



The Washington Report

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

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NAPO Releases Statement on Our Positions on Proposed Legislative Police Reform Policies

NAPO released a [position statement on the proposed legislative police reform policies](#) on May 6, distributing it widely to members of Congress and the Senate. We focused on our priority issues and the issues that are getting the most airtime in Congressional negotiations and conversations on police reform. In addition to the letters and testimony we have provided and the conversations we are having on the Hill, this document will allow us to quickly ensure our policy positions are known to as many of the players as possible. We encourage our members to use it as necessary and send it to their Senators and Congressional representatives.

If you have any questions on the positions or issues included in the statement, please contact the NAPO Office at (703) 549-0775.

NAPO Meets with DOJ on Hate Crime Reporting

On April 27, NAPO Executive Director Bill Johnson participated in a call with staff from the Office of the Deputy Attorney General and the Department of Justice Office of Legislative Affairs as well as representatives from the Sheriffs and Chiefs to discuss the reporting of hate crimes to the Department by state and local law enforcement. The purpose of the meeting was to hear from state and local law enforcement how the DOJ can promote greater reporting of hate crimes.

The DOJ believes that increasing the reporting by law enforcement of hate crimes will help improve community-police relations by showing law enforcement is taking hate crimes against members of their community seriously. Johnson made the point that there is no clear national definition of what constitutes a hate crime, leaving each state and locality to define it and there are at least as many definitions as there are states. Having a federal definition of a hate crime that state and local law enforcement officers can use will make it easier to determine what a hate crime is and then report it to the DOJ.

It was also discussed that resources are necessary to help departments report hate crimes. Reporting takes time, resources and funding, and having a standardized form and system provided by the Department would assist agencies report such crimes.

Johnson also urged the Department, particularly the Civil Rights Division, in its efforts to better track hate crimes, to prosecute those who commit crimes against law enforcement officers. NAPO believes that state

and local law enforcement, as part of the performance of their duties, are protectors of citizens' civil rights and any attacks on officers is a violation of civil rights. Johnson urged the Department to work collaboratively with law enforcement and ensure federal prosecution, where applicable, of those who commit crimes against officers.

DOJ staff took the recommendations to Deputy Attorney General Lisa Monaco, who will review them and create a plan for operationalizing a system to increase hate crime reporting. We will keep our members updated on the status of this project and any new policies that come from the DOJ on hate crime reporting.

NAPO on the Hill: National Police Week Priorities; Police Reform

National Police Week Priorities

NAPO met virtually with staff for Senator Judiciary Committee Ranking Member Charles Grassley (R-IA) and staff from both House and Senate leadership to discuss our priority legislation to move during National Police Week next week. NAPO works in conjunction with other national law enforcement organizations – both management and labor – to push a list of bills we all agree on and support to move during National Police Week. The support of Senate Judiciary Committee and Congressional leadership is vital to our success.

We discussed the need for legislation to enhance officer safety by increasing penalties for the murder, attempted murder, or assault of federal, state, and local law enforcement officers, legislation to ease the requirements for officers to qualify for the Public Safety Officers' Benefits (PSOB) Program disability benefits, the LEOSA Reform Act, the need for confidential peer mentoring programs at the federal, state and local levels for officers, and our first responder tax package.

Increased penalties for the murder, attempted murder, or assault of a federal, state or local law enforcement officer because of their status as a public safety officer will deter such crimes and bring greater protections to officers and the communities they serve. NAPO is backing two bills that would provide increased penalties for such violent crimes against officers – the **Back the Blue Act** and the **Protect and Serve Act**.

Protecting America's First Responders Act, which would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's Benefits (PSOB) Program's disability benefits. It would also ensure that beneficiaries receive the highest award amount possible and it will make certain that all children of public safety officers disabled or killed in the line of duty are able to benefit from the Public Safety Officers' Education Assistance program.

The LEOSA Reform Act would ensure the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented. The bill would expand the areas qualified current or retired officers are allowed to carry a firearm, including on a Gun Free School Zone; on state, local and private property otherwise open to the public; and in certain federal facilities. It will allow qualified officers and retired officers to carry an ammunition magazine of any capacity that is not prohibited by federal law. Importantly, it will reform qualifications standards to alleviate undue burdens for those carrying under LEOSA.

The First Responders Tax Relief package consists of the Supporting America's First Responders Act, the Putting First Responders First Act, and the Public Safety Retirees Healthcare Protection Act.

The COPS Counseling Act, which would implement confidentiality standards for federal law enforcement peer support counseling programs and direct the U.S. Attorney General to report on best practices and professional standards for state and local peer support counseling programs.

We are working with the Senator Judiciary Committee to finalize the list of bills it will mark up during National Police Week with the Protecting America's First Responders Act and the COPS Counseling Act being the front runners. These two bills are bipartisan and have the support of the majority of the Committee. House and Senate leadership understand our priorities and staff stated they will work with us to move these bills.

Police Reform

As reported in the press, Senators Tim Scott (R-SC), Lindsay Graham (R-SC), John Cornyn (R-TX), Cory Booker (D-NJ), and Richard Durbin (D-IL) and Congresswoman Karen Bass (D-CA) have been holding conversations about coming to a compromise on police reform legislation. While those conversations are about a range of issues, including qualified immunity, they seem to be making progress on less politically contentious issues such as no knock warrants, restrictions to the 1033 program and chokeholds, but no proposals have yet been exchanged. We continue to work closely with Senator Scott's staff and those involved in the conversations and provide our input on the issues being discussed.

NAPO has concerns with ensuring there is no outright ban on no knock warrants, that law enforcement's unfettered access to defensive protective equipment through the 1033 program must be preserved, and that chokeholds must be allowed when use of deadly force is justified.

The discussions around qualified immunity and Sec. 242 (the threshold for criminal civil rights prosecutions) are still just that – discussions – with Senator Scott taking the temperature on municipal liability instead of individual officer liability. They are not as close to coming to an agreement on either of those issues as the press is letting on and NAPO considers those issues non-negotiable. We continue to reiterate that qualified immunity and Sec. 242 are red lines for us and they must be preserved.

NAPO is monitoring the issue of municipal liability and considering what would be the unintended consequences of such a change in law. If a change in municipal liability were to happen, any language would have to be tightly crafted to include caps on damages to be paid, limitations on how liability insurance companies dictate police practices and policies for the municipalities they cover and keep the cases it applies to very narrow. From our discussions with officers and chiefs in Colorado, which eliminated qualified immunity for officers and increased municipal liability last year, there have been significant consequences that are harming departments and officers that the State legislature must fix.

Democrats are determined that officers must be held individually accountable for their actions, so municipal liability alone will most likely not satisfy them. This shows a real misunderstanding of how qualified immunity actually works and we are working to educate lawmakers.

NAPO is doing everything we can to safeguard the individual rights of officers. In addition to qualified immunity and Sec. 242, we are also working to ensure officer due process is protected, officer privacy and confidentiality rights are guarded, and the rights of law enforcement to bargain over accountability and disciplinary actions is not eroded.

We will continue to be actively involved with the staff and Senators participating in the negotiations and ensure our voice is heard. We will keep you updated on our efforts and will be in touch with any possible requests for action.

NAPO Webinar: Tax Efficient Retirement Income

NAPO is partnering with our longtime sponsor **Nationwide** to offer NAPO members an informative webinar on Retirement Planning.

Take Control of Your Retirement Planning ~ Manage Taxes on your Retirement Income

Tuesday, May 18 at 1:00 p.m. EDT

Click [here](#) to register for the webinar

A tax-efficient plan in retirement requires a thoughtful approach to income planning that starts as early as 10 to 15 years prior. As participants transition into retirement, there are opportunities to make key decisions about what to do with retirement accounts and Social Security and where to take money from first. These decisions have implications that can impact the longevity of a retirement portfolio, how much income is lost to taxes and how much is left to heirs.

Nationwide's Tax-Efficient Retirement Income(TERI) presentation provides strategies to add value to participants and to their portfolio.

If you have any questions or need additional information please contact Elizabeth Loranger at eloranger@napo.org.

NAPO Backed Legislation to Increase Access to PSOB Disability Benefits Reintroduced

NAPO worked with Senator Charles Grassley (R-IA) and Congressman Bill Pascrell (D-NJ) to reintroduce the Protecting America's First Responders Act (S. 1511 / H.R. 2936), which would make it easier for public safety officers disabled in the line of duty to qualify for the Public Safety Officer's Benefits (PSOB) Program's disability benefits, in addition to several other important programmatic changes.

Senator Grassley and Congressman Pascrell have been very vocal about the unfair and inconsistent application of the program's "very stringent requirements" for officers disabled in the line of duty. They share our concerns that the stringent requirements for PSOB disability benefits make it extremely difficult for officers to qualify, and that the PSOB regulations regarding disability benefits do not match up with what Congress intended when it created the disability benefit in 1990.

The Public Safety Officers' Benefits (PSOB) Program was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value that American Society places on the contributions of those who serve their communities in potentially dangerous circumstances. The current state of the PSOB Program, however, does little to instill confidence in officers that the federal government will do its part to take care of them should they become disabled in the line of duty, which is why the Protecting America's First Responders Act is so important.

This legislation will ease the strict requirements for disabled officers to qualify for PSOB disability benefits, ensuring that officers who are catastrophically injured in the line of duty, but can perform some level of meaningful work, would still qualify for the much-needed benefit. Further, officers who become quadriplegic, paraplegic, or blind due to the line of duty injury will automatically qualify for the PSOB disability benefit. Disabled officers have been left behind and this bill will ensure they are not forgotten.

Additionally, the Protecting America's First Responders Act will ensure that beneficiaries receive the highest award amount possible and it will make certain that all children of public safety officers disabled or killed in the line of duty are able to benefit from the Public Safety Officers' Education Assistance Program.

The goal of this important legislation is to help protect the ability of survivors, disabled officers and their families to get the benefits they so rightly deserve and we will continue working to ensure this goal is achieved. We thank Senator Grassley and Representative Pascrell for their continued support of the law enforcement community. We are working with Senate Judiciary Committee Chairman Richard Durbin (D-IL) and his staff to have the Committee mark up the bill next week during National Police Week. NAPO will keep our members updated on the bill's status.

DOJ Announces Grants for Law Enforcement Peer Mentoring & Wellness and Bulletproof Vests

Mental Health & Wellness

The COPS Office just announced the latest Fiscal 2021 grant solicitations, which includes funding opportunities for the Law Enforcement Mental Health and Wellness Act (LEMHWA) program. This grant program was created as part of the LEMHWA in 2017. This was a priority bill for NAPO and since its enactment, we have been fighting to get this program funded. In a victory for NAPO and officers across the country, we were successful in getting a combined \$8 million for it and the Supporting and Treating Officers in Crisis (STOIC) Act program in Fiscal 2021 to help fund peer mentoring and mental health support services. While \$8 million is not near enough to provide officers everywhere the necessary services to ensure their mental health and wellness, it is double what the program received in Fiscal 2020 and an amount we will continue to build upon.

The Fiscal Year 2021 LEMHWA program is a competitive solicitation, open to all public governmental agencies, for-profit and nonprofit organizations, institutions of higher education, community groups, and faith-based organizations. LEMHWA funds are used to improve the delivery of and access to mental health and wellness services for law enforcement through the implementation of peer support, training, family resources, suicide prevention, and other promising practices for wellness programs.

The FY21 LEMHWA program will fund projects that develop knowledge; increase awareness of effective mental health and wellness strategies; increase the skills and abilities of law enforcement; and increase the number of law enforcement agencies and relevant stakeholders using peer support, training, family resources, suicide prevention, and other promising wellness programs.

Applications must be submitted by 8pm on June 3, 2021. Additional information on the grant program, what it will fund, and how to apply can be found here: <https://cops.usdoj.gov/lemhwa>

Bulletproof Vests

The Bureau of Justice Assistance (BJA) announced the [Fiscal Year \(FY\) 2021 Patrick Leahy Bulletproof Vest Partnership \(BVP\)](#) grant solicitation. The BVP is a matching grant program created to help fund state and local law enforcement efforts to purchase bullet resistant vests for their officers

All applications must be submitted online at [Patrick Leahy Bulletproof Vest Partnership: Login \(usdoj.gov\)](#) by 6:00 pm eastern time on Monday, June 14, 2021. For questions or assistance with the online application process, please do not hesitate to call the BVP Help Desk at 1-877-758-3787, or email vests@usdoj.gov.

COPS Counseling Act Reintroduced in Senate

Senator Catherine Cortez Masto (D-NV) reintroduced Confidentiality Opportunities for Peer Support (COPS) Counseling Act, S. 1502, which NAPO supports. This bill would implement confidentiality standards for federal law enforcement peer support counseling programs and direct the U.S. Attorney General to report on best practices and professional standards for state and local peer support counseling programs.

According to [Blue H.E.L.P.](#), 178 current or active duty officers died by suicide in 2020. In 2019, there were 238 officer suicides. 56 officers have taken their own lives so far this year. These are just the numbers that are reported and tracked. With officer suicides an area of great and increasing concern, it is vital that officers have access to trusted, confidential mental health and wellness services.

Many officers are reluctant to seek help. They worry about confidentiality, fear that admitting their need for help will jeopardize their employment or believe the mental health specialists provided will not understand what they are going through, what they have experienced. This is where peer support programs play a vital role, whether they are peer crisis lines, peer-led critical incident stress debriefings, or other peer support services.

Unless the strictest privacy standards are established and maintained, an officer's peer support communications can be discoverable on the public record, used in court proceedings, or affect their employment. Officers feel more comfortable admitting their concerns and asking questions and are more likely to take advantage of mental health services when they know they will be confidential.

The COPS Counseling Act recognizes the need for confidential peer counseling services at the federal, state and local levels. This bill passed the Senate during National Police Week 2020 by unanimous consent but stalled in the House. We are working to move it quickly once again in the Senate and lay the groundwork for final passage in the House.

Social Security Fairness Act Reintroduced in the Senate

Senator Sherrod Brown (D-OH) reintroduced the Social Security Fairness Act (S. 1302), which would repeal the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). The bill is a top priority for NAPO and was introduced with 23 bipartisan original cosponsors.

Though most police officers retire after a specific term of service, usually in their early- to mid-fifties, many look for new opportunities to serve their community. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by the WEP. Instead of receiving full support from their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

More troubling is the effect of GPO on a police officer's retirement. If a spouse who paid into Social Security dies, the surviving public safety officer should be eligible for half of the deceased's benefit. However, GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most or all of the

payment. By professional need, many police officers are outside of Social Security but if they had not served at all, they would receive the full allotment of the spouse's benefit.

GPO and WEP were meant as a "leveling" response but only serve to hurt public safety officers. By totally repealing both GPO and WEP, the Social Security Fairness Act would preserve the retirement security of those who selflessly serve and protect our communities.

With President Biden stating that he supports the repeal of the GPO and WEP, NAPO will be exerting every effort to surpass the record bipartisan support for the bill in the last Congress and to finally push this important legislation over the finish line. NAPO thanks Senator Brown for his leadership on and dedication to the full repeal of the GPO and WEP.

Bill Introduced to Extend Deadline for 2020 H.R. 218 Qualification Requirement

Congressman Don Bacon (R-NE) introduced H.R. 2960, the Law Enforcement Officers Safety (LEOSA) COVID Extension Act of 2021. This legislation provides for a simple one-year extension of the qualification requirement in LEOSA for qualified retired law enforcement officers, which will help those who are struggling to meet the qualification standards in firearms training due to COVID.

During this COVID-19 pandemic, many retired officers have experienced problems getting qualified because gun ranges have been closed; local police stations have cancelled in-person programs and are limiting access to new recruits only; or because agencies who conduct the qualification are also closed due to COVID.

To combat this issue, this legislation would simply extend the certification of a qualified retired law enforcement officers for one additional year. Those who did not meet the qualification the year preceding the COVID pandemic (in 2019) would not be eligible for this extension.

Congressman Bacon is also the sponsor of the LEOSA Reform Act, which would ensure the Law Enforcement Officers Safety Act (LEOSA) is more fairly and broadly implemented and would expand the areas qualified current or retired officers can carry a firearm. We thank the Congressman for his continued leadership on this issue.

Bipartisan Retirement Package Includes Provision Keeping First Responder Disability Compensation Tax Free

House Ways and Means Committee Chairman Richard Neal (D-MA) and Ranking Member Kevin Brady (R-TX) reintroduced the Securing a Strong Retirement Act (H.R. 2954), bipartisan legislation to help Americans successfully save for a secure retirement. The bill builds on the Setting Every Community Up for Retirement Enhancement (SECURE) Act to further improve workers' long-term financial wellbeing. The Securing a Strong Retirement Act includes NAPO priority legislation, the Putting Our First Responders First Act, which would codify existing IRS regulations making service-connected disability compensation exempt from Federal income taxes. NAPO has been working with Committee staff to move the Putting Our First Responders First Act and supports its inclusion in this important legislation.

In 1985, the IRS clarified in the IRS Revenue Ruling 85-105 that service-connected disability compensation for first responders is tax-exempt. Unfortunately, many auditors and first responders are not aware of this tax benefit and the first responders, who gave up so much in the line of duty, end up paying the tax unnecessarily

or being audited for taking advantage of the tax exemption. By codifying the Revenue Ruling, the Putting Our First Responders First Act would clarify the ruling and help ensure first responders' injury-related compensation is tax-exempt.

NAPO looks forward to working with Chairman Neal and Ranking Member Neal to pass the Securing a Strong Retirement Act.

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.