

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS



NATIONAL ASSOCIATION
of
POLICE ORGANIZATIONS

Representing America's Finest



113th Congress

2013 - 2015

Legislative Priorities

MISSION STATEMENT

The National Association of Police Organizations (NAPO) is established to unite all law enforcement organizations within the United States in order to promote and maintain federal legislation most beneficial to law enforcement in general and the citizens we are sworn to protect.

It is the aim of NAPO to stimulate mutual cooperation between law enforcement organizations and to assist in the economic, social, and professional advancement of all law enforcement officers, whether active or retired.

It is the further aim of NAPO to educate the public concerning the methods and means of achieving more effective crime control and law enforcement so as to establish a more peaceful, tranquil, and free society for all.

NAPO disseminates information to all member organizations and to the public regarding federal legislation and related matters which affect the interest and welfare of its member organizations, the law enforcement profession, and the public.

113TH CONGRESS (2013-2015)

LEGISLATIVE PRIORITIES

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NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

NAPO History: The National Association of Police Organizations (NAPO) is a coalition of police units and associations from across the United States. NAPO was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action, and education.

Founded in 1978, NAPO is the strongest unified voice supporting law enforcement officers in the United States. NAPO represents more than 1,000 police units and associations, over 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

Increasingly, the rights and interests of law enforcement officers—*America's Finest*—have been the subject of legislative, executive, and judicial action in the nation's capital, Washington, D.C. From issues of federal funding of State law enforcement and anti-terrorism efforts, to federal policy on employee health, pensions, and other benefits, the actions of Congress and the Administration significantly impact public safety interests. These interests must be vigorously protected in light of the vital role law enforcement officers play in maintaining the peace and security of American society. NAPO works to influence the course of national affairs where law enforcement interests are concerned.

NAPO Government Affairs: NAPO maintains a Washington office to monitor and guide legislative and administrative developments. The Washington office provides information to NAPO's membership on a timely basis so that it can respond from the grassroots level. The *Washington Report*, which provides updates on current issues in which NAPO is engaged, is routinely distributed to the membership.

NAPO has achieved a number of solid legislative and administrative accomplishments for its constituents through the efforts of NAPO's Washington office, that works independently, and in conjunction with other public safety, public employee, and public employer groups. NAPO has also defeated efforts that would have seriously undermined law enforcement interests.

Among the many legislative areas in which NAPO has had a significant impact in recent years are:

1. Extension of the effective date of the Internal Revenue Service (IRS) Normal Retirement Age rules from the original date of January 1, 2009 to January 1, 2013, and later to January 1, 2015.
2. Enactment of the Violence Against Women Act (VAWA) Reauthorization of 2013. (NAPO worked with its counterparts to ensure the VAWA Reauthorization did not include Amendment 15, proposed by Senator Tom Coburn, which would have mandated cuts of \$780 million or more from Department of Justice grant programs).
3. Enactment, and later the renewal, of the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which encourages mental health and criminal justice systems to work together in devising new, more effective ways to assist the mentally ill. (MIOTCRA renewal extended the life of the program through FY 2013).
4. Enactment of the Police, Fire and Emergency Officers Educational Assistance Act of 1998 (authorizes educational assistance for the dependents of public safety officers killed or permanently and totally disabled in the line of duty on or after October 1, 1997). As of October 1, 2013, the maximum award for a full-time student is \$987 per month of class attendance.
5. Enactment, and later the renewal, of the Bulletproof Vest Partnership (BVP) Grant Act, which assists state and local authorities in providing bullet resistant vests to their officers. (BVP renewal extended the life of the program through 2012).
6. Enactment of 1988 legislation, which raised the Public Safety Officers' Benefit (PSOB) for officers killed in the line of duty from \$50,000 to \$100,000, plus annual cost of living indexing, as well as follow on legislation in 2002, which raised the PSOB base from \$100,000 to \$250,000. The base was raised to \$318,111 in 2011 and to \$323,035.75 in 2012.
7. Enactment of the Securing Cockpits Against Laser Pointers Act of 2011.
8. Enactment of the Public Safety Spectrum and Wireless Innovation Act (2011).
9. Enactment of the James Zadroga 9/11 Health and Compensation Act of 2010.

10. Enactment of Improvements to the Law Enforcement Officers' Safety Act (Right to Carry Legislation) of 2010.
11. Enactment of the Ryan White HIV/AIDS Treatment Extension Act of 2009 (includes a provision that protects emergency responders from occupational exposure to communicable diseases).
12. Enactment of the Fair Sentencing Act of 2009.
13. Secured \$1 billion in the American Recovery and Reinvestment Act for the Community Oriented Policing Services (COPS) Hiring Program (2009).
14. Restoration of U.S. Department of Justice funding for the hiring of state and local law enforcement officers (2007).
15. Enactment of the Adam Walsh Child Protection and Safety Act of 2006 (creates new registration requirements for sex offenders and imposes considerable penalties on those who fail to comply).
16. Enactment of the Healthcare Enhancement for Local Public Safety (HELPS) Retirees Act of 2005 (allows retired public safety officers to use up to \$3,000 annually from their pension funds, including defined benefit plans and defined contribution plans, to pay for qualified health insurance premiums without taxing these distributions).
17. Enactment of the Combat Meth Act (2005).
18. Enactment of the Disaster Area Health and Environmental Monitoring Act of 2005, which provides for free medical screenings to first responders, volunteers, and emergency personnel who endure serious health risks to respond to national disasters, such as Hurricane Katrina and the September 11, 2001, terrorist attacks.
19. Enactment of the Law Enforcement Officers' Safety Act (Right to Carry Legislation) (2004).
20. Enactment of the National AMBER Alert Act (2003).
21. Enactment and implementation of the Hometown Heroes Act (2003), which expands coverage of the PSOB to include those law enforcement officers who suffer debilitating or fatal heart attacks or strokes while on, or related to, active duty or training work.
22. Enactment of the Fair Labor Standards Act (FLSA) Amendments (1996), (implemented the United States Supreme Court's decision in the *Garcia* case, upholding the constitutionality of the FLSA as applied to non-federal public employees).

23. Elimination nationwide of the “source tax” on law enforcement retirees’ incomes (1996).
24. Enactment of the Violent Crime Control and Law Enforcement Act (omnibus anti-crime legislation) (1994).
25. Enactment of the Family and Medical Leave Act (1993).
26. Enactment of legislation which prohibits implementation of the IRS proposal to tax accrued public employee leave as current income (1988).
27. Enactment of legislation which made the federal death benefit tax free to survivors.
28. Prevention of the curtailment of adoptive asset forfeiture payments by the Federal Government to the States.

The governmental issues affecting the vital interests of law enforcement officers continue to grow daily as crime, terrorism, and other concerns occupy more of the time of Congress and the Administration. The aforementioned legislative victories are illustrative of the areas where law enforcement participation through NAPO has made, and continues to make a difference.

NAPO Information and Events: The NAPO website (www.napo.org) is updated daily, and contains important information for law enforcement personnel regarding upcoming legislation, Supreme Court rulings, NAPO seminars and conferences, and safety and security hazards to law enforcement personnel.

Real time information for NAPO news can also be accessed by clicking the “Like” button on the National Association of Police Organizations Facebook page or following NAPO on Twitter (www.twitter.com), by using NAPO’s Twitter name, “NAPOpolice.”

NAPO affiliates and representatives meet frequently with members of Congress and their staff at home and in Washington, D.C. to lobby pending issues of concern. Delegates establish NAPO’s legislative goals and priorities at the NAPO Annual Conference. Also, in election years, delegates issue endorsements of candidates for national and congressional offices who have earned law enforcement support.

NAPO also holds an annual Legal Rights and Legislative Seminar to further educate law enforcement personnel about upcoming bills, court decisions, and legislation that may affect them.

The prestigious **TOP COPS Awards®** are presented annually to sworn law enforcement officers from across the country who are nominated by their peers for outstanding service. NAPO held its first **TOP COPS Awards®** ceremony in Washington, D.C. in 1994, with special guest, the President of the United States, and continues to pay tribute to outstanding law enforcement officers across the country each year.

Additionally, NAPO sponsors an Annual Law Enforcement Pension and Benefits Seminar, and has sponsored seminars on prevention of law enforcement officer suicide, union responses to critical incidents, federal election law for police associations, the *Garrity* decision, collective bargaining, the Fair Labor Standards Act (FLSA), law enforcement stress management, drug testing, the Americans with Disabilities Act (ADA), and public relations.

NAPO Public Affairs: In 2002, NAPO established the **National Association of Police Organizations Relief Fund**, dedicated to providing “for the physical, medical, emotional, and spiritual well-being of law enforcement officers and their families who have suffered hardship as a result of catastrophe, storm, flood, earthquake, fire, evacuation, relocation, disaster, war, or other acts or accidents of nature or man.” The Relief Fund has been extremely successful in assisting officers in the aftermath of Hurricanes Katrina and Sandy, flooding in the Midwest, and the wildfires in Texas, as well as quietly aiding families with an ill or deceased loved one.

NAPO established a sister 501(c)(3) research and education organization in 1991, the **Police Research and Education Project (PREP)**. PREP has conducted research on law enforcement stress and its effect on the family under the auspices of National Institute of Justice grants.

In 1994, the **National Law Enforcement Officers’ Rights Center** was established under PREP to protect officers' legal and constitutional rights. The Rights Center is the first legal support center established to help law enforcement officers deal with the increase of litigation sweeping through the law enforcement community.

The Rights Center has filed many *amicus curiae* (“friend of the court”) briefs on behalf of law enforcement officers with the U.S. Supreme Court, as well as numerous federal and state appellate courts. The Rights Center has also published surveys on states' tort liability rules, collective bargaining laws, and a law enforcement officer's right to carry a firearm off-duty.

The Rights Center has won several important U.S. Supreme Court cases for law enforcement officers. Thanks to NAPO and the Rights Center, law enforcement officers can now restrain dangerous persons to ensure a safe search of a site during the execution of a warrant, and may lawfully arrest suspects who refuse to identify themselves in legitimate Terry stops (occur when there is reasonable, articulable suspicion that criminal activity may be afoot). NAPO has also been instrumental in securing qualified immunity rights for officers in civil rights and use of force cases. The Rights Center and NAPO will continue to file *amicus curiae* briefs to represent America's Finest in the courts of the United States.

NAPO is a founding member of the **National Law Enforcement Officers Memorial Fund (NLEOMF)**. NAPO's efforts led to the successful passage of legislation that established the Memorial and NAPO representatives served on the site selection and inscription committees. NAPO, through its members, raised over \$1 million for the Memorial. Additionally, NAPO has raised nearly \$2 million for the proposed National Law Enforcement Museum. NAPO continues to serve on the Board of Directors of the National Memorial Fund and the new National Law Enforcement Museum in Washington, D.C.

NAPO also serves, or has served, as a board or coalition member for the National Law Enforcement and Corrections Technology Advisory Council (LECTAC), the National Armor Advisory Board and Summit (reviews current issues regarding body armor design and usages), the National Blue Mass (held for law enforcement officers during National Police Week), the National Center for Missing and Exploited Children, the Target Capabilities Working Groups of the U.S. Department of Homeland Security, the Public Safety Sub Council of the National Occupational Research Agenda of the National Institute for Occupational Safety and Health, the American College of Occupational and Environmental Medicine Task Group on Medical Guidelines for Law

Enforcement Officers, the Collective Bargaining Coalition (lobbies Congress on legislation to extend basic collective bargaining rights to public safety officers), the National Executive Committee of the Coalition to Preserve Retirement Security (Social Security issues), the National Conference on Public Employee Retirement Systems, the Crime Prevention Council of America, and the United States Presidential Transition Teams for the Departments of Justice and Homeland Security.

NAPO has been, and will continue to be the strongest unified voice for law enforcement officers in the United States.

RIGHTS OF LAW ENFORCEMENT OFFICERS

PUBLIC SAFETY EMPLOYER - EMPLOYEE COOPERATION ACT “COLLECTIVE BARGAINING”

Background: Congress has long recognized the benefits of a cooperative working relationship between labor and management. Over the years, Congress has extended collective bargaining rights to public employees, including letter carriers, postal clerks, public transit employees, and congressional employees. However, under federal and state laws, some public safety employees, including those in law enforcement, corrections, and fire, are denied the basic right of collective bargaining.

While many public safety agencies have benefited from a productive partnership between employers and employees, other agencies have not. Currently, many states do not allow public safety employees the fundamental right to bargain with their employers. History shows that denying workers the right to bargain collectively causes poor morale, the waste of resources, unfair and inadequate working conditions, and low productivity. Ultimately, it is the public’s safety and security that is jeopardized by such poor working conditions.

If enacted into law, the Public Safety Employer-Employee Cooperation Act would do the following:

- Give public safety officers the right to form and join a union or association of their own choosing, if they wish to.
- Give public safety officers the right to bargain over wages, hours, and working conditions.
- Provide for fact finding and mediation to resolve disputes, (would not require binding arbitration).
- Prohibit strikes and lockouts by public safety officers and agencies.
- Protect current state laws, certifications, and collective bargaining agreements.
- Preserve legitimate management rights.

Recent Legislative History:

111th Congress (2009-2011)

- **H.R. 413**, “Public Safety Employer-Employee Cooperation Act.” Introduced by Dale Kildee (D-MI) and John Duncan (R-TN) on January 9, 2009. Supported by 226 cosponsors.
- **H.R. 4899: Supported Amendment**, “Public Safety Employer-Employee Cooperation Act.” **Passed the House on July 1, 2010.**
- **S. 3991**, “Public Safety Employer-Employee Cooperation Act of 2010.” Introduced by Harry Reid (D-NV) on November 20, 2010. Senate Cloture vote failed 55-43 on December 8, 2010.

110th Congress (2007-2009)

- **H.R. 980**, “Public Safety Employer-Employee Cooperation Act of 2007.” Introduced by Dale Kildee (D-MI) and John Duncan (R-TN) on February 12, 2007. Supported by 280 cosponsors. **Passed the House on July 17, 2007.**
- **S. 2123**, Senate companion bill to **H.R. 980**. Introduced by Judd Gregg (R-NH) and Edward Kennedy (D-MA) on October 1, 2007. Supported by 36 cosponsors.

NAPO Position: Federal law has extended collective bargaining to a number of different sectors, but not to public safety officers. Law enforcement officers put their lives on the line every day to preserve the security and peace that our nation enjoys. However, these same officers are denied the basic American right of collective bargaining for wages, hours, and safe working conditions.

This legislation extends basic collective bargaining rights to state and local public safety officers. The legislation prohibits strikes and does *not* call for mandatory arbitration. In addition, states that offer equal or greater collective bargaining rights would be exempt from this federal statute. This legislation will not overturn current collective bargaining laws – it will only provide the most basic of collective bargaining rights to those who currently do not have them.

NAPO will continue to actively support the passage of this important legislation.

STATE AND LOCAL LAW ENFORCEMENT OFFICER BILL OF RIGHTS

Background: Due to the enormous responsibilities they exercise, sworn law enforcement officers are held to an extremely high standard of personal and professional conduct. However, many officers are denied the same basic due process rights that all other citizens enjoy.

Throughout the country, many states lack coherent guidelines and procedures for law enforcement departments to follow to protect law enforcement officers' due process rights. In approximately fifty percent of states, officers enjoy some legal protections against false accusations and abusive conduct. This leaves hundreds of thousands of officers with limited or no due process, who face limitations or retaliation when exercising these rights.

Furthermore, individuals are sometimes reluctant to file a complaint against an officer, perceiving correctly or incorrectly, that management will not take the complaint seriously and conduct an inquiry. Often, departments lack any guidelines and procedures for handling and investigating complaints, thus raising doubts about officer accountability.

If enacted into law, the “Law Enforcement Officer Bill of Rights” would provide the following:

- Officers would have the right to engage in civic activity and would not be prohibited from running for elective office because of their profession.
- Law enforcement departments would be required to establish effective procedures for receipt, review, and investigation of complaints against law enforcement officers.
- If disciplinary action is foreseeable, officers would be notified of the investigation, the nature of the alleged violation, the eventual outcome of the inquiry, and the recommendations made to superiors by the investigators.
- Questioning of law enforcement officers would be conducted at reasonable times, preferably while the officers are on duty, unless exigent circumstances apply.
- Questioning of law enforcement officers would take place at the offices of those conducting the investigation or at the place where the officers report to work, unless the officers consent to another

location.

- A single investigator would question officers, and the officers would be informed of the name, rank, and command of the officer conducting the investigation.
- Officers could not be threatened, harassed, or promised rewards to induce the answering of any question.
- Officers under investigation would be entitled to have legal counsel or any other individual of their choice present at the questioning.
- Officers would be entitled to a hearing, (including notification in advance of the date of the hearing), as well as access to transcripts and other relevant documents, and evidence generated by the hearing. Officers would also be entitled to be represented by legal counsel or another representative at the hearing.
- Hearing officers or boards would be required to consider 'just cause' factors for officers to be found guilty or liable for disciplinary action. Mitigating factors would also be noted, which could reduce the severity of the disciplinary action.
- Officers would have the right to obtain declaratory or injunctive relief in state or federal court for violations of this law, including retaliation for the exercise of these, or any other rights under federal, state, or local law.
- Officers would have the opportunity to comment in writing on any adverse materials placed in their personnel files.
- This law would only preempt those provisions in state, county, or municipal laws, which provide lesser officer protection, but would not preempt those providing equal or greater protection.

Recent Legislative History:

112th Congress (2011-2013)

- **H.R. 1789**, “State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2011.” Introduced by Erik Paulsen (R-MN) on May 5, 2011. Supported by 17 cosponsors.

111th Congress (2009-2011)

- **H.R. 1972**, “Law Enforcement Officer’s Procedural Bill of Rights Act.” Introduced by Bart Stupak (D-MI) and Erik Paulsen (R-MN) on April 2, 2009. Supported by 11 cosponsors.

110th Congress (2007-2009)

- **H.R. 688**, “State and Local Law Enforcement Discipline, Accountability, and Due Process Act.” Introduced by Jim Ramstad (R-MN) on January 24, 2007. Supported by 61 cosponsors.
- **S. 449**, Senate companion bill to **H.R. 688**. Introduced by Joseph R. Biden, Jr. (D-DE) on January 31, 2007. Supported by seven cosponsors.

NAPO Position: NAPO recognizes a serious need for the implementation of standards and procedures to guide both state and local law enforcement agencies and law enforcement officers during internal investigations, administrative hearings, and evaluations of citizen complaints. Too often, law enforcement officers are subjected to the whims of their departments or local politics during internal investigations and administrative hearings.

NAPO also supports the implementation of standards to guide law enforcement agencies in developing and operating fair and effective investigative processes. Individuals should have the right to file a complaint, to have the complaint investigated, and to be informed of its final disposition, including learning the outcome of the investigation and any resulting disciplinary action.

Consequently, NAPO has actively fought for the enactment of this legislation since 1990. In consultation with attorneys representing law enforcement officers, NAPO has worked tirelessly with Congress and other national interest groups to support this legislation.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES (COPS), EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (BYRNE-JAG), & HOMELAND SECURITY GRANTS

Background: Serving as the lead national law enforcement organization, NAPO worked tirelessly with members of Congress and the Administration to enact the **Community Oriented Policing Services (COPS)** program in 1994. Since its inception, the COPS Office, (within the United States Department of Justice (DOJ)), has been extremely successful in implementing and carrying out its designated objectives. To date, COPS has funded over 118,000 community police officers and awarded more than 40,000 grants to 13,300 state, local, and tribal law enforcement agencies, advancing community policing in all jurisdictions across the United States.

In addition to the COPS program, state and local law enforcement benefit greatly from the **Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG)** program, as it is the only comprehensive federal crime-fighting program. It allows for a system wide approach that enables communities to target resources to their most pressing local needs. This important program funds state and local law enforcement, including multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, and juvenile delinquency and drug treatment programs. In fact, it is the only source of federal funding for multi-jurisdictional task forces and prosecutors.

COPS, together with the Byrne-JAG program, provide state and local law enforcement with necessary funding to assist their efforts to keep communities safe.

In addition to fighting domestic crime, law enforcement is assuming more duties to protect America's communities against terrorist threats. Law enforcement supports the Department of Homeland Security's (DHS)

mission to secure America by preventing and deterring terrorist attacks, and to protect against, and respond to threats and hazards to the nation. State and local law enforcement receive federal funds to assist with the DHS mission through the following DHS grant programs: the State Homeland Security Grant Program (SHSGP), the Law Enforcement Terrorism Prevention Program (LETPP), and the Urban Area Security Initiative (UASI).

Since the beginning of the 108th Congress, NAPO has expended great efforts every fiscal year to urge Congress and the Administration to fund these vital grant programs.

Washington is faced with large deficits and no program is safe from massive funding reductions. Steep cutbacks in funding have occurred despite the fact that state and local law enforcement play an increasingly important role in homeland security, continue to fight against drugs and violent crime, and endure pressing state budget constraints.

Funding History for COPS Hiring

Fiscal Year	Final Amount *	Fiscal Year	Final Amount *
1995	\$1,057	2005	\$10
1996	\$1,128	2006	\$0
1997	\$1,339	2007	\$0
1998	\$1,338	2008	\$20
1999	\$1,201	2009	\$1,000
2000	\$481	2010	\$298
2001	\$408	2011	\$246.8
2002	\$385	2012	\$141
2003	\$199	2013	\$165
2004	\$114		
*Indicates in Millions of Dollars			

Funding History for Byrne-JAG

Fiscal Year	Final Amount *
2012	\$470
2011	\$431
2010	\$519
2009	\$546
2008	\$0
2007	\$0
* Indicates in Millions of Dollars	

Recent Legislative History:

113th Congress (2013-2015)

- **H.R. 421**, “COPS Improvement and Reauthorization Act of 2013.” Introduced by David Reichert (R-WA) on January 25, 2013. Supported by five cosponsors.

112th Congress (2011-2013)

- **S. 207**, “COPS Improvements Act of 2011.” Introduced by Herb Kohl (D-WI) on January 26, 2011. Supported by 11 cosponsors.
- **H.R. 1894**, “COPS Improvements Act of 2011.” Introduced by Herb Weiner (D-NY) on May 13, 2011. Supported by seven cosponsors.
- **H.R. 6062**, “Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.” Introduced by Tom Marino (R-PA) on June 29, 2012. Supported by ten cosponsors.
Passed the House on August 1, 2012.

- **S. 250**, “Justice for All Reauthorization Act of 2012.” Introduced by Patrick Leahy (D-VT) on February 1, 2011. Supported by six cosponsors.

111th Congress (2009-2011)

- **S. 167**, bill to amend the “Omnibus Crime Control and Safe Streets Act of 1968” to enhance the COPS ON THE BEAT grant program. Introduced by Herb Kohl (D-WI) on January 8, 2009. Supported by 18 cosponsors.
- **H.R. 1139**, “COPS Improvements Act of 2009.” Introduced by Anthony Weiner (D-NY) on February 23, 2009. Supported by 45 cosponsors.

110th Congress (2007-2009)

- **S. 231**, bill to authorize the “Edward Byrne Memorial Justice Assistance Grant” program at FY 2006 levels (\$1.1 billion) through 2012. Introduced by Dianne Feinstein (D-CA) on January 9, 2007. Supported by 52 cosponsors. **Passed the Senate on May 24, 2008.**
- **H.R. 3546**, House companion bill to **S. 231**. Introduced by Hank Johnson (D-GA) on September 17, 2007. Supported by 58 cosponsors. **Passed the House on July 30, 2008. Public Law on July 30, 2008 (Public Law 110-294).**
- **S. 368**, “COPS Improvements Act of 2007.” Introduced by Joseph R. Biden, Jr. (D-DE) on January 23, 2007. Supported by 44 cosponsors.
- **H.R. 1700**, House companion bill to **S. 368**. Introduced by Anthony D. Weiner (D-NY) on March 26, 2007. Supported by 102 cosponsors. **Passed the House on May 15, 2007.**

NAPO Position: Most law enforcement officials and the public recognize the benefits of putting more police on the street, which is why initiatives to put and maintain more officers in the field to promote community policing and fight crime should be continued. The steady decline of violent crime from 1993 to 2003 is evidence of the success of the COPS and Byrne-JAG programs. However, the recent steep increase in violent crime rate highlights the fact that Congress must not become complacent with past success. There is still much work to be done and NAPO will continue to fight for the resources needed to serve communities efficiently and effectively.

NAPO supports fully funding these vital DOJ and DHS state and local law enforcement assistance grant programs. Furthermore, NAPO endorses allocating DHS grant funds to states and regions based on threat assessments and vulnerability & consequence assessments, rather than a broad-based political formula.

NAPO will continue to advocate for increased funding for these critical programs for fiscal years 2013 and 2014 through the passage of legislation and through the federal appropriations process.

FULL FUNDING FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) GRANT PROGRAM

Background: In 1998, with NAPO's support, Congress enacted legislation that created a grant program through DOJ to help fund state and local law enforcement efforts to purchase bullet resistant vests for their officers. Since the program's inception, it has provided more than \$277 million in federal funds to over 13,000 jurisdictions around the nation to assist state and local law enforcement with the purchasing of more than one million new bulletproof vests (1,084,081 as of October 17, 2012). In 2008, Congress extended the life of this vital program for the second time until 2012. The Bulletproof Vest Partnership (BVP) Grant Program Reauthorization Act of 2013 would extend the life of this program from 2013 until 2017.

The BVP Grant Program is a critical resource for state and local jurisdictions that saves lives. Based on data collected and recorded by Bureau of Justice Assistance staff, in FY 2012, protective vests were directly attributable to saving the lives of at least 33 law enforcement and corrections officers in 20 different states, an increase of 13.7% over FY 2011. At least 13 of those life-saving vests had been purchased, in part, with BVP funds.

To date, more than 3,000 law enforcement officers have survived shootings thanks to their bullet resistant vests. Those officers are only a fraction of the over 900,000 law enforcement officers who put their lives at risk every day to protect our nation's communities.

While many officers are protected by bullet-resistant armor, an alarming number of officers, many in small departments across the United States, are not afforded this same protection due to local budget constraints. Moreover, in August 2005, DOJ released test results indicating that Zylon-based vests fail to provide the advertised level of ballistic resistance. These results led to law enforcement departments replacing their Zylon-based vests in order to protect the lives of their officers.

In the fall of 2010, the Attorney General announced a new DOJ BVP Grant Program application requirement: Agencies receiving funding for

reimbursement of body armor purchases are required to have a written mandatory wear policy for uniformed patrol officers.

While the BVP Grant Program is authorized at \$50 million per year, the program receives, on average, only half of that amount, leaving thousands of police departments and agencies unable to help their officers purchase vests. The BVP Grant Program needs to be fully funded at its authorized level of \$50 million in order to safeguard the lives of America’s law enforcement officers by ensuring they are afforded the necessary protection.

Funding History for BVP

Fiscal Year	Jurisdictions	Amount*
1999	3,508	\$22.89
2000	3,586	\$24.01
2001	4,447	\$24.50
2002	5,129	\$23.51
2003	5,784	\$24.00
2004	4,783	\$24.20
2005	4,010	\$23.63
2006	4,600	\$28.90
2007	3,981	\$28.62
2008	4,484	\$20.66
2009	3,927	\$22.00
2010	4,127	\$37.01
2011	4,960	\$24.28
2012	4,180	\$19.98
*Indicates in Millions of Dollars		

Recent Legislative History:

113th Congress (2013-2015)

- **H.R. 988**, “Bulletproof Vest Partnership Grant Act of 2013.” Introduced by Frank LoBiondo (R-NJ) on March 6, 2013. Supported by one cosponsor.

112th Congress (2011-2013)

- **H.R. 5742**, “Bulletproof Vest Partnership Grant Act of 2012.” Introduced by Frank LoBiondo (R-NJ) on May 15, 2012. Supported by 14 cosponsors.
- **S. 2554**, “Bulletproof Vest Partnership Grant Program Reauthorization Act of 2012.” Introduced by Patrick Leahy (D-VT) on May 17, 2012. Supported by 11 cosponsors.

110th Congress (2007-2009)

- **H.R. 6045**, “Bulletproof Vest Partnership Grant Act of 2008.” Introduced by Peter Visclosky (D-IN) on May 13, 2008. Supported by 171 cosponsors. **Passed the House on September 26, 2008. Public Law on October 15, 2008 (Public Law 110-421).**
- **S. 3012**, Senate companion bill to **H.R. 6045**. Introduced by Patrick Leahy (D-VT) on May 13, 2008. Supported by eight cosponsors. **Passed the Senate on September 30, 2008.**
- **S. 2511**, “Bulletproof Vest Partnership Grant Act of 2008.” Introduced by Patrick Leahy (D-VT) on December 18, 2007. Supported by eight cosponsors.

NAPO Position: NAPO continues to support Congress’s reauthorization of the BVP Grant Program. Over the past decade, this vital program has enabled the protection of nearly a half million officers.

The policy change that requires a mandatory wear policy in order for departments to receive funds for vests is misguided. Specifically, Public Safety Officers’ Benefits should not be contingent on officers’ compliance with departmental body armor wear policies. There are too many unforeseeable circumstances to justify making death benefits contingent on compliance with a blanket policy. NAPO believes this inadvertent consequence can be avoided through a variety of legislative options.

Fully funding the BVP Grant Program will ensure that all of America’s law enforcement officers are provided with the life-saving protection they need. This grant program has enabled small and large law enforcement departments alike to obtain protective equipment to safeguard their officers. However, the current budget proposals do not come near the

funding necessary to meet the annually growing need for vital assistance. The BVP Grant Program needs to be made permanent, and needs to be fully funded to its authorized level of \$50 million.

RETIREMENT SECURITY

MANDATORY SOCIAL SECURITY PARTICIPATION

Background: The Social Security program is an important source of future retirement security for millions of Americans. NAPO realizes that the program needs to be restructured and its financing put on sound footing for future generations of retirees, in view of projections that the Social Security Trust Fund will be exhausted by 2033. NAPO commends the President and the Congress for their efforts to consider various alternatives.

State and local governments were excluded from the Social Security Act of 1935 because there were (and still are) questions as to the extent to which the federal government could tax state and local governments. Also, many state and local governments had their own pension systems. The 1950 amendments to the Act allowed state and local governments to voluntarily participate in the Social Security program, and a number of states joined the system. In July of 1991, Social Security was made mandatory for state and local government employees who do not participate in any employer/employee retirement system.

Mandating Social Security taxes on the 70 percent of public safety officers not presently covered would have a dramatic and negative impact on the recruitment and retention of well-qualified public safety officers. In addition, it would constitute an unfunded mandate on public safety agencies, amounting to more than \$1 billion in the first year alone. Under a mandatory Social Security system, law enforcement officers would pay more for fewer benefits, when compared to their current pension plans.

Social Security was not designed for, and does not address, the special needs of law enforcement officers as follows:

1. Officers and their families need the security of service-connected disability and death benefits. Social Security benefits do not provide anywhere near the same level of benefits of current public safety pension plans, and provide no disability benefits unless one is totally unable to perform any work, not just public safety work.

2. Social Security is not appropriate for public safety officers who normally retire prior to, or around 55 years of age, due to the stresses, dangers, and injuries of the job. Unlike current plans, where officers may retire after 20 or more years of service, Social Security will not pay these individuals until they reach 62, 67, or even 70 years of age. Forcing police officers to work until the age of 70 will negatively impact public safety.

If enacted into law, mandatory Social Security taxes on public safety workers would do the following:

- A majority of state and local government entities would both pay the newly imposed 6.2 percent tax, (the employer's half of the 12.4 percent Social Security tax), and retain their current pension systems, because they are required to do so by law or collective bargaining agreements. Imposing Social Security taxes on these state and local governments would strain their budgets and would have serious consequences on the pay and working conditions of their public safety officers. For example, it is estimated that California governmental entities and their newly hired employees would be required to pay \$440 million in new Social Security taxes, if newly hired workers were covered.
- Officers would automatically suffer a *de facto* pay decrease through the newly imposed 6.2 percent tax, (the employee's half of the 12.4 percent Social Security tax), and it would become more difficult to retain the most qualified officers.
- Because raising taxes to make up the difference is not politically feasible, state and local governments would likely take two or more of the following actions: (1) decrease the number of public safety officers to retain current pay levels and benefits; (2) reduce the pay of law enforcement officers; (3) freeze future cost-of-living increases; or (4) not provide public safety officers with the essential equipment, (such as bullet resistant vests), and resources needed to effectively perform their work.
- Most state and local governments would pay the 6.2 percent tax by proportionally reducing their contributions to current pension systems. Trying to blend the special needs of actuarially funded pensions systems with the structure of Social Security would create serious complications and costs for benefit design and administration, as well as collective bargaining. Over time, mandatory Social Security taxes, even if only applied to new

hires, would threaten the financial viability of sound, secure, and long-standing retirement systems, eventually destroying existing retirement and disability benefits for public safety officers.

- Reducing employer and employee contributions to current pension plans in order to pay Social Security taxes would have serious repercussions for those employees already having vested rights and would make it difficult to recruit the best candidates for public safety work. Over time, the increasing transfer of significant contributions (of both employers and employees) from pension funds to Social Security would severely reduce the investment income, as more grandfathered employees in the current systems retire and new employees covered by Social Security are hired to replace them. This would cause pension funds to be under-funded and reduce benefits, seriously harming the future benefits paid to retirees.
- Significantly scaling back and reducing current retirement pensions, death benefits, and line-of-duty disability pay for public safety officers, even if done only for new hires, would provide public safety officers and their families with much less protection. This would cause law enforcement and firefighting to become much less desirable as careers. Retention of current public safety officers and recruitment of new officers would become difficult.

NAPO Position: NAPO supports a long-term solution, *so long as* such a solution does not mandate that all or some state and local government employees, including newly hired ones and their employing agencies, be required to pay Social Security taxes. Adding presently non-covered public safety workers will not fix the basic problems of Social Security. While it will bring new workers into the Social Security system, the system will also have to assume a liability for these new workers, which will eventually have to be paid.

Even if Social Security taxes were limited to new hires, the likely consequences of mandatory Social Security taxes, including reduced benefits, lower salaries, or frozen cost-of-living increases, would make law enforcement and fire safety work less financially desirable. It makes no sense whatsoever to tamper with a system of pension funds that is working well and paying needed benefits to those who serve and protect the public.

There has not been any recent legislation on this issue. NAPO will continue to serve as the key representative of law enforcement in defending this issue before members of Congress.

GOVERNMENT PENSION OFFSET (GPO) AND WINDFALL ELIMINATION PROVISION (WEP)

Background: The Government Pension Offset (GPO) reduces public employees' Social Security spousal or survivor benefit by two-thirds of their public pension, and often leads to negative effects on law enforcement officers' retirements. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased's benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor's pension, eliminating most, or all of the payment. Because of their profession, many law enforcement officers do not pay into Social Security; however, if they had not served at all, they would receive the full allotment of the spouse's benefit.

In addition to the GPO, public safety employees are also adversely affected by the Windfall Elimination Provision (WEP). Although most law enforcement officers retire after a specific length of service, usually while in their early to mid-fifties, many look for new opportunities to serve their communities. 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 WEP. Instead of receiving their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

GPO and WEP were intended to be "leveling" responses, but only serve to hurt public safety officers. Nine out of ten public employees affected by the GPO lose their *entire* spousal benefit, even though their spouses paid Social Security for many years. The WEP causes hard-working public safety officers to lose the benefits *they earned themselves*, thus punishing those who selflessly serve and protect our communities.

Recent Legislative History:

112th Congress (2011-2013)

- **S. 113**, “Public Servants Retirement Protection Act.” Introduced by Kay Bailey Hutchinson (R-TX) on January 25, 2011. Supported by one cosponsor.
- **H.R. 2797**, “Public Servants Retirement Protection Act of 2011.” Introduced by Kevin Brady (R-TX) on August 5, 2011. Supported by eight cosponsors.
- **H.R. 1332**, “Social Security Fairness Act of 2011.” Introduced by Howard McKeon (R-CA) on April 1, 2010. Supported by 170 cosponsors.

111th Congress (2009-2011)

- **H.R. 235**, “Social Security Fairness Act of 2009.” Introduced by Howard Berman (D-CA) and Howard McKeon (R-CA) on January 7, 2009. Supported by 334 cosponsors.
- **S. 484**, Senate companion bill to **H.R. 235**. Introduced by Dianne Feinstein (D-CA) on February 25, 2009. Supported by 31 cosponsors.

110th Congress (2007-2009)

- **H.R. 82**, “Social Security Fairness Act of 2007.” Introduced by Howard Berman (D-CA) on January 4, 2007. Supported by 352 cosponsors.
- **S. 206**, Senate companion bill to **H.R. 82**. Introduced by Dianne Feinstein (D-CA) on January 9, 2007. Supported by 38 cosponsors.
- **S. 1254**, “Government Pension Offset Reform Act.” Introduced by Barbara Mikulski (D-MD) on May 1, 2007. Supported by eight cosponsors.
- **H.R. 2988**, House companion bill to **S. 1254**. Introduced by Albert Wynn (D-MD) on July 10, 2007.

NAPO Position: The loss of income caused by GPO and WEP is a financial strain on law enforcement officers and their families, an additional strain that those who spent their careers on the front lines protecting our nation’s communities do not need. By significantly scaling back and reducing social security benefits for law enforcement officers and their survivors, as GPO and WEP do, officers and their families are provided much less protection against financial difficulties. This is no way to honor those who have chosen to serve our nation and its communities.

Law enforcement officers and public employees across the United States are concerned about their retirement benefits and the impact of GPO and WEP. NAPO supports efforts to totally repeal GPO and WEP from Title II of the Social Security Act, and will continue to actively work to see the passage of this legislation.

INTERNAL REVENUE SERVICE (IRS) RULES ON NORMAL RETIREMENT AGE

Background: NAPO was successful in moving the enactment date for Internal Revenue Service (IRS) Normal Retirement Age regulations from January 1, 2011 to January 1, 2013, and later efforts by NAPO and several of its member associations resulted in postponement to January 1, 2015.

The IRS responded to struggling public sector pension plans by adding more federal oversight to governmental plans by significantly increasing audits of defined benefit plans. NAPO is concerned that the IRS does not have the necessary knowledge or adequate guidance to properly audit governmental plans. Additionally, the IRS has not sufficiently involved state and local government officials in the process of establishing increased enforcement in this area, and may be acting outside of its jurisdiction. Lastly, the press reports on governmental plans that the IRS cites are not relevant to federal tax code compliance, and tend to use selective examples that are usually tangled with issues related to healthcare, which distort the overall picture of public pension finance.

The final regulations are for the purpose of in-service distributions only. A public safety officer can still retire after 20 or 25 years of service, (even if he or she has not reached the age of 50), and receive a full, unreduced pension, as long as he or she severs all employment with the employer who maintains the plan. This would no longer be considered “normal retirement age,” but rather “early unreduced retirement.” However, an officer cannot receive in-service distribution benefits until he or she reaches the IRS defined normal retirement age of 50 (for public safety personnel).

NAPO Position: NAPO is continuing its efforts to completely exclude governmental plans from these regulations. NAPO strongly believes the

IRS should not attempt to create standardized definitions for normal retirement age with regards to governmental plans, but instead should defer to the applicable state or local laws, regulations, and policies governing these plans.

CRIMINAL JUSTICE

GANG DETERRENCE AND PREVENTION

Background: Recent studies have indicated that approximately 20,000 violent street gangs, with nearly one million members, are criminally active in the United States today. Gang members are responsible for as much as 80 percent of the crime in some communities. Compounding this problem, gangs have been directly linked to narcotics trade, human trafficking, identification document falsification, violent maiming, assault, and murder.

Congressional action is necessary to reduce gang violence by creating new High Intensity Interstate Gang Activity Areas (HIIGAAAs) to facilitate cooperation between federal, state, and local law enforcement. Additionally, new gang prosecution statutes must be created to increase the penalties for violent gang crimes and strengthen prosecutors' ability to combat gang activities. Federal support is essential to support law enforcement anti-gang efforts and provide necessary resources for community-based gang prevention and intervention programs. The enactment of such provisions will greatly assist state and local law enforcement in their efforts against gang expansion and violence.

Recent Legislative History:

112th Congress (2011-2013)

- **H.R. 928**, "National Safe Streets Gang Crime Prevention Act of 2011." Introduced by Jerry McNerney (D-CA) on March 3, 2011.

111th Congress (2009-2011)

- **S. 132**, "Gang Abatement and Prevention Act of 2009." Introduced by Dianne Feinstein (D-CA) on January 6, 2009. Supported by 17 cosponsors.
- **H.R. 1022**, "Gang Prevention, Intervention, and Suppression Act." Introduced by Adam Schiff on February 19, 2009. Supported by three cosponsors.

110th Congress (2007-2009)

- **S. 456**, "Gang Abatement and Prevention Act of 2007." Introduced by Dianne Feinstein (D-CA) on January 31, 2007.

Supported by 44 cosponsors. **Passed the Senate on September 21, 2007.**

- **H.R. 3547**, “Gang Prevention, Intervention, and Suppression Act.” Introduced by Adam Schiff (D-CA) and Mary Bono (R-CA) on February 7, 2007. Supported by 25 cosponsors.

NAPO Position: NAPO supports congressional efforts to address the growing problem of gang violence. NAPO continues to work with Senator Feinstein and Representative McNerney to fight for the passage of important gang legislation. NAPO looks forward to working with Congress to ensure that law enforcement is given the support it needs in the fight against gang violence.

EXTRADITION OF COP- KILLERS

Background: Under the U.S. – Mexico Extradition Treaty, enacted in 1980, both countries may refuse to extradite their nationals, unless the country seeking extradition assures that the death penalty will not be imposed. In 2001, the Mexican Supreme Court ruled that this language encompasses the extradition of anyone who faces the possibility of the death penalty *or* life in prison. This ruling requires the United States to assure a sentence of a fixed number of years in order to prosecute a criminal who has fled to Mexico, which is impossible as neither a judge nor a prosecutor can make such a judgment in advance of a trial.

Since 2001, many violent felons have fled to Mexico to evade prosecution under the auspices of this ruling. The murder of Los Angeles County Deputy Sheriff David March in April 2002, and the subsequent flight of his killer to Mexico to evade prosecution is an unfortunate reminder that the apprehension of criminals and the execution of justice should not be hampered by rulings which offer virtual safe havens for criminals who are fleeing the obligations of the law. (Jorge Arroyo Garcia, the fugitive wanted for the murder of Deputy Sheriff David March, was extradited from Mexico to the United States on January 9, 2007. Nevertheless, many other fugitives remain at large and evade punishment through the Mexican Supreme Court ruling).

NAPO Position: NAPO continues to lobby the Administration and Congress to reconsider the U.S. – Mexico Extradition Treaty and to encourage the Mexican government to work with the Mexican Supreme

Court to reconsider its 2001 decision blocking extradition to the United States.

Federal action will ensure that this growing issue of the United States Government's inability to extradite violent criminals who flee to Mexico is rightly addressed. NAPO actively supports the efforts of California's members of Congress to urge the Administration to address this issue and bring to justice the murderers of American police officers.

INCREASED PENALTIES FOR CRIMES AGAINST LAW ENFORCEMENT OFFICERS

Background: Law enforcement officer assaults, injuries, and deaths have increased sharply in recent years. An attack on the law enforcement community is an attack on society, as law enforcement officers serve as society's protection against violent criminals. We lose protection as criminals become more violent and willing to harm law enforcement officers.

NAPO Position: There is a serious and growing trend of armed attacks on officers. NAPO strongly supports legislation, at both the federal and state level, that would increase criminal penalties for crimes committed against law enforcement officers.

NAPO believes that the establishment of stricter penalties and increased sentences for harming or attempting to harm law enforcement officers will deter crime. Any persons contemplating harming an officer must know that they will face serious punishments. Increased penalties can make important differences in the attitudes of criminals toward law enforcement officers, and ensure protection for the community.

FIREARMS ISSUES

Background: The 2012 tragedy at Sandy Hook Elementary School and other mass shootings, such as the tragedy that took place at Virginia Tech, prompted public debate and proposals from the Administration and Congress to address gun violence in America.

President Obama and Congressional leaders from both parties have proposed initiatives to require universal background checks for gun sales,

reinstate and strengthen the assault weapons ban, limit ammunition magazines to a 10-round capacity, provide schools with resource officers and counselors, put more police officers on the streets, establish stronger punishments for gun trafficking, and offer more comprehensive insurance for mental health coverage.

Recent Legislative History:

113th Congress (2013-2015)

- **H.R. 138**, “Large Capacity Feeding Device Act.” Introduced by Carolyn McCarthy (D-NY) on January 3, 2013. Supported by 83 cosponsors.
- **S. 374**, “Fix Gun Checks Act of 2013.” Introduced by Charles Schumer (D-NY) on February 25, 2013.
- **S. 649**, “Safe Communities, Safe Schools Act of 2013.” Introduced by Harry Reid (D-NV) on March 21, 2013.
- **S. 150**, “Assault Weapons Ban of 2013.” Introduced by Dianne Feinstein (D-CA) on January 24, 2013. Supported by 21 cosponsors.
- **H.R. 437**, “Assault Weapons Ban of 2013.” Introduced by Carolyn McCarthy (D-NY) on January 29, 2013. Supported by 68 cosponsors.
- **S. 54**, “Stop Illegal Trafficking of Firearms Act of 2013.” Introduced by Patrick Leahy (D-VT) on January 22, 2013. Supported by seven cosponsors.
- **H.R. 141**, “Gun Show Loophole Closing Act of 2013.” Introduced by Carolyn McCarthy (D-NY) on January 3, 2013. Supported by 41 cosponsors.
- **S. 146**, “School Safety Enhancements Act of 2013.” Introduced by Barbara Boxer (D-CA) on January 24, 2013. Supported by three cosponsors.

NAPO Position: NAPO has been recognized as one of the nation’s leaders in the comprehensive effort to make both officers’ and citizens’ lives safer.

NAPO recognizes that the Second Amendment to the U.S. Constitution does provide a legal individual right for law abiding citizens to keep and bear arms. NAPO supports the rights of law abiding citizens to acquire a carry permit. NAPO supports better and more accurate background checks to keep weapons out of the wrong hands. Also, NAPO has

advocated for the need to change the culture of violence that is prevalent in American media, entertainment, and society today. Moreover, NAPO supports efforts to provide easier, and less stigmatizing, access to mental healthcare, as well as efforts to harden potential targets of mass violence by providing age-appropriate education for students and citizens regarding how to respond if a shooting occurs. Finally, NAPO supports increased penalties, at both the federal and state level, for offenses committed with firearms.

MENTAL HEALTH TREATMENT FOR OFFENDERS

Background: Individuals with mental illnesses are significantly overrepresented in the prison and jail population. State and local governments are increasingly finding the need for greater collaboration between criminal justice, juvenile justice, and mental health and substance abuse treatment systems to better allocate resources across systems, increase connections to needed services, and reduce recidivism.

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) was signed into law by President George W. Bush in 2004, and authorized a \$50 million grant program to be administered by the U.S. DOJ. The law created the Justice and Mental Health Collaboration Program (JMHCPC) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. In 2008, Congress reauthorized the MIOTCRA program for an additional five years. The reauthorization bill expanded training for law enforcement to identify and respond appropriately to individuals with mental illnesses; it also supported the development of law enforcement receiving centers to assess individuals in custody for mental health and substance abuse treatment needs, as an alternative to jail booking. The Justice and Mental Health Collaboration Act of 2013 reauthorizes the successful MIOTCRA and extends the JMHCPC for five years.

Recent Legislative History:

113th Congress (2013-2015)

- **S. 162**, “Justice and Mental Health Collaboration Act of 2013.”
Introduced by Alan Franken (D-MN) on January 28, 2013.
Supported by 23 cosponsors.

- **H.R. 401**, “Justice and Mental Health Collaboration Act of 2013.” Introduced by Richard Nugent (R-FL) on January 23, 2013. Supported by 21 cosponsors.

NAPO Position: NAPO is a strong supporter of the JMHCP. This important program helps criminal justice and mental health agencies work collaboratively towards better outcomes. The JMHCP can help law enforcement agencies across the United States in its responsibilities in assisting those, and dealing with, citizens with mental health issues.

NAPO continues to support efforts to improve access to mental health services for people who come into contact with the criminal justice system, and to provide law enforcement officers the tools they need to identify and respond to mental health issues in the community.

ADDITIONAL ISSUES OF INTEREST TO LAW ENFORCEMENT

PUBLIC SAFETY OFFICERS' BENEFITS (PSOB)

Background: The Public Safety Officers' Benefits (PSOB) Act 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 families of public safety officers who have fallen or have become completely and permanently disabled in the line of duty rely on the benefits promised to them by the PSOB Act to continue on with their lives.

The PSOB Act not only provides death benefits to the eligible survivors of public safety officers, but also offers financial assistance for higher education for the spouses and children of federal, state, and local public safety officers through the Public Safety Officers Education Assistance (PSOEA) Act.

Furthermore, healthcare coverage as a PSOB is now becoming increasingly necessary, given the continuously escalating costs of healthcare. Healthcare coverage as a PSOB benefit would remove a great financial burden from the loved ones of those who so selflessly gave their lives for the safety of our communities.

Recent Legislative History:

112th Congress (2011-2013)

- **H.R. 4018**, "Public Safety Officers' Benefits Improvements Act of 2012." Introduced by Michael Fitzpatrick (R-PA) of February 14, 2012. Supported by 18 cosponsors.
- **S. 1696**, "Public Safety Officers' Benefits Improvements Act of 2011." Introduced by Patrick Leahy (D-VT) on October 12, 2011. Supported by eight cosponsors.

NAPO Position: Changes to the BVP Grant Program requiring agencies to have a mandatory wear policy in place for uniformed patrol officers can potentially have an effect on PSOB benefits. NAPO is pursuing a statutory fix that would make clear that whether an officer was or was not

wearing his or her vest should *not* be a criterion in deciding if a family receives PSOB.

NAPO is actively working on improvements to PSOB legislation, and will continue to do so.

FEDERAL CONSENT DECREE FAIRNESS ACT

Background: Consent decrees are used to remedy violations of rights and protect the party that faces injury. Consent decrees should not be used to further any policy extraneous to the protection of those rights or be expanded to apply to parties not involved in the litigation.

State and local governments have often found their interests and judgments in managing their own affairs compressed by the federal courts' structuring of consent decrees. The Federal Consent Decree Fairness Act amends United States Code Title 28, Chapter 111, to limit the duration of federal consent decrees to which state and local governments are party.

Recent Legislative History:

112th Congress (2011-2013)

- **H.R. 3041**, "Federal Consent Decree Fairness Act of 2012." Introduced by Jim Cooper (D-TN) on September 23, 2011. Supported by three cosponsors.

NAPO Position: There is a tendency for consent decrees to last longer than the period of time required to rectify the original problem. Often, this imposes heavy costs on the agencies involved, which affects the services they provide to the public.

NAPO supports the efforts of Senators Lamar Alexander (R-TN) and Roy Blunt (R-MO) to limit the length of consent decrees and to protect the interests of state and local governments in managing their own affairs.

PROTECTION OF LAW ENFORCEMENT OFFICERS' PRIVACY

Law Enforcement Officers' Personnel Records Privacy: NAPO is fighting for a federal statute, or rule, which would protect law

enforcement officers from overly intrusive discovery in federal court (civil and criminal), by allowing a judge to order that relevant information be made available only after review or redaction by the court. Allowing officers' personnel records to be viewed publicly not only violates the rights of officers involved in inquiries, but also makes them subject to prejudiced judgment that can harm their reputations. It can also expose officers and their families to real and threatened assaults and attacks. This issue is of growing concern to NAPO members.

Internet Police Officers Protection Act: In the mid 2000s, the *New York Daily News* reported a website listing law enforcement officers' addresses and other personal information. NAPO believes there is a compelling and legitimate governmental interest in ensuring that law enforcement officers are protected on and off duty. There is a legitimate concern that the posting of personal information about officers could be used to intimidate the officers and endanger their families. Free speech does not include the ability to terrorize officers.

Former Congressman Anthony Weiner (D-NY) first introduced legislation, which would prohibit the posting of such material, and empower law enforcement agencies to compel Internet service providers to prohibit access to such sites – in case the information is posted on a foreign server. NAPO continues to work to ensure that the private information of law enforcement officers and their families is shielded from unfair and dangerous public disclosure.

LAW ENFORCEMENT TECHNOLOGY CHALLENGES

The Communications Assistance for Law Enforcement Act (CALEA): CALEA was enacted on October 25, 1994. This legislation was intended to preserve the ability of law enforcement officials to effectively and efficiently conduct electronic surveillance, despite the deployment of new digital technologies and wireless services that have altered the character of electronic surveillance.

A decade after the passage of this legislation, the Federal Communications Commission (FCC) began considering how CALEA applies to new technologies. In 2005, the FCC released a proposed rulemaking and declaratory ruling, which required providers to accommodate law enforcement wiretaps.

Rapid advancements in technology necessitate an update to CALEA. NAPO is working hard to represent the needs of law enforcement on this issue. Specifically, when updating CALEA, law enforcement requires protection from added restrictions on wiretapping and from lengthening the timeline to receive data.

The Electronic Communications Privacy Act (ECPA): ECPA was established in 1986 to provide Internet users who store data on third-party servers with greater protection against government intrusions. Like CALEA, this legislation must be updated to reflect technological advancements.

Innovations in communications and machinery should not adversely affect law enforcement's ability to protect communities. Timely access to electronic evidence is often a critical law enforcement aid.

As Congress moves forward with reform, NAPO will reaffirm that law enforcement's investigative timelines should not be lengthened by more stringent restrictions on the ability to obtain communications information.

First Responder Network Authority (FirstNet): The Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96) was signed into law by President Barack Obama on February 22, 2012. It created FirstNet as an independent authority within the National Telecommunications and Information Administration (NTIA) at the U.S. Department of Commerce. The Act directs FirstNet to establish a single nationwide, interoperable public safety broadband network.

The legislation authorizes the creation of a formal Public Safety Advisory Committee (PSAC), which allows first responders to directly influence the governance of the new network. NAPO was afforded the opportunity to name a member to the PSAC, and continues to support the FirstNet mission.

NATIONAL BLUE ALERT

Background: According to the National Law Enforcement Officers Memorial Fund, on average, one law enforcement officer is killed in the line of duty somewhere in the United States every 56 hours.

There is a need to establish a National Blue Alert communications network within the Department of Justice to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

Recent Legislative History:

113th Congress (2013-2015)

- **H.R. 180**, “National Blue Alert Act of 2013.” Introduced by Michael Grimm (R-NY) on January 4, 2013. Supported by eight cosponsors.
- **S. 357**, “National Blue Alert Act of 2013.” Introduced by Benjamin Cardin (D-MD) on February 14, 2013. Supported by thirteen cosponsors.

112th Congress (2011-2013)

- **H.R. 365**, “National Blue Alert Act of 2011.” Introduced by Michael Grimm (R-NY) on February 2, 2011. Supported by 58 cosponsors. **Passed the House on May 15, 2012 (394-1).**
- **S. 657**, “National Blue Alert Act of 2011.” Introduced by Benjamin Cardin (D-MD) on March 28, 2011. Supported by 14 cosponsors.

111th Congress (2009-2011)

- **H.R. 6235**, “National Blue Alert Act of 2010.” Introduced by Michael McMahon (D-NY) on December 20, 2010. Supported by nine cosponsors.
- **S. 657**, “National Blue Alert Act of 2010.” Introduced by Benjamin Cardin (D-MD) on November 18, 2010. Supported by three cosponsors.

NAPO Position: NAPO is a strong and active supporter of the Blue Alert System. Creating a nationwide system that responds to criminal action against law enforcement officers will ensure the safety of the officers and the public. NAPO has written public letters of support for this legislation.

FLEXIBLE SPENDING ARRANGEMENTS

Background: Congress amended the Patient Protection and Affordable Care Act of 2010 by passing the Patient Protection and Affordable Care Act during the 111th Congress. This legislation negatively impacts

Flexible Spending Arrangements (voluntarily created accounts funded by pre-tax earnings designed to cover qualified medical expenses).

Beginning in 2013, the amount an officer could contribute to a Flexible Spending Arrangements was decreased from \$5,000 a year to \$2,500. These accounts' end-of-year balances do not roll over from year to year, and the remaining funds are forfeited. Many law enforcement officers currently contribute more than \$2,500 into these accounts.

NAPO's Position: In today's economic climate, it is important to maximize personal savings, especially in regard to an officer's annual healthcare expense. Officers use Flexible Spending Arrangements to fund expenses that are unlikely to decrease. Therefore, NAPO is committed to increasing the limit on what an officer may contribute.

“CADILLAC” HEALTH INSURANCE PLAN TAX

Background: A “Cadillac” or “gold-plated” insurance plan is a high cost policy. Beginning in 2018, the Patient Protection and Affordable Care Act, (Public Law 111-148), imposes a new 40% annual excise tax on taxpayers who are covered by high-cost health insurance plans (with premiums at or above \$10,200 for an individual or \$27,500 for a family), including worker and employer contributions to flexible spending or healthcare savings accounts. (Higher thresholds are set for workers in high-risk professions, such as public safety officers (\$11,850 for an individual and \$30,950 for a family plan)).

NAPO Position: NAPO has fought against the “Cadillac” health insurance plan tax, as the new tax will negatively impact public safety officers. NAPO is reviewing ways to exempt law enforcement officers from this tax, and is engaging Congress on this issue.

POSTAL POLICE OFFICERS (PPO) PERFORMANCE DUTIES

Background: There are over 600 Postal Police Officers (PPO) that patrol in and around select Postal Service facilities in the United States and Puerto Rico. These uniformed officers protect the public by making arrests for crimes committed on property controlled by the Postal Service.

They provide perimeter security, escort high-value mail shipments, carry firearms, and perform other essential law-enforcement functions regarding the mail.

Congress prescribed law enforcement functions for the Postal Service in Title 18 United States Code, Section 3061. These functions are to be carried out by Postal Inspectors and uniformed police. Congress granted the Postal Service the authority to have PPOs serve warrants and subpoenas and conduct certain postal investigations. The Postal Service has not yet availed itself of this authority.

NAPO Position: NAPO is working with members of Congress to raise awareness of this disparity and to improve protection of postal facilities. NAPO has published a public letter to Congress and continues to meet with members of the House Subcommittee on Federal Workforce, U.S. Postal Service, and Labor Policy to advance this issue.

SEQUESTRATION

Background: Sequestration is a series of automatic spending cuts and tax increases that took effect on March 1, 2013. The cuts include about \$100 billion in automatic cuts to defense and domestic government spending. The plan also includes about \$400 billion in tax hikes, caused primarily by the expiration of a temporary payroll tax cut and other income tax breaks adopted during the George W. Bush administration.

NAPO Position: NAPO understands the United States Government's need to balance its budget. At the same time, certain core functions of the federal government, including public safety, cannot be shut down. NAPO is working with the Administration and Congress to resolve difficult public safety budget issues. A price tag cannot be put on public safety.

EMPLOYER SUPPORT OF THE GUARD AND RESERVE (ESGR) & UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

Background: Law enforcement officers make up one of the largest employer segments of the National Guardsmen and Reservists in the country. The Employer Support of the Guard and Reserve (ESGR) is a

Department of Defense operational committee, (established in 1972), which promotes cooperation and understanding between Reserve Component Service members and their civilian employers, and assists in the resolution of conflicts arising from an employee's military commitment.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard, or other uniformed services: (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service.

NAPO Position: NAPO recognizes the Guard and Reserve are essential to the strength of our nation and the well-being of our communities, and honors our country's service members and their families. In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their communities and their country in a time of need. They deserve the support of every segment of society. If volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

NAPO signed a statement of support for the Guard and Reserve in May, 2011, and pledged to fully recognize, honor, and enforce the USERRA; provide managers and supervisors the tools they need to effectively manage those employees who serve in the Guard and Reserve; and to continually recognize and support our country's service members and their families in peace, in crisis, and in war.

DRIVER'S PRIVACY PROTECTION ACT (DPPA)

Background: The Driver's Privacy Protection Act (DPPA), (Public Law 103-322), was originally enacted in 1994 to protect the privacy of personal information assembled by the State Department of Motor Vehicles (DMV). The DPPA prohibits the release or use by any DMV

(or any officer, employee, or contractor) of personal information about an individual obtained by the department in connection with a motor vehicle record. The latest amendment to the DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released to third-party marketers.

The DPPA amendment is a major concern for the law enforcement community. The recent amendment authorizes a private right of action for knowing violations, and a court may award damages in the amount of \$2,500 for each time a record was accessed, as well as attorney fees and other litigation costs. Law enforcement officers are subject to these stringent punishments, even if they did not review files with criminal intent.

NAPO Position: NAPO is working with its counterparts to urge that the recent DPPA amendment be modified to include language that will not preclude law enforcement officials from carrying out their daily duties. NAPO language proposals include adding a clause that explains penalties will be applied only if persons access information with the specific intent to secure an economic benefit. Also, NAPO proposes removing the \$2,500 penalty for a violation of this act, as well as adding a statement that explains there must be repeated disregard for this law for action to be taken. If the language is not modified, law enforcement officers are subject to large fines, and even the loss of their licenses, for *de minimus* actions.

METAL THEFT PREVENTION ACT

Background: The Metal Theft Prevention Act's confidentiality provision will hinder electronic reporting and criminal investigations. As written, the provision will require law enforcement officers to acquire a court order to gain any information from metal recycling agents outside of their immediate jurisdictions or whenever a recycling agent questions the officer's authority.

Recent Legislative History:

113th Congress (2013-2015)

- **S. 394**, “Metal Theft Prevention Act of 2013.” Introduced by Amy Klobuchar (D-MN) on February 27, 2013. Supported by three cosponsors.
- **H.R. 867**, “Metal Theft Prevention Act of 2013.” Introduced by Erik Paulsen (R-MN) on February 27, 2013. Supported by two cosponsors.

112th Congress (2011-2013)

- **S. 3631**, “Metal Theft Prevention Act of 2012.” Introduced by Amy Klobuchar (D-MN) on November 15, 2012. Supported by two cosponsors.

NAPO Position: NAPO is concerned that the bill’s confidentiality provision will prevent law enforcement officers from accessing information needed to solve metal theft cases.

NAPO has proposed changing the wording of the confidentiality provision to allow any information collected or retained to be disclosed to duly authorized law enforcement authorities responsible for investigating or regulating commerce in such metals, or as otherwise directed by a court of law. NAPO will continue to work with the bill’s sponsors and cosponsors to advocate for changes to this act’s confidentiality clause to allow law enforcement officers to access the information needed to solve metal theft cases.

***For information on the legislative history of these issues,
please contact the NAPO office at (800) 322-NAPO (6276)
or 703-549-0775.***

SAMPLE LETTER

(Date)

The Honorable _____
United States Senate
Washington, D.C. 20510

Dear Senator _____:

OR

The Honorable _____
United States House of Representatives
Washington, D.C. 20515

Dear Representative _____:

On behalf of the *(your association or union)*, representing *(# of officers)* from *(your state or city)*, I would like to bring to your attention an issue of extreme importance to the law enforcement community. As Congress considers the *(name of issue and/or bill number)*, I respectfully ask that you *(support or oppose)* passage of this legislation.

(In this paragraph, discuss reasons for supporting or opposing the legislation).

I hope that you will *(support or oppose)* passage of *(name of issue and/or bill number)*. Thank you for your consideration. I look forward to hearing your views on this matter and would be happy to provide any further information you may need.

Sincerely,

(Your name and address)

Please send a copy of your Congressional correspondence and any responses you receive to the NAPO office to assist our legislative efforts.

KEY CONTACTS

Capitol Switchboard: 202-224-3121
Department of Justice: 202-514-2000
Bureau of Justice Assistance: 202-307-0703
COPS Office: 1-800-421-6770
Department of Labor: 1-866-487-2365
Department of Homeland Security: 202-282-8000

Senate

Democrats

Majority Leader—Senator Harry Reid (D-NV) 202-224-3542
Democratic Whip—Senator Richard Durbin (D-IL) 202-224-2152

Republicans

Minority Leader—Senator Mitch McConnell (R-KY) 202-224-2541
Republican Whip—Senator John Cornyn (R-TX) 202-224-2934

Senate Committee on the Judiciary-Full Committee 202-224-7703

Chairman—Senator Patrick Leahy (D-VT) 202-224-4242
Ranking Member—Senator Charles Grassley (R-IA) 202-224-3744

Senate Committee on Homeland Security-Full Committee 202-224-2627

Chairman—Senator Thomas Carper (D-DE) 202-224-2441
Ranking Member—Senator Tom Coburn (R-OK) 202-224-5754

Senate Committee on Appropriations-Full Committee 202-224-7363

Chairwoman—Senator Barbara Mikulski (D-MD) 202-224-4654
Ranking Member—Senator Richard Shelby (R-AL) 202-224-5744

Senate Subcommittee on Commerce, Justice and Science, and Related Agencies 202-224-5202

Chairwoman—Senator Barbara Mikulski (D-MD) 202-224-4654
Ranking Member—Senator Richard Shelby (R-AL) 202-224-5744

House of Representatives

Republicans

Speaker of the House—Congressman John Boehner (R-OH)
202-225-0600

Majority Leader—Congressman Eric Cantor (R-VA) 202-225-2815

Majority Whip—Congressman Kevin McCarthy (R-CA) 202-225-2915

Democrats

Democratic Leader—Congresswoman Nancy Pelosi (D-CA)
202-225-4965

Democratic Whip—Congressman Steny Hoyer (D-MD) 202-225-4131

Co-Chairs of the Law Enforcement Caucus

Congressman Dave Reichert (R-WA) 202-225-7761

Congressman Bill Pascrell, Jr. (D-NJ) 202-225-5751

House Committee on the Judiciary-Full Committee

202-225-3951

Chairman—Congressman Bob Goodlatte (R-VA) 202-225-5431

Ranking Member—Congressman John Conyers (D-MI) 202-225-5126

House Homeland Security-Full Committee

202-226-8417

Chairman—Congressman Michael McCaul (R-TX) 202-225-2401

Ranking Member—Congressman Bennie Thompson (D-MS)

202-225-5876

House Appropriations Committee-Full Committee

202-225-2771

Chairman—Congressman Harold Rogers (R-KY) 202-225-0940

Ranking Member—Congresswoman Nita Lowey (D-NY) 202-225-6506

House Subcommittee on Commerce, Justice and Science, and Related Agencies

Chairman—Congressman Frank Wolf (R-VA) 202-225-5136

Ranking Member—Congressman Chaka Fattah (D-PA) 202-225-4001

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NOTES

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NAPO

317 South Patrick St.

Alexandria, Virginia 22314

Phone (703) 549-0775 Fax (703) 684-0515

info@napo.org

Facebook: National Association of Police Organizations

Twitter: NAPOpolice