



# The Washington Report

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

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**September 6, 2018**

## **NAPO Meets with White House to Express Opposition to FIRST STEP Act**

On August 16, NAPO Executive Director Bill Johnson met with White House staff, including Jared Kushner, and other law enforcement leaders in an intimate meeting to discuss the law enforcement community's near unanimous opposition to the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person (FIRST STEP) Act (H.R. 5682 / S. 2795).

This prison reform legislation was introduced on May 7 and moved quickly through the House, passing by an overwhelming vote on May 22 without slowing down to get the input of the law enforcement community or to consider our serious concerns with the legislation. There has been great pressure to move this bill through the Senate and for the President to support its passage. With the President being such a staunch advocate of law enforcement and law and order, we knew we had to make our voices heard at the White House. In addition to the meeting, we followed up with a joint law enforcement letter to the President reiterating our concerns with the FIRST STEP Act.

The legislation includes reckless retroactive increases in good time credits and program participation credits that would cause 4,000 inmates to be released into communities upon enactment. These inmates would not be given access to halfway houses or transition housing nor would they benefit from any of the reentry programs provided by the Bureau of Prisons (BOP) prior to release that are normally given to inmates who serve out their full prison term.

Furthermore, not only would thousands of inmates be released due to retroactive time credits, the new system of time-off-sentence credits would reduce sentences for many criminals, including dangerous drug traffickers, by one-fourth to one-half.

The FIRST STEP Act is modeled after state prison reform programs that have a worse recidivism track record than current BOP programs. A recent report by the Bureau of Justice Statistics found the 9-year recidivism rate of state prisoners to be a staggering 83 percent. The study, [2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period \(2005-2014\)](#), also found that 77 percent of released drug offenders were arrested for a non-drug crime within nine years, and 34 percent were arrested for a violent crime. As the BOP currently has a 38 percent five-year recidivism rate, we do not believe there is a need for such drastic reforms to the federal prison system unless the goal is simply to put convicted felons on the street.

There is absolutely no doubt that these ill-advised proposals will harm public safety and lead directly to the injury and deaths of police officers and citizens alike. Major cities across the country are facing an increase in violent crime for the first time in years. According to the FBI's latest Uniform Crime Report, *Crime in the United States, 2016*, the number of violent crimes, including murder, aggravated assaults and rapes, increased for the second straight year. Now is not the time to implement reckless reforms to our nation's correctional system. Such significant changes should first be thoroughly studied and must include the input of the federal, state and local public safety community, which plays an integral role in the system.

By raising our concerns to the White House and the President, we have successfully stalled the FIRST STEP Act. The President announced he would not endorse the prison reform bill until after the midterms and we continue to work with opponents in the Senate and the Administration to ensure this legislation will not move forward.

## **NAPO Files *Amicus Curiae* Brief with U.S. Supreme Court in Support of Enhanced Sentences for Cop-Killers**

On August 7, NAPO filed a new *amicus curiae* (or "friend of the court") brief with the U.S. Supreme Court in the case of *Vernon Madison v. State of Alabama*. In this case, Vernon Madison ambushed and murdered Mobile, Alabama Police Corporal Julius Schulte with two gunshots to the back of the officer's head, as the officer was trying to protect Madison's girlfriend from harm. Madison was convicted and sentenced to death. The murder happened in April of 1985.

Madison now asserts that he cannot be put to death because he claims that he can no longer remember the murder.

The State of Alabama reached out to NAPO for assistance in this case, and we filed this brief to assist Alabama and remind the Court of the various state and federal laws (including many NAPO has worked on at the federal level) which provide enhanced punishment (including the death penalty) for assaults and murders of law enforcement officers. NAPO also points out that these enhanced punishments are justified because of the high value society rightly places on the lives and services of officers, and the dangerous conditions under which they serve.

The brief also notes that Corporal Schulte is indeed remembered by his brother and sister officers: His name is engraved on the National Memorial in Washington.

## **NAPO Calls for Boycott of Nike Over Kaepernick "Just Do It" Campaign**

NAPO is calling on all our member officers, their families and friends to join in boycotting all Nike products in response to the company's selection of Colin Kaepernick for its "Just Do It" ad campaign. On September 4, NAPO sent a letter to the Chairman, President and CEO of Nike, Inc., condemning this move in the strongest possible terms. Mr. Kaepernick is known, not as a successful athlete, but as a shallow dilettante seeking to gain notoriety by disrespecting the flag for which so many Americans have fought and died.

The inclusion of Mr. Kaepernick in Nike's "Just Do It" ad campaign also perpetuates the falsehood that police are racist and aiming to use force against African Americans and persons of color. In reality, officers across the nation risk their lives not only protecting the athletes featured in Nike's various campaigns, but also serve aspiring athletes across the country who use the Nike brand, through the thousands of Police Athletic Leagues, Boys and Girls Clubs and Big Brother/Big Sister programs where our officers donate their time and energy. They deserve to have the respect and full support of corporate citizens like Nike.

Adding to the insult is the image of Mr. Kaepernick from the campaign featuring the quote "Believe in something. Even if it means sacrificing everything." The fact that Mr. Kaepernick is no longer a starting NFL player does not equate to him being someone who has "sacrificed everything". To truly understand what it means to "believe in something" and "sacrifice everything", you should look to Arlington National Cemetery, or to the National Law Enforcement Officers' Memorial in Washington, D.C., or to the trauma unit of a military hospital. The brave men and women of every race and color buried there, memorialized there, healing there, believed in this nation and our flag and exemplify the true meaning of "sacrifice".

In featuring Mr. Kaepernick in the "Just Do It" campaign, Nike grossly insults the men and women who really do make sacrifices for the sake of our nation.

[Click here](#) to view NAPO's letter to Nike, Inc.

## **NAPO Urges Inclusion of Resources for Police in Opioid Package**

The Senate is considering a package of opioid-related legislation to address the significant drug crisis our country is facing and, unfortunately, the measure includes very little to support state and local law enforcement's efforts to combat opioids in our communities.

According to the National Institute on Drug Abuse, more than 64,000 Americans died from drug overdoses in 2016 and opioids were involved in over 42,000 of those deaths. NAPO strongly believes that we can only truly mitigate the effects these toxic drugs have on our communities through a comprehensive strategy that includes resources for state and local law enforcement.

Fentanyl, particularly illicitly manufactured fentanyl, and other synthetic drugs are having deadly consequences on communities across the country, both big and small, and local law enforcement officers are on the front line in the fight against these drugs. Because illicit fentanyl is so powerful — just a few salt-sized grains can kill an adult — small amounts go a long way for drug traffickers. These relatively small and potent amounts mean fentanyl is difficult and hazardous to detect, making it easy to traffic and a danger to those trying to stop its spread into our communities.

To ensure that state and local law enforcement have the resources needed to identify and fight the diffusion of opioids, NAPO is working with the sponsors of the Providing Officers with Electronic Resources (POWER) Act (S. 2763), Senators Sherrod Brown (D-OH) and Rob Portman (R-OH), to push Senate leadership to include the bill in the opioid package.

The POWER Act will help state and local law enforcement detect fentanyl and protect themselves from accidental overdoses by using the same screening equipment Customs and Border Protection (CBP) agents have successfully used to stop fentanyl at the border. This legislation would support state and local law enforcements' efforts to conduct drug investigations and prosecute drug crimes by providing essential

funding for agencies to purchase chemical screening devices and giving them resources to help safeguard officers in the field from possible deadly exposure.

NAPO believes rank-and-file law enforcement officers must be given the training, resources and support necessary to keep themselves and the communities they serve safe in the fight to end the opioid crisis. The inclusion of the POWER Act in the opioid package would go a long way to support law enforcement's efforts. The Senate is expected to vote on the package as soon as next week. We will keep our members updated on our work to ensure state and local law enforcement are not left behind in Congress's efforts to address our nation's growing drug epidemic.

## **Senate Confirmation Hearing Starts Trump's Supreme Court Pick**

Judge Brett Kavanaugh, President Trump's nominee to replace Justice Anthony Kennedy on the U.S. Supreme Court, started his confirmation hearing on September 4 and it was off to a contentious start. Senate Judiciary Committee Chair Charles Grassley (R-IA) had difficulty getting through his opening statement due to Democrats repeatedly interrupting him to stall or postpone the hearing due to what they view as inefficient time to thoroughly vet the nominee and lack of access to important documents regarding Judge Kavanaugh's previous work. The hearing schedule has opening remarks on the first day, followed by Committee questioning and then outside witnesses. It is expected to last through September 7 unless Democrats can delay it in some fashion.

It is the goal of the Administration and Senate Republican leadership to have Judge Kavanaugh confirmed by the start of the Supreme Court's next term on October 1.

Judge Kavanaugh currently sits on the U.S. Court of Appeals for the District of Columbia Circuit, was an official in the administration of President George W. Bush and worked as part of then-independent counsel Ken Starr's team in the Clinton investigation. It is expected the Judge Kavanaugh will be approved by the Committee by an 11-10 party line vote. With the appointment of former-Senator Jon Kyl to replace Senator McCain, Senate Republican have an additional vote for Judge Kavanaugh's confirmation. Republicans have a 51-49 voting majority and they can only stand to lose two votes.

NAPO will keep our members updated on Judge Kavanaugh's confirmation as he works his way through the Senate.

## **NAPO's Latest Legislative Positions & Sponsor/Cosponsor Updates**

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>

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 will update this spreadsheet regularly and continue 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](mailto:aedmiston@napo.org).

**Join NAPO for Our 2018 Annual Legal Seminar:  
The Aftermath of *Janus* and Other Current Issues for Attorneys**

**November 14 – 16, 2018 ~ Caesars Palace Hotel & Casino  
Las Vegas, Nevada**

***Earn 12.5 Hours of CLE Credits Including 2 Hours of Ethics!***

Key Issues will include: The Recap of *Janus* Supreme Court Decision, The Legal Duty of Fair Representation, Representing Officers in Critical Incidents, Expert Testimony in Use of Force Cases Jury Selection & Social Media, Protecting Yourself in a Tech World, Opioid Multi District Litigation, Federal Update: Trump Administration Policies and Changes to Consent Decrees.

**Seminar Registration is attached and also available on NAPO's website.**

**For Seminar Information, Agenda and Hotel Registration [click 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](mailto:eloranger@napo.org) or (703) 549-0775.**

***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.***