



The Washington Report

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

June 7, 2019

Victory in D.C. LEOSA Court Case

The United States Court of Appeals for the D.C. Circuit issued [an opinion](#) on May 21 in *Duberry v. District of Columbia*. NAPO participated as an amicus curiae in this case in January.

In its opinion, the D.C. Circuit roundly rejects the D.C. Government's arguments on this appeal, and affirms that the plaintiffs – retired law enforcement officers – are “qualified retired law enforcement officers” under the Law Enforcement Officers Safety Act (LEOSA, also known as H.R. 218 or the officers' right to carry law) for the purpose of carrying concealed firearms. **It also reaffirms that they have the right under 42 U.S.C. § 1983 to bring a court action to obtain that determination.** This is one of the strongest pro-LEOSA cases nationwide.

It is possible that the D.C. Government may petition for a panel rehearing, or for rehearing en banc (that is, by all the members of the Court, not just the three-judge panel). It may also petition the U.S. Supreme Court to take the case. If circumstances warrant it, NAPO will let our members know of significant developments.

Bill to Increase Protections for Law Enforcement Introduced

On May 15, Senator John Cornyn (R-TX) reintroduced the Back the Blue Act (S.1480). Senator Cornyn worked with NAPO to introduce the Back the Blue Act in July 2016 after the horrific ambush attack that killed five Dallas police officers.

The Back the Blue Act is important for NAPO members because so many of our jurisdictions receive federal funding, and this legislation will help to bring federal resources to bear in the prosecution of those who attempt to murder or murder any of these officers. In addition to creating new federal crimes for violence against police officers, the bill would also establish a new federal crime for interstate flight to avoid prosecution for killing, attempting to kill, or conspiring to kill a federally funded public safety officer. It would also expressly allow all judges, prosecutors, and law enforcement officials, subject to limited regulations, to carry firearms into all federal facilities, federal courts, and in jurisdictions where the carrying of such weapons is otherwise prohibited by law.

NAPO has long supported enacting new federal criminal provisions to address (1) the assault and murder of federally-funded state and local law enforcement officers, such as those officers whose agencies or jurisdictions receive aid from the Departments of Justice or Homeland Security; and (2) the assault and murder of state and local officers engaged in the protection of federally recognized civil rights, such as those officers attacked while safeguarding protests. The Back the Blue Act would be a significant step towards increasing federal protections for state and local law enforcement, who are the front line in keeping our nation and our communities safe. NAPO thanks Senator Cornyn for his steadfast support for law enforcement and dedication to reintroducing this critical piece of legislation. We look forward to working with him to see it passed into law.

AUGUST 6-10, 2019 - STEVENSON, WA

**NAPO's 41st
Annual Convention
SKAMANIA LODGE**



Join us for NAPO's 41st Annual Convention. Participate in setting NAPO's legislative priorities for the 116th Congress. Learn from presentations by prominent law enforcement figures about the latest developments in police policies and services and help determine NAPO's path forward by participating in the election of NAPO's Leadership.

The 41st Annual Convention will be held at Skamania Lodge, located in Stevenson, Washington, just 45 minutes from the Portland, Oregon International Airport. The resort sits on 175 acres of mountainous Pacific Northwest Forest overlooking the Columbia River Gorge. While at the lodge sit back and take in the beautiful views of the gorge or enjoy a day at the Waterleaf Spa. Looking for more adventure, the resort also offers: Golf, Hiking, Zipline and an Ariel Park!

When not attending the Convention Business Sessions the area offers something for everyone.... Whitewater rafting, fishing, kayaking, brew pubs, wineries, shopping in the historic City of Hood River and scenic drives showcasing some of the most spectacular waterfalls in the country!

[CLICK HERE FOR CONVENTION REGISTRATION](#)

Be Sure to Check out NAPO's website, www.napo.org, for additional information and special activities planned.

Please do not hesitate to contact the NAPO office if you have any questions at 703-549-0775.

NAPO Attends Presidential Medal of Valor Ceremony

On May 22, NAPO Executive Director Bill Johnson attended the presentation of the Presidential Public Safety Officer Medal of Valor at the White House. The Public Safety Medal of Valor was established by Congress in 2001 to honor public safety officers who have exhibited exceptional courage "in the attempt to save or protect human life". One of NAPO's 2017 TOP COPS – Oregon State Police Senior Trooper Nic Cederberg – was awarded the Medal of Valor for placing himself in the line of fire and suffering life-threatening injuries in order to bring a murderer to justice.

President Trump presided over the ceremony and Attorney General Barr provided opening remarks. Top leadership of the Department of Justice were also in attendance to honor these brave first responders.

NAPO Participates in NORA Public Safety Sector Council Meeting

On May 29, NAPO Executive Director Bill Johnson participated in National Occupational Research Agenda (NORA) Public Safety Sector Council meeting. NORA is run by the National Institute for Occupational Safety

and Health (NIOSH), Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services (HHS). NAPO has been a long-standing member of the Council, whose purpose is to promote safety and health in the public safety sector by tackling the most relevant issues facing the field, research gaps and the needs of the public safety workforce.

This meeting focused on a proposed NORA Public Safety Opioid Campaign to help reduce first responder exposures to illicit drugs. The objective of the Campaign is to evaluate emergency responder knowledge of illicit drug exposure and improve compliance with guidance by getting targeted, pertinent information out to the field. The Council discussed what key stakeholders should be involved and how to make the campaign efficient and effective.

In addition to the Opioid Campaign, the Council discussed a report on sleep, fatigue and safety of EMS first responders and were presented with a summary of ongoing NIOSH-supported grants and projects.

NAPO appreciates the opportunity to continue participating as a member of the Council and looks forward to working with fellow stakeholders to ensure that our officers have the resources they need to stay healthy and safe while they work to protect our communities.

Stop Dangerous Sanctuary Cities Act Reintroduced in Senate

NAPO has pledged our continued support for the Stop Dangerous Sanctuary Cities Act (S. 1644), which was reintroduced by Senator Pat Toomey (R-PA) on May 23. NAPO understands that cooperation among federal, state, and local law enforcement officers is essential in keeping criminal illegal immigrants off the streets. The nation's immigration enforcement system relies on local law enforcement complying with immigration detainers—requests from the Department of Homeland Security (DHS) for local law enforcement to hold an illegal immigrant temporarily, to give federal law enforcement an opportunity to take the individual into custody.

Unfortunately, several courts have ruled that local law enforcement officers may be sued for violating the Fourth Amendment if they comply with an immigration detainer, even if the detainer was lawfully issued and the detention would have been legal if carried out by DHS. This means that dangerous criminals cannot be held and must be released. The Stop Dangerous Sanctuary Cities Act solves this problem by explicitly stating that local law enforcement officers have legal authority to comply with immigration detainers. The bill also protects civil liberties, ensuring that someone who has had their constitutional rights violated may sue.

Furthermore, the Stop Dangerous Sanctuary Cities Act takes crucial steps to eliminating sanctuary jurisdictions, which pose real threats to the American people, and increases penalties for criminals who re-enter the United States illegally, providing federal, state and local law enforcement vital tools to help keep our communities safe. The legislation would withhold certain federal funds – Community Development Block Grant funds and certain Economic Development Administration grants – from cities and municipalities who do not comply with the law. This legislation will not punish law enforcement for decisions made by elected officials by taking away much needed federal grant funding such as the COPS Program or the Byrne Justice Assistance Grant (Byrne-JAG) Program, but instead focuses the penalties on the grant programs most important to city and county managers.

Further, the legislation recognizes the need for cooperation with all members of our communities and preserves flexibility for law enforcement, so that victims of crime and witnesses to crime who are in the U.S. illegally may come forward and cooperate with police.

We look forward to working with Senator Toomey to get this important legislation enacted into law.

NAPO Supports Allowing Uniformed Officers to Carry in Federal Facilities

NAPO is once again backing the Protecting Officers of the Law in Civilian Establishments (POLICE) Act (H.R. 2805), which would permit uniformed law enforcement officers to carry agency-issued firearms in certain Federal facilities. Representative Trey Hollingsworth (R-IN) reintroduced the legislation on May 16.

Currently, state and local law enforcement officers can only carry firearms on federal property when conducting “official business” or responding to an active crime situation. Despite being granted the right to carry by the Law Enforcement Officers Safety Act (LEOSA), officers are still prohibited from carrying their firearms in federal facilities open to the general public, such as the post office, the local Social Security Administration office, or a Veterans Affairs (VA) satellite medical office, unless they are there in the course of their official duties.

A uniformed state or local officer who needs to stop by the VA office for a medical appointment during her lunch break has to lock her service weapon in her car. This creates a safety issue as the gun could be stolen out of the car. Further, at a time when ambush attacks on law enforcement officers is at a five-year high, uniformed officers must be allowed to carry their service weapons, whether they are on duty or on personal time, for the protection of themselves and those citizens in the federal facilities they are visiting. NAPO looks forward to working with Congressman Hollingsworth to move this important legislation.

NAPO Attends Public Pension Network Meeting

NAPO attended the monthly Public Pension Network (PPN) meeting, which brings together public pension practitioners and retirement systems, public sector labor organizations, and state and local government representatives to discuss the latest updates on public pension and social security issues being considered by Congress and the Administration.

The House Ways and Means Committee Chairman Richard Neal (D-MA) is looking to take up the Rehabilitation of Multiemployer Pensions Act (H.R. 397) this summer, with the hopes of having the House vote on the measure before the August recess. NAPO endorsed this bill in support of our fellow workers in the private sector who are facing the nightmare of having their hard-earned pensions possibly taken from them.

NAPO considers protecting and preserving public pension plans one of our top priorities. While we do not support federal interference into state and local public pension plans, which are already subject to substantial regulation and transparency requirements, we believe federal intervention is necessary to boost financially-troubled multiemployer private pensions so they do not fail.

With the prospect of the House debating legislation pertaining to multiemployer pension plans, where is always the concern that public pensions will make their way into the discussion even though the issues faced by multiemployer plans are not being experienced by public pension plans. The biggest concern being that the bill will be amended to include the requirements contained in the Public Employee Pension Transparency Act (PEPTA). These requirements are unfunded mandates and an inappropriate federal intrusion into areas that are the fiscal responsibility of sovereign States and local governments, and are conflicting, administratively burdensome and costly. Further, PEPTA threatens to eliminate the tax-exempt bonding authority of state and local governments.

Federal interference in state and local public pensions not only violates the principles of federalism, but represents a fundamental lack of understanding regarding state and local government operations and financing, including governmental accounting rules and strict legal constraints already in place that require open financial reporting

and processes. It also ignores the fact that every state and countless localities have recently made modifications to pension financing, benefits structures, or both.

NAPO and members of the PPN will be watching debate on the Rehabilitation of Multiemployer Pensions Act closely to ensure provisions that would adversely impact public pensions are not included in the final legislation.

NAPO Endorses Restoration of the Armed Career Criminal Act

NAPO endorsed the reintroduction of the Restoring the Armed Career Criminal Act (S. 1547 / H.R. 2837), sponsored by Senator Tom Cotton (R-AR) and Representative David Kustoff (R-TN). Congress passed the Armed Career Criminal Act (ACCA) in 1984 to protect our nation's communities from the most dangerous violent criminals. Specifically, the ACCA established a 15-year mandatory minimum sentence for repeat violent felons convicted of unlawful possession of a firearm in violation of 18 U.S.C. § 922(g) who have been previously convicted of serious felonies on three separate occasions.

When the Supreme Court effectively voided the ACCA in its 2015 decision in *Johnson v. United States* due to part of the definition of "violent felony" being unconstitutionally vague, it took away an important tool that law enforcement used to get the worst career criminals off our streets. The Restoring the Armed Career Criminal Act will fix the ACCA by using a specific definition for "serious felony" and restore the Act, thus giving prosecutors and law enforcement back a significant resource in the fight against violent crime.

Senator Cotton, together with former Senator Orrin Hatch, introduced the bill last Congress in response to the horrific kidnapping and murder of two Utah teenagers early this year by a career criminal who was released from prison early because of the *Johnson v. United States* decision. The retroactive release of violent criminals after *Johnson* allowed Jerrod Baum, a repeat violent felon convicted under the ACCA, to leave prison early in 2016. Baum, a neo-Nazi, was charged with numerous felonies, including attempted murder in 1991, and took a plea deal. In 1995, he pleaded guilty to aggravated assault against a prison guard. In 2003, he was convicted of possessing a firearm as a felon. In 2005, he was again convicted of possessing a firearm as a felon and was sentenced to fifteen years under the ACCA. Yet, despite this history and due to the annulment of the ACCA, he was released early from prison and the result was the alleged kidnapping and murder two teenage girls.

NAPO looks forward to working with Senator Cotton to pass the Restoring the Armed Career Criminal Act to ensure that violent, career criminals like Baum are taken off our nation's streets.

NAPO Supports Bill to Safeguard 1033 Program

NAPO has once again pledged its support for the Lifesaving Gear for Police Act (S. 1537), sponsored by Senator Patrick Toomey (R-PA), which would prevent future presidents from implementing restrictions on state and local law enforcement's access to surplus military equipment, like President Obama did in 2015 with his Executive Order. While President Trump has thankfully repealed that Executive Order, this legislation will ensure that law enforcement will not face such equipment restrictions in the future unless enacted by Congress.

Programs like the Department of Defense's (DOD) 1033 program and grant programs at the Departments of Justice and Homeland Security have been vital resources in allowing state and local law enforcement to acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford. This equipment has not led to the "militarization" of police, but rather has proven to be essential in protecting communities against violent criminals with increasing access to sophisticated weaponry, IEDs, body armor and sometimes even armored vehicles.

The limitations on military surplus equipment for state and local law enforcement as a result of President Obama's Executive Order and the subsequent recall by the DOD of this lifesaving equipment left law enforcement scrambling to fill in equipment gaps left behind. The DOD's 1033 program and the protective equipment it provides should not be a political football. We cannot stand by and let such limitations be put in place again. NAPO continues to work with Senator Toomey to ensure law enforcement retains full access to this equipment.

NAPO Endorses Efforts to Protect Victims of Sexploitation

NAPO endorsed the ENOUGH Act (H.R. 2896), sponsored by Representative Jackie Speier (D-CA). In a world where smart phones and devices are used to record and transmit every moment in life, it is becoming increasingly important to protect against malicious sharing of private, explicit images. These online privacy violations exponentially and disproportionately target women and minors.

The ENOUGH Act would narrowly establish federal criminal liability for individuals who share private, explicit images without consent. While more than 40 states have enacted statutes in this area, federal intervention is necessary to provide complete and consistent coverage across state lines. We look forward to working with Rep. Speier to pass this important legislation.

NAPO's Latest Legislative Positions & Sponsor/Cosponsor Updates

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>. NAPO's Legislative Positions is a document that highlights all the legislation that we have taken an official position on or are monitoring during the 116th Congress. It is continually updated to reflect the work we are doing on Capitol Hill.

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO updates this spreadsheet regularly and continues to ensure our voice is heard on Capitol Hill.

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

If you have any questions about the issues or legislation discussed in this issue of the Washington Report, contact Andy Edmiston at aedmiston@napo.org or (703) 549-0775. 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.