



The Washington Report

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

April 26, 2018

LAST CALL!

NAPO's 2018 Legislative Update Breakfast and Lobby Day May 15, 2018

Do not miss the opportunity to join NAPO on Tuesday, May 15 for our Legislative Day on Capitol Hill. This is a great opportunity to lobby Congressional Representatives and Senators on behalf of your members concerning the issues which affect law enforcement. Prior to lobbying Capitol Hill, plan to attend NAPO's Legislative Breakfast for an update on NAPO's legislative priorities, results to date from the 115th Congress and to receive handouts to use during Hill visits. Please note: due to The Annual Wreath Laying Ceremony, also scheduled for May 15, we will not be hosting an Awards Luncheon this year, instead presenting our Legislative Awards in the respective Senators' & Representatives' Offices.

Schedule of Events

Registration	Omni Shoreham Hotel	9:00 a.m. - 9:30 a.m.
Legislative Update Breakfast	Omni Shoreham Hotel	9:30 a.m. - 10:30 a.m.
Capitol Hill Visits	Capitol Hill	11:00 a.m. - 4:00 p.m.

For assistance setting up your Capitol Hill appointments, contact Andy Edmiston, NAPO's Director of Governmental Affairs, at (800) 322-6276 or aedmiston@napo.org, by May 2.

The registration fee of \$75.00 per person includes the Legislative Update Breakfast and Handouts for Congressional Visits. **Advanced Registration is required.** Please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6278 or eloranger@napo.org if you have any questions regarding the seminar or hotel arrangements.

May 4 is the deadline to register! You can register online or complete the registration form and return it to NAPO at eloranger@napo.org or Fax to (703) 684-0515.

NAPO Participates in National Officer Safety & Wellness Group Meeting

On April 17, NAPO President Mick McHale participated in a meeting of the National Officer Safety and Wellness (OSW) Group, which is comprised of federal, state and local law enforcement associations, research organizations, and the Community Oriented Policing Services (COPS) Office, Bureau of Justice Assistance and National Institute of Justice within the Department of Justice. The aim of the OSW Group is to better understand and respond to the range of issues associated with improving officer safety and wellness.

The focus of this meeting was line of duty deaths and officer mental health and suicide prevention. The meeting began with a review of the December 2017 report by the COPS Office and the National Law Enforcement Officers Memorial Fund (NLEOMF) entitled [*Making it Safer: A Study of Law Enforcement Fatalities Between 2010-2016*](#). The report broke down how officers died in the line of duty, from the most dangerous calls for service to ambushes to lack of using protective equipment like body armor or seat belts. Not surprisingly, calls related to domestic disputes and domestic-related incidents continue to represent the highest number of fatal types of calls for service.

The most concerning finding of the study is that 2016 saw a significant increase in ambush attacks on unsuspecting officers, as 21 were shot and killed. 61% of those officers were not answering a call for service or engaged in enforcement action or performing official duties – they were targeted and killed just for the uniform they wore. 12 officers were murdered sitting in their patrol cars. While the OSW meeting did not focus on officer ambushes as much as it did what the COPS Office and NLEOMF considered more preventable findings, such as ensuring officers wear their body armor and seat belts at all times, NAPO believes that increased penalties for such deadly attacks on law enforcement would help prevent such violence.

The remainder of the meeting delved into the provisions of the Law Enforcement Mental Health and Wellness Act, a bill NAPO worked hard to pass at the end of last year. Specifically, it focused on ensuring mental health services are accessible to officers – not just after significant events but also for the daily stresses of the job – and whether a national crisis hotline just for cops would be beneficial.

McHale brought up the new Florida law the Florida Police Benevolent Association just helped pass that allowed for PTSD to be covered under workers compensation for first responders. Only just over half of states cover PTSD under their workers compensation programs, leaving hundreds of thousands of law enforcement officers and first responders to foot the bill for their own mental health services – a big obstacle to ensuring officers get the mental health and wellness help they need. Lawmakers and policy makers across the country must recognize the stresses and strains officers experience on the job every day and support them in getting the help they need for the safety of themselves, their families and communities.

In addition to the need to provide and cover mental health services for officers, the OSW Group discussed the benefits of law enforcement crisis and suicide prevention hotlines, hearing presentations from the Department of Veterans Affairs (VA), COP2COP (a peer support hotline for suicide prevention and mental health services for law enforcement in New Jersey), and Safe Call Now (a 24-hour, confidential crisis referral service for law enforcement). The group discussed the best way to create a national hotline and how to build off the best practices and resources that are already out there, such as the VA's veterans crisis hotline, COP2COP and Safe Call Now, to ensure a hotline with national reach but also local peer support and resources for the officers.

As part of the Law Enforcement Mental Health and Wellness Act, the DOJ has one year to come up with a report on how state and local law enforcement can use resources like those at the VA and Department of Defense to help officers with mental health crisis. This discussion will no doubt play a role in that report.

Other issues discussed included the importance of peer mentoring programs, supporting families of officers, regulating stress, and maintaining heart and physical health. The result of this meeting will be some sort of report

from the COPS Office outlining best practices, lessons learned and guidelines on ensuring officer safety on the job and mental health resources.

NAPO will continue to participate in the National Officer Safety and Wellness Group to ensure that rank and file officers get the support and resources they need to protect and take care of themselves and the communities they serve. If you have any questions about the National Officer Safety and Wellness Group, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Endorses Authorization of Project Safe Neighborhoods

NAPO pledged its support for the Project Safe Neighborhoods Grant Program Authorization Act (S. 2703), sponsored by Senators John Cornyn (R-Texas) and Gary Peters (D-MI). Project Safe Neighborhoods (PSN), has brought together federal, state and local law enforcement agencies to target violent gang and gun crimes in our communities since its inception in 2001. After years of underutilization, NAPO stood with Attorney General Sessions when he announced the relaunch of this important program in October 2017 as a key part of the Department's efforts to reduce violent crime by providing more resources and support to state and local law enforcement and ensuring those resources meet local needs.

Although it has received funding throughout the years, PSN has never been authorized by Congress, making it susceptible to elimination. It is important that this program be explicitly authorized by Congress to ensure that it remains a resource on which state and local law enforcement can rely. PSN has funded evidenced-based and data-driven programs to fight gangs and violent crimes in our communities such as targeted police patrols to school and community intervention programs. The Project Safe Neighborhoods Grant Program Authorization Act authorizes this vital program, ensuring that state and local law enforcement can continue to fight gang and firearms-related violent crimes in our cities and our communities in the most efficient and effective manner.

PSN is at the core of the Justice Department's efforts to reduce violent crime, providing more resources and support to state and local law enforcement and ensuring those resources meet local needs. NAPO has long called for the DOJ to refocus state and local law enforcement programs to better respond to state and local agencies' needs. This includes programs like the Community Oriented Policing Services (COPS) Hiring Program and PSN. In recent years, we have seen the COPS Program take a top-down, Washington-knows-best approach and the PSN whither under an Administration that did not believe in this proven, crime-fighting program despite what local agencies were telling them.

NAPO strongly supports this legislation to authorize PSN and our goal is to have Congress pass it during National Police Week. We thank Senators Cornyn and Peters for their continued support of our nation's law enforcement community.

NAPO on the Hill: Public Safety Officer Rights

Public Safety Employer-Employee Cooperation Act

With the U.S. Supreme Court agreeing to take up the *Janus v. AFSCME* case, and as part of our effort to increase employee protections for law enforcement officers, NAPO is supporting the reintroduction of our Public Safety Employer-Employee Cooperation Act, which would extend basic collective bargaining rights to state and local public safety officers. Congressmen Dan Kildee (D-MI) and John Duncan (R-TN) introduced the legislation (H.R. 4846) in the House on January 19.

NAPO is working on securing a bipartisan pair of Senate sponsors, with Senator Tammy Baldwin (D-WI) agreeing to be the lead Democrat. NAPO met with the offices of **Senators Susan Collins (R-ME), Shelly Moore Capito (R-WV) and Lisa Murkowski (R-AK)** to gauge their interest in joining Senator Baldwin in introducing

this legislation. Senators Collins and Murkowski were cosponsors of this legislation when it was previously introduced.

While NAPO has several member organizations in right-to-work states such as Florida, Texas and Arizona that have been successful in maintaining and growing membership in such environments, NAPO has long believed all law enforcement officers should have the basic right to bargain collectively. It is for this reason that we are reintroducing the Public Safety Employer-Employee Cooperation Act.

The Public Safety Employer-Employee Cooperation Act would:

- Give public safety officers the right to form and join a union or association of their own choosing, if they wish to;
- Give public safety officers the right to bargain over wages, hours, and working conditions;
- Provide for binding interest arbitration;
- Prohibit strikes and lockouts by public safety officers and agencies;
- Protect current state laws, certifications, and collective bargaining agreements; and
- Preserve legitimate management rights.

History shows that denying workers the right to bargain collectively causes poor morale, the waste of resources, unfair and inadequate working conditions, and low productivity. Ultimately, it is the public's safety and security that is jeopardized by such poor working conditions.

In addition to Senators Collins, Capito and Murkowski, we have spoken with Senator Marco Rubio's office, which indicated he is interested in being a lead sponsor of the legislation. We will continue to communicate with staff and provide whatever information is necessary to secure the support of these Senators.

Law Enforcement Officers Bill of Rights

As part of our efforts to increase employee protections for law enforcement, we continue to pursue the reintroduction of the Law Enforcement Officer's Procedural Bills of Rights. This bill 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.

NAPO met with staff of **Congressman Erik Paulsen (R-MN)** to discuss the reintroduction of the Law Enforcement Officers' Procedural Bill of Rights Act. Congressman Paulsen was one of the sponsors of this legislation when it was last introduced in the 111th Congress in 2009. While he continues to support the legislation and officer rights, he is in a tough election this year and wants to know that the Minnesota law enforcement community will have his back if he sponsors this bill. He is still considering being the lead sponsor and we will give him first right of refusal.

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.

NAPO will continue meet with members of Congress to recruit members who will stand up for rank and file officers on this important issue.

NAPO on the Hill: Encryption

The Senate Judiciary Committee is preparing for hearings on the issue of encryption and stored communications over the summer and Committee staff asked NAPO and other law enforcement organizations to meet on April 24 to go over our concerns and what issues we would like to see tackled in the hearings. At issue is the Email Privacy Act, H.R. 387 / S. 1654, which substantially changes the Electronic Communications Privacy Act (ECPA) and places an undue burden on law enforcement's ability to gather evidence that can help solve crimes. Furthermore, the bill does not address the real and growing challenges faced by investigators and prosecutors in obtaining electronic evidence when they attain the required legal process.

H.R. 387 passed the house by voice vote in February 2017 and we have been working with the Senate Judiciary Committee on this issue ever since. While NAPO does not object to the requirement for law enforcement to obtain a warrant for the contents of stored communications, the Email Privacy Act would do much more than that. NAPO believes that several other provisions of the bill would place an undue burden on law enforcement's ability to gather evidence that can help solve crimes. Furthermore, the bill does not address the real and growing challenges faced by investigators and prosecutors in obtaining electronic evidence when they attain the required legal process.

The Email Privacy Act contains an unprecedented requirement for law enforcement to serve a warrant for electronic evidence directly on a customer or subscriber who is under investigation and describe details of the investigation. Further, it does not contain sufficient exceptions to the warrant requirement for urgent situations like an imminent threat of physical harm, likely destruction of evidence, consent by a victim or a witness, or public safety emergencies that are not necessarily part of a criminal investigation (missing child, missing elderly adult) and it does not adequately address the lack of standards for service provider response to law enforcement legal demand.

NAPO will continue to work with the Committee staff to ensure these issues and concerns are addressed in the hearing. If you have any questions about S. 1654 / H.R. 387 or NAPO's efforts, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Attends Public Pension Network Meeting

NAPO attended the monthly Public Pension Network (PPN) meeting, which brings together public pension practitioners and retirement systems, public sector labor organizations, and state and local government

representatives to discuss the latest updates on public pension and social security issues being considered by Congress and the Administration.

The budget compromise that passed Congress in February included language establishing a Joint Select Committee on the Solvency of Multiemployer Pensions Plans that has the goal of submitting legislation to Congress by the end of November that would solve the pension crisis facing several multiemployer pension plans.

As the Joint Select Committee on the Solvency of Multiemployer Pensions Plans focuses on the solvency issues facing multiemployer pension plans, there has recently been some conflation between these plans and state and local government retirement systems by some Joint Committee members and staff, which needs to be corrected. The PPN's biggest concern is that the Public Employee Pension Transparency Act (PEPTA) could make its way into the final recommendations even though the issues faced by multiemployer plans are not being experienced by public pension plans.

NAPO and members of the PPN have a strong opposition to the public pension requirements contained in PEPTA as they do not protect benefits, save costs or improve retirement system funding. We believe they are unfunded mandates and an inappropriate federal intrusion into areas that are the fiscal responsibility of sovereign States and local governments, and are conflicting, administratively burdensome and costly. Further, PEPTA threatens to eliminate the tax-exempt bonding authority of state and local governments.

Federal interference in state and local public pensions not only violates the principles of federalism, but represents a fundamental lack of understanding regarding state and local government operations and financing, including governmental accounting rules and strict legal constraints already in place that require open financial reporting and processes. It also ignores the fact that every state and countless localities have recently made modifications to pension financing, benefits structures, or both.

The PPN is scheduling meetings with staff of the Joint Committee members to educate them of our opposition to public pension reform and will work to ensure such provisions are not included in any product produced by the Joint Committee.

Register Today for NAPO's 40th Annual Convention **San Diego ~ July 13-17, 2018**

NAPO's 40th Annual Convention will take place July 13 – 17, 2018 in San Diego at the Manchester Grand Hyatt. We have an incredible week planned for all – informative speakers, timely topics and exciting social events!

The convention registration brochure will be mailed next week, in the meantime the brochure is attached. Online registration and convention information is also available by [clicking here](#). 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 or (703) 549-0775.

We look forward to seeing you this summer in San Diego!



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