



The Washington Report

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

December 3, 2018

NAPO Leadership Meets with Acting Attorney General

NAPO President Mick McHale and Executive Director Bill Johnson met with Acting Attorney General Matt Whitaker on November 27. Whitaker was Attorney General Jeff Sessions' chief-of-staff prior to becoming Acting Attorney General when Sessions resigned on November 7. Also in attendance was Associate Deputy Attorney General Steve Cook, Director of Law Enforcement Affairs; Patrick Bumatay, Counsel to the Acting Attorney General, and McGregor Scott, U.S. Attorney for the Eastern District of California and currently serving as Counsel to the Acting Attorney General. NAPO was the first law enforcement organization to meet with Whitaker in his new position as Acting Attorney General.

NAPO discussed with the Acting Attorney General and his staff our opposition to the FIRST STEP Act and the Department of Justice's opposition to the legislation. Part of that discussion was the Justice Department's efforts to create a national criminal justice commission to do a comprehensive review of the criminal justice system and make recommendations on any reform that is necessary. NAPO supports the establishment of such a commission as we strongly believe that current legislative efforts concerning criminal justice reform are poorly crafted and do not meet the needs of the system. McHale and Johnson urged that NAPO to be included as a seat-holder on the commission. Acting Attorney General Whitaker said he had been pushing for a greater number of seats at the table and was supportive of our efforts to represent rank and file officers.

Acting Attorney General Whitaker emphasized that his door is always open to us, and he wants open lines of communication, much as we had under Attorney General Sessions and we told him it would go both ways. He assured us that he would continue President Trump's and Sessions' policy of having the back of our officers, particularly around consent decrees and officer investigations. McHale thanked him for all the Department's efforts on behalf of the men and women out there on the front line.

Acting Attorney General Whitaker asked to be afforded the opportunity to speak to NAPO as well as to our member organizations. We invited him to TOP COPS, and he laughed and said he would be honored to speak, if he was still there. We look forward to continuing the good work we have been doing with the Department with Acting Attorney General Whitaker.

National Officer Safety & Wellness Group Meeting

On November 29, NAPO President Mick McHale participated in a meeting of the National Officer Safety and Wellness (OSW) Group, which is comprised of federal, state and local law enforcement associations, research organizations, and the Community Oriented Policing Services (COPS) Office, Bureau of Justice Assistance and National Institute of Justice within the Department of Justice (DOJ). The aim of the OSW Group is to better understand and respond to the range of issues associated with improving officer safety and wellness.

The focus of this meeting was on the topics of use of less-than-lethal technologies and post-traumatic stress. The meeting began with a discussion of research that shows the use of less-than-lethal technologies reduces the chance of injury for both officer and suspect. However, there has been little improvement in these technologies and any improvements that have been made are far too cost-prohibitive for use by state and local law enforcement agencies. The DOJ is partnering with the Department of Defense on research and development of improved less-than-lethal technology in the hopes of finding some that will be cost-effective, efficient and safer for law enforcement.

The discussion quickly turned to cases of officers using less-than-lethal weapons when it would have been more appropriate for them to use lethal force and how this is a result of officers fearing repercussions for using lethal force. This is a serious officer safety issue that is not helped by current efforts by certain states and localities to move away from the *Graham v. Connor* standard. The group asked the DOJ to closely monitor those efforts.

It was noted by the group that departmental practice and policies surrounding the use of force are vitally important to officers knowing whether their leadership will have their back if they use force. McHale noted the importance of departments being consistent with their support and policies around all uses of force – from pepper spray to batons to sidearms. Officers need to be able to use all the tools at their disposal to keep themselves and the community safe and they need to know that management will support their proper use of force regardless of political pressures. McHale also stated that officer hesitation, particularly as it relates to the use of body cameras, must be measured to determine its impacts on the use of the proper level of force and officer safety.

The remainder of the meeting delved into officers and post-traumatic stress. Specifically, it focused on what departments are doing to ensuring mental health services are accessible to officers – not just after significant events but also for the daily stresses of the job. McHale brought up the new Florida law the Florida Police Benevolent Association helped pass that allowed for PTSD to be covered under workers compensation for first responders. Two-thirds of states cover PTSD under their workers compensation programs, leaving hundreds of thousands of law enforcement officers and first responders to foot the bill for their own mental health services – a big obstacle to ensuring officers get the mental health and wellness help they need. The group agreed that lawmakers and policy makers must recognize the stresses and strains officers experience on the job every day and support them in getting the help they need for the safety of themselves, their families and communities.

Other issues discussed included the importance of peer mentoring programs, supporting families of officers, regulating stress, and maintaining heart and physical health. The result of this meeting will be some sort of report from the COPS Office outlining best practices, lessons learned and guidelines on ensuring officer safety on the job and mental health resources.

The COPS Office just released the report from the April 17, 2018 OSW Group, [“Officers’ Physical and Mental Health and Safety: Emerging Issues and Recommendations”](#).

NAPO will continue to participate in the National Officer Safety and Wellness Group to ensure that rank and file officers get the support and resources they need to protect and take care of themselves and the communities they serve. If you have any questions about the National Officer Safety and Wellness Group, please contact Andy Edmiston at aedmiston@napo.org.

NAPO on the Hill: Protect & Serve

NAPO continued to meet with Senate staff regarding the Protect and Serve Act to reiterate the importance of passing this bill this Congress and our efforts to move it in any way possible. We met with staff of **Ranking Member Diane Feinstein (D-CA)**, **Judiciary Committee members Senators John Kennedy (R-LA)**, **Amy Klobuchar (D-MN)**, **Richard Blumenthal (D-CT)**, and **Sheldon Whitehouse (D-RI)**, and Senate Law Enforcement Caucus Co-Chair **Senator Roy Blunt (R-MO)**. Our ask in these meetings is for the Senators to not

object if we are able to attach the Protect and Serve Act to a must-pass bill – such as legislation to fund the government. With Congress in session for only three more weeks this year, there is no time to bring this bill to the floor on its own.

The **Protect and Serve Act**, 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 16 percent. Given this dangerous atmosphere officers are facing daily on our streets, the Protect and Serve Act is a must-pass bill for NAPO. With the Democrats controlling the House next Congress, it will be very difficult to move this important bill forward so the Senate must step up and pass a bill that provides real protections for our nation’s law enforcement officers this year.

As we continue our meetings with Senators, we are also working with Senate leadership to gain support for including it as a provision of a larger, must-pass bill. Funding for a good portion of the federal government runs out on December 7, so Congress must pass either an omnibus appropriations bill or another continuing resolution by then, which gives us our first legislative vehicle to aim to attach Protect and Serve. We will keep our members updated on our efforts.

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 Continues Opposition to FIRST STEP Act

In our efforts to oppose the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person (FIRST STEP) Act, NAPO continues to make the rounds in the Senate, urging Senators to oppose the bill until law enforcement's concerns can be thoroughly considered. Our effort was boosted last week when the Department of Justice released its latest review of the bill.

The most recent iteration of the FIRST STEP Act creates a new "time credit" system that allows prisoners to accrue credits by participating in "evidence-based recidivism reduction programming or productive activities." Prisoners awarded these time credits would be allowed to transfer into prerelease custody, including home confinement or supervised release. According to the Bureau of Prisons (BOP), virtually all federal inmates *already* participate in such programs and would therefore be eligible for these time credits without having to change anything about their behavior or program participation.

The bill's proponents claim that only prisoners who are evaluated by the BOP to be "low risk" violent criminals are eligible for the new early-release time credits and there is an extensive list of exclusionary crimes included in it to add further protections against violent criminals earning early release. However, the Justice Department indicates in its review of the bill that despite the list of exclusionary crimes, the current version of the FIRST STEP Act allows criminals who commit the following offenses to be awarded these time credits and thus be granted early release (cutting off up to one-third of their sentences compared to current law):

1. Using a deadly weapon to assault a law enforcement officer (U.S.C. § 111(b))
2. Drug-related robberies involving assault with a dangerous weapon (U.S.C. § 2118(c)(1))
3. Violent carjacking resulting in serious bodily injury (U.S.C. § 2119(2))
4. Threats to assault, kidnap, or murder a federal judge or official (U.S.C. §115(a)(1)(b))
5. Assault resulting in substantial bodily injury to a spouse or child (U.S.C. §113(a)(7))
6. Strangulation of a spouse or intimate partner (U.S.C. § 113(a)(8))
7. Smuggling aliens into the U.S. with records of aggravated felonies (U.S.C. §1327)
8. Trafficking heroin and fentanyl, as long as not convicted of certain other charges (more than 90% of heroin and fentanyl traffickers would be eligible) (U.S.C. § 841(b))
9. Arson, even if the arsonist puts the life of a person in jeopardy (U.S.C. § 81)
10. Domestic assault by a habitual offender (U.S.C. § 117)

The fact that this legislation treats the assault of federal law enforcement officers with deadly weapons as a crime eligible for "early-release" is an affront to the men and women who serve and protect our country and communities.

Further, in addition to allowing certain fentanyl traffickers the ability to earn early-release time credits, the FIRST STEP Act would drastically reduce the mandatory minimum for trafficking fentanyl, significantly shortening sentences at both the front and back ends. It also allows felons who fail to register as sex offenders to obtain early release.

In addition to allowing certain dangerous felons the privilege of early release, this legislation offers very little to support federal probation officers who will be handling the influx of offenders released into our communities. The bill only provides \$75 million per year for five years while the DOJ recommends at least \$375 million per year will be necessary to implement these changes to the system. This will no doubt impact state and local law enforcement, who are often called upon to assist federal probation officers as they work with offenders.

While NAPO supports true second chances that bring about the productive return of prisoners to their communities, we do not endorse the enactment of reckless reforms to our nation's criminal justice system that will harm public safety and lead directly to the injury and deaths of police officers and citizens alike. Such

significant changes should first be thoroughly studied and must include the input of the federal, state and local public safety community, which plays an integral role in the system.

The Senate is running out of time to consider this bill and the Republican caucus is very much split on it. NAPO wrote another [letter to Majority Leader Mitch McConnell \(R-KY\)](#) on November 30 expressing our opposition in the hopes that he will listen to the concerns of law enforcement and not schedule a vote on this very flawed bill.

National Blue Alert Update on State-Level Efforts

The Blue Alert Advisory Group, of which NAPO is a member, in conjunction with the Justice Department's Community Oriented Policing Services (COPS) Office, is moving forward with an action plan to getting Blue Alert systems in all 50 states. Currently, nineteen states do not have Blue Alert networks. Getting Blue Alert plans up and running in all 50 states is a priority for NAPO as it ensures the National Blue Alert Network we fought so hard to get enacted as part of the Rafael Ramos and Wenjian Liu National Blue Alert Act works efficiently and effectively to protect officers from harm.

The COPS Office has begun state working group calls in the states that currently do not have Blue Alerts. The purpose of these calls is to bring together core stakeholders in the state to coordinate efforts to support the establishment of a Blue Alert plan. They have already had calls for Idaho, Arkansas, Iowa, Louisiana, Massachusetts, Nebraska, New Hampshire, New Jersey and Nevada. The COPS Office staff will help support the state-level efforts in any way possible.

The COPS Office has calls with the remaining states (New York, New Mexico, Pennsylvania, Oregon, Vermont, West Virginia, Wisconsin, Alaska, Wyoming and Hawaii) set up through the end of the year.

NAPO will continue to participate as part of the Advisory Group and keep our members updated on the status of the National Blue Alert Network. If you are interested in receiving information and resources on how to establish a Blue Alert plan or you wish to participate in the state-level working group, please contact Andy Edmiston at aedmiston@napo.org.

NAPO Opposes Effort to Add Unrelated Alert to Blue Alert Network

The House passed a bill, the Ashanti Alert Act (H.R. 5075), that would create an alert communications network to alert to help law enforcement find missing persons. The Ashanti Alert would be integrated into the National Blue Alert Network, which is where NAPO has issues with the legislation. Senator Mark Warner (D-VA) is considering introducing the Senate version of the Ashanti Alert Act in the hopes of passing it this Congress.

NAPO reached out to Senator Warner's staff and explained that while NAPO certainly supports the goals of the Ashanti Alert Act, we cannot support the version that passed the House due to the provision integrating it into the National Blue Alert Network. NAPO led the efforts to pass the Rafael Ramos and Wenjian Liu National Blue Alert Act - named after two NYPD officers and NAPO members ambushed and executed in 2014 - to help protect our nation's law enforcement officers from violent individuals who want to inflict harm on officers or who have already injured or killed officers and are on the run. The Blue Alert's success depends on officers, departments and the public recognizing that a Blue Alert is solely an officer safety issue. Integrating the Ashanti Alert into the Blue Alert risks confusion among governmental entities, broadcasters, and the public at large regarding the vital message that is being sent and also strains already-thin resources meant to protect officer safety.

In addition, we are still working with other national law enforcement groups and the Department of Justice on establishing Blue Alert plans in the 19 states that do not yet have one. Right now, our efforts need to be focused

on getting plans in every state and ensuring the National Blue Alert Network is recognized and effective. Adding an unrelated alert, as laudable as it is, risks delaying that work.

NAPO supports the underlying goal of the Ashanti Alert Act and believe law enforcement should have every resource necessary to find a missing person. But we feel it does not make a good fit as part of the National Blue Alert Network and would be better promulgated as its own alert program, with its own identity, management and resources.

NAPO told Senator Warner's staff that we would have no opposition to the bill if the provision integrating the Ashanti Alert into the Blue Alert is removed. Staff indicated that the Senator understands our concerns and wants to work with us on finding a solution that will help us achieve our common goals of swiftly recovering missing persons, protecting our officers, and accurately informing the general public about breaking public safety concerns.



NAPO's 26th Annual TOP COP AWARDS[®]

May 12, 2019

Don't let your TOP COPS nominations get lost in the holiday shuffle! The January 11th deadline for nominations will be here before you know it.

Please take the time to nominate examples of outstanding police work for this prestigious award. We count on you, our members, to help us get the word about TOP COPS out and obtain nominations for officers nationwide. 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 11, 2019**. If you have any questions please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at elorange@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!

A handwritten signature in black ink that reads 'Michael McHale'.

Michael McHale
President, NAPO

A handwritten signature in black ink that reads 'Bill Johnson'.

Bill Johnson
Executive Director, NAPO

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.