



# The Washington Report

The Newsletter of the National Association of Police Organizations

*Representing America's Finest*

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January 17, 2017

## NAPO Victory! Architect of the Capitol Removes Anti-Police Painting

On January 12<sup>th</sup>, NAPO joined in the efforts of Congressman and House Law Enforcement Caucus Chair David Reichert (R-WA) in [urging the Architect of the Capitol \(AOC\) to officially review the anti-police painting](#) Congressman William Lacy Clay (D-MO) chose to hang in the hallway of our nation's Capitol. NAPO strongly feels that the painting, which was hung as part of the 2016 Congressional Art Competition, violates the rules and regulations of the art competition and should be taken down. On January 13<sup>th</sup>, in a victory for NAPO and the law enforcement community, the AOC announced that the painting did indeed violate the rules and standards of the competition and that it will be removed.

The painting, entitled "Untitled #1" depicts police officers at a scene in Ferguson, Missouri as animals – including a pig – aiming guns at protestors and intimating that all police are racist and intending to use force against African Americans. At a time when police and community relations are strained and officers are being killed by ambush at the highest rate in two decades, it is utterly irresponsible to allow such hate speech to be hung in the U.S. Capitol. The painting is beyond offensive; it is reprehensible. It is such anti-police rhetoric and imagery that inspired the murder five Dallas police officers and three Baton Rouge officers in July and more recently the ambush-style killings of two officers in Des Moines and a San Antonio detective in November.

It is unmistakably clear to NAPO that "Untitled #1" violates the Congressional Art Competition rules and regulations, which indicate that the Art Competition is not for artwork that is "potentially inappropriate for display in this highly travelled area leading to the U.S. Capitol." The rules and regulations go on to specifically state that "*exhibits depicting subjects of contemporary political controversy or a sensationalistic or gruesome nature are not allowed.*" NAPO appreciates that the AOC reviewed the painting and applauds his decision to remove it.

NAPO thanks the Republican members of Congress who fought to have the painting taken down, particularly Congressman Reichert for his continued push to ensure the painting was removed. The men and women who put their lives on the line every day to serve and protect our communities deserve better than to have such a defamatory work of art hung in our nation's Capitol.

## Stop Dangerous Sanctuary Cities Act Reintroduced in Senate

NAPO has pledged our continued support for the Stop Dangerous Sanctuary Cities Act, which was reintroduced by Senator Pat Toomey (R-PA) on January 11<sup>th</sup>. NAPO understands that cooperation among federal, state, and local law enforcement officers is essential in keeping criminal illegal immigrants off of the streets. The nation's immigration enforcement system relies on local law enforcement complying with immigration detainers—

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requests from the Department of Homeland Security (DHS) for local law enforcement to hold an illegal immigrant temporarily, to give federal law enforcement an opportunity to take the individual into custody.

Unfortunately, several courts have ruled that local law enforcement officers may be sued for violating the Fourth Amendment if they comply with an immigration detainer, even if the detainer was lawfully issued and the detention would have been legal if carried out by DHS. This means that dangerous criminals cannot be held and must be released. The Stop Dangerous Sanctuary Cities Act solves this problem by explicitly stating that local law enforcement officers have legal authority to comply with immigration detainers. The bill also protects civil liberties, ensuring that someone who has had their constitutional rights violated may sue.

Furthermore, the Stop Dangerous Sanctuary Cities Act takes crucial steps to eliminating sanctuary jurisdictions, which pose real threats to the American people, and increases penalties for criminals who re-enter the United States illegally, providing federal, state and local law enforcement vital tools to help keep our communities safe. The legislation would withhold certain federal funds – Community Development Block Grant funds and certain Economic Development Administration grants – from cities and municipalities who do not comply with the law. This legislation will not punish law enforcement for decisions made by elected officials by taking away much needed federal grant funding such as the COPS Program or the Byrne Justice Assistance Grant (Byrne-JAG) Program, but instead focuses the penalties on the grant programs most important to city and county managers.

Further, the legislation recognizes the need for cooperation with all members of our communities and preserves flexibility for law enforcement, so that victims of crime and witnesses to crime who are in the U.S. illegally may come forward and cooperate with police.

We look forward to working with Senator Toomey to get this important legislation enacted into law. If you have any questions about this bill, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO Attends Senator Sessions' Confirmation Hearing**

The Senate Judiciary Committee held its confirmation hearing for Senator Jeff Sessions to be the next U.S. Attorney General on January 10<sup>th</sup> and 11<sup>th</sup>. At the beginning of his statement, Senator Sessions recognized NAPO and the other law enforcement organizations that so strongly support his nomination. He went on to state that America's state and local law enforcement community do not feel supported by the Obama Administration and that it is unacceptable that these men and women, who we rely on to keep our neighborhoods safe, feel abandoned by their government. He went on to state that one of his primary objectives as Attorney General will be to rebuild and strengthen the relationship between the Department of Justice (DOJ) and the state and local law enforcement community in order to more efficiently and effectively fight crime.

While there is no doubt that as Attorney General, Senator Sessions would support our nation's law enforcement – as he has done his entire career – there has been some concern about his feelings toward DOJ grant programs. However, in his opening statement, Senator Sessions spoke highly of the COPS Program and the need for it to continue. NAPO will work with the new Attorney General to build on this declaration of support for this important program, particularly the COPS Hiring Program, and ensure that it is robustly funded and the money goes to where it is most needed.

Senator Sessions was grilled for over 10 hours on the first day of his hearing. On the second day, witnesses for and against the Senator testified before the Committee, with the biggest opposition coming from organizations and individuals who do not feel that Senator Sessions will work to protect the civil rights of all Americans. This opposition will most likely not deter his being confirmed the next U.S. Attorney General. The Senate is expected to vote on his confirmation soon after President Trump takes office on January 20<sup>th</sup>.

Senator Sessions has shown his full support of the law enforcement community and NAPO is proud to support his nomination. We strongly believe he will serve our nation well as the next Attorney General.

## **NAPO Participates in PSOB Stakeholder Meeting**

The Public Safety Officers' Benefits (PSOB) Office held its first stakeholder meeting of the year and the last meeting with the current leaders of the Department of Justice Bureau of Justice Assistance and the Office of Justice Programs, under which the PSOB Office falls. The meeting was an update on the status of the proposed regulations and the new PSOB website and online claims filing system.

PSOB leadership stated that the proposed rules are in the last stages of review and it is our hope that they will go into effect this week before the end of the Obama Administration. If they are not in effect by noon on January 20<sup>th</sup>, we will have to go through the entire rulemaking process again with the new Trump Administration, which will significantly delay these much needed changes to the program.

NAPO submitted comments on two sets of proposed rule changes to the PSOB Program. The first set of proposed rules, for which NAPO submitted [comments](#), related to how the PSOB Office would process 9/11-related exposure death and disability claims. To date, the PSOB Office has only determined 60 of the approximately 150 9/11 exposure death and disability claims it has received. PSOB leadership feels confident that once the proposed rules go into effect they will be able to move quickly on the rest of the death and disability cases. In our comments, NAPO voiced our support for the proposed rule as these changes were long overdue to ensuring 9/11 exposure cases are determined and approved.

The second rule, for which NAPO submitted [comments](#), will make many changes to the program, including a significant change that will return the reasonable doubt standard to the program, moving it closer to being a presumptive benefit. Amongst other things, it will change from "clear and convincing" to "more likely than not" the standard of proof required to establish (1) an officer was injured because of his or her status as a public safety officer, (2) total and permanent disability, and (3) parent-child relationship for purposes of the education benefit. It will expand the definitions of "line of duty activity or action" and "official capacity" to include a public safety officer's actions to save human life in certain limited circumstances but without regard to jurisdiction as well as officers killed in retaliation or simply due to their standing as police officers. It will expand the definition of "involvement" so that individuals going through official police or training academies (authorized by a department or agency) will be covered under the PSOB program. Further, it will revise the definition of "totally disabled" and related provisions to address circumstances when a claimant performs work that is compensated but not substantial.

NAPO is heartened by many of the changes to the PSOB program included in the proposed rulemaking as they address several concerns we have had with the program since the last major rulemaking in 2006 that implemented, among other changes, the Hometown Heroes Survivors Benefits Act of 2003. After years of frustration with the PSOB Program, we are glad to see that the program's leadership has been listening to us and has addressed several of our long-held concerns in this second proposed rule. We consider many of these changes big victories for NAPO and rank-and-file officers across the nation.

The second update given at the stakeholder meeting was regarding the PSOB Program's new web portal. The PSOB Program is slowly moving toward an entirely online claims system, where claimants will file their claims and be able to get actual updates on the status of their claims. The PSOB leadership expects this online system to be fully functional by the end of 2017. As part of this new online system, the PSOB Office will also be posting their performance measures publically on their website on a monthly basis, starting this month, in order to increase program transparency.

NAPO will continue to work as an active stakeholder under the new Administration and advocate for the continuance of these changes currently being made to the Program. There is still work to be done to fully reestablish trust between the PSOB Program and the public safety community and NAPO will be at the table to ensure that the families and loved ones of those who have made the ultimate sacrifice are taken care of by the federal government.

## NAPO in the News

On January 11<sup>th</sup>, NAPO Executive Director Bill Johnson was interviewed for a *Wall Street Journal* article entitled, “U.S. Police More Reluctant to Use Force, Survey Finds”, which reviewed the recently released study, “Behind the Badge”, by the PEW Research Center and the National Police Research Platform. The Study surveyed almost 8,000 police officers between May and August 2016 on a variety of issues affecting officers today including officer-involved shootings and race relations. The article focused on two findings of the survey: 1) 76% of officers who responded said they are now more reluctant to use force even when that force is justifiable; and 2) 72% said they are less willing to proactively police and stop and question individuals who seem suspicious.

In his interview, Johnson stated that “the Pew results show the Ferguson effect is more than just anecdotal. ‘I think it should be a cause of concern for the public if officers don’t feel that the political leadership is going to back them up, they’re not going to enforce the law,’ he said.”

The article went on to discuss the survey findings around the Dallas shootings not impacting police officers’ concerns for their safety. In response, Johnson stated that “he believes this is because the officers were already on high alert because of previous attacks.”

The full article is available at: <http://www.wsj.com/articles/u-s-police-more-reluctant-to-use-force-survey-finds-1484110861>

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On January 14<sup>th</sup>, Johnson was also quoted in a Christian Science Monitor story entitled, “For Police, Shifts in What it Means to Wear the Badge”, which also focused on the Pew “Behind the Badge” study. Johnson was asked about the dichotomy between the increase in anti-police rhetoric and the high level of satisfaction communities feel about their police departments.

“Gratitude toward police officers ‘is at the highest level we’ve seen it since 9/11,’ says Bill Johnson, executive director of the National Association of Police Organizations.

“Mr. Johnson says that trend reflects that ‘police departments in general are willing to accept and profit by constructive criticism,’ but it also suggests that ‘the public don’t want a surrender of public safety on our streets.’

“Instead, ‘they’re searching for a level of confidence that police are [treating all citizens] in an ethical and just manner.’”

The full article is available at: <https://www.yahoo.com/news/police-shifts-means-wear-badge-124919114.html>

NAPO will continue to ensure our members’ voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: [bjohnson@napo.org](mailto:bjohnson@napo.org).

## **NAPO Endorses Rapid DNA Act**

NAPO supported the reintroduction of the Rapid DNA Act (S. 139), sponsored by Senator Orrin Hatch, a bill which would give law enforcement agencies greater ability to use technology to process DNA evidence in the field.

Science and technology has allowed state and local law enforcement to use DNA evidence to convict guilty offenders and exonerate the innocent. However, the processing of DNA evidence under current law can take weeks or even months due to backlogs at crime labs. This significantly delays a perpetrator being brought to justice or an innocent victim being safe-guarded from further harm. Rapid DNA technologies allow an officer to know within hours whether an individual is wanted for an outstanding crime or has a connection to evidence from a crime scene.

The Rapid DNA Act will ensure that law enforcement agencies that use rapid DNA technology can upload profiles generated by those instruments into the FBI's Combined DNA Index System (CODIS) in the field, following standards and procedures to be issued by the FBI, rather than having to go through an accredited crime lab. With science and technology evolving, this legislation allows law enforcement to keep pace, strengthening our ability to safeguard our communities.

The Rapid DNA Act passed the Senate by unanimous consent last Congress and had significant momentum in the House, but we ran out of time to get it passed before the end of the 114<sup>th</sup> Congress. NAPO looks forward to working with Senator Hatch and his staff to pass this legislation. If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **NAPO on the Hill: NAPO Continues Meetings with Senate Judiciary Staff on 115<sup>th</sup> Priorities**

NAPO, together with other national law enforcement organizations, met with Republican staff of the Senate Judiciary Committee to discuss our top priorities for the committee this Congress and to learn what issues the Committees will tackle first. Issues that NAPO and the other law enforcement organizations highlighted included protecting Department of Justice (DOJ) state and local law enforcement grant programs – specifically the importance of the COPS Hiring program and the Byrne Justice Assistance Grant (Byrne-JAG) program – as well as increased penalties for crimes against law enforcement and increase protections for officers, reforming the Public Safety Officers' Benefits (PSOB) program, defending the DOJ's asset forfeiture program, and ensuring law enforcement's needs are met in any attempt to amend the Electronic Communications Privacy Act (ECPA).

The Senate Judiciary Committee will be dealing with the confirmation hearing for President-Elect Trump's nominee to fill the U.S. Supreme Court vacancy before it can truly start to work on any of our priority legislation. Chairman Grassley has indicated that sentencing and corrections reform will be the first legislative issue the Committee tackles.

In the 114<sup>th</sup> Congress, NAPO opposed Chairman Grassley's Sentencing Reform and Corrections Act because it made simultaneous sweeping changes to federal sentencing guidelines and the nation's correctional system. These changes would all be on top of the 2014 sentencing guidelines issued by the U.S. Sentencing Commission, which are expected to result in the release of 47,000 federal prisoners when all is said and done. This is a significant strain on state and local agencies that are currently facing tough budgets and will be dealing with these individuals in their communities. NAPO will continue to work with the Committee to ensure our

concerns are met and that state and local agencies get the resources and support they need to support such drastic changes to our criminal justice system.

While the first half of 2017 may prove to be slow on moving our priority legislation, NAPO will use it as a time to lay the groundwork necessary for a busy and successful second half of the year.

**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 for breaking news and updates.**

## **NAPO's 29TH ANNUAL PENSION & BENEFITS SEMINAR**

Please join NAPO at our 29th Annual Police, Fire, EMS and Municipal Employee Pension & Benefits Seminar February 26 - 28, 2017 at Hyatt Regency Grand Cypress in Orlando, Florida.

Thanks to the assistance of our impressive advisory board, we are receiving overwhelming responses to our seminar. Our goal is to educate pension and union representatives, along with their providers, on the latest issues surrounding the pensions and benefits industry.

This year's key issues include: Economic and Political Updates, Asset Allocations, Alternative Investments, Department of Labor's New Fiduciary Rules, Rising Health Care Costs, The Imposition of the "Cadillac Tax" on Public Safety Plans, just to name a few.

Take an active role in improving the future of your fund by [registering](#) for this informative seminar. If you have any questions, please contact Elizabeth Loranger, NAPO's Director of Events, at (800) 322-6276 or email [eloranger@napo.org](mailto:eloranger@napo.org).