was recognized as a supporter of this important legislation in the following *Sunshine State News* article: <http://www.sunshinestateneews.com/story/david-jolly-introduces-thin-blue-line-act-cops-firefighters-killed-federal-cases>.

NAPO looks forward to working with Congressman Jolly and his staff to pass this bill. If you have any questions about our efforts, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

### **Source:**

United States. Cong. House. *Thin Blue Line Act Summary*. By David Jolly. 114th Cong., 1st sess. H. Doc.. Print.

# NAPO Supports the Equal Treatment of Public Servants Act

Last week, NAPO pledged our support for the Equal Treatment of Public Servants Act, sponsored by **Congressman Kevin Brady (R-TX)**. (NAPO's letter of support is attached to this report for your convenience and review).

This legislation would repeal the Windfall Elimination Provision (WEP), and correct Social Security benefits for public servants. The main tenets of the legislation are as follows:

- Permanently repeals the current WEP and replaces it with a new and fair formula that treats public servants like the rest of American workers
- Guarantees public servants receive the benefits they earned while they paid into Social Security
- Reduces the WEP by up to 1/3 for current retirees, and up to 1/2 for future retirees – increasing lifetime Social Security benefits by between \$20,000 and \$32,400 (as estimated by the Social Security actuary)
- Does not impact the Social Security trust fund

The loss of income caused by the WEP formula is a financial strain on law enforcement officers and their families, an additional strain that those who spent their careers on the front lines protecting our nation's communities do not need. This bill will guarantee public servants receive the benefits they earned while they paid into Social Security.

NAPO looks forward to working with Congressman Brady to pass this bill during the 114<sup>th</sup> Congress. If you have any questions about the Equal Treatment of Public Servants Act, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

## Source:

United States. Cong. House. Equal Treatment of Public Servants Act. 113th Cong., 2nd sess. H. Doc. Washington, D.C.: Congressman Kevin Brady, 2014. Print.

# NAPO Opposes the Electronic Communications Privacy Act & E-mail Privacy Act

On February 4, 2015, the Electronic Communications Privacy Amendments Act was submitted in the Senate by **Senators Mike Lee (R-UT)** and **Patrick Leahy (D-VT)**. **Congressmen Kevin Yoder (R-KS)** and **Jared Polis (D-CO)** sponsored the House version of the bill, the E-mail Privacy Act. This legislation is intended to bring outdated Federal electronic privacy laws into the digital age. The bill makes changes to the Electronic Communications Privacy Act to establish a search warrant requirement for the government to obtain Americans' e-mails and other electronic communications from third-party service providers.

Last week, NAPO sent the attached letters of opposition to these bills. NAPO is very concerned that this legislation adds unnecessary warrant requirements. Warrants take much longer to secure as compared with the current practice of officers obtaining a court order. This is of particular concern in time critical cases, such as active kidnapping or child abduction cases. Moreover, warrants require an affidavit, which generally becomes public. These documents have the potential to expose law enforcement and informant identities and methods.

There are effective law enforcement policies and procedures already in place on these issues at the state and local level. The warrant requirement included in this legislation would present a huge obstacle to legitimate law enforcement needs. Furthermore, NAPO does not feel that a one-size fits all approach is appropriate for these matters.

NAPO will continue to express these concerns to members of Congress, and we will keep our members updated on the status of this legislation. If you have any questions about this legislation, please contact Bill Johnson at: [bjohnson@napo.org](mailto:bjohnson@napo.org).

## NAPO Meeting on Capitol Hill - National Blue Alert Act

On February 11, 2015, NAPO joined fellow stakeholders in a meeting with senior staffers for **Senator Ben Cardin (D-MD)**, **Senator Lindsey Graham (R-SC)**, **Congressman Dave Reichert (R-WA)**, and **Congressman Bill Pascrell (D-NJ)** to discuss the National Blue Alert Act.

The National Blue Alert Act would create a nationwide alert system to apprehend violent criminals who have injured or killed police officers. This bill reaffirms NAPO's commitment to ensuring the safety of our law enforcement men and women and the communities they serve to protect every day.

NAPO worked closely with key stakeholders during the 113<sup>th</sup> Congress to pass this important legislation, and we look forward to continuing to work with our law enforcement partners to pass this bill during the 114<sup>th</sup> Congress. We will provide our members with an update once this bill is reintroduced.

If you have any questions about our efforts to pass this legislation, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

## NAPO Attends National Criminal Justice Association Brown Bag

On February 9, 2015, NAPO attended the monthly National Criminal Justice Association (NCJA) Brown Bag. A senior staffer for **Senate Judiciary Committee Chairman Charles Grassley (R-IA)** attended the meeting. The meeting included a discussion on the Justice for Victims of Trafficking Act, sponsored by **Senator John Cornyn (R-TX)**.

NAPO has worked closely with senior staffers for Senator Cornyn to advance the Justice for Victims of Trafficking Act, which would boost support for and protection of victims of human trafficking by increasing law enforcement resources, enhancing victims' services, and increasing penalties in an effort to combat child sex trafficking, child pornography, sexual exploitation, and human trafficking.

We were grateful that Chairman Grassley added the Justice for Victims of Trafficking Act to the Senate Judiciary Committee's mark-up agenda on February 12, 2015. The bill was held over last week, but we plan to use the coming weeks to continue to build support for the legislation. (The Attorney General nomination was also added to the February 12<sup>th</sup> Committee agenda, but was held over as well).

If you have any questions about the NCJA Brown Bag or the Justice for Victims of Trafficking Act, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

## House Judiciary Crime Subcommittee Hearing on Civil Asset Forfeitures

Last week, NAPO attended a hearing held by the House Judiciary Committee's Crime, Terrorism, Homeland Security and Investigations Subcommittee on "Federal Asset Forfeiture." Members of the subcommittee explored current asset

forfeiture procedures and practices and the Justice Department's recently revised guidelines governing the circumstances under which state seizures will be "adopted" by the federal government for forfeiture. Through adoption, the federal government "adopts" forfeitures made by state and local police departments. In return, federal authorities keep a portion of the proceeds and return a large portion of it to the local law enforcement that made the seizure.

The following witnesses testified at the hearing:

- Mr. Kenneth A. Blanco, Deputy Assistant Attorney General, Criminal Division, Department of Justice
- Mr. Keith Henderson, Prosecuting Attorney for Floyd County, Indiana
- Ms. Darpana Sheth, Attorney, Institute for Justice
- Mr. David Smith, Smith Zimmerman, PLLC

Shortly before the hearing, the Justice Department issued more guidance on a new policy, announced in January, to curb the use of a controversial type of civil asset forfeiture. The new policy ends the practice that allowed state and local police to seize vehicles, valuables, cash and other monetary instruments, and then share the proceeds with federal agencies that "adopt" the seizures.

NAPO is very concerned about the possible loss of significant funding that could result from new policies on civil asset forfeiture, especially as state and local police are being asked to do more and more each year.

NAPO will continue to stay engaged on this issue, and ensure our members' voices are heard loud and clear as policy reforms are considered. If you have any questions about our engagement, please contact Bill Johnson at: [bjohnson@napo.org](mailto:bjohnson@napo.org).

**Source:**

"Press Releases." *Crime Subcommittee to Examine Asset Forfeiture This Week*. N.p., 9 Feb. 2015. Web. 10 Feb. 2015.

## **Senate Confirms Michael Botticelli as Director of the Office of National Drug Control Policy**

On February 9, 2015, the Senate voted 92-0 to confirm the nomination of Michael Botticelli as Director of the Office of National Drug Control Police (ONDCP).

A component of the Executive Office of the President, ONDCP was created by the Anti-Drug Abuse Act of 1988. ONDCP advises the President on drug-control issues, coordinates drug-control activities and related funding across the Federal government, and produces the annual National Drug Control Strategy, which outlines Administration efforts to reduce illicit drug use, manufacturing and trafficking, drug-related crime and violence, and drug-related health consequences.

NAPO looks forward to continuing to work ONDCP in the future. If you have any questions about this confirmation vote, please contact Melissa Nee at: [mnee@napo.org](mailto:mnee@napo.org).

**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](https://twitter.com/NAPOpolice) for breaking news and updates.**



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**Executive Secretary**  
Combined Law Enforcement  
Associations of Texas

RICHARD WEILER  
**Parliamentarian**  
Police Officers Labor Council  
of Michigan

WILLIAM J. JOHNSON  
**Executive Director and  
General Counsel**

February 12, 2015

The Honorable Frank Guinta  
United States House of Representatives  
326 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Guinta:

On behalf of the National Association of Police Organizations (NAPO), I am writing to you to express our full support for the *Ax the Tax on Middle Class Americans' Health Plans Act* (H.R. 879).

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

NAPO continues to fight against the impending "Cadillac" health insurance plan tax, as the new tax will negatively impact public safety officers across the nation. Your bill will repeal the "Cadillac Tax," and ensure public safety officers and their families are not unduly burdened.

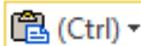
We stand ready to assist with any efforts necessary to pass this important legislation.

If we can provide any additional information or assistance, please feel free to contact me at: (703) 549-0775.

Sincerely,



William J. Johnson  
Executive Director





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February 12, 2015

**MICHAEL MCMALE**  
**President**  
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The Honorable David Jolly  
United States House of Representatives  
1728 Longworth House Office Building  
Washington, D.C. 20515

**CHRIS COLLINS**  
**Vice President**  
Las Vegas Police  
Protective Association

Dear Congressman Jolly:

**KEITH DUNN**  
**Recording Secretary**  
New Jersey State Policemen's  
Benevolent Association

On behalf of the National Association of Police Organizations (NAPO), I am writing to you to express our full support for the Thin Blue Line Act.

**SEAN M. SMOOT**  
**Treasurer**  
Police Benevolent & Protective  
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**JOHN A. FLYNN**  
**Sergeant-at-Arms**  
Patrolmen's Benevolent  
Association of New York City

The Thin Blue Line Act increases penalties on those who harm public safety officers by making the murder of a local police officer, firefighter, or first responder an aggravating factor in death penalty determinations.

**TODD HARRISON**  
**Executive Secretary**  
Combined Law Enforcement  
Associations of Texas

This bill is critical, as law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. Establishing stricter penalties for those who harm law enforcement officers will deter crime. Any persons contemplating harming an officer must know that they will face serious punishments. Increased penalties make important differences in the attitudes of criminals toward public safety officers, and ensure protection for the community.

**RICHARD WEILER**  
**Parliamentarian**  
Police Officers Labor Council  
of Michigan

**WILLIAM J. JOHNSON**  
**Executive Director and  
General Counsel**

We look forward to working with you to pass this important bill. If we can provide any additional information or assistance, please feel free to contact me at: (703) 549-0775.

Sincerely,

William J. Johnson  
Executive Director



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Dear Congressman Brady:

On behalf of the National Association of Police Organizations (NAPO), I am writing to you to express our full support for the Equal Treatment of Public Servants Act (H.R. 711).

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The loss of income caused by the Windfall Elimination Provision (WEP) formula is a financial strain on law enforcement officers and their families, an additional strain that those who spent their careers on the front lines protecting our nation's communities do not need.

This important legislation will permanently repeal the current WEP, and replace it with a new and fair formula. This bill will guarantee public servants receive the benefits they earned while they paid into Social Security.

We look forward to working with you to ensure that law enforcement officers, as well as other public employees across the United States, receive the benefits that they deserve.

If we can provide any additional information or assistance, please feel free to contact me at: (703) 549-0775.

Sincerely,

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February 12, 2015

The Honorable Mike Lee  
United States Senate  
316 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Lee:

On behalf of the National Association of Police Organizations (NAPo), I am writing to you to express our deep concerns regarding the Electronic Communications Privacy Amendments Act of 2015 (S.356).

NAPo is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPo now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

We are very concerned that the warrant requirements included in the Electronic Communications Privacy Amendments Act would negatively impact public safety. This legislation does not account for immediate law enforcement concerns, when seconds matter. Warrants take much longer to secure as compared with the current practice of officers obtaining a court order. This is of particular concern in time-critical cases, such as active kidnapping or child abduction cases.

Moreover, warrants require an affidavit, which generally becomes public. These documents have the potential to expose law enforcement and informant identities and methods. This is especially concerning in light of the increased number of attacks on police officers across the United States.

We urge you to take our concerns into consideration. If you would like to discuss this bill further, please feel free to contact me at: (703) 549-0775.

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  
Executive Director

CC: Charles Grassley, Chairman, Judiciary Committee, United States Senate



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On behalf of the National Association of Police Organizations (NAPO), I am writing to you to express our deep concerns regarding the Email Privacy Act (H.R. 699).

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

We are very concerned that the warrant requirements included in the E-mail Privacy Act would negatively impact public safety. This legislation does not account for immediate law enforcement concerns, when seconds matter. Warrants take much longer to secure as compared with the current practice of officers obtaining a court order. This is of particular concern in time-critical cases, such as active kidnapping or child abduction cases.

Moreover, warrants require an affidavit, which generally becomes public. These documents have the potential to expose law enforcement and informant identities and methods. This is especially concerning in light of the increased number of attacks on police officers across the United States.

The warrant requirement included in your legislation would present a huge obstacle to legitimate law enforcement needs. Additionally, NAPO does not feel that a "one size fits all" approach is appropriate for these matters, especially when there are effective law enforcement policies and procedures already in place at the state and local level.

We urge you to take our concerns into consideration. If you would like to discuss this bill further, please feel free to contact me at: (703) 549-0775.

Sincerely,



William J. Johnson  
Executive Director

CC: Bob Goodlatte, Chairman, Judiciary Committee, United States House of Representatives