



The Washington Report

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Representing America's Finest

October 31, 2018

NAPO Attends White House Signing Ceremony for Opioids Bill

On October 24, 2018, NAPO's Director of Governmental Affairs, Andy Edmiston, was invited to the White House to witness President Trump sign into law the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (H.R. 6). The SUPPORT for Patients and Communities Act is a package of opioid-related legislation that provides significant resources to help address the significant drug crisis our country is facing. In a victory for law enforcement, the measure includes several NAPO-endorsed provisions that support state and local law enforcement's efforts to combat opioids in our communities. NAPO is grateful to be recognized by the Administration for our efforts on this significant legislation.

To help combat the growing problems associated with synthetic drugs, the SUPPORT for Patients and Communities Act includes the Synthetic Abuse and Labeling of Toxic Substances (SALTS) Act. While taking these drugs, individuals can experience elevated heart rates and blood pressure, hallucinations, seizures, and extreme agitation. There have been reports from states around the country of people acting violently while under the influence of these drugs, leading to deaths or injuries to themselves and others. Unfortunately, current law makes it difficult to prosecute new synthetic drugs as analogues because they are often labeled "not intended for human consumption" despite their well-known use as recreational drugs with dangerous side effects.

By making it easier to prove that synthetic drugs are intended for human consumption and thus easier to prosecute, the SALTS Act will help law enforcement in their efforts to get these drugs off the streets and out of stores.

The SUPPORT for Patients and Communities Act also includes the Substance Abuse Prevention Act of 2018, which reauthorizes the Office of National Drug Control Policy (ONDCP), including the High Intensity Drug Trafficking Area (HIDTA) Program and the Drug Free Communities (DFC) Program.

NAPO strongly believes that the ONDCP is a key component in bringing federal, state, local, and tribal governments together and fostering law enforcement, treatment and prevention partnerships. The HIDTA Program under ONDCP plays an essential role in the nation's drug control strategy. The success of HIDTA is touted by key law enforcement, treatment and prevention stakeholders across the nation due to its ability to seamlessly operate on local, regional, and national levels coordinating resources to address our nation's drug epidemic. Further, the DFC Program has supported communities in addressing the drug crisis through treatment and prevention.

Additionally, the Substance Abuse Prevention Act builds on current prevention laws to ensure our communities and law enforcement have the resources they need to fight this growing drug epidemic. It expands the grant program for naloxone training for state and local law enforcement officers and for training on safety around fentanyl. It also expands the grant programs to allow funding to be used by agencies to purchase screening equipment to help protect officers coming into contact with such drugs as fentanyl in the field.

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 SUPPORT for Patients and Communities Act goes a long way to support law enforcement's efforts.

NAPO Participates in DOJ National Opioid Summit

The day after the President signed into law significant legislation to address our nation's opioid crisis, the Department of Justice held a National Opioid Summit to discuss the impact of the crisis on our communities, the work the Justice Department is doing to enforce our nation's drug laws, and the challenges on the horizon.

The Summit focused on the Justice Department's efforts to stop the dissemination of opioids in our communities and highlighted the three components of the Administration's strategy to address this national emergency: prevention, enforcement and treatment. Attorney General Sessions and Deputy Attorney General Rosenstein opened the Summit discussing the Department's priorities in the effort to stem the opioid epidemic. Participants then heard from parents who have lost children due to an opioid overdose and channeled their grief into creating non-profit organizations to help families and individuals impacted by opioid addiction. We also heard from the Acting Administrator of the DEA, the Deputy Director of the FBI, and the Assistant Attorney General for the Criminal Division, as well as Assistant U.S. Attorneys who are in districts that are being ravaged by the opioid crisis, on the work the Department is doing in conjunction with state and local law enforcement.

With the President signing the SUPPORT for Patients and Communities Act the day before, the Department also announced millions of dollars in grant funding available to state and local law enforcement to help them in their efforts to combat opioids in our communities. This includes \$35 million to combat the illegal manufacturing and distribution of methamphetamine, heroin, and prescription opioids, and another \$35 million to establish new programs to provide services to children victims of the opioid crisis.

It is evident that ending the growing opioid epidemic is a priority for the Trump Administration and NAPO will continue to be a partner of the Administration to ensure state and local law enforcement get the resources they need to deter the spread of these dangerous drugs and keep our communities safe.

If you would like more information about the newly announced grant programs through the DOJ, please contact Andy Edmiston at aedmiston@napo.org.

NAPO in the News

On October 15, NAPO Executive Director Bill Johnson was quoted in an article for *The Salt Lake Tribune*, entitled "After shooting suspects, three Salt Lake County officers refused to talk to prosecutors. Their

attorney says it is a matter of trust.” The article discusses the case of Cottonwood Heights Officer Casey Davies, who, in pursuit of a fleeing suspect matching the description of someone who had robbed two grocery stores at gun point, shot and killed the suspect when he reached into his pocket and would not obey orders to show his hands. The Salt Lake County District Attorney decided not to press charges because Officer Davies reasonably believed at the time that using deadly force was necessary to protect fellow officers and the public.

The article focuses on the fact that during the District Attorney’s investigation, Officer Davies invoked his Fifth Amendment rights and that an increasing number of officers in Salt Lake County are doing the same in use of force cases. The article delves into the impact of these officers pleading the Fifth and asks whether it is truly for the benefit of the officer or is it the union just trying to obstruct a District Attorney whom it does not like.

Johnson was questioned on the prevalence of officers pleading the Fifth in use of force cases:

“Bill Johnson, executive director of the Washington D.C.-based National Association of Police Organizations, said he’s been advising his clients against giving [voluntary] statements in use-of-force investigations since 1993. He said he was surprised officers in a metropolitan area as large as Salt Lake County were still giving [voluntary] statements after shootings.

‘Maybe in the past it’s been a good relationship that’s worked on trust, but in today’s political climate — and I’m not saying this about your prosecutor — some prosecutors find it politically expedient to charge police or bully police,’ Johnson said. ‘You just have to be careful if you’re the officer or you’re representing the officer.’”

The full article can be viewed here: <https://www.sltrib.com/news/2018/10/15/three-officers-remained/>

NAPO will continue to ensure our members’ voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: bjohnson@napo.org.

NAPO on the Hill: Senate Judiciary Committee Post-Election Work

NAPO met with staff of Senate Judiciary Committee Chairman Charles Grassley (R-IA) regarding the Committee’s plans for the lame duck session after the elections and our remaining priorities, particularly the Protect and Serve Act.

The **Protect and Serve Act of 2018**, which passed the House during this year’s National Police Week on May 16, 2018, provides for new criminal provisions for deliberate, targeted attacks on officers. Specifically, it creates federal mandatory minimum sentences for the assault or attempted assault and the killing of a state or local law enforcement officer when there is a federal nexus to the case, such as use of a firearm that has crossed state lines or the crime is connected somehow with interstate or foreign commerce.

This bill is critical, as there is a serious and growing trend of armed attacks on law enforcement officers. According to a December 2017 report from the Office of Community Oriented Policing Services (COPS) and the National Law Enforcement Officers Memorial Fund, 2016 saw a significant increase in ambush

attacks on unsuspecting officers, with 21 shot and killed. 61 percent of those officers were not answering a call for service or engaged in enforcement action or performing official duties – they were targeted and killed just for the uniform they wore. 12 officers were murdered sitting in their patrol cars.

Further, according to the Memorial, 2018 is on track to be deadlier for law enforcement than last year, with firearms related officer deaths up almost 20 percent. Given this dangerous atmosphere officers are facing daily on our streets, the Protect and Serve Act is a must-pass bill for NAPO and Chairman Grassley's staff indicated that they will help us try to move this bill through Committee. The main sticking point is the Democrats on the Committee who view this bill as unnecessary as violent crimes against law enforcement officers are already subject to increased penalties. We believe that is not enough; deliberate attacks on officers must face the most serious penalties under law. Without any Democratic support, it will be up to the Chairman and his Republican colleagues on the Committee to move the Protect and Serve Act.

While staff indicated the Chairman's support for moving the Protect and Serve Act through Committee, they also shared with us the Chairman's priority legislation for the lame duck session, including the **FIRST STEP Act** and **Electronic Communications Privacy Act (ECPA) reform**. The Chairman's staff is well aware of law enforcement's opposition to the FIRST STEP Act, but they are waiting for direction from the White House, which has taken the lead on FIRST STEP Act negotiations.

As for ECPA reform, NAPO has been working closely with Chairman Grassley's staff on compromise language that incorporates concerns law enforcement has with the Email Privacy Act, which passed the House at the beginning of 2017. The Email Privacy Act would create significantly more protection for stored emails than the protection afforded to the contents of someone's house. There are two issues of particular concern. The first is the unprecedented requirement for law enforcement to serve a warrant for electronic evidence directly on a customer or subscriber who is under investigation - and even describe details of the investigation - creating significant risk of evidence destruction, flight, and threats to the safety of investigating officers. The second issue is that the bill does not contain sufficient exceptions to the warrant requirement for urgent situations like an imminent threat of physical harm, likely destruction of evidence, consent by a victim or a witness, or public safety emergencies that are not necessarily part of a criminal investigation (missing child, missing elderly adult).

We are working with the Committee to gain Republican and Democratic support for the compromise language to move it this year.

That all being said, NAPO's top priority for the Committee is to approve the Protect and Serve Act so we can get it to the President to sign into law this year. It is time for the Senate to step up and pass a bill that provides real protections for our nation's law enforcement officers – the House cannot do it all alone.

NAPO will keep our members up-to-date on the Committee's work and the status of our priority legislation once Congress returns after the elections. If you have any questions about NAPO's efforts, please contact Andy Edmiston at aedmiston@napo.org.

LAST CHANCE TO REGISTER FOR NAPO'S LEGAL SEMINAR

The Legal Seminar is nearly here!

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

This is your last chance to register for NAPO's Legal Seminar Focusing on the Aftermath of Janus and Other Current Issues for Attorneys and Union & Association Law Enforcement Leaders.

**The Registration Brochure is attached, or register online @
<http://www.napo.org/events/upcoming-events/2018-fall-seminar/>**

**Please contact NAPO's Director of Events, Elizabeth Loranger, with any questions, at
eloranger@napo.org or (703) 549-0775.**

NAPO'S 31st Annual Pension & Benefits Seminar Registration Now Open!

We invite you to join NAPO for our 31st Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar to be held at Caesars Palace Hotel and Casino in Las Vegas, Nevada, February 3 – 5, 2019. Participate in discussions on the pressing topics that are affecting your pension fund and benefits.

Topics will include: The Role of Alternative Investments, PSOB Benefits, Using Technology to Communicate, Securities Litigation Policy for Pension Plans, Medicare Options, Fiduciary Responsibility Around Investment Menu, Stable Value Funds, just to name a few!

Take an active role in improving your fund by registering for this informative seminar. Watch your mail box for the Registration Brochure and check out NAPO's website at www.napo.org/PB2019 for the most up-to-date agenda or to register [online](#).

If you have any questions or need additional information please do not hesitate to contact Elizabeth Loranger, NAPO's Director of Events, at eloranger@napo.org or (703) 549-0775. We look forward to seeing you in Las Vegas!

Please monitor NAPO's website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.