



The Washington Report

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

January 11, 2019



Nominations for NAPO's TOP COP AWARDS®
Deadline Extended until January 18, 2019

Send yours in today!

Please take the time to nominate examples of outstanding police work for this prestigious award. Join us in honoring America's Finest by nominating a case today. The nomination form is attached and must be postmarked or faxed to (703) 684-0515 by **January 18, 2019**. If you have any questions please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at eloranger@napo.org or (703)549-0775.

2019 will mark the twenty-sixth year that NAPO has hosted the TOP COPS Awards®. The TOP COP Awards® Dinner will take place Sunday, May 12 at the Omni Shoreham Hotel, again coinciding with National Police Week. We look forward to seeing you in Washington, D.C. this spring.

With your help and partnership, the TOP COPS Awards® will continue to be a tremendous success!

Michael McHale
President, NAPO

Bill Johnson
Executive Director, NAPO

FIRST STEP Act Signed into Law

On December 21, President Trump signed the FIRST STEP Act into law. With the enactment of the FIRST STEP Act, NAPO remains concerned that the greatest benefits of the Act go to high-recidivism offenders – most notably, drug traffickers, the most serious of whom also receive reduced mandatory minimum sentences under the Act. If history tells us anything, this will create more crime in our communities and impose a greater resource burden on law enforcement. Additionally, it will put the lives of officers and citizens at risk.

In an effort to throw a bone to the law enforcement community, which nearly unanimously opposed the FIRST STEP Act, the Act includes a provision expressing the Sense of Congress that a portion of any savings from the release of thousands of federal prisoners into our communities should be reinvested into state and local law enforcement, including for the hiring and training of officers. A Sense of Congress does not equate to actual

federal support and resources that will be necessary to deal with the increased stresses on state and local departments and agencies as a result of the release of these federal prisoners.

This new law will lead to increased crime in our communities and NAPO strongly believes it is incumbent on Congress to provide states and localities with the support and resources needed to keep our officers and our communities safe. Be certain, we will let members of Congress know that they are squarely to blame for any rise in violent crime as a result of the enactment of the FIRST STEP Act and they must go above and beyond the Sense of Congress and actually fund state and local law enforcement programs with adequate funding to protect our communities. We will also continue to work with the Justice Department as it implements the Act, particularly with the creation of the Risk Assessment Tool, to ensure that high risk criminals, including drug traffickers, are appropriately labeled and not able to obtain good time credits.

Attorney General Confirmation Hearing Dates Set

Incoming Senate Judiciary Committee Chairman Lindsey Graham (R-SC) announced that the Committee will hold the confirmation hearing for President Trump's nominee for Attorney General, Bill Barr, on January 15 and 16.

Mr. Barr served as Attorney General under President George H.W. Bush from 1991 to 1993. If confirmed, he will replace Acting Attorney General Matt Whitaker who has been in the position since November 7 when Jeff Sessions resigned. Mr. Barr is widely respected among Republicans and it is expected that he will be confirmed by the Senate.

NAPO'S 31st Annual Pension & Benefits Seminar *Register Today!*

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. The Registration Brochure is attached 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!

NAPO in the News

On December 21, 2018, NAPO Executive Director Bill Johnson was interviewed by *Fox Business* for an article entitled "Police officer shortage hits towns across the U.S." The article discusses the decline in applications to be police officers since Ferguson in 2014. Johnson was questioned as to why he thinks there is such a decline.

“‘It’s really the political climate, from our viewpoint,’ said Bill Johnson, the executive director of the National Association of Police Organizations, which represents rank-and-file groups across the U.S. ‘Ever since the shooting in Ferguson, Missouri, there’s been a narrative out there – and it’s false – that police are racist, that they’re brutal, that they’re corrupt.’”

Regarding the fact that the average number of full-time officers is down 11 percent over the past ten years, Johnson told FOX Business that “‘It’s real... And it’s a matter of concern. Ultimately it’s the public that suffers.’”

Ferguson is not the only reason for the reduction in officer applications – a tight labor market and an increase in violent assaults against police are also factors that cannot be ignored. The article goes on to say

“‘That the job is dangerous is nothing new, but what seems to be deterring young recruits is also the fact that in a post-Ferguson world, no matter what officers do, no matter how much they train, they can still make a mistake. Those mistakes, [Johnson] noted, are additionally brutal because of social media. Sometimes officers’ home addresses, personal identification and even their children’s school locations are blasted all over the internet as retribution.

“‘Newer generations also tend to stay on the job for less time -- a problem, Johnson said, because it takes a ‘long time’ to become a good cop, or a good detective. The public, he said, is losing experienced officers because of a lackluster retention rate.

“‘Johnson, who worked as an officer in a small town in Maine before he ended up in Miami working as a prosecutor, also noted that traditionally, police work had a strong familial aspect to it; generations of families used to take up the job. But now, Johnson said, parents are telling their children: ‘Don’t be a cop. It’s not worth it anymore.’

“‘And that’s the first time we’ve ever seen that,’ he said.”

As cities work to rebuild their police forces and fill vacancies, Johnson stated that his greatest worry is

“‘[T]hat some cities are also lowering their standards for applicants, no longer disqualifying people based on their age or minor criminal activities, like drug use. While he said it was fine to do that on a case-by-case scenario for individuals, he warned that the effects of changing the entire institution’s standards can be detrimental.

“‘For instance, in the 1980s in Miami, the city was struggling with a large uptick in crime. In response, the city hired more officers, relaxing their standards. Within a decade, Johnson said there was an increase in complaints about the use of force among officers and a number of corruption cases related to the department. The county force -- Miami-Dade -- meanwhile, did not lower its standards, and in the same period, was overall regarded as more professional and less likely to suffer from complaints of corruption.

“‘I would respectfully advise departments not to lower their standards to attract people, but rather to increase benefits in order to retain qualified men and women,’ he said.”

The full article can be viewed [here](#).

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 Priorities: 115th Congress Review

The 115th Congress (2017-2019) was very successful for NAPO in moving our legislative and policy priorities. As the 116th begins, we will take a moment to reflect on and highlight the wins and achievements accomplished over the past two years.

NAPO Priority Legislation Passed by the House or Senate

Thin Blue Line Act. The bill passed the House on May 18, 2017, by a bipartisan vote of 271-143. It would make the targeting of, attempted killing, or killing of a police officer, firefighter, or first responder an aggravating factor in death penalty determinations in federal court. This would be applicable whether they were targeted or murdered on duty, because of the performance of their duty, or because of their status as a public official. The only requirement is that the homicide provide federal jurisdiction.

Protect and Serve Act. The bill passed the House on May 16, 2018, by a bipartisan vote of 382-35. It would provide for new criminal provisions for deliberate, targeted attacks on federal, state and local law enforcement officers.

Children of Fallen Heroes Scholarship Act. The Senate passed the bill by unanimous consent on September 7, 2017. It would eliminate the expected family contribution (EFC) used to determine financial need in the case of a Pell Grant-eligible student whose parent or guardian died in the line of duty. Additionally, children of public safety officers who died in the line of duty would qualify for the maximum Pell Grant award (\$5,920 for 2017-2018) if he or she was less than 24 years old or enrolled at an institution of higher education at the time of the parent or guardian's death.

Citizens Right to Know Act. The House passed the bill by a vote of 221-197 on May 9, 2018. It would mandate that federally-funded pre-trial service agencies publicly report on program participants, including if they have a history of criminal behavior, whether they appear for their trial, and whether they have ever previously failed to appear for trial.

Community Safety and Security Act of 2018. The bill passed the House on September 7, 2018 by a vote of 247-152. It would rewrite the definition of “crime of violence” to include specific offenses, such as murder, terrorism, sexual abuse and assault to fix an issue created by the April 2018 Supreme Court decision in *Sessions v. Dimaya*, which declared the original definition unconstitutionally vague.

Adam Walsh Reauthorization Act. The bill passed the House on May 22, 2017 by voice vote. It would reauthorize key programs under the Adam Walsh Act and improve upon the original Act by strengthening law enforcement’s ability to track sex offenders through federal support of state registries and dedicated resources to target offenders who fail to comply with registration requirements.

Targeting Child Predators Act. The bill passed the House by voice vote on May 22, 2017. It would require that in specific and serious cases of child exploitation, ISPs wait 180 days before disclosing to a specific user that their information was requested by law enforcement.

Protecting Against Child Exploitation Act. The bill passed by House by voice vote on May 25, 2017. It would close a loophole created by a ruling in the U.S. Court of Appeals for the Fourth Circuit that allowed for an admitted child abuser to escape federal punishment because the perpetrator lacked the requisite intent when he took a picture of the assault on his phone.

Abolish Human Trafficking Act. The bill passed the Senate by unanimous consent on September 11, 2017. It would boost support for and protection of victims of human trafficking by increasing law enforcement resources,

enhancing victims' services, and increasing penalties in an effort to combat child sex trafficking, child pornography, sexual exploitation, and human trafficking. It would give law enforcement additional tools to target criminal street gangs involved in organized human trafficking and sexual exploitation. Additionally, it would provide for more training for federal, state and local law enforcement anti-trafficking task forces to better equip them to identify victims of human trafficking and refer them to much-needed victims' services.

Synthetic Drug Awareness Act. The House passed the bill by voice vote on June 12, 2018. It would require the Surgeon General to submit a report to Congress on the effects the increased use of synthetic drugs by children ages 12-18 years old has had on public health since January 2010.

NAPO is already working on getting these important bills reintroduced in the new 116th Congress and it is our priority to see them all signed into law this Congress.

NAPO Priority Legislation Signed into Law

Public Safety Officers' Benefits (PSOB) Improvement Act. It returns the PSOB Program to a presumptive benefit and restores the "substantial weight" standard that requires PSOB to give substantial weight to the findings of federal, state, and local agencies as to the cause of the public safety officer's death or disability. It ensures that children of fallen or disabled public safety officers will still be eligible for education benefits if an adjudication delay causes them to age out of benefit eligibility before their claim is approved. Further, it increases transparency through weekly and quarterly public reports on the status of claims.

Law Enforcement Mental Health and Wellness Act. It helps law enforcement agencies establish or enhance mental health care services for their officers by making grants available to initiate peer mentoring pilot programs, developing resources for mental health providers based on the specific mental health challenges faced by law enforcement, and supporting law enforcement officers by studying the effectiveness of crisis hotlines and annual mental health checks.

SUPPORT for Patients and Communities Act. It reauthorizes the High Intensity Drug Trafficking Areas (HIDTA) program and the Drug Free Communities Program within the Office of National Drug Control Policy (ONDCP) and provides funding and resources to help communities and law enforcement fight and address the growing opioid drug epidemic.

Project Safe Neighborhoods Grant Program Authorization Act. It authorizes the Project Safe Neighborhoods Grant Program within the U.S. Department of Justice, which over the years has funded evidenced-based and data-driven programs to fight gangs and violent crimes in our communities such as targeted police patrols, school and community intervention programs, and enhanced federal prosecution of gun crimes.

INTERDICT Act. It supports U.S. Customs and Border Protection (CBP) in its efforts to detect and halt illegal fentanyl and other synthetic drugs from being trafficked into the United States by providing for additional chemical screening devices, scientists and other resources to help prevent the illegal importation of these illicit drugs and safeguard CBP field personnel from possible deadly exposure.

Honoring Hometown Heroes Act. It permits the Governor of a state or territory to lower the American flag to half-staff in the tragic event that a law enforcement officer, firefighter or public safety officer from that jurisdiction dies in the line of duty. It ensures that first responders who make the ultimate sacrifice while protecting their communities will also have the simple, but meaningful honor of having the flag flown at half-staff.

American Law Enforcement Heroes Act. It encourages state and local law enforcement agencies to hire veterans as new law enforcement officers by creating a preference within the COPS Hiring Program for those agencies and departments who hire veterans.

PROTECT Our Children Act. It reauthorizes the Internet Crimes Against Children Task Force Program, which is a national network of 61 coordinated task forces representing over 3,500 federal, state, and local law enforcement and prosecutorial agencies that are continually engaged in proactive and reactive investigations and prosecutions of persons involved in child abuse and exploitation involving the internet.

Allow States and Victims to Fight Online Sex Trafficking Act. It amends Section 230 of the Communications Decency Act (CDA) to allow states and victims to bring cases against bad actors that facilitate sex trafficking, while safeguarding the freedom of the internet.

9/11 Heroes Medal of Valor Act. It reestablishes the original 9/11 Heroes Medal of Valor to be provided by the President to the families of those police officers, firefighters, and EMTs who have died as a result of their exposure to toxic chemicals during the rescue and recovery efforts following the attacks of September 11, 2001.

Fix NICS Act. It requires federal agencies and states to create National Instant Criminal Background Check System (NICS) implementation plans, holding them accountable to those plans and incentivizing them to share all relevant information, including information on domestic abusers, with NICS. It also reauthorizes key programs within NICS that help ensure that individuals who are prohibited from possessing a firearm are not able to obtain them illegally.

Justice Served Act. It authorizes the use of a small percentage of funds under the Debbie Smith Act to prosecute cold cases that have been solved due to DNA forensic analysis.

Rapid DNA Act. It ensures that law enforcement agencies that use rapid DNA technology can upload profiles generated by those instruments into the FBI's Combined DNA Index System (CODIS) in the field, following standards and procedures to be issued by the FBI, rather than having to go through an accredited crime lab.

NAPO Non-Legislative Victories

Executive Order on Preventing Violence Against Law Enforcement. President Trump issued an Executive Order on February 9, 2017, entitled "Preventing Violence Against Federal, State, Tribal, and Local Law Enforcement Officers." NAPO has long been advocating for the policies and actions laid out in the Executive Order and in a meeting with the Trump presidential transition team, we included our suggestions for preventing violence against law enforcement in both our oral and written remarks to the team.

The Executive Order reflects NAPO's position in making the case for existing constitutional bases for federal protections of state and local officers, including enacting new federal criminal provisions to address the assault and murder of federally-funded local law enforcement officers, such as those officers whose agencies receive aid from the federal DOJ or DHS. (Please see [NAPO's written remarks](#) submitted to the Trump Presidential Transition Team, specifically under the heading "Increased Penalties for Crimes against Law Enforcement".)

Executive Order Repealing Restrictions on State and Local Law Enforcement's Access to Surplus Military Equipment. On August 28, 2017, President Trump issued an Executive Order, "Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources", which fully repeals President Obama's Executive Order 13688 and any policies and recommendations that were created pursuant to that Executive Order. This is a huge victory for NAPO as we have fought to reinstate state and local law enforcement's unfettered access to this vital equipment since President Obama restricted it in May of 2015.

President Trump's Executive Order restores the full scope of the Department of Defense's 1033 Program and removes any strings related to grants used to purchase this type of equipment from other federal departments and agencies, such as the Departments of Justice and Homeland Security. It directs federal agencies and departments to immediately cease implementing the recommendations of the Executive Order and to promptly rescind any rules, regulations, guidelines, or policies implementing them.

FCC Creates Dedicated Emergency Alert System for Blue Alerts. On December 14, 2017, the Federal Communications Commission (FCC) voted to create a dedicated Emergency Alert System (EAS) event code for Blue Alerts. NAPO strongly supported the Rafael Ramos and Wenjian Liu National Blue Alert Act, which was named after New York City Police Department Officers and NAPO members Ramos and Liu, who were assassinated while sitting in their police cruiser on December 20, 2014. Their killer posted threats to law enforcement on social media before the attack. A fully operational National Blue Alert Network will be a vital tool to help ensure information on credible threats, like that posted by the individual who killed Officers Ramos and Liu, is quickly and widely disseminated so that officers have advance warning and can apprehend the criminal before he or she can do more harm.

The National Blue Alert Network allows the federal government to support state and local law enforcement as they work to develop and implement Blue Alert emergency systems in their states. It also supports the 27 states that currently have Blue Alert systems to integrate into a coordinated national framework.

NAPO believes that a dedicated EAS event code for Blue Alerts will facilitate and streamline the adoption of new Blue Alert plans in the remaining 23 states that do not yet have them and will help integrate all Blue Alert systems into the National Blue Alert Network. With the number of law enforcement officer assaults, injuries, and deaths increasing sharply in recent years, a functioning National Blue Alert Network, with all states participating, is vital for the protection of our nation's law enforcement officers.

The FCC's [Report and Order](#) provides a 12-month implementation period for Blue Alerts to be delivered over the Emergency Alert System and 18 months for delivery over the Wireless Emergency Alert system.

PSOB Starts Processing 9/11-Related Claims. On May 15, 2018, the Office of Justice Programs within the Department of Justice issued final regulations for the Public Safety Officer's Benefits (PSOB) Program regarding how the Program will handle 9/11-related cases. The rule states that the PSOB Program will work collaboratively with the World Trade Center Health Program (WTCHP) and the Victims Compensation Fund (VCF), enacted by the James Zadroga 9/11 Health and Compensation Act of 2010, to determine PSOB 9/11 exposure claims based on the WTCHP medical certifications and VCF determinations. By relying on the determinations of the WTCHP and the VCF, the PSOB Office will be able to process a significant number of 9/11-related death and disability claims.

Further, for those 9/11-related claims that do not have a WTCHP or VCF certification, the PSOB Program adopted the methodology established by the WTCHP and the VCF to determine claims, including recognizing the List of WTC-related health conditions.

The final rule also establishes additional guidelines for "time for filing" a claim for 9/11-related cases. In addition to the current time for filing, it adds the latest of: (1) two years after (a) a diagnosis of a WTC-related health condition or (b) the condition is certified as a WTC-related health condition; or June 14, 2020 (two years after the enactment of these regulations). This allows those whose loved ones died or were catastrophically injured by a 9/11-related health condition years after September 11, 2001 the ability to file for PSOB claims. It also allows those who did not file claims for whatever reason within three years of the officer's death from a 9/11-related health condition or within 1 year of a disability determination to submit claims until June 14, 2020. This is a major victory for our members and the 9/11 first responder community.

Finally, the final regulations add a provision that 9/11 responders who previously had their claims denied based on the PSOB Program not recognizing their condition as a line-of-duty injury can ask to have their case reconsidered. This is unprecedented and shows that the PSOB Program is serious in its efforts to ensure every public safety officer who dies or is injured due to their 9/11-related health condition gets the benefits they and their families deserve.

NAPO's Legislative Scorecard for the 115th Congress

Find out how your representatives and senators voted on NAPO's priority issues by reviewing NAPO's Legislative Scorecard for the 115th Congress, which is available on our [website](#) under Washington Report. The results include all recorded votes that impacted NAPO's members in the House of Representatives and Senate during the 115th Congress (2017- 2019). The Legislative Scorecard includes the following documents:

- Description of the votes studied during this Congress, as well as NAPO's stance on each of the votes;
- Spreadsheets, which detail House & Senate support by member and state.
- A map depicting the level of Congressional support for the law enforcement community across the country;
- A chart reflecting support by political party; and
- A table detailing the average level of support in the House and Senate by state.

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

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.