



The Washington Report

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

September 2, 2014

NAPO WASHINGTON REPORT

NAPO Responds to USA Today Article Regarding Police Accountability

On August 27, 2014, NAPO's Executive Director, Bill Johnson, responded to a USA Today column regarding police accountability. The inaccurate column, written by Professor Glenn Reynolds, is available at the following site: <http://www.usatoday.com/story/opinion/2014/08/25/police-militarization-accountability-review-military-equipment-swat-column/14576871/>.

USA Today included Johnson's comments in the August 28th edition of the publication. The full text of Johnson's letter and the comments that were included in USA Today are attached to this report.

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

NAPO Meetings on Capitol Hill

Over the past week, NAPO has met with senior staffers for the following members of Congress: **Congresswoman Cheri Bustos (D-IL)**, **Congressman Bill Foster (D-IL)**, **Congressman Bobby Rush (D-IL)**, **Congressman Randy Hultgren (R-IL)**, **Congressman Brad Schneider (D-IL)**, and **Congresswoman Tammy Duckworth (D-IL)**. NAPO used the meetings to outline our top legislative priorities, which include the following initiatives:

Bulletproof Vest Partnership (BVP) Grant Act: The BVP Grant Program provides Federal funds to state and local law enforcement departments to assist state and local law enforcement efforts to purchase bullet resistant vests. NAPO continues to expend all available efforts to garner additional cosponsors for the House and Senate versions of this bill.

Community Oriented Policing Services (COPS) Improvement and Reauthorization Act: This bill would reauthorize the COPS Program for five years and raise the current hiring cap from \$75,000 to \$125,000. The COPS Office has been extremely successful in implementing and carrying out its designated objectives. Since its creation, the COPS Office has assisted over 13,000 of the nation's 18,000 jurisdictions with over \$14 billion in funding to hire more than 125,000 additional officers. Reauthorizing this program will allow for the continuation of a highly successful program that keeps our communities safe.

Justice and Mental Health Collaboration Act (JMHCRA): The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) created the Justice and Mental Health Collaboration Program (JMHCRA) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. The JMHCRA reauthorizes the successful MIOTCRA and extends the JMHCRA for five years. The JMHCRA can help law enforcement agencies across the United States in their responsibilities in assisting citizens with mental health issues.

Social Security Fairness Act: This bill would strike the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) formulas currently used to calculate Social Security benefits. Both formulas were enacted in the 1980s because Congress was concerned Social Security paid unintended benefits to workers who had spent most of their careers in “non-covered” jobs. However, the formulas go too far and penalize workers with split careers who contributed a great deal to Social Security, but retire under their “non-covered” pensions. 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.

NAPO appreciated the opportunity to meet with each of the staffers, and looks forward to continuing to work with them in the future.

If you have any questions about any of the issues summarized above, please contact Melissa Nee at: mnee@napo.org.

NAPO Briefing on Capitol Hill - Driver’s Privacy Protection Act

On August 28, 2014, NAPO met with a senior staffer for **Senator John Cornyn (R-TX)** to discuss our proposal to modify the most recent amendment to the Driver’s Privacy Protection Act (DPPA).

The DPPA requires state motor vehicle departments to receive permission from individuals before their personal motor vehicle record may be sold or released. The DPPA 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 briefed Senator Cornyn’s staff on this topic in July 2014. NAPO used last week’s meeting to follow-up on our proposed language modifications to the DPPA amendment, which include adding a clause that explains that 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 of this law for action to be taken. If the language is not modified, law enforcement officers will be subject to large fines, and even the loss of their licenses for *de minimus* actions.

Senator Cornyn’s staff was very receptive to our proposal. We plan to use the coming weeks to provide additional information to the Senator’s staff, and will keep our members updated on the status of this initiative.

Please monitor NAPO’s website www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at [NAPOpolice](https://twitter.com/NAPOpolice) for breaking news and updates.



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.
Representing America's Finest

317 South Patrick Street ~ Alexandria, Virginia ~ 22314-3501
(703) 548-0775 ~ (800) 322-NAPO ~ Fax: (703) 884-0515
www.napo.org ~ Email: info@napo.org

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WILLIAM J. JOHNSON
Executive Director

To The Editor
USA Today
Via email to letters@usatoday.com

Re: Glenn Reynolds column: Police Problem is Unaccountable Attitude

Dear Editor,

I write to you in regard to Glenn Reynolds's column in the August 26 edition of your paper.

It's difficult to know where to begin, Professor Reynolds is so wrong about so many things. Let's start with his theme, that police are "unaccountable" in today's society. Well, professor, even a little basic research by one of your students would have shown you that every state in the nation has a licensing body which oversees the training, employment, and certification (or decertification) of law enforcement officers. In addition, each agency has a professional standards or internal affairs branch responsible for holding officers accountable to the policies and standards of the department, as well as to the public they serve. In addition, instances of alleged misconduct are investigated by grand juries, state police agencies, prosecutors' offices, the federal government, private lawyers, and civilian review boards. That officers are "unaccountable" would come as a tremendous surprise to the men and women who actually serve.

Turning to the professor's recommendations, he throws out three "key actions" and whiffs on all three.

First, abolishing police unions (and all public employee unions). It seems strange that a professor at a public university should find it objectionable to earn a salary at the public expense. Or maybe law school professors, in his view, help society more than police officers. If you think that's true, try calling the local faculty club at 2:00 a.m. when a prowler is outside your window. But he also ignores the First Amendment's guarantee of the right of the people "to assemble, and to petition the Government for a redress of grievances." That's exactly what public employee unions, including police associations, do. This ability to represent the interests of officers in dialogue with their employers is all the more important for police, who legally cannot strike, and whose other rights to speech, even political speech, are significantly curtailed. A law professor should know better. After all, who do you think is harder to fire, a local police officer or a tenured university professor?

Second, he argues that we should equip police with body cameras "to record everything they do." Everything? Really? Eating a sandwich at Subway on lunch break? Going to the bathroom? Discussing with a colleague where they are hiding to try to keep out of the line of fire in an active shooting situation? Talking to an eleven year old rape victim? Telling a mom and dad their son was killed by a drunk driver? Professor, are you nuts? I hope you require a little more thought and differentiation from your students.

Third, getting rid of qualified immunity. The professor gets it wrong again. He asserts that this legal rule is a departure from the common law (understood to be the law of England at the time our predecessor colonies were being established), and also asserts that this legal protection for the rights of officers is an example of "judicial activism". In fact, if he'd bother to check, the U.S. Supreme Court case which recognized this principal was careful to point out that, "As recognized at common law, public officers require this protection to shield them from undue interference with their duties and from potentially disabling threats of liability." Harlow v. Fitzgerald, 457 U.S. 800, 806 (1982)

Three swings, three misses. You've struck out professor.

Sincerely,



William J. Johnson
Executive Director
National Association of Police Organizations
Alexandria, Va.

Police get low marks on accountability: Your Say

8:35 p.m. EDT August 28, 2014



(Photo: Alex Wong, Getty Images)

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A majority of Americans say police fail to do a good job at holding officers accountable, a USA TODAY/Pew Research Center survey says. Letter to the editor:

Commentary writer Glenn Harlan Reynolds is so off-base about so many things in his piece "Police

problem is unaccountable attitude: Column." Let's start with his theme, that police are "unaccountable" in today's society. Every state has a licensing body that oversees the training, employment and certification (or decertification) of law enforcement officers.

Also, each agency has an internal affairs branch responsible for holding officers accountable to the policies and standards of the department, as well as to the public they serve. In addition, instances of alleged misconduct are investigated by grand juries, state police agencies, prosecutors' offices, the federal government, private lawyers and civilian review boards. That officers are "unaccountable" would come as a surprise to the men and women who actually serve.

William J. Johnson, executive director, National Association of Police Organizations; Alexandria, Va.

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Source:

Johnson, William. "Police Get Low Marks on Accountability: Your Say." *USA Today: Opinion*. USA Today, 28 Aug. 2014. Web. 28 Aug. 2014. <<http://www.usatoday.com/story/opinion/2014/08/28/police-departments-accountability-misconduct-your-say/14765997/>>.