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Representing America's Finest

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Attorney General Changes DOJ Charging and Sentencing Policy

On May 10th, Attorney General Sessions issued [a memorandum to all federal prosecutors](#) establishing a new charging and sentencing policy for the Department of Justice (DOJ). The core principal of the policy directs federal prosecutors to charge and pursue the most serious, readily proveable offense for any crime. This reverses and rescinds an Obama Administration policy, implemented by former Attorney General Eric Holder in 2013, called the Smart on Crime Initiative, which focused on avoiding incarcerations for individuals who committed low-level, non-violent crimes.

The most serious offenses are those that have substantial sentencing guidelines, including mandatory minimum sentences. The memorandum states that while pursuing the most serious offense may not be warranted in every case, any exemption to the policy must be approved by a United States Attorney or Assistant Attorney General, or a designated supervisor, and the reasons must be documented. The policy also directs federal prosecutors to disclose all of the facts that impact the sentencing guidelines or mandatory minimum sentences and in all cases prosecutors should seek a reasonable sentence within those guidelines. Any departures from the sentencing guidelines must be approved by a supervisor and documented. This again reverses the Obama Administration policy for low-level, non-violent crimes that directed federal prosecutors not to disclose certain facts of the case if it would trigger mandatory minimums.

The new policy demonstrates how serious the Attorney General is in fighting against drug dealing, gun crime and gang violence in our nation by ensuring violations of federal law are prosecuted to the greatest extent possible. Congress created mandatory minimums for a reason and they are necessary tools for law enforcement and prosecutors to help keep our communities safe from gang and drug crimes.

Attorney General Issues Memo on Sanctuary Cities

On May 22nd, Attorney General Sessions issued a [memorandum to all Department of Justice \(DOJ\) grant making offices](#) on the implementation of President Trump's Executive Order on sanctuary cities entitled, "Enhancing Public Safety in the Interior of the United States". The Executive Order directed the Attorney General and the Secretary of Homeland Security (DHS) to make all jurisdictions that are not in compliance with federal law, specifically 8 U.S.C. § 1373 (sanctuary jurisdictions), ineligible to receive federal grant funding, except "as deemed necessary for law enforcement purposes by the Attorney General or the Secretary".

Under the Attorney General's memorandum, the DOJ will require agencies and jurisdictions applying for grants administered by the Office of Justice Programs (OJP) and the Community Oriented Policing Services (COPS)

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Office to certify their compliance with federal law, including section 1373, as a condition for receiving an award. This certification requirement is not new and is already included in the grant agreements, but previously, the DOJ has not enforced the provision in regard to sanctuary jurisdictions. Any jurisdiction that fails to certify compliance with section 1373 will be ineligible to receive these grants. The grants impacted include, but are not limited to, the COPS Hiring Program and the Byrne Justice Assistance Grants (Byrne JAG) Program.

The memorandum also states that the DOJ may decide to tailor grants to focus on immigration enforcement, prioritizing those agencies and jurisdictions that include this as a main component of their grant applications. Tailoring grants to support the priorities of the Administration is common practice for the DOJ and in the past, the department has emphasized homeland security needs, violent crime, and drug and gang activity. The Obama Administration, for example, promoted implementing the 21st Century Policing Task Force Recommendation through DOJ grant programs, favoring agencies and jurisdictions that included those recommendations as part of their grant-funded work for funding.

NAPO has long supported efforts to clamp down on sanctuary policies in cities, which make it difficult for law enforcement to effectively protect communities from violent criminal aliens. The country's immigration system relies on local law enforcement complying with immigration detainers – requests from DHS for local law enforcement to hold an illegal immigrant temporarily – to give federal law enforcement an opportunity to take the individual into custody. Sanctuary cities forbid their local law enforcement from cooperating with federal immigration officials, which has led to the release of violent criminals back into our communities.

NAPO supports policy that withholds certain federal funds from jurisdictions with sanctuary policies in the limited circumstance of honoring an immigration detainer. We continue to work with Congress and the Departments of Justice and Homeland Security to ensure that a comprehensive approach to immigration enforcement is taken at the federal, state and local level to secure the lasting safety of our communities.

NAPO Victory! Adam Walsh Reauthorization Passes House

In a victory for NAPO, the House passed the Adam Walsh Reauthorization Act (H.R. 1188), sponsored by Congressman Jim Sensenbrenner (R-WI), on May 22nd. NAPO was proud to support the Adam Walsh Child Safety and Protection Act when it was first introduced in 2006 and we have continued to work for the reauthorization of this important Act.

The Adam Walsh Act has greatly assisted state and local law enforcement in all their varied efforts against crime, specifically crimes against children. The Adam Walsh Reauthorization Act reauthorizes key programs under the Adam Walsh Act and improves upon the original Act by strengthening law enforcement's ability to track sex offenders through federal support of state registries and dedicated resources to target offenders who fail to comply with registration requirements.

NAPO now looks to move this important bill through the Senate. If you have any questions about this bill or the Adam Walsh Act, please contact Andy Edmiston at aedmiston@napo.org.

House Passes Two NAPO Supported Child Exploitation Bills

In another victory for NAPO, the House passed the Targeting Child Predators Act (H.R. 883), sponsored by Congressman Ron DeSantis (R-FL) on May 22nd. When child exploitation investigators are able to obtain an IP address of a suspected predator, they can request, through an administrative subpoena process or a court order, an Internet Service Provider (ISP) to turn over the user information attached to that IP address. ISPs typically comply with the request; however, they often turn around and inform the user, or in this case, suspected child

predator that they are under investigation by law enforcement. Predators immediately react by wiping their accounts clean and often disappearing, leaving law enforcement empty handed.

The Targeting Child Predators Act would address this issue by requiring that in specific and serious cases of child exploitation, ISPs wait 180 days before disclosing to a specific user that their information was requested by law enforcement.

The House passed another important child exploitation bill, the Protecting Against Child Exploitation Act (H.R. 1761), sponsored by Congressman Mike Johnson (R-LA), on May 25th. This legislation would close a loophole created by a ruling in the U.S. Court of Appeals for the Fourth Circuit that allowed for an admitted child abuser to escape federal punishment because the perpetrator lacked the requisite intent when he took a picture of the assault on his phone. In a world where smart phones and devices are used to record and transmit every moment in life, it is unacceptable that a child predator could get away with capturing the assault of a child on his cell phone simply because he did not intend to produce an image of the abuse. This important bill would ensure that the knowing consent of the visual depiction or live transmission of a minor engaged in sexually explicit conduct is criminalized and appropriately punished.

The risks of child exploitation in the digital world increases daily, as criminals and technology become more sophisticated. NAPO believes that the Protecting Against Child Exploitation Act would give law enforcement an important tool to help protect our nation's children from predators and abusers.

We now turn our efforts to moving these bills through the Senate. If you have any questions about these pieces of legislation, please contact Andy Edmiston at aedmiston@napo.org.

President Releases FY 2018 Budget

President Trump released his fiscal year 2018 budget request on May 23rd. The budget proposal includes funding requests for NAPO's priority grant programs within the Departments of Justice and Homeland Security (DOJ, DHS), including:

- \$207 million for the COPS Hiring Program, which is an increase from the \$187 million appropriated in fiscal 2017. This requested increase in funding is significant because it signals to Congressional Republicans, who have been aiming to gut the COPS Program for years, that the President supports this important program.
- \$332.5 million for the Byrne Justice Assistance Grant (Byrne JAG) Program. The budget request moves the Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR) Program, the Bulletproof Vest Partnership (BVP) Grant Program, the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) and the Bureau of Justice Assistance body worn camera grant under Byrne-JAG as carve-outs, leaving the grant program at just \$239 million. These grant programs are currently stand-alone grants, funded as individual line items and not part of a larger grant. While the budget requests funding these programs at similar levels to what they received in fiscal 2017, the fact that they would be moved under Byrne-JAG is a significant funding cut to that grant program, which received \$476 million in fiscal 2017.

The requested funding levels are:

- VALOR: \$14 million
- BVP: \$22.5 million, with \$1.5 million of that going to the National Institute of Justice for body armor research.
- Body worn camera: \$22.5 million

- MIOTCRA: \$10 million
- \$20 million for the Adam Walsh Act.
- For the important Department of Homeland Security grants, the budget proposal requests \$349.4 million for the State Homeland Security Grant Program (SHSGP) and \$448.8 for the Urban Area Security Initiative (UASI). The budget proposes establishing a 25 percent non-Federal cost match for these grants.

The President's 2018 Budget represents the President's fiscal priorities and we are glad to see that supporting state and local law enforcement is included in those priorities, but it is Congress that decides the final appropriations for fiscal 2018. There is strong bipartisan support within Congress for funding vital state and local law enforcement programs and NAPO will continue to work with lawmakers to ensure adequate funding for our priority grant programs.

If you have any questions about the President's Fiscal 2018 Budget, please contact Andy Edmiston at aedmiston@napo.org.

NAPO's Sponsor/Cosponsor Spreadsheet and Legislative Update

NAPO's updated "Sponsor/Cosponsor" [spreadsheet](#) is available on our web site, along with the latest "[Legislative Positions](#)" document.

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO updates this spreadsheet regularly, and continues to ensure our voice is heard on Capitol Hill.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andy Edmiston at: aedmiston@napo.org.

Join NAPO for Our 39th Annual Convention

Please join NAPO for our 39th Annual Convention July 22 - July 25, 2017, in New York City. Participate in setting NAPO's legislative priorities for the 115th Congress and learn from presentations by prominent law enforcement figures about the latest developments in police policies and services.

When not attending NAPO business sessions, New York City offers something for everyone. Whether you are looking for world class shopping, Broadway shows, museums & art galleries or incredible dining, *The City that Never Sleeps* offers endless possibilities all just minutes from the Westin New York Times Square Hotel! Be sure to check with the NAPO registration desk for special discounts.

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. Be sure to register by July 9th! 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.

COPS Hiring Program Open for FY 2017 Grant Solicitations

With Congress just passing the final spending measure to fund the federal government through the end of Fiscal 2017, Justice Department grant solicitations are having a late start. The Community Oriented Policing Services (COPS) Hiring Program just released its notice of grant solicitations.

The 2017 COPS Hiring Program is a competitive grant program that helps local law enforcement hire additional community policing officers. The grant program provides funds directly to state, local and tribal law enforcement agencies to hire and/or rehire career law enforcement officers to increase their community policing capacity and crime prevention efforts.

Applications are due by July 10, 2017 at 7:59 PM EDT.

Please click [here](#) for more information on the 2017 COPS Hiring Program.

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.