



# The Washington Report

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

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December 16, 2022

## ***Don't Wait! Nominate an Officer Today for NAPO's 30<sup>th</sup> Annual TOP COP Awards***

**Don't let your TOP COPS nominations get lost in the holiday shuffle! The January 11, 2023, deadline for nominations will be here before you know it.**

Please take the time to nominate examples of outstanding police work for this prestigious award. We count on you, our members, to help us get the word about TOP COPS out and obtain nominations for officers nationwide. Join us in honoring America's Finest by nominating a case today. The [nomination form](#) must be postmarked or faxed to (703) 684-0515 by **January 11, 2023**. If you have any questions, please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at [eloranger@napo.org](mailto:eloranger@napo.org) or (703) 549-0775.

2023 will mark the 30<sup>th</sup> year that NAPO has hosted the TOP COPS Awards<sup>®</sup>. The TOP COPS Awards<sup>®</sup> Dinner will take place on May 12<sup>th</sup> at the Omni Shoreham Hotel in Washington, D.C., coinciding with National Police Week.

Nominate an officer today and with your help and partnership, the TOP COPS Awards<sup>®</sup> will continue to be a tremendous success!

## **NAPO Meets with DOJ on Implementation of National Accountability Database**

The Biden Administration continues to move forward on the implementation of the various provisions of the President's Police Reform Executive Order. On December 15, NAPO participated in a virtual discussion with representatives from the Department of Justice's Office of Justice Programs (OJP), the Civil Rights Division, and the Community Oriented Policing Services (COPS) Office to discuss Section 5 of the executive order, which establishes a National Law Enforcement Accountability Database.

While the Executive Order primarily addresses federal law enforcement agencies and their use of the Database, it does direct the Attorney General to deliberate on how to encourage and support use of the

Database to State, Tribal, local and territorial agencies. Particularly, how can the DOJ get state and local agencies to submit data and then use the database for employment decisions.

On these points, NAPO believes it is important the Attorney General take the carrot and not the stick approach to encouraging submissions into the database through technical support, grant funding and other resources. Further, it is our belief that agencies will opt towards using the Database for hiring purposes if it is considered fair and balanced, with only reliable information included – meaning strong due process protections for officers – to ensure transparency and accountability in its employment processes.

The discussion also touched on the Executive Order’s provision requiring an annual public report, with anonymized data, and how to provide public access to some of the data. NAPO focused our comments on protecting the privacy and rights of officers and our concerns that if the data, even anonymized, is broken down to a municipality or department level, that could certainly infringe on officers’ privacy rights. We also stated that the data reported to the Database should only include substantiated and adjudicated incidents and not simply allegations of misconduct. This is a point we have long held regarding the establishment of a national accountability database.

There was much discussion around what other data could and should be included in the Database, and NAPO supports the National Decertification Database run by International Association of Directors of Law Enforcement Standards and Training (IADLEST), which only reports those officers who have been decertified. If that model and limitation of data is unacceptable, we pressed that only those allegations or findings of serious misconduct that are substantiated and adjudicated should be included. We also reiterated our strong recommendation that the Database have in place robust due process procedures that occur *prior* to officer records being uploaded into the Database. These should include, at a minimum, the bedrock guarantees of Anglo-American jurisprudence: Notice, an opportunity to be heard, and review by a neutral fact-finder.

We appreciate the opportunity to be involved and have our voice heard and we look forward to continuing our work with OJP and the Department to ensure the implementation of the Executive Order is fair and balanced and protects the rights of law enforcement officers.

## **Final NDAA Preserves 1033 Program**

NAPO successfully lobbied against the inclusion of any amendments to the National Defense Authorization Act (NDAA) for Fiscal 2023 that would have restricted state and local law enforcement’s access to surplus military equipment through the Department of Defense and other federal grant programs.

Programs like the Department of Defense’s 1033 Program have been vital resources in allowing state and local law enforcement acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the “militarization” of police, but rather has proven to be essential not only in protecting communities against violent criminals, but also in responding to natural disasters, which are unfortunately increasing in frequency.

Given that state and local law enforcement are our nation’s first responders to incidents from foreign and domestic terrorism to active shooter situations to flood rescues, Congress should be ensuring law enforcement agencies are able to acquire such equipment for the protection of their communities, not limiting it.

While we have protected the 1033 program against statutory changes for the moment, we are working with the Administration and the Departments of Justice, Homeland Security, and Defense to ensure the implementation of President Biden's Police Reform Executive Order does not significantly hamper our ability to acquire and purchase vital surplus equipment through the 1033 program and similar programs.

## **Congress Passes NAPO-Backed Law Enforcement De-Escalation Training Act**

In a victory for NAPO, the House passed the Law Enforcement De-Escalation Training Act (S. 4003), on December 14, by a vote of 264-162. After the bill failed to pass under suspension of the rules, which requires a two-thirds majority to pass, on November 29, we were able to secure time on the House floor once again for this important bill. The bill passed the Senate by unanimous consent on August 1, and is now on its way to the President to be signed into law.

The Law Enforcement De-Escalation Training 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. We also ensured that the bill gives law enforcement a significant role in the development of the training curriculum to ensure that it meets the real world needs of the officers on the streets and protects their safety as well as that of the individual in crisis.

NAPO has long supported funding for training programs for law enforcement to identify and respond to incidents involving individuals with mental health, behavioral health, and substance abuse issues. We were joined in supporting the Law Enforcement De-Escalation Training Act by the national law enforcement community as well as over 50 mental health, faith-based, and state and local government organizations.

NAPO thanks the bill's sponsors, Senators John Cornyn (R-TX) and Sheldon Whitehouse (D-RI), for their steadfast efforts to get this across the finish line.

## **NAPO Victory! Justice & Mental Health Collaboration Reauthorization Heads to President's Desk**

In another victory for NAPO, Congress passed the Justice and Mental Health Collaboration Reauthorization Act, S. 3846, on December 14, sending it to the President's desk to be signed into law. NAPO is a long-time supporter of the Justice and Mental Health Collaboration Program (JMHCP), which grew out of the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), and worked closely on this reauthorization bill. This program is a top priority for us, as it supports crisis intervention teams and training programs for law enforcement and corrections personnel to identify and respond to incidents involving individuals with mental health conditions.

The Justice and Mental Health Collaboration Reauthorization Act makes important improvements to the JMHCP, including strengthening support for mental health courts and crisis intervention teams; supporting diversion programming and training for state and local prosecutors; strengthening support for co-responder teams; supporting the integration of 988 into the existing public safety system; amending allowable uses to include suicide prevention in jails and information sharing between mental health systems and jails/prisons; and clarifying that crisis intervention teams can be placed in 911 call centers.

The JMHCP was reauthorized earlier this year for an additional five years at \$54 million per year in another of NAPO's priority bills, the Traumatic Brain Injury and PTSD Law Enforcement Training Act (Public Law 117-170).

NAPO thanks the bill's sponsors Senators John Cornyn (R-TX) and Amy Klobuchar (D-MN) and Representatives Bobby Scott (D-VA), Steve Chabot (R-OH), Sheila Jackson Lee (D-TX), and Tom Emmer (R-MN) for their steadfast support and leadership in getting this important bill across the finish line.

## **Congress Passes Internet Crimes Against Children Task Force Reauthorization**

In a win for NAPO, the House passed S. 4834, the Providing Resources, Officers, and Technology to Eradicate Cyber Threats to (PROTECT) Our Children Act, on December 6, by a vote of 421-1. The Senate passed this bill by unanimous consent on November 15, and the bill is now with the President to be signed into law.

This important bill is a straight two-year reauthorization of the Internet Crimes Against Children Task Force (ICAC) Program, which is a national network of 61 coordinated task forces representing over 3,500 federal, state, and local law enforcement and prosecutorial agencies. These agencies are continually engaged in proactive and reactive investigations and prosecutions of persons involved in child abuse and exploitation on the internet.

Additionally, these task forces provide forensic and investigative technical assistance to law enforcement and prosecutors as well as provide community education to parents, educators, prosecutors, law enforcement, and others concerned with child exploitation. ICAC has increased the capacity of thousands of communities across the country to combat internet crimes against children.

Since the ICAC program's inception in 1998, more than 826,700 law enforcement officers, prosecutors, and other professionals have been trained on techniques to investigate and prosecute ICAC related cases. In Fiscal Year 2021, ICAC task force investigations resulted in the arrest of more than 10,400 individuals.

The PROTECT Our Children Act ensures that law enforcement is given vital tools to deter and address online child sexual exploitation and other internet crimes against our nation's children. NAPO thanks the bill's sponsors, Senators John Cornyn (R-TX) and Richard Blumenthal (D-CT), for their leadership and support in getting this bill signed into law.

# Congress Passes the NAPO-Backed Help Find the Missing Act

On December 14, the House passed the Help Find the Missing Act, or Billy's Law, S. 5230, by a vote of 422 – 4. With the bill having passed the Senate by unanimous consent on December 8, it is now on its way to the President's desk to be signed into law.

The bill, sponsored by Senator Chris Murphy (D-CT), closes loopholes in America's missing persons systems – the National Missing Persons and Unidentified Persons System (NamUs), the FBI's National Crime Information Center (NCIC), and the National DNA Index System (NDIS) – by facilitating data sharing between the systems, streamlining the missing persons reporting process, and ensuring that law enforcement databases are more accessible and comprehensive.

NAPO has supported this bill for the past several Congresses and we are happy to see it finally passed into law. Next Congress, we will work with Senator Murphy on establishing a grant program to assist and support law enforcement and medical examiners in reporting information to NCIC, NamUs, and NDIS.

## As the 117<sup>th</sup> Congress Ends, NAPO Works to Pass Year-End Priorities

This week, Congress passed a continuing resolution to keep the federal government open until December 23, to give top appropriators time to flesh out their deal on a Fiscal 2023 omnibus appropriations package. The omnibus spending measure will fund federal departments, agencies, and programs at negotiated funding levels through September 30, 2023. The omnibus also presents an opportunity to attached policy riders – legislation and policy that has not yet been passed by Congress but has broad bipartisan support.

While we continue to press for adequate funding for our priority grant programs, which were suitably funded in both the House Commerce-Justice-Science (CJS) Appropriations bill and the Senate's draft CJS measure for Fiscal 2023, we are also pushing to include our retirement priorities in the omnibus package. Specifically, we are pushing for the inclusion of WEP reform, the Putting First Responders First Act, the Police and Fire Health Care Protection Act, and the Protecting Public Safety Employees' Timely Retirement Act. The latter three of these were included in the Senate's broad retirement bill, the Enhancing American Retirement Now (EARN) Act.

We have been working with the House Committees on Ways and Means and Education and Labor and the Senate Committees on Finance and Health, Education, Labor and Pensions – which are negotiating over the bipartisan retirement package – to get our priorities included in the final package. We also sent **a letter** to House and Senate leadership urging their support for these provisions and asking that they be included as part of any year-end must pass legislation, the last of which is the omnibus spending package.

While negotiators are keeping tight lipped about what will be included in the final retirement package, there is talk that it has a chance of being included in the omnibus, given its broad bipartisan support.

NAPO also continues to press for a last-minute agreement on WEP reform between House Ways and Means Committee Chair Richard Neal (D-MA) and Ranking Member Kevin Brady (R-TX) in the hopes that it too will be included in the omnibus appropriations bill. At this point, it seems the biggest sticking point is how long to maintain the current WEP exemptions to ensure no worker is adversely impacted by WEP reform. Chairman Neal has long pushed to make those exemptions permanent, while Ranking Member Brady

supports phasing them out. There is some talk of a 40-year grandfather clause to protect all current workers over the age of 21, but nothing conclusive has been released.

In addition to our retirement priorities, we continue to urge House and Senate leadership to include much-needed additional funding for the 9/11 World Trade Center Health Program (WTCHP), which will face a budget shortfall starting in 2025, causing the program to have to limit spending and reduce services for new enrollees as soon as next year. Congress cannot and should not wait until next year to ensure the WTCHP is fully funded.

With the 117<sup>th</sup> Congress coming to a close this year, the omnibus spending measure is our last chance to get these provisions across the finish line this Congress. We will not know for sure what is included until at least December 19, when the text of the omnibus is expected to be released. Until then, we continue to press for the inclusion of our priorities.

## **NAPO Joins NCHATS as Consortium Partner**

NAPO joined the National Center for Health and Justice Integration for Suicide Prevention (NCHATS) as a consortium partner to help improve the criminal justice system's capacity to respond to suicide in the United States. NCHATS is a national research center funded by the National Institute of Mental Health (NIMH) meant to build information bridges between healthcare organizations and justice systems to identify individuals at risk for suicide and connect them to care. NCHATS will evaluate the clinical and cost-effectiveness of suicide prevention activities that connect justice contacts and community care.

NAPO is partnering with NCHATS not only to help ensure law enforcement officers have the resources to help connect individuals they come in contact with who are at risk for suicide to community care, but to help officers themselves get the mental health care they need. Given officers' integral involvement in the systems NCHATS and its partners are addressing, and the higher-than-general rates of suicide among these men and women, NAPO strongly believes it is worth the Center at least thinking about how officers' mental health affects their work performance, including recognizing and properly responding to the mental health needs of others.

## **Register Now for NAPO's Pension & Benefits Seminar**

**January 29 - 31, 2023**

**Caesars Palace Hotel & Casino ~ Las Vegas, Nevada**

Please join us at [NAPO's 34th Annual Police, Fire, EMS, & Municipal Employee Pension & Benefits Seminar](#), January 29 – 31, 2023, at Caesars Palace Hotel & Casino in Las Vegas, Nevada. Our goal for the 2023 Pension & Benefits Seminar is to educate pension and union representatives along with their providers on the latest issues surrounding the pension and benefits industry.

The seminar will focus on the current challenging situation and causes for concern in today's pension and benefits environment. Soaring inflation, stagflation, and a general recession are rearing their heads, and the market, after years of run-up, has turned bearish. Politically, both parties will be analyzing the results of the midterm elections, and how those results will influence the economic policies which are a major dividing line between them. Global corporate taxation, socially conscious investing, mounting national debt, and expansion of IRS taxation and reporting powers are just some of the issues being debated. We will examine

these areas and more as we evaluate the effect of these trends on public employment benefits and security, and the overall economic situation for the near- and mid-term.

Take an active role in improving the future of your fund by [registering today](#). You will find information regarding registration, hotel reservations and the full agenda on NAPO's website: [www.napo.org/PB23](http://www.napo.org/PB23) or download the attached brochure and fax to NAPO at (703) 684-0515.

If you have any questions or need additional information, please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at [eloranger@napo.org](mailto:eloranger@napo.org) or (703) 549 -0775.



*NAPO wishes you and your loved ones a happy holiday and we look forward to working with you in the new year!*

Be sure to look out for NAPO's 2022 legislative year in review and our 118<sup>th</sup> Congressional Scorecard in January.

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