



# The Washington Report

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

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**November 16, 2015**

## **NAPO Supreme Court Victory**

On November 9<sup>th</sup>, the U.S. Supreme Court issued an order in a case where NAPO was an amicus curiae, or “friend of the court”. The case is titled *Mullenix v. Luna*, and arose from the use of deadly force by a Texas Department of Public Safety officer upon a fleeing suspect in a motor vehicle. The suspect was hit by rifle fire, killing him. The issue in front of the court was whether the officer could be sued in a civil rights case, or whether the officer enjoyed immunity from the prosecution of such a suit.

In a big victory for NAPO’s position, the Court ordered that the officer is in fact entitled to immunity from the civil suit. This case is important because the Supreme Court is emphasizing that trial courts should not be second guessing officers’ decisions made in the challenges of the moment, and that officers don’t have to be perfect, or be forced by judges to choose what judges years later feel they ought to have chosen.

This case is significant for NAPO for two reasons, one, the Supreme Court has sided strongly with the police in the current political climate of second-guessing police use of force, and, two, the Court’s order, attached above, cites NAPO’s amicus brief three times. (See page 9 of [the order](#)). In legal circles, it is rare to have an amicus brief referred to so many times in one short order. NAPO continues to live up to its mission of representing the interests and viewpoints of rank and file officers at all levels of the federal government.

If you have any questions or need more information on NAPO’s amicus brief, contact Bill Johnson at [bjohnson@napo.org](mailto:bjohnson@napo.org).

## **Police Organizations across the Nation Join NAPO in Tarantino Boycott**

As more police organizations are joining the boycott of Quentin Tarantino, the director tried to backtrack on the comments he made referring to police as “murderers” during an anti-police rally in New York City. While saying that “all cops are not murderers”, he continued to state that the police organizations speaking out against his comments are misrepresenting him and are trying to discredit him.

NAPO’s Executive Director, Bill Johnson, shared his thoughts on Tarantino’s response to the growing boycott:

“Mr. Tarantino's response calls to mind two thoughts: 1. He makes his living as a master craftsman of

scene and setting, for him to claim now that he wasn't perfectly aware that his message was precisely 'cops are murderers' is ludicrous. 2. He has the financial means and freedom to promulgate his message anywhere he wants; and by deliberately choosing New York City while a family is preparing the funeral for their slain police officer son is an extraordinarily low and mean gesture, one he ignores in today's statement. Even Al Sharpton ultimately had the grace to not interfere with the funeral. I didn't think it was possible to exhibit less class than Al Sharpton but Mr. Tarantino managed to do it.

Mr. Johnson's response was quoted in an article on TheWrap.com, "National Police Union Slams 'Ludicrous' Tarantino Response, Boycott Still On". The entire article can be found at: <http://www.thewrap.com/national-police-union-slams-ludicrous-tarantino-response-boycott-still-on-exclusive/>

Just days after NYPD Officer Randolph Holder was killed in the line of duty, film director Quentin Tarantino referred to police as "murderers" during an anti-police rally in New York City. Immediately, the New York City Patrolmen's Benevolent Association and the Los Angeles Police Protective League, joined by NAPO, called for a boycott of Tarantino's work. Since then, we have been joined by police associations across the country, including the Florida Police Benevolent Association, New Jersey State Policemen's Benevolent Association, Suffolk County Corrections, the Nassau County Police Benevolent Association, the Phoenix Law Enforcement Association, the Wisconsin Police Professional Association, and the Las Vegas Police Protective Association, as well as organizations in Detroit, Chicago, Philadelphia, San Jose, and Baltimore, to name a few.

NAPO believes that as a high-profile figure, Tarantino's language is utterly irresponsible, particularly at a time when the nation is seeing increasing and persistent calls for the killing of officers. Anti-police rhetoric like Tarantino's threatens the safety of police and citizens alike. We continue to call on officers and citizens across the nation to boycott Tarantino's films.

## Majority of Congress Supports Zadroga 9/11 Health Act

Due to the work of NAPO and first responders across the country, the James Zadroga 9/11 Health and Compensation Reauthorization Act continues to gain bipartisan support. **As of November 6th, almost 250 members of the House of Representatives and 64 members of the Senate have signed on as cosponsors of the bill.** With a growing bipartisan majority of both Houses of Congress backing the bill, Congressional leadership can no longer ignore this vital legislation.

The Zadroga bill's two critical programs providing medical treatment and compensation for 9/11 heroes – the World Trade Center Health Program and the September 11th Victim Compensation Fund (VCF) – expired September 30th. Unless Congress acts to permanently reauthorize these programs, the Health Program will cease to operate next year and the VCF will have to cut awards by as much as 60 percent and will stop taking claims next year. For those who are expected to come down with a 9/11 cancer or disease, this means they will have no alternative or recourse.

These heroes put their lives on the line to serve us, and must be afforded every resource available as they cope with the cancer and chronic health conditions caused by exposure to toxic chemicals at the World Trade Center. NAPO continues to work with members of Congress and fellow stakeholders to pass the James Zadroga 9/11 Health and Compensation Reauthorization Act. House and Senate leadership have not indicated if and when they will take up the bill and time is of the essence. **Please join our efforts by**

**contacting your Congressional Representative and Senators and urge them to support passage of this important legislation.**

Please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org) or (800) 322-NAPO for assistance or if you need more information about the legislation and the programs it will reauthorize.

## **NAPO on the Hill: Meetings with Senate and House Judiciary Staff**

On November 5<sup>th</sup>, NAPO met with Senate Judiciary Chairman Chuck Grassley's (R-IA) staff to discuss the bill that was introduced last week by House Judiciary Chairman Bob Goodlatte, the September 11<sup>th</sup> VCF Reauthorization and U.S. Victims of State Sponsored Terrorism Compensation Act (H.R. 3858). This bill only reauthorizes the VCF for five years and seriously underfunds the program, doing little good for the almost 12,000 individuals currently in the VCF with determinations who have been waiting for years and are facing cuts of up to 60 percent in their awards.

The purpose of the meeting was to brief Senator Grassley's staff on the challenges with the Goodlatte bill and let them know that it is not an acceptable alternative to the Zadroga 9/11 Health Act. We reaffirmed that NAPO's priority – and the priority of the first responder community as a whole – is that the Senate Judiciary Committee take up the Zadroga 9/11 Health Act and work with us to move that bill through Committee and the Senate for final passage.

Senator Grassley's staff was attentive to our concerns, but indicated that they have to work closely with Congressman Goodlatte to come to a final solution that will appease both the Congressman and the first responder community.

In addition to meeting with Senator Grassley's Judiciary staff, NAPO is meeting with members of the House Judiciary Committee to make them aware of our serious concerns with H.R. 3858 and inform them how it does not help the 9/11 first responders in any meaningful way. It is important that members of the House Judiciary Committee know that while we appreciate Chairman Goodlatte's attempt to reauthorize the VCF, his bill is woefully inadequate and therefore unacceptable, and we remain ready and willing to work with members of the Committee to advance the Zadroga 9/11 Health Act as quickly as possible.

NAPO continues our meetings with members of both the Senate and House Judiciary Committees to brief them on the challenges of H.R. 3858 and let them know that we stand behind the Zadroga Act as the only bill that should move forward to reauthorize the VCF and the World Trade Center Health Program.

If you have any questions about H.R. 3858, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **Appropriations Update: Protecting Bryne JAG and COPS Hiring Funding**

House and Senate appropriators are looking to put together an omnibus spending package or several multi-issue spending packages to fund federal departments, agencies and programs before the current short-term funding measure expires on December 11<sup>th</sup>. As appropriators decide how much funding to allocate each program, there are concerns that appropriators will reimburse the cities hosting the presidential nominating

conventions for the cost of providing security at the expense of the Byrne Justice Assistance Grant (Byrne JAG) program.

Since fiscal year (FY) 2010, funding for the program has been cut by 35 percent, from \$511 million to \$333 million in FY 2015. In FY 2012, Congress reimbursed the cities of Tampa and Charlotte for the cost of convention security through a \$100 million carve-out from the Byrne JAG account. To do so in FY 2016 would be another 30 percent cut to the program, for a total loss since FY10 of 55 percent or almost \$280 million. This would mean the loss of hundreds of worthy programs - across every state and community in the nation - that prevent crime, reduce recidivism and hold offenders accountable for their crimes.

Furthermore, the House voted to add \$100 million to Byrne JAG for police hiring, which is in addition to the \$187 million the Senate included for the COPS Hiring Program. NAPO is concerned that funding allocated to help state, local and tribal agencies hire and rehire police officers will be targeted for cuts, possibly to pay for the cost of providing convention security. NAPO is working with House and Senate appropriators to ensure that the funding levels for Byrne JAG and the COPS Hiring Program are not cut, as these programs are critical to ensuring that state and local law enforcement have the personnel, tools and resources necessary to protect and serve their communities.

Here is the [letter](#) that NAPO sent to appropriators urging them to maintain the funding levels for these important programs as passed by the House and Senate.

## **NAPO Meetings: Public Sector HealthCare Roundtable Conference**

NAPO participated in the Public Sector HealthCare Roundtable's Annual Conference held in Old Town Alexandria November 5<sup>th</sup> and 6<sup>th</sup>. The HealthCare Roundtable is a national coalition of public sector health care purchasers whose purpose is to ensure that the interests of the public sector are properly represented in federal health care reform policies and initiatives. NAPO works with the HealthCare Roundtable as part of the Public Pension Network and the Roundtable is an integral participant in our work to fight against the unfair consequences of the imposition of the Excise Tax on employees' healthcare benefits.

Of particular interest to NAPO were the presentations from the Centers for Medicare and Medicaid Services regarding continuing implementation of healthcare reform and how it will affect our members; the ACA implementation issues and their impact and what to expect in 2016; and whether to repeal or reform the Excise Tax and the current thinking in Congress on this issue. While there were no definitive answers given on what the future of the Excise Tax is, it was very apparent that there is broad bipartisan support to ensure that it does not adversely impact public sector health care plans and that politics are the biggest factor in being able to get this done.

NAPO will keep our members informed on the progress of the Excise and the efforts of our coalition with the Public Pension Network and the HealthCare Roundtable to fight it.

If you have any question on the Excise Tax, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

# NAPO Blocks Amendment Allowing Heavier Trucks on Highways

On November 3<sup>rd</sup>, the House of Representatives voted on amendments to a six-year highway and transportation funding bill, including an amendment that would allow tractor-trailers weighing up to 91,000 pounds to drive on our nation's highways. NAPO, continuing our long-standing collaboration with the Coalition Against Bigger Trucks (CABT), sent a letter to members of Congress urging them to oppose any amendment that would increase the weight or size of trucks on our roads.

The U.S. Department of Transportation (USDOT) completed its MAP-21 Comprehensive Truck Size and Weight Limits Study earlier this year, in which it recommends *no changes in current truck size and weight limits*. The study found 47-percent higher crash rates for tractor-trailers weighing 91,000 pounds compared to those weighing 80,000 pounds. It also demonstrated that there is ample evidence that longer multi-trailer trucks add new dangers to the road. For example, the proposed 91 foot double trailers are 17 feet longer than 53-foot single-trailer trucks, and this added length creates larger blind spots and causes more difficulty passing and merging.

As public safety officers, our members know from firsthand experience that adding weight or length to a truck makes that truck more dangerous to motorists and to the men and women who patrol the roads. There were more than 134,000 accidents involving large trucks in 2013, resulting in approximately 95,000 injuries and 4,000 fatalities. Allowing heavier or longer tractor-trailers onto our roads would only further compromise highway safety.

The highway and transportation funding bill passed the House on November 5<sup>th</sup> after almost a week of debate.

NAPO will continue to work with CABT to ensure that heavier and longer trucks are not allowed on our highways and roads. If you have any questions about this issue, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

[NAPO's Letter to Congress Regarding Heavier Trucks](#)

# 28th Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar

JANUARY 24-26, 2016 - LAS VEGAS, NV

*28th Annual*  
**POLICE, FIRE, EMS &  
MUNICIPAL EMPLOYEE  
PENSION & BENEFITS  
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Please join the National Association of Police Organizations at *NAPO's 28<sup>th</sup> Annual Police, Fire, EMS, & Municipal Employee Pension & Benefits Seminar* January 24 – 26, 2016 at the Caesars Palace Hotel in Las Vegas, Nevada. Thanks to the assistance of our impressive advisory board we are receiving overwhelming responses to our new and improved seminar. Our goal is to educate pension and union representatives along with their providers on the latest issues surrounding the pension and benefits industry.

At the 28<sup>th</sup> Annual Seminar, we are putting the spotlight on key issues including: 2016 Political Outlook, DB/DC debate, Selecting Service Providers, Investment Management, Social Security Pension Issues, Healthcare Cost & the Cadillac Tax, to name a few. Ensure that you fulfill your fiduciary responsibility to your fund by educating yourself on these issues!

Take an active role in improving the future of your fund by registering for this informative seminar. For Registration Information [Click Here](#) or visit NAPO's website at [www.napo.org](http://www.napo.org).

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