



The Washington Report

The Newsletter of the National Association of Police Organizations

Representing America's Finest

March 23, 2015

NAPO Attends White House Briefing on President's Task Force on 21st Century Police

On March 20, 2015, NAPO's Executive Director, Bill Johnson, participated in a stakeholder discussion on the President's Task Force on 21st Century Policing, hosted by the White House Domestic Policy Council. The discussion focused on the report the Task Force released on March 2, 2015, which includes recommendations to help communities and law enforcement agencies across the country strengthen trust and collaboration, while continuing to reduce crime.

The Task Force made 63 recommendations after holding seven public hearings across the country. It is important to note that NAPO is the only police rank and file group in the nation to have a seat on the Commission itself. Our Treasurer, Sean Smoot, of the Illinois PB&PA, was appointed by the President to the Commission. Additionally, NAPO's President, Mick McHale, and Bill Johnson testified at numerous Task Force listening sessions.

NAPO has voiced concerns with many of the Task Force's recommendations. For example, the Task Force recommended independent criminal investigations and review by outside prosecutors when police use force that results in death or anyone dies in police custody, instead of the internal investigations that are the policy of some law enforcement agencies. Johnson has stressed that although an outside investigation of a police-involved shooting may make sense in limited circumstances when a police department has few resources, in the vast majority of cases, it is unnecessary and even counterproductive. It could drive a wedge between a local police department and the community it serves, and send a message that local police cannot be trusted.

Johnson also continues to stress concerns about the lack of rank-and-file involvement in implementing proposed recommendations.

NAPO will continue to ensure our members' voices are heard loud and clear as the Task Force's recommendations are considered. If you have any questions about this report, please contact Bill Johnson at: bjohnson@napo.org.

NAPO in the News

On March 17, 2015, NAPO's Executive Director, Bill Johnson, was quoted in a *Daily Progress* article regarding a case involving a detective's privacy rights and the Brady rule, derived from a landmark Supreme Court case requiring prosecutors to turn over exculpatory evidence to the defense. The article included a discussion of a judge's rejection of a prosecutor's request for confidential files from an internal affairs investigation into a town police detective.

In the article, Johnson stressed that officers have rights that must be protected. He noted:

“I understand that there are times when the personnel files may be relevant...but we want people to be cautious of fishing expeditions just because there’s a hunch there might be something in there. In our opinion, that’s not what the prosecutor’s role is.”

Johnson furthered that an allegation alone is not enough to invoke Brady. He explained: “It is designed to require the prosecutor to turn over to the defense exculpatory evidence...the simple accusation against a police officer will not be Brady material.”

The full article is available at the following link: http://www.dailyprogress.com/starexponent/judge-denies-culpeper-prosecutor-s-request-for-detective-s-internal/article_51266628-ccfb-11e4-b0f8-c3bce20c7b7f.html.

NAPO will continue to advocate for the rights of police officers across the country. If you have any questions about this interview, please contact Bill Johnson at: bjohnson@napo.org.

NAPO Urges Appropriators to Fully Fund BVP Program

Last week, NAPO sent the attached letter to the Chairman (**Senator Richard Shelby R-AL**) and Ranking Member (**Senator Barbara Mikulski D-MD**) of the Senate Appropriations Committee’s Subcommittee on Commerce, Justice, Science, and Related Agencies to thank them for their leadership and past support of the Bulletproof Vest Partnership (BVP) Program, and request that they fund the program at \$50,000,000 (its fully authorized amount).

The BVP Program is a critical resource for state and local jurisdictions. This program has issued more than one million lifesaving vests to 13,000 state and local law enforcement agencies throughout the country since it was established in 1999. However, 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.

With state and local law enforcement already struggling under significant budget constraints, and the demand for vests as high as ever, it is imperative that Congress continue to invest in this lifesaving program.

Law enforcement officers risk their lives each and every day to keep our communities safe. They operate in extremely dangerous environments, during a time when individuals are increasingly willing to attack law enforcement officers. In the past several months, there has been a marked increase in attacks against law enforcement officers. This month, a police officer in Atlanta was killed in an ambush style attack; two Los Angeles police officers were targeted and wounded by gunfire while patrolling the streets; and two police officers were shot and injured while standing guard outside of a Ferguson, Missouri police station. In February, a Minneapolis police officer was shot in his patrol car and an officer for the city of Highland Park in Michigan was shot and killed. We also lost two New York City Police Department officers in December 2014, who were assassinated by an individual determined to kill law enforcement officers

The examples noted above are only a small fraction of the number of officers who have been attacked or killed by individuals who are determined to harm law enforcement officers. These cases show how vital the BVP Program is to law enforcement departments across the United States. We cannot expect our officers to work in these dangerous environments without the basic protection of a bulletproof vest.

Funding the BVP Program at its full level of \$50,000,000 will ensure that officers are provided with necessary protection as they work tirelessly to protect our communities.

NAPO will continue to urge members of Congress to reauthorize and fully fund this program at its authorized level of \$50,000,000 annually. If you have any questions about our efforts, please contact Melissa Nee at: mnee@napo.org.

NAPO Meetings on Capitol Hill: Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015

Last week, NAPO discussed the Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015 with senior staffers for the following members of House Judiciary Committee: **Ranking Member John Conyers (D-MI)**, **Congressman Raul Labrador (R-ID)**, and **Congressman Jim Sensenbrenner (R-WI)**. This legislation will assist with the establishment of a nationwide Blue Alert system to apprehend violent criminals who have injured or killed police officers or who have made an imminent or credible threat to cause serious injury or death of a law enforcement officer. Blue Alerts also could be issued when a suspect is wanted in connection with a law enforcement officer who has gone missing in connection with his or her official duties. Based on the success of the Amber Alerts for missing children, a nationwide Blue Alert system would be used to disseminate critical information to law enforcement agencies, the public, and the media.

Each day, more than 900,000 federal, state, and local law enforcement officers put their lives on the line to keep our communities safe. Tragically, sometimes the unthinkable happens and a police officer is seriously injured, killed, or goes missing in the line of duty. In such instances, the rapid dissemination of important critical, time-sensitive information about suspected criminals is essential to keeping our communities safe.

The Rafael Ramos and Wenjian Liu National Blue Alert Act of 2015 is named in honor of two New York City Police Detectives, and NAPO members, who were assassinated while sitting in their police patrol car in December 2014. Their killer posted threats to law enforcement on social media before the attack. Implementing a nationwide Blue Alert system will help to ensure that information on credible threats, like those posted by the individual who killed Detectives Ramos and Liu, is widely disseminated so that officers have advanced warning, and can apprehend the criminal before he or she can do more harm.

NAPO has worked closely with the bill's sponsors, **Senators Ben Cardin (D-MD)** and **Lindsey Graham (R-SC)** and **Congressmen Dave Reichert (R-WA)** and **Bill Pascrell (D-NJ)**, to garner support for this legislation.

NAPO's Executive Director, Bill Johnson, is scheduled to speak alongside Senators Cardin and Graham and Congressmen Reichert and Pascrell at a press conference on March 24, 2015 to bring attention to the importance of this legislation.

We are committed to passing this legislation, and we will keep our members updated on our efforts. If you have any questions about this legislation, please contact Melissa Nee at: mnee@napo.org.

Source:

"Ben Cardin - Senator for Maryland." *Senator Cardin*. N.p., 4 Mar. 2015. Web. 4 Mar. 2015.

NAPO Supports the James Zadroga 9/11 Health and Compensation Reauthorization Act

On March 20, 2015, NAPO joined fellow stakeholders in a teleconference with staffers for **Senator Kirsten Gillibrand (D-NY)** and **Congresswoman Carolyn Maloney (D-NY)** to discuss the James Zadroga 9/11 Health and Compensation Reauthorization Act.

The Zadroga bill's two critical programs providing medical treatment and compensation for 9/11 heroes – the World Trade Center Health Program and the September 11th Victim Compensation Fund – are set to expire in October 2015 and October 2016 respectively. This legislation would continue these programs for 25 more years, through 2041.

9/11 responders and survivors are still battling serious health crises resulting from exposure to the toxins at Ground Zero. More than 30,000 9/11 responders and survivors have an illness or injury caused by the attacks or their aftermath, and over two-thirds of those have more than one illness. Many are disabled and can no longer work. They are suffering from a host of chronic diseases: asthma, obstructive pulmonary disease and gastroesophageal reflux disease, and many more.

Medical research has identified more than 60 types of cancer caused by 9/11 toxins. More than 2,900 people have been diagnosed with cancers caused or made worse by the aftermath of the attacks - more than 800 New York Fire Department members and more than 550 New York Police Department personnel are struggling with serious 9/11-related illnesses, not including the more than 70 firefighters and 60 NYPD officers who have died from their 9/11-related illnesses.

Responders came from all over the country to aid in the response to the attacks. And some area residents, workers, and survivors have since moved and are currently receiving care in cities and states across the country. Participants enrolled in the World Trade Center Health Program for treatment currently reside in all 50 states and in 429 of the 435 Congressional districts in the country.

These heroes put their lives on the line to serve us, and must be afforded every resource available as they cope with chronic health conditions caused by exposure to toxic chemicals at the World Trade Center.

This legislation will also honor those who made the ultimate sacrifice to protect our nation. James Zadroga, a New York City Police Department Detective and member of NAPO, died of respiratory disease caused by his exposure to toxic chemicals at Ground Zero. It is our obligation and duty to remember these heroes and ensure that survivors who risked their lives to protect us continue to receive the treatment and compensation that they deserve.

NAPO will continue to work with fellow stakeholders to urge that Congress reintroduce and pass this legislation as expeditiously as possible. If you have any questions about this bill, please contact Melissa Nee at: mnee@napo.org.

Source:

"Lawmakers Introduce Critical Reauthorization of James Zadroga 9/11 Health and Compensation Act."
Congresswoman Carolyn Maloney. N.p., 17 Sept. 2014. Web. 19 Sept. 2014.

NAPO Meetings on Capitol Hill: Senator Peters

On March 18, 2015, NAPO met with a senior staffer for **Senator Gary Peters (D-MI)**. NAPO used the meeting to provide information on the Rafael Ramos and Wenjian Liu National Blue Alert Act and James Zadroga 9/11 Health

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and Compensation Reauthorization Act (see above articles). (Shortly after our meeting, Senator Peters signed on as a cosponsor of the Rafael Ramos and Wenjian Liu National Blue Alert Act).

NAPO also discussed the following bills with the staffer:

- **Bulletproof Vest Partnership (BVP) Grant Program Reauthorization Act**: The BVP Grant Program provides matching funds to state and local law enforcement departments to assist with efforts to purchase bulletproof vests for their officers. This legislation would reauthorize the highly successful BVP Grant Program and ensure that all of America's law enforcement officers are provided with the life-saving protection they need. NAPO strongly believes the advancement of this legislation is essential to assist state and local law enforcement efforts to purchase bullet resistant vests for their officers. (Please see the above article regarding our efforts to fully fund this important program at its authorized level).
- **Don't Tax Our Fallen Public Safety Heroes Act**: This legislation clarifies that both federal and state death benefits for the survivors of law enforcement officers killed in the line of duty should be treated the same and not be subjected to federal income tax. Survivor benefits for federal law enforcement officers are currently not subject to federal income tax, but there is some ambiguity about the treatment of these benefits for similar state-based programs.
- **Responsible Additions and Increases to Sustain Employee (RAISE) Health Benefits Act of 2015**: This legislation responds to individuals who have been negatively impacted by guidelines set forth in the Affordable Care Act regarding Flexible Spending Arrangements (FSAs). The RAISE Act cancels the "use-it-or-lose-it" rule for all FSAs, allowing families to build balances over several years. The bill also doubles the current FSA annual contribution cap to \$5,000 per year and allows families with more than two dependents to save an additional \$500 a year for each additional dependent.
- **Ax the Tax on Middle Class Americans' Health Plans Act**: Beginning in 2018, the Patient Protection and Affordable Care Act imposes a new 40% annual excise tax on taxpayers who are covered by high-cost, or "Cadillac" health insurance plans. NAPO continues to fight against the impending "Cadillac" health insurance plan tax, as the new tax will negatively impact public safety officers across the nation. This bill will repeal the "Cadillac Tax," and ensure public safety officers and their families are not unduly burdened.

The staffer was very receptive to our proposals. NAPO looks forward to working with Senator Peters and his staff in the future. If you have any questions about this meeting, please contact Melissa Nee at: mnee@napo.org.

NAPO Meetings on Capitol Hill: Congressman Marino

On March 16, 2015, NAPO met with a senior staffer for **Congressman Tom Marino (R-PA)**. In addition to discussing the Bulletproof Vest Partnership Grant Program Reauthorization Act, Don't Tax Our Fallen Public Safety Heroes Act, Rafael Ramos and Wenjian Liu National Blue Alert Act, and James Zadroga 9/11 Health and Compensation Reauthorization Act (see above articles for additional information), NAPO discussed the Law Enforcement Access to Data Stored (LEADS) Abroad Act.

The LEADS Act extends the statutory reach of an Electronic Communications Privacy Act warrant, enabling law enforcement to obtain data stored overseas. NAPO is currently reviewing this legislation, and will continue to advocate for the needs of law enforcement to have timely access to information to solve crimes. We will continue to keep our members updated on this legislation as it moves forward.

If you have any questions about this meeting, please contact Melissa Nee at: mnee@napo.org.

Justice for Victims of Trafficking Act

NAPO continues to work closely with **Senator John Cornyn (R-TX)** and his staff to pass the Justice for Victims of Trafficking Act. This legislation 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.

The bill has been stalled after Democrats accused Republicans of adding anti-abortion language into the bill. However, the bill passed out of the Senate Judiciary Committee without opposition.

Senate Majority Leader Mitch McConnell (R-KY) continues to support the legislation, and has noted that the confirmation of Loretta Lynch as attorney general may hinge on whether Congress works out its gridlock over the Justice for Victims of Trafficking Act.

NAPO will continue to stay engaged with Senator Cornyn's staff and fellow stakeholders to garner support for this legislation. We will keep our members updated on the status of this bill and the confirmation process for the next attorney general.

If you have any questions about the Justice for Victims of Trafficking Act or the attorney general nomination, please contact Melissa Nee at: mnee@napo.org.

Source:

Ye Hee Lee, Michelle. "McConnell: No Loretta Lynch Confirmation until Vote on Human Trafficking Bill." *Washington Post*. The Washington Post, 15 Mar. 2015. Web. 15 Mar. 2015.

NAPO Submits Comments to U.S. Sentencing Commission

On March 10, 2015, NAPO submitted the attached comments to the Chair of the United States Sentencing Commission, urging the Commission to increase penalties for those who candy or flavor a drug to appeal to minors.

NAPO strongly believes the sentencing guidelines must be amended to increase penalties for drug offenders who candy or flavor an illegal drug in order to entice minors to purchase that drug product. Candied and flavored drugs are more harmful than other drugs, as they lead children to believe that the drug product is not actually a drug or not as potent as a non-candied/flavored drug. Criminals use these misconceptions to lure minors, and put our children in harm's way.

It is critical that stricter penalties are established for criminals who target minors. Current federal drug laws do not provide sufficient disincentive to dealers who are manufacturing or distributing these candied and flavored drugs—hence, the need for the guidelines to be adjusted to provide a penalty specifically for those individuals who candy or flavor a drug to appeal to minors. Stricter penalties will help to deter this dangerous practice.

Increasing penalties on drug dealers who target the most vulnerable populations will send a strong and clear message to drug dealers – if you flavor or candy your drugs to try to entice children, there will be a very heavy price to pay. This penalty will help to stop drug dealers from engaging in these activities, and punish them appropriately if they do not.

NAPO will keep our members updated on the Sentencing Commission's decision. If you have any questions about this issue, please contact Melissa Nee at: mnee@napo.org.

ATF Chief Announces Resignation

B. Todd Jones is resigning as director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Jones' departure is effective on March 31. Jones had been the acting director of ATF since 2011 and was confirmed in 2013. Jones's deputy, Thomas E. Brandon, will serve as acting director after Jones departs.

If you have any questions about NAPO's interactions with ATF, please contact Bill Johnson at: bjohnson@napo.org.

Source:

Dennis, Steven. "ATF Chief Announces Resignation." *CQ Roll Call*. CQ, 20 Mar. 2015. Web. 20 Mar. 2015.

Congressman Aaron Schock Announces Resignation

Illinois Representative Aaron Schock is resigning his seat in Congress amid controversy about his spending of taxpayer and campaign dollars.

Under Illinois election law, Governor Bruce Rauner (R) must issue a writ of election to county clerks within five days of the office vacancy. From that point, the state must hold a special election for the empty seat within 115 days.

NAPO is closely tracking this issue. If you have any questions about Schock's resignation or the upcoming special election, please contact Melissa Nee at: mnee@napo.org.

Source:

Reilly, Mollie. "Aaron Schock Resigning From Congress Amid Spending Controversy." *The Huffington Post*. TheHuffingtonPost.com, 17 Mar. 2015. Web. 19 Mar. 2015.

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.



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Police Officers Labor Council
of Michigan

WILLIAM J. JOHNSON
Executive Director and
General Counsel

March 19, 2015

The Honorable Richard C. Shelby
Chairman
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Senate Committee on Appropriations
142 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Barbara A. Mikulski
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Senate Committee on Appropriations
125 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Shelby and Ranking Member Mikulski:

On behalf of the National Association of Police Organizations (NAPO), I am writing to you to thank you for your leadership and past support of the Bulletproof Vest Partnership (BVP) Program, and respectfully request that you include a standalone funding level of \$50,000,000 (its fully authorized amount) for the BVP Program.

The BVP Program is a critical resource for state and local jurisdictions. This program has issued more than one million lifesaving vests to 13,000 state and local law enforcement agencies throughout the country since it was established in 1999. However, 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.

With state and local law enforcement already struggling under significant budget constraints, and the demand for vests as high as ever, it is imperative that Congress continue to invest in this lifesaving program.

Law enforcement officers risk their lives each and every day to keep our communities safe. They operate in extremely dangerous environments, during a time when individuals are increasingly willing to attack law enforcement officers. In the past several months, there has been a marked increase in attacks against law enforcement officers. This month, a police officer in Atlanta was killed in an ambush style attack; two Los Angeles police officers were targeted and wounded by gunfire while patrolling the streets; and two police officers were shot and injured while standing guard outside of a Ferguson, Missouri police station. In February, a Minneapolis police officer was shot in his patrol car and an officer for the city of Highland Park in Michigan was shot and killed. We also lost two New York City Police Department officers in December 2014, who were assassinated by an individual determined to kill law enforcement officers.

The examples noted above are only a small fraction of the number of officers who have been attacked or killed by individuals who are determined to harm law

enforcement officers. These cases show how vital the BVP Program is to law enforcement departments across the United States. We cannot expect our officers to work in these dangerous environments without the basic protection of a bulletproof vest.

These brave men and women must be protected with the proper equipment. Funding the BVP Program at its full level of \$50,000,000 will ensure that officers are provided with necessary protection as they work tirelessly to protect our communities.

We urge you to fully fund this program at its authorized level of \$50,000,000 annually.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me at: (703) 549-0775.

Sincerely,



William J. Johnson
Executive Director



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Executive Director and
General Counsel

March 10, 2015

The Honorable Patti B. Saris
Chair
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500
Washington, D.C. 20002-8002

Dear Chair Saris:

On behalf of the National Association of Police Organizations (NAPO), I write to you to urge that you increase penalties for those who candy or flavor a drug to appeal to minors.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 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.

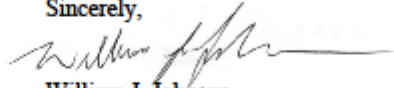
The sentencing guidelines must be amended to increase penalties for drug offenders who candy or flavor an illegal drug in order to entice minors to purchase that drug product. Candied and flavored drugs are more harmful than other drugs, as they lead children to believe that the drug product is not actually a drug or not as potent as a non-candied/flavored drug. Criminals use these misconceptions to lure minors, and put our children in harm's way.

It is critical that stricter penalties are established for criminals who target minors. Current federal drug laws do not provide sufficient disincentive to dealers who are manufacturing or distributing these candied and flavored drugs—hence, the need for the guidelines to be adjusted to provide a penalty specifically for those individuals who candy or flavor a drug to appeal to minors. Stricter penalties will help to deter this dangerous practice.

Increasing penalties on drug dealers who target the most vulnerable populations will send a strong and clear message to drug dealers – if you flavor or candy your drugs to try to entice children, there will be a very heavy price to pay. This penalty will help to stop drug dealers from engaging in these activities, and punish them appropriately if they do not.

We urge you to consider our views as you consider amending the sentencing guidelines.
If we can provide any additional information, please feel free to contact me at: (703)
549-0775.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Johnson", with a horizontal line extending to the right.

William J. Johnson
Executive Director