



The Washington Report

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

June 12, 2017

NAPO on the Hill: Law Enforcement Officer Bill of Rights; Probation Officer Protection Act

Law Enforcement Officer Bill of Rights

NAPO met with staff of **Senator Joe Manchin (D-WVA)**, **Senator Chris Coons (D-DE)** and **Senator Bob Menendez (D-NJ)** to discuss the reintroduction of the Law Enforcement Officers' Procedural Bill of Rights Act. This legislation, last introduced in the 111th Congress in 2009, would establish standards to guide law enforcement agencies in developing and operating a fair and effective investigative process. Individuals should have the right to file a complaint, to have the complaint investigated, and to be informed of its final disposition, including learning the outcome of the investigation and any resulting disciplinary action.

Many of NAPO's members are facing attacks to their due process rights from activists who believe that the due process rights given to officers either through their collective bargaining agreements or their state's law enforcement officers' bill of rights creates a double standard and gives officers undue protections against criminal investigations. With the President and the Attorney General declaring that supporting state and local law enforcement is a top priority for the Administration, anti-cop activists are taking to the state and local level to wage a war against officer rights.

Throughout the country, many states lack coherent guidelines and procedures for law enforcement officers' due process rights. Sworn law enforcement officers are held to an extremely high standard of personal and professional conduct, due to the enormous responsibilities they exercise. However, many officers are denied the same basic due process rights that all other citizens enjoy. In approximately fifty percent of the states, officers enjoy some legal protections against false accusations and abusive conduct. Nevertheless, this leaves hundreds of thousands of officers with limited or no due process or who face limitations or retaliation when exercising these rights.

Taking away an officers' due process rights is not the way to improve police accountability and transparency. In fact, most officer bill of rights laws and provisions include guidelines and procedures for handling and investigating complaints, ensuring the department takes complaints against officers seriously and conducts a thorough inquiry. The Law Enforcement Officers' Procedural Bill of Rights Act would ensure that all states have at least a minimum of standards and procedures in place to guide both state and local law enforcement agencies and law enforcement officers during internal investigations, administrative hearings, and evaluation of citizen complaints.

The main concern that was raised in these meetings was that the atmosphere has changed since this bill was last introduced and while protecting officers' due process rights is important, that might need to be balanced with more transparency and accountability measures. No details were discussed, but each office was generally supportive of the effort and NAPO will continue the conversations.

Then-Senator Joe Biden (D-DE) and former Representative Bart Stupak were NAPO's champions for this legislation and with them now out of Congress, NAPO is looking for a member of Congress to take up the mantle and fight for officer due process rights. NAPO will meet with members of Congress until we find the person who will stand up for rank and file officers on this important issue.

If you have any questions about this legislation or NAPO's efforts to create a national Law Enforcement Officer Bill of Rights, please contact Andy Edmiston at aedmiston@napo.org.

Probation Officer Protection Act

NAPO joined the Federal Law Enforcement Officers Association (FLEOA) in meetings with the offices of Senate Judiciary Committee members **Senator Amy Klobuchar (D-MN)**, **Senator Ted Cruz (R-TX)**, **Senator Robert Blumenthal (D-CT)** and **Senator Mazie Hirono (D-HI)** to discuss the Probation Officer Protection Act.

With the Senate Judiciary Committee's time being taken up with nominations, there has been little opportunity to move legislation through the Committee. To date, the Committee has only approved five bills, including the NAPO endorsed Public Safety Officers' Benefits (PSOB) Improvement Act, the Law Enforcement Mental Health and Wellness Act, and the Rapid DNA Act. Given the contentious nature of the nomination process, the Committee Chairman, Chuck Grassley (R-IA), is currently only willing to move bipartisan legislation that is noncontroversial and has the support of the majority of Committee members. While priority bills like the Thin Blue Line Act may not see Committee action until at least the Fall, bills such as the Probation Officer Protection Act and the Honoring Hometown Heroes Act have a chance of being taken up by the Committee. Both of these bills passed the House with bipartisan support during National Police Week.

Probation officers in the United States have experienced a significant increase in their workloads due to the recent changes in federal sentencing guidelines, but they are being asked to do more with the same amount of resources. With these officers spread thin, it is important that they have every means available to protect themselves when put in harm's way. The Probation Officer Protection Act narrowly expands current law to grant federal probation officers the authority to arrest any third party who forcibly assaults, resists, intimidates, or interferes with the officer in the performance of his or her official duties.

Currently, when a federal probation officer is assaulted or threatened by a third party, they must retreat and call local law enforcement. This not only places the probation officer in danger, particularly if there is no way to withdraw from the situation, but it is a strain on local law enforcement agencies, many of which do not have enough officers just to patrol their communities. NAPO believes that Probation Officer Protection Act is a sensible solution that ensures the safety of the officer, the probationer and the community.

With the Committee now focusing on the nomination of Christopher Wray to be the next Director of the Federal Bureau of Investigation (FB), there may be very little time to get any bills through the Committee this Summer. NAPO will continue to push to get whatever legislative victories we can in the Committee until its schedule opens up.

New Study Looks at Cost of Eliminating Public Pensions

The National Conference on Public Employee Retirement Systems (NCPERS) released a study entitled, "[Economic Loss: The Hidden Cost of Prevailing Pension Reforms](#)", that documents the costs to the economy if

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

317 S. Patrick Street ~ Alexandria, VA 22314 ~ (703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515

www.napo.org ~ Email: info@napo.org

the public sector abandoned defined benefit (DB) pension plans. NCPERS is a member of the Public Pension Network along with NAPO and is an important ally in the fight to protect public pension plans.

The study is broken into three parts: (1) Understanding Pension Funding; (2) How Much Damage Will the Economy Suffer in 2025 if the Dismantling of Public Pensions Continues; and (3) Strategies to Adequately Fund Public Pension without Dismantling Them.

In Part 1, the study looks to highlight how opponents of public sector DB plans have little to no understanding of how public pension plans are funded, which results in them promoting wrong and harmful “reform” policies. The end goal of these policies often is not the reform of public pensions, but rather to ultimately replace DB plans with defined contribution plans such as 401(k) plans. The study lays out the facts of how public pensions are funded compared to opponents’ incorrect views and assumptions.

In Part 2, the study provides figures, including state-by-state data, for the projected rate of economic growth, the projected rate if DB plans continue to be eliminated, the projected size of the economy, and the magnitude of the economic losses due to the dismantling of public pensions. One of the starkest findings of the report is that the disappearance of public pension plans could reduce the nation’s rate of economic growth by up to 18 percent.

It is important to note that for this study, NCPERS measured economic growth in terms of growth in median income rather than gross domestic product (GDP). It decided to do this “because the GDP tends to hide any improvements in the incomes of ordinary people.” For similar reasons, NCPERS measures the size of the economy in terms of total personal income. The measurement of economic growth in this manner highlights the fact that the elimination of DB plans significantly harms the economic prosperity of individual workers.

Finally, in Part 3, the study looks at ways to adequately fund public pension plans without dismantling them and offers several options for governments to consider. It also highlights examples of local governments who have successfully created dedicated revenue funding streams for their public pensions.

It is vital to get the correct information out there about the importance of public pension plans to not only the individuals relying on them for their retirement, but also to the economy.

If you have any questions or would like more information about this report, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Supports the Abolish Human Trafficking Act

NAPO has pledged its support for S. 1311, the Abolish Human Trafficking Act, sponsored by Senators John Cornyn (R-TX) and Amy Klobuchar (D-MN). This legislation 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. Additionally, it would give law enforcement additional tools to target criminal street gangs involved in organized human trafficking and sexual exploitation.

Importantly, this Act would provide for more training for federal, state and local law enforcement anti-trafficking task forces to better equip them to identify victims of human trafficking and refer them to much-needed victims’ services. It also extends the Domestic Trafficking Victims’ Fund and reauthorizes key Trafficking Victims Protection Act programs to offer more resources to human trafficking victims and law enforcement anti-trafficking operations.

Human trafficking is a growing problem that has a pervasive and negative state and local impact across the United States. The Abolish Human Trafficking Act would help to ensure law enforcement has the necessary federal support,

tools, and resources to rescue trafficking victims, track down their exploiters, and prosecute every criminal responsible for modern-day slavery.

NAPO expended every effort to pass the Justice for Victims of Trafficking Act last Congress and we continue to fight the scourge of human trafficking through our support for the Abolish Human Trafficking Act.

If you have any questions regarding this bill, please contact Andy Edmiston at aedmiston@napo.org.

House Judiciary Committee Hearing on DOJ Law Enforcement Grants

On June 8th, NAPO attended the House Judiciary Committee oversight hearing on state and local law enforcement grants within the Office of Justice Programs (OJP), Department of Justice (DOJ). The sole witness was Acting Assistant Attorney General Alan Hanson, head of OJP, which houses important state and local law enforcement grant programs including the Byrne Justice Assistance Grant (Byrne JAG), the Bulletproof Vest Partnership Grant, the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and bodyworn camera grants.

One of the main concerns raised by the committee was that DOJ spending is not efficient, often duplicative, and needs reform. Committee members, particular Republican members, spent most of the hearing trying to identify problems that existed. Mr. Hanson, for his part, supported OJP's grant programs and reiterated to the Committee that under Attorney General Sessions, the DOJ has promised to support state and local law enforcement, deliver justice and administer funding diligently.

Mr. Hanson went on to testify that funds to state and local law enforcement have proven useful and necessary, including allow agencies and departments to get better equipment and training for their officers as well as allow for greater statistical capabilities. He stated that these grant programs are essential.

Congressman John Conyers (D-MI), ranking member of the Committee, brought up the Law Enforcement Equipment Working Group that was created by President Obama's Executive Order that restricted state and local law enforcement's access to surplus military equipment. The Working Group is housed under OJP. Congressman Conyers is concerned that the Administration may ease up on the current restrictions, to which Mr. Hanson replied that the Working Group is reviewing and reevaluating the limitations on surplus military equipment.

On this last issue, NAPO is working closely with the Administration to ensure that state and local law enforcement are returned unfettered access to this lifesaving defensive gear and we are confident we will be successful whether it be full repeal of the executive order or a revised Working Group recommendation on access to surplus military equipment.

NAPO thanks Mr. Hanson and the DOJ for their support of state and local law enforcement and we will continue to work with the Administration and Congress to ensure our priority grant programs receive adequate funding.

Join NAPO for Our 39th Annual Convention and Consider Becoming a Law Enforcement Sponsor

NAPO's 39th Annual Convention July 22-25, 2017, in New York City is quickly approaching. In conjunction with the Patrolmen's Benevolent Association of NYC and NAPO's many New York & New Jersey member groups, we are busy planning what is sure to be a fantastic convention. We would like to ask that member

organizations please consider contributing \$500 - \$1000 towards the cost of the convention. **If your organization would like to help sponsor an event, please return [this form](#) and payment to NAPO by July 3, 2017.**

If you have not yet registered to join us at our 39th Annual Convention, *please do so by July 9th*. **Please complete the [registration form](#) and mail it with payment to the NAPO office. Registrations may also be emailed to registrations@napo.org or faxed to (703) 684-0515.** Registrations received July 10 – July 20 will be charged a late registration fee of \$50. Registrations received after July 20 and on-site are discouraged; however, if you are unable to register in advance, you may do so on-site for an additional \$100 per person. Registration fees include the cost of convention materials, special events and food functions. Only registered individuals may attend convention events. Spouses, guests, and children must register if they wish to attend any convention events.

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.