

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS



**NATIONAL ASSOCIATION**  
*of*  
**POLICE ORGANIZATIONS**

**118th Congress**

**2023-2025**

**Legislative Priorities**

# MISSION STATEMENT

**The National Association of Police Organizations (NAPO)** was established to unite all law enforcement organizations within the United States in order to promote and maintain federal legislation most beneficial to law enforcement in general and the citizens we are sworn to protect.

It is the aim of NAPO to stimulate mutual cooperation between law enforcement organizations and to assist in the economic, social, and professional advancement of all law enforcement officers, whether active or retired.

It is the further aim of NAPO to educate the public concerning the methods and means of achieving more effective crime control and law enforcement so as to establish a more peaceful, tranquil, and free society for all.

NAPO disseminates information to all member organizations and to the public regarding federal legislation and related matters which affect the interest and welfare of its member organizations, the law enforcement profession, and the public.



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# NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

**NAPO History:** The National Association of Police Organizations (NAPO) is a coalition of police units and associations from across the United States. NAPO was organized for the purpose of advancing the interests of America's law enforcement officers through legislative advocacy, political action, and education.

Founded in 1978, NAPO is the strongest unified voice supporting law enforcement officers in the United States. NAPO represents more than 1,000 police units and associations and over 241,000 sworn law enforcement officers who share a common dedication to fair and effective crime control and law enforcement.

Increasingly, the rights and interests of law enforcement officers—*America's Finest* - have been the subject of legislative, executive, and judicial action in the nation's capital, Washington, D.C. From issues of federal funding of state and local law enforcement and anti-crime efforts to federal policy on employee health, pensions, and other benefits, the actions of Congress and the Administration significantly impact public safety interests. These interests must be vigorously protected in light of the vital role law enforcement officers play in maintaining the peace and security of American society. NAPO works to influence the course of national affairs where law enforcement interests are concerned.

**NAPO Government Affairs:** NAPO maintains a Washington office to monitor and guide legislative and administrative developments. The Washington office provides information to NAPO's membership on a timely basis so that it can respond from the grassroots level. The *Washington Report*, which provides updates on current issues in which NAPO is engaged, is routinely distributed to the membership.

NAPO has achieved a number of solid legislative and administrative accomplishments for its constituents through the efforts of NAPO's Washington office, that works independently, and in conjunction with

other public safety, public employee, and public employer groups. NAPO has also defeated efforts that would have seriously undermined law enforcement interests.

*The Hill* magazine recognized NAPO as responsible for one of what they called the “Top Ten Lobbying Victories” of 2015. NAPO was acknowledged for its work on the passage of the James Zadroga 9/11 Health and Compensation Reauthorization Act, and continuing health care coverage for 9/11 responders and survivors.

Over the years, NAPO has had a significant impact across many legislative areas, including:

1. Repeal of the Excise (“Cadillac”) Tax on employer-sponsored health plans;
2. Enactment of the Rafael Ramos and Wenjian Liu National Blue Alert Act, named after two NYPD Officers and NAPO members;
3. Enactment of the Law Enforcement Mental Health and Wellness Act and the Supporting and Treating Officers in Crisis Act;
4. Enactment of the COPS Counseling Act;
5. Enactment of 1988 legislation, which raised the Public Safety Officers’ Benefit (PSOB) for officers severely disabled or killed in the line of duty from \$50,000 to \$100,000, plus annual cost of living indexing, as well as follow on legislation in 2002, which raised the PSOB base from \$100,000 to \$250,000. The base was raised to \$318,111 in 2011 and to \$422,035 in 2023;
6. Enactment of legislation that made the PSOB death benefit to survivors federal income tax free;
7. Enactment of the Public Safety Officer Support Act, which made PTSD and PTSD-related suicides line of duty injuries under the PSOB Program;
8. Enactment of the Protecting America’s First Responders Act;
9. Enactment of legislation that created a presumption under the PSOB Program that COVID-related deaths and disability are in the line of duty;
10. Enactment and permanent reauthorization of the James Zadroga 9/11 Health and Compensation Act, including the World Trade Center Health Program and the 9/11 Victims Compensation Fund;
11. Enactment and renewal of the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) and the Justice and Mental Health Collaboration Program (JMHCP);

12. Enactment of the Police, Fire, and Emergency Officers Educational Assistance Act;
13. Enactment of the Children of Fallen Heroes Scholarship Act;
14. Permanent Reauthorization of the Bulletproof Vest Partnership Grant Act;
15. Enactment of the Project Safe Neighborhoods Grant Program Authorization Act;
16. Enactment of the Law Enforcement Officers' Safety Act (H.R. 218, right to carry legislation) and the Improvements to the Law Enforcement Officers' Safety Act;
17. Implementation of final Internal Revenue Service (IRS) Normal Retirement Age rules that protect public safety pension plans and include safe harbors for public safety employees;
18. Enactment of the Putting First Responders First Act, which makes first responder disability-related compensation tax free through retirement;
19. Enactment of the Healthcare Enhancement for Local Public Safety (HELPS) Retirees Act (allows retired public safety officers to use up to \$3,000 annually tax free from their pension funds, including defined benefit plans and defined contribution plans, to pay for qualified health insurance premiums);
20. Enactment of the Don't Tax Our Fall Public Safety Heroes Act, which ensured state death benefits to survivors of law enforcement officers are tax free.
21. Restoration under President Donald Trump of state and local law enforcements' access to surplus military equipment through the U.S. Department of Defense's 1033 Program and various Departments of Justice and Homeland Security grant programs;
22. Enactment of the Law Enforcement De-Escalation Training Act;
23. Enactment of the Justice for Victims of Trafficking Act;
24. Enactment of the Recovering Missing Children Act;
25. Enactment of the Ryan White HIV/AIDS Treatment Extension Act (includes a provision that protects emergency responders from occupational exposure to communicable diseases);
26. Enactment of the Fair Sentencing Act;
27. Enactment of a Nationwide Interoperable Communications Network for Public Safety;
28. Enactment of the National Amber Alert Act;
29. Enactment of the Securing Cockpits Against Laser Pointers Act;
30. Enactment of the Public Safety Spectrum and Wireless Innovation Act (FIRST NET);

31. Secured \$1 billion in the American Recovery and Reinvestment Act for the Community Oriented Policing Services (COPS) Hiring Program;
32. Enactment of the Adam Walsh Child Protection and Safety Act;
33. Enactment of the Combat Meth Act;
34. Enactment of the Disaster Area Health and Environmental Monitoring Act (provides for free medical screenings to first responders, volunteers, and emergency personnel who endure serious health risks to respond to national disasters, such as Hurricane Katrina and the September 11, 2001 terrorist attacks);
35. Enactment and implementation of the Hometown Heroes Act (expands coverage of the PSOB Program to include those law enforcement officers who suffer debilitating or fatal heart attacks or strokes while on, or related to, active duty or training work);
36. Enactment of the Fair Labor Standards Act (FLSA) Amendments (implemented the United States Supreme Court's decision in the *Garcia* case, upholding the constitutionality of the FLSA as applied to non-federal public employees);
37. Enactment of the Violence Against Women Act (VAWA) Reauthorization of 2013;
38. Elimination nationwide of the "source tax" on law enforcement retirees' incomes;
39. Enactment of the Violent Crime Control and Law Enforcement Act (omnibus anti-crime legislation);
40. Enactment of the Family and Medical Leave Act; and
41. Enactment of legislation which prohibits implementation of the IRS proposal to tax accrued public employee leave as current income.

The governmental issues affecting the vital interests of law enforcement officers continue to grow daily as crime, terrorism, and other concerns occupy more of the time of Congress and the Administration. The aforementioned legislative victories are illustrative of the areas where law enforcement participation through NAPO has made, and continues to make, a difference.

**NAPO Information and Events:** The NAPO website, ([www.napo.org](http://www.napo.org)), contains important information for law enforcement personnel regarding upcoming legislation, Supreme Court rulings, NAPO seminars and conferences, and safety and security hazards to law enforcement personnel.

Real time information for NAPO news can also be accessed “liking” the National Association of Police Organizations on [Facebook](#) or following NAPO on Twitter at “[NAPOpolice](#)”.

NAPO affiliates and representatives meet frequently with members of Congress and their staff at home and in Washington, D.C. to lobby pending issues of concern. Delegates establish NAPO’s legislative goals and priorities at the NAPO Annual Conference. Also, in election years, delegates issue endorsements of candidates for national and Congressional offices who have earned law enforcement’s support.

NAPO holds an annual **Legislative Luncheon on Capitol Hill**, which provides an opportunity to honor members of Congress and staffers who have been most supportive of law enforcement. It also provides NAPO’s members with a chance to convey NAPO’s top legislative priorities to members of Congress and their staff.

The prestigious **TOP COPS Awards®** are presented annually to sworn law enforcement officers from across the country who are nominated by their peers for outstanding service. NAPO held its first **TOP COPS Awards®** ceremony in Washington, D.C. in 1994, with special guests, including the President of the United States, and continues to pay tribute to outstanding law enforcement officers across the country each year.

NAPO also sponsors an **Annual Police, Fire, EMS & Municipal Employee Pension and Benefits Seminar**, and has sponsored seminars on prevention of law enforcement officer suicide, union responses to critical incidents, federal election law for police associations, the *Garrity* decision, collective bargaining, the Fair Labor Standards Act (FLSA), law enforcement stress management, drug testing, the Americans with Disabilities Act (ADA), and public relations.

**NAPO Public Affairs:** In 2002, NAPO established the **National Association of Police Organizations Relief Fund**, dedicated to providing “for the physical, medical, emotional, and spiritual well-being of law enforcement officers and their families who have suffered hardship as a result of catastrophe, storm, flood, earthquake, fire, evacuation, relocation, disaster, war, or other acts or accidents of nature or man.”

NAPO established a sister 501(c)(3) research and education organization in 1991, the **Police Research and Education Project (PREP)**. PREP has

conducted research on law enforcement stress and its effect on the family under the auspices of National Institute of Justice grants.

In 1994, the **National Law Enforcement Officers' Rights Center** was established under PREP to protect officers' legal and constitutional rights. The Rights Center is the first legal support center established to help law enforcement officers deal with the increase of litigation sweeping through the law enforcement community.

NAPO and the Rights Center have successfully represented the interests of rank-and-file officers before the U.S. Supreme Court and other state and federal appellate courts on multiple occasions. NAPO has been allowed by the Courts to participate and submit arguments as an *amicus curiae* in such cases as *Mullenix v. Luna* (qualified immunity), *Vega v. Tekoh* (federal civil rights liability), *Texas v. Kleinert* (sovereign immunity for local officers assigned to federal task force), *Cheatham v. Phoenix* (union release time for officers), *Vann v. City of Southhaven* (qualified immunity), *Chung v. Silva* (qualified immunity), *Cole v. Carson* (qualified immunity), *Maryland v. Wilson* (protection for officers on traffic stops), *Lane v. Franks* (First Amendment rights of public employees), *Janus v. AFSCME* (public sector employee associations rights), *Kaufman County v. Winzer* (qualified immunity), *Friedrichs v. California Teachers Association* (fair share fees), *Harris v. Quinn* (agency fees), *Duberry v. District of Columbia* (retired officers' right to carry concealed firearm under H.R. 218), *Raymond v. North Carolina PBA* (officer's right to police association attorney), *Schultz v. Wescom* (qualified immunity), *Lewis v. Vasquez* (qualified immunity), and *Bland v Roberts* (right of officers to be free from political retaliation).

The Rights Center has also published national surveys on states' tort liability rules, collective bargaining laws, and a law enforcement officer's right to carry a firearm off-duty. NAPO and the Rights Center will continue to represent America's Finest in the courts of the United States.

NAPO is a founding member of the **National Law Enforcement Officers Memorial Fund (NLEOMF)**. NAPO's efforts led to the successful passage of legislation that established the Memorial and NAPO representatives served on the site selection and inscription committees. NAPO, through its members, raised over \$1 million for the Memorial.

NAPO also serves, or has served, as a board or coalition member for the National Law Enforcement and Corrections Technology Advisory Council

(LECTAC), the National Armor Advisory Board and Summit (reviews current issues regarding body armor design and usage), the National Blue Mass (held for law enforcement officers during National Police Week), the National Blue Alert Advisory Group, the National Center for Missing and Exploited Children, the Target Capabilities Working Groups of the U.S. Department of Homeland Security, the Public Safety Sub Council of the National Occupational Research Agenda of the National Institute for Occupational Safety and Health, the American College of Occupational and Environmental Medicine Task Group on Medical Guidelines for Law Enforcement Officers, the Collective Bargaining Coalition (lobbies Congress on legislation to extend basic collective bargaining rights to public safety officers), the National Executive Committee of the Coalition to Preserve Retirement Security (Social Security issues), the National Conference on Public Employee Retirement Systems, the Crime Prevention Council of America, and National Decertification Index Advisory Group.

**NAPO has been, and will continue to be, the strongest unified voice for law enforcement officers in the United States.**

# RIGHTS OF LAW ENFORCEMENT OFFICERS

## PUBLIC SAFETY EMPLOYER - EMPLOYEE COOPERATION ACT “COLLECTIVE BARGAINING”

**Background:** Congress has long recognized the benefits of a cooperative working relationship between labor and management. Over the years, Congress has extended collective bargaining rights to public employees including letter carriers, postal clerks, public transit employees, and congressional employees. However, under federal and state laws, some public safety employees, including those in law enforcement, corrections, and fire, are denied the basic right of collective bargaining.

While many public safety agencies have benefited from a productive partnership between employers and employees, other agencies have not. Currently, many states do not allow public safety employees the fundamental right to bargain with their employers. History shows that denying workers the right to bargain collectively causes poor morale, the waste of resources, unfair and inadequate working conditions, and low productivity. Ultimately, it is the public’s safety and security that is jeopardized by such poor working conditions for police.

**If enacted into law, the “Public Safety Employer-Employee Cooperation Act” would do the following:**

- Give the right to public safety officers to form and join a union or association of their own choosing, but only if they wish to.
- Give the right to public safety officers to bargain over wages, hours, and working conditions, but preserve legitimate management rights.
- Provide for fact finding and mediation to resolve disputes, which may include binding arbitration.
- Prohibit strikes and lockouts by public safety officers and agencies.
- Protect current state laws, certifications, and collective bargaining agreements.

## **Recent Legislative History:**

### **117<sup>th</sup> Congress (2021-2023)**

- **H.R. 3225**, “Public Safety Employer-Employee Cooperation Act.”  
Sponsor: Rep. Pete Stauber (R-MN)

### **116<sup>th</sup> Congress (2019-2021)**

- **H.R. 1154 / S. 1394**, “Public Safety Employer-Employee Cooperation Act.” Sponsors: Rep. Dan Kildee (D-MI) and Senator Tammy Baldwin (D-WI).

**NAPO Position:** There are many law enforcement officers who put their lives on the line every day to preserve the security and peace that our nation enjoys. However, these same officers are denied the basic American rights of collective bargaining for wages, hours, and safe working conditions.

This legislation extends basic collective bargaining rights to state and local public safety officers. States that offer equal or greater collective bargaining rights would be exempt from this federal statute. The Public Safety Employer-Employee Cooperation Act will not overturn current collective bargaining laws – it will only provide the most basic of collective bargaining rights to those who currently do not have them.

NAPO will continue working to actively support the passage of this important legislation and to protect the current collective bargaining rights of officers from being eroded. We oppose any effort to eliminate language from collective bargaining agreements that protects officer due process during investigations of misconduct.

## **STATE AND LOCAL LAW ENFORCEMENT OFFICER BILL OF RIGHTS**

**Background:** Throughout the country, many states lack coherent guidelines and procedures for law enforcement departments to follow to protect officers' due process rights. Sworn law enforcement officers are held to an extremely high standard of personal and professional conduct, due to the enormous responsibilities they exercise. However, many officers are denied the same basic due process rights that all other citizens enjoy. In approximately fifty percent of the states, officers enjoy some legal protections against false accusations and abusive conduct. However, this leaves hundreds of thousands of officers with limited or no due process or who face limitations or retaliation when exercising these rights.

In addition, sometimes individuals are reluctant to file a complaint against an officer, perceiving correctly or incorrectly that management will not take the complaint seriously and conduct an inquiry. Often departments lack any guidelines and procedures for handling and investigating complaints, thus raising doubts about officer accountability.

**If enacted into law, the “Law Enforcement Officer Bill of Rights” would provide officers with the following:**

- Officers would have the right to engage in civic activity and would not be prohibited from running for elective office because of their profession.
- Departments would have to establish effective procedures for receipt, review, and investigation of law enforcement and other complaints against law enforcement officers.
- If disciplinary action is foreseeable, officers would be notified of the investigation, the nature of the alleged violation, the eventual outcome of the inquiry, and the recommendations made to superiors by the investigators.
- Questioning of a law enforcement officer would be conducted at reasonable times, preferably while the officer is on duty, unless exigent circumstances apply.
- Questioning of the law enforcement officer would take place at the offices of those conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location.
- A single investigator would question officers, and the officer would be informed of the name, rank, and command of the officer conducting the investigation.
- Officers could not be threatened, harassed, or promised rewards to induce the answering of any question.
- Officers under investigation would be entitled to have legal counsel or any other individual of their choice present at the questioning.
- Officers would be entitled to a hearing, notification in advance of the date of the hearing, and access to transcripts and other relevant documents and evidence generated by the hearing. The officer would also be entitled to be represented by legal counsel or another representative at the hearing.
- Officers could obtain declaratory or injunctive relief in state or federal court for violations of this law, including retaliation for the exercise of these or any other rights under federal, state, or local law.
- Officers would have the opportunity to comment in writing on any adverse materials placed in his or her personnel file.

- There would be defined 'just cause' factors to be considered by the hearing officer or board for an officer to be found guilty or liable for disciplinary action; and mitigating factors would also be noted, which could reduce the severity of the disciplinary action.

**NAPO'S Position:** NAPO recognizes a serious need for the implementation of standards and procedures to guide both state and local law enforcement agencies and law enforcement officers during internal investigations, administrative hearings, and evaluation of citizen complaints. Too often law enforcement officers are subjected to the whim of their departments or local politics during internal investigations and administrative hearings.

NAPO also supports the implementation of standards to guide law enforcement agencies in developing and operating a fair and effective investigative process. Individuals should have the right to file a complaint, to have the complaint investigated, and to be informed of its final disposition, including learning the outcome of the investigation and any resulting disciplinary action.

Consequently, NAPO has actively fought for the enactment of this legislation since 1990. In consultation with attorneys representing law enforcement officers, NAPO will continue to exert every effort with Congress and other national interest groups to support this legislation, protect officer due process, and improve transparency and accountability in law enforcement agencies.

## **STATE & LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAMS**

### **COPS PROGRAM & BYRNE JAG PROGRAM**

**Background:** Serving as the lead national law enforcement organization, NAPO worked tirelessly with members of Congress and the Administration to enact the **Community Oriented Policing Services (COPS)** Program in 1994. Since its inception, the COPS Office, within the United States Department of Justice (DOJ), has been extremely

successful in implementing and carrying out its designated objectives. To date, the COPS Hiring Program has assisted over 16,000 jurisdictions with over \$14 billion in funding to hire more than 135,000 community police officers across the United States. This funding has contributed to continued success in combating crime, drug use, and gangs; reducing and preventing the manufacture, distribution, and use of illegal drugs; improving law enforcement and community relations; and addressing emerging law enforcement needs.

In recent years, the COPS Office has taken on additional NAPO priorities such as the **National Blue Alert Network**, the **Officer Safety and Wellness Working Group**, the **Law Enforcement Mental Health and Wellness Act (LEMHWA)** and the **Supporting and Treating Officers in Crisis (STOIC) Act** program, both of which promote officer mental wellness and peer mentoring.

In addition to the COPS Program, state and local law enforcement benefit greatly from the **Edward Byrne Memorial Justice Assistance Grant (Byrne JAG)** Program, as it is the only comprehensive federal crime-fighting program. It allows for a system wide approach that enables communities to target resources to their most pressing local needs. This important program funds state and local law enforcement, including multi-jurisdictional drug and gang task forces, information sharing and technology, county jails, prosecutors, drug courts, and juvenile delinquency and drug treatment programs. In fact, it is the only source of federal funding for multi-jurisdictional task forces and prosecutors.

With the passage of the **Law Enforcement De-Escalation Training Act** in December 2022, starting in FY 2024, \$20 million in Byrne JAG funding will go towards supporting best practices in de-escalation training and law enforcement/mental health treatment partnerships and to support train-the-trainer trainings nationwide and in FY 2025 a new grant program will flow through Byrne JAG to continually support these purposes.

COPS, together with Byrne JAG, provide state and local law enforcement with necessary funding to assist their efforts to keep communities safe.

### **Recent Legislative History:**

#### **118<sup>th</sup> Congress (2023-2025)**

- **S. 546**, “Recruit and Retain Act”. Sponsor: Senator Deb Fischer (R-NE)

## 117<sup>th</sup> Congress (2021-2023)

- **H.R. 6448 / S. 3860**, “Invest to Protect Act”. Sponsors: Rep. Josh Gottheimer (D-NJ) and Senator Catherine Cortez Masto (D-NV)
- **H.R. 6375 / S. 4287**, “COPS on the Beat Grant Program Reauthorization and Parity Act”. Sponsors: Rep. Tom Rice (R-SC) and Senator Lindsey Graham (R-SC)
- **S. 3374**, “COPS Reauthorization Act”. Sponsor: Senator Amy Klobuchar (D-MN)
- **S. 5103**, “Recruit and Retain Act”. Sponsor: Senator Deb Fischer (R-NE)

**NAPO Position:** Most law enforcement officials and the public recognize the benefits of putting more police on the street, which is why initiatives to put and maintain more officers in the field to promote community policing and fight crime should be continued. As major cities across the country are facing an increase in violent crime and community-police relations are strained, now is not the time to put additional stresses on state and local police forces by leaving them short-handed. It is vital that the COPS Hiring Program and the Byrne-JAG Program be adequately funded. NAPO will continue to fight for the resources needed to serve communities efficiently and effectively.

In addition to our continued efforts to reauthorize and increase funding for the COPS and Byrne JAG programs, we are also fighting to preserve the original intent of the COPS Program: to support the hiring and retention of community police officers. The COPS Program should not be used as a tool to move a distinct political agenda at the expense of critical funding for the hiring and retention of officers as well as officer and community safety measures such as lowering response time for emergency calls and two officer patrol units.

NAPO strongly supports fully funding the COPS Hiring Program and maintaining the program’s original intent – helping states and localities hire and retain community police officers to ensure they can protect and serve America’s communities efficiently and effectively.

## **LAW ENFORCEMENT MENTAL HEALTH & WELLNESS**

**Background:** An April 2018 white paper by the Ruderman Family Foundation found that first responders are more likely to die from suicide

than in the line of duty. Over 2021 and 2022, there were at least 329 known police officer suicides. Additionally, according to the National Study of Police Suicides, officers are 2.5 times more likely to die from suicides than from homicides, a much more sobering statistic. As suicides among police officers are often reported as accidents or met with official silence, definitive numbers are hard to come by.

State and local law enforcement officers are our nation's first responders. They respond to our country's greatest tragedies as well as violent crimes and horrible accidents that unfortunately occur more frequently in our communities. They have seen and experienced horrors that they cannot forget, yet they still put their lives on the line every day to protect and serve our communities.

In passing the **Law Enforcement Mental Health and Wellness Act (LEMHWA) (Public Law No. 115-113)**, the **Supporting and Treating Officers in Crisis (STOIC) Act (Public Law No. 116-32)**, and the **COPS Counseling Act (Public Law No. 117-60)** – all NAPO priority legislation – Congress recognized the stress and strain of the job and acted to help give officers the resources they need to address their emotional and mental wellbeing. These programs will help law enforcement agencies establish or enhance mental health care services for their officers by making grants available to initiate and expand confidential peer mentoring 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.

Through the Community Oriented Policing Services (COPS) Program, the LEMHWA and STOIC programs will provide grant funding to help agencies establish and grow peer mentoring mental health and wellness programs. Peer mentoring and peer support programs have proven vital to successful officer mental health and wellness programs as officers are able to cope more effectively by talking with someone who knows and understands what they are going through.

In a peer mentoring program, peer mentors are trained to identify whether the officer is struggling in a way that might require further intervention and how to refer the officer to the necessary services. Often, peer mentors work closely with clinicians who can help with such references.

Further, officers are first and foremost public servants. Unless the strictest privacy standards are established and maintained, an officer's mental health care, including that through peer mentoring services, can be discoverable on the public record, used in court proceedings, or affect their employment. Officers feel more comfortable admitting their concerns and asking questions and are more likely to take advantage of mental health services when they know those services will be confidential.

Approximately only half of states provide confidentiality protections to critical incident debriefs and peer support services. In these states, the group debriefings, conducted by peer support and mental health professionals, are protected. Do-not-discuss orders are suspended for the duration of the debriefing and officers are free to discuss their feelings and concerns. All communications and records kept during these debriefings may not be disclosed in a civil, criminal, or administrative proceeding, with certain, limited exceptions.

### **Recent Legislative History:**

#### **117<sup>th</sup> Congress (2021-2023)**

- **H.R. 3070 / S. 1502**, "COPS Counseling Act." Sponsors: Rep. David Trone (D-MD) and Senator Catherine Cortez Masto (D-NV). **PASSED.**

#### **116<sup>th</sup> Congress (2019-2021)**

- **H.R. 2368 / S. 998**, "Supporting and Treating Officers in Crisis Act." Sponsors: Rep. Guy Reschenthaler (R-PA) and Senator Josh Hawley (R-MO). **PASSED.**
- **H.R. 6694 / S. 3434**, "COPS Counseling Act." Sponsors: Rep. David Trone (D-MD) and Senator Catherine Cortez Masto (D-NV). **PASSED.**

**NAPO Position:** Our nation's law enforcement officers have given up so much to protect and serve our communities. The least we can do is ensure they have the mental health and wellness services they need for the safety of themselves, their families and communities.

While Congress appropriated \$10 million for these programs in FY 2023, our nation's law enforcement need much more than this. Significant funding is needed for the establishment and expansion of confidential peer counseling services in order to adequately meet the demand for officer peer mentoring programs in cities and states across the country.

NAPO will continue working to ensure full and robust funding for peer mentoring programs and mental health services for all officers. Further, NAPO supports legislation to make all communications made by officers to crisis counseling services (including peer services), and all records related to the communications, confidential.

## **9/11 WORLD TRADE CENTER HEALTH PROGRAM FUNDING**

NAPO fought hard for the passage of the James Zadroga 9/11 Health and Compensation Act in 2010 and its reauthorization in 2015 to ensure our nation took care of the victims and first responders who are coping with 9/11-related chronic health conditions. James Zadroga, a New York City Police Department Detective and member of NAPO, died of respiratory disease caused by his exposure to toxic chemicals during rescue and recovery efforts at Ground Zero.

In 2015, Congress, recognizing the importance of this program, reauthorized the World Trade Center Health Program until 2090. Unfortunately, this has proven to not be enough as the reauthorization imposed yearly spending caps tied to inflation only as measured by the Consumer Price Index and not the historically higher, and faster rising, medical cost inflation. The WTCHP faces a projected shortfall that will cause it to not have enough funds to provide care for those 9/11 responders and survivors still suffering the physical and mental impacts of 9/11.

At the end of last year, NAPO was able to help secure \$1 billion in additional funding for the WTCHP as part of the Fiscal Year 2023 Appropriations Act to help safeguard the program for the next several years. While this was short of the \$3 billion we were calling for, this money will allow the program to avert any cuts to services until at least FY 2027 and give us more time to achieve an agreement on long-term funding that will make the WTCHP whole.

**The 9/11 Responder and Survivor Health Funding Correction Act** would close the funding gap to ensure the WTCHP is fully funded as well as make important changes to improve the ability of the Program to certify both health care providers and WTC-related health conditions and ensure 9/11 responders at the Pentagon and Shanksville who were active-duty DOD military or civilians, as well as other federal employees, are included in the Program.

## **Recent Legislative History**

118<sup>th</sup> Congress (2023-2025)

- **H.R. 1294 / S. 569**, “9/11 Responder and Survivor Health Funding Correction Act”. Sponsors: Rep. Andrew Garbarino (R-NY) and Senator Kirsten Gillibrand (D-NY)

117<sup>th</sup> Congress (2021-2023)

- **H.R. 4965 / S. 2683**, “9/11 Responder and Survivor Health Funding Correction Act”. Sponsors: Rep. Carolyn Maloney (D-NY) and Senator Kirsten Gillibrand (D-NY)

**NAPO Position:** The 9/11 Responder and Survivor Health Funding Correction Act honors those who made the ultimate sacrifice to protect our nation. 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 compensation and care that they deserve and that has been promised to them.

# **RETIREMENT SECURITY**

## **GOVERNMENT PENSION OFFSET & WINDFALL ELIMINATION PROVISION REFORM**

**Background:** The Government Pension Offset (GPO) reduces public employees’ Social Security spousal or survivor benefit by two-thirds of their public pension, and often leads to negative effects on law enforcement officers’ retirements. If a spouse who paid into Social Security dies, the surviving public safety officer would normally be eligible for half of the deceased’s benefit. However, if the surviving law enforcement officer had not been paying into Social Security while working, the GPO requires that this amount be offset by two-thirds of the survivor’s pension, eliminating most, or all the payment. Because of their profession, many law enforcement officers do not pay into Social Security; however, if they had not served at all, they would receive the full allotment of the spouse’s benefit.

In addition to the GPO, public safety employees are also adversely affected by the Windfall Elimination Provision (WEP). Although most law

enforcement officers retire after a specific length of service, usually while in their early to mid-fifties, many look for new opportunities to serve their communities. Yet, when they retire from a non-Social Security paying job and move to one that does pay into Social Security, they are penalized by the WEP. Instead of receiving their rightfully earned Social Security retirement benefit, their pension heavily offsets it, thus vastly reducing the amount they receive.

GPO and WEP were intended to be “leveling” responses, but only serve to hurt public safety officers. Nine out of ten public employees affected by the GPO lose their *entire* spousal benefit, even though their spouses paid Social Security for many years. The WEP causes hard-working public safety officers to lose the benefits *they earned themselves*, thus punishing those who selflessly serve and protect our communities.

### **Recent Legislative History:**

#### 118<sup>th</sup> Congress (2023-2025)

- **H.R. 82 / S. 597**, “Social Security Fairness Act”. Sponsors: Rep. Garrett Graves (R-LA) and Senator Sherrod Brown (D-OH)

#### 117<sup>th</sup> Congress (2021-2023)

- **H.R. 82 / S. 1302**, “Social Security Fairness Act.” Sponsor: Rep. Rodney Davis (R-IL) and Senator Sherrod Brown (D-OH)
- **H.R. 2337**, “Public Servants Protection and Fairness Act.: Sponsor: Rep. Richard Neal (D-MA)

**NAPO Position:** Law enforcement officers and public employees across the United States are concerned about their retirement benefits and the impact of the GPO and WEP.

The loss of income caused by the GPO and WEP is a financial strain on law enforcement officers and their families, an additional strain that those who spent their careers on the front lines protecting our nation’s communities do not need. By significantly scaling back and reducing Social Security benefits for law enforcement officers and their survivors, as the GPO and WEP do, officers and their families are provided much less protection against financial difficulties. This is no way to honor those who have chosen to serve our nation and its communities.

While NAPO’s priority remains the full repeal the GPO and WEP from Title II of the Social Security Act, we understand there are significant fiscal challenges associated with this effort. We therefore also support efforts to meaningfully reform the provisions. NAPO will continue to actively work

to ensure passage of legislation to alleviate the burdens the GPO and WEP place on public safety officers across the country.

## **MANDATORY SOCIAL SECURITY PARTICIPATION**

**Background:** The Social Security program is an important source of future retirement security for millions of Americans. NAPO realizes that the program needs to be restructured and its financing put on sound footing for future generations of retirees, in view of projections that the Social Security Trust Fund will be exhausted by 2037.

State and local governments were excluded from the Social Security Act of 1935 because there were (and still are) questions as to the extent to which the federal government could tax state and local governments. Also, many state and local governments had their own pension systems. The 1950 amendments to the Act allowed state and local governments to voluntarily participate in the Social Security program, and a number of states joined the system. In July of 1991, Social Security was made mandatory for state and local government employees who do not participate in any employer/employee retirement system.

Mandating Social Security taxes on the 70 percent of public safety officers not presently covered would have a dramatic and negative impact on the recruitment and retention of well-qualified public safety officers. In addition, it would constitute an unfunded mandate on public safety agencies, amounting to more than \$1 billion in the first year alone. Under a mandatory Social Security system, law enforcement officers would pay more for fewer benefits, when compared to their current pension plans. Social Security was not designed for and does not address the special needs of law enforcement officers as follows:

1. Officers and their families need the security of service-connected disability and death benefits. Social Security benefits do not provide anywhere near the same level of benefits of current public safety pension plans, and provide no disability benefits unless one is totally unable to perform any work, not just public safety work.
2. Social Security is not appropriate for public safety officers who normally retire prior to, or around 55 years of age, due to the stresses, dangers, and injuries of the job. Unlike current plans, where officers may retire after 20 or more years of service, Social Security would not pay these individuals until they reached 62, 67, or even 70 years of age.

Forcing police officers to work until the age of 70 would negatively impact public safety.

If enacted into law, mandatory Social Security taxes on public safety workers would do the following:

- A majority of state and local government entities would both pay the newly imposed 6.2 percent tax, (the employer's half of the 12.4 percent Social Security tax), and retain their current pension systems, because they are required to do so by law or collective bargaining agreements. Imposing Social Security taxes on these state and local governments would strain their budgets and would have serious consequences on the pay and working conditions of their public safety officers.
- Officers would automatically suffer a *de facto* pay decrease through the newly imposed 6.2 percent tax, (the employee's half of the 12.4 percent Social Security tax), and it would become more difficult to retain the most qualified officers.
- Because raising taxes to make up the difference is not politically feasible, state and local governments would likely take two or more of the following actions: (1) decrease the number of public safety officers to retain current pay levels and benefits; (2) reduce the pay of law enforcement officers; (3) freeze future cost-of-living increases; or (4) not provide public safety officers with the essential equipment and resources needed to effectively perform their work.
- Most state and local governments would pay the 6.2 percent tax by proportionally reducing their contributions to current pension systems. Trying to blend the special needs of actuarially funded pensions systems with the structure of Social Security would create serious complications and costs for benefit design and administration, as well as collective bargaining. Over time, mandatory Social Security taxes, even if only applied to new hires, would threaten the financial viability of sound, secure, and long-standing retirement systems, eventually destroying the existing retirement and disability benefits for public safety officers.
- Reducing employer and employee contributions to current pension plans in order to pay Social Security taxes would have serious repercussions for those employees already having vested rights and would make it difficult to recruit the best candidates for public safety work. Over time, the increasing transfer of significant contributions (of both employers and employees) from pension funds to Social Security would severely reduce the investment income, as more grandfathered

employees in the current systems retire and new employees covered by Social Security are hired to replace them. This would cause pension funds to be under-funded and reduce benefits, seriously harming the future benefits paid to retirees.

- Significantly scaling back and reducing current retirement pensions, death benefits, and line-of-duty disability pay for public safety officers, even if done only for new hires, would provide public safety officers and their families with much less protection. This would cause law enforcement and firefighting to become much less desirable as careers. Retention of current public safety officers and recruitment of new officers would become difficult.

**NAPO Position:** NAPO supports a long-term solution, *so long as* such a solution does not mandate that all or some state and local government employees, including newly hired ones and their employing agencies, be required to pay Social Security taxes. Adding presently non-covered public safety workers will not fix the basic problems of Social Security. While it will bring new workers into the Social Security system, the system will also have to assume a liability for these new workers, which will eventually have to be paid.

Even if Social Security taxes were limited to new hires, the likely consequences of mandatory Social Security taxes, including reduced benefits, lower salaries, and/or frozen cost-of-living increases, would make law enforcement and fire safety work less financially desirable. It makes no sense whatsoever to tamper with a system of pension funds that is working well and paying needed benefits to those who serve and protect the public.

There has not been any recent legislation on this issue. NAPO will continue to serve as the key representative of law enforcement in defending this issue before members of Congress.

## **EXPANSION OF THE HELPS RETIREES ACT**

**Background:** The Healthcare Enhancement for Local Public Safety (HELPS) Retirees provision of the Pension Protection Act of 2006 provides public safety officers, who often retire earlier than other occupations because of the physical demands and unique job hazards they face, with means to more affordable healthcare options. This provision is important as many law enforcement retirees lose their employer-provided

health insurance and are years away from being Medicare-eligible, forcing them to spend their retirement money on health insurance premiums.

Under the HELPS Retirees provision, retired public safety officers can use up to \$3,000 annually from their pension funds tax-free, including from defined benefit and defined contribution plans, to pay for qualified health insurance and long-term care insurance premiums.

Unfortunately, health care costs have gone up dramatically since 2006 and the \$3,000 per year permitted under the provision is no longer adequate to cover even half a year's worth of health insurance premiums. The amount a retired public safety officer is allowed to take from their pension funds annually must be increased to keep up with the rising costs of health and long-term care insurance.

### **Recent Legislative History:**

#### 118th Congress (2023-2025)

- **H.R. 957**, “Public Safety Retirees Healthcare Protection Act”.  
Sponsor: Rep. Abigail Spanberger (D-VA)

#### 117<sup>th</sup> Congress (2021-2023)

- **H.R. 7203**, “Wally Bunker Healthcare Enhancement for Local Public Safety (HELPS) Retirees Improvement Act”. Sponsor: Rep. Abigail Spanberger (D-VA)

**NAPO Position:** Increasing the allowable amount under the HELPS Retirees provision from \$3,000 to \$6,000, as the **Public Safety Retirees Healthcare Protection Act** would do, continues the purpose and intention of the original HELPS Retirees Act: to help preserve the retirement security and the health of those public servants who selflessly serve and protect our communities.

## **CRIMINAL JUSTICE**

### **INCREASED PENALTIES FOR CRIMES AGAINST LAW ENFORCEMENT OFFICERS**

**Background:** There is a serious and growing trend of ambushed murders and other armed attacks on law enforcement officers. According to a

March 2022 report from the Office of Community Oriented Policing Services (COPS), 346 officers were shot in the line of duty in 2021, of which 64 officers died from their injuries and 287 survived. 133 of those officers were shot and 32 died in ambushes or premeditated, calculated assaults.

NAPO supports utilizing existing federal criminal processes to prosecute (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 federal DOJ or DHS; 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. We also are aggressively lobbying for new and increased nationwide penalties on those who harm or target for harm public safety officers by making the murder or attempted murder of a state or local police officer an aggravating factor in sentencing determinations.

### **Recent Legislative History:**

#### 118<sup>th</sup> Congress (2023-2025)

- **H.R. 355**, “Back the Blue Act”. Sponsor: Rep. Don Bacon (R-NE)
- **H.R. 743**, “Protect and Serve Act”. Sponsor: Rep. John Rutherford (R-FL)
- **H.R. 130 / S.459**, “Thin Blue Line Act”. Sponsors: Rep. Vern Buchanan (R-FL) and Senator Mike Braun (R-IN)
- **H.R. 1627 / S. 868**, “Defending Our Defenders Act.” Sponsors: Rep. Mike Garcia (R-CA) and Senator Tom Cotton (R-AR)

#### 117<sup>th</sup> Congress (2021-2023)

- **H.R. 72 / S. 1595**, “Thin Blue Line Act.” Sponsors: Rep. Vern Buchanan (R-FL) and Senator Patrick Toomey (R-PA)
- **H.R. 3079 / S. 774**, “Protect and Serve Act.” Sponsors: Rep. John Rutherford (R-FL) and Senator Thom Tillis (R-NC)
- **H.R. 3080 / S. 1599**, “Back the Blue Act.” Sponsors: Rep. Don Bacon (R-NE) and Senator John Cornyn (R-TX)
- **H.R. 1690 / S. 619**, “Defending Our Defenders Act.” Sponsors: Rep. Yvette Herrell (R-NM) and Senator Tom Cotton (R-AR)

**NAPO Position:** NAPO strongly supports legislation, at both the federal and state level, that would increase penalties for crimes committed against law enforcement officers. Establishing stricter penalties for those who harm law enforcement officers will deter crime. Any persons

contemplating harming an officer must know that they will face serious punishment.

NAPO will continue to work with key members of Congress to ensure that those who harm or attempt to harm public safety officers are subject to the strictest penalties.

## **MENTAL HEALTH TREATMENT FOR OFFENDERS & TRAINING FOR LAW ENFORCEMENT**

**Background:** Individuals with mental illnesses are significantly overrepresented in the prison and jail population. State and local governments are increasingly finding the need for greater collaboration between criminal justice, juvenile justice, and mental health and substance abuse treatment systems to better allocate resources across systems, increase connections to needed services, and reduce recidivism.

Further, law enforcement officers are on the front lines in responding to and intervening in mental and behavioral health crises. Officers need to be given the tools and training necessary to identify and respond to mental health issues in the communities they serve. This will support improved responses and outcomes to interactions between police officers and persons affected by mental illness.

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) was signed into law by President George W. Bush in 2004, and authorized a \$50 million grant program to be administered by the U.S. Department of Justice. The law created the Justice and Mental Health Collaboration Program (JMHCPC) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems.

In 2022, Congress reauthorized the JMHCPC for an additional five years. The reauthorization bill expands training for law enforcement to identify and respond appropriately to individuals with mental illnesses. It also strengthens support for crisis intervention teams and mental health courts; strengthens support for co-responder teams; supports the integration of 988 into existing public safety systems; and amends the allowable uses to include suicide prevention in jails and information sharing between mental health systems and jails/prisons.

For Fiscal Year 2023, Congress recognized the importance of the JMHCP and funded it at \$45 million. This funding is vital to ensuring better law enforcement and community responses to persons experiencing mental health and substance abuse crises.

### **Recent Legislative History:**

#### **117<sup>th</sup> Congress (2021-2023)**

- **H.R. 8166 / S. 3846**, “Justice and Mental Health Collaboration Reauthorization Act”. Sponsors: Rep. Robert C. Scott (D-VA) and Senator John Cornyn (R-TX). **PASSED.**
- **H.R. 8637 / S. 4003**, “Law Enforcement De-Escalation Training Act”. Sponsors: Rep. Karen Bass (D-CA) and Senator John Cornyn (R-TX). **PASSED.**

**NAPO Position:** NAPO is a strong supporter of the JMHCP and expanded mental health and crisis intervention training for law enforcement officers. The JMHCP helps criminal justice and mental health agencies work collaboratively towards better outcomes. It helps law enforcement agencies across the United States in their responsibilities in assisting citizens with mental health conditions.

NAPO continues to support efforts to improve access to mental health services for people who come into contact with the criminal justice system, and to provide law enforcement officers the tools and training they need to identify and respond to mental health issues in the communities they serve.

## **POLICE REFORM**

**Background:** The House passed the George Floyd Justice in Policing Act twice in the 116<sup>th</sup> and 117<sup>th</sup> Congresses. Law enforcement was unfairly locked out of the discussion and development of this overhaul of their profession and the result was a bill with which the law enforcement community continues to have significant concerns. Yet Congress and the Administration continue to press for the passage of this flawed bill.

The areas of most significant concern include amending Section 242 of Title 18 United States Code to lower the standard for *mens rea* and the practical elimination of qualified immunity for law enforcement officers. Combined, these two provisions take away any legal protections for officers while making it easier to prosecute them for mistakes on the job, not just criminal acts. With the change to qualified immunity, an officer

can go to prison for an unintentional act that unknowingly broke an unknown law. NAPO believes in holding officers accountable for their actions, but the consequence of this would be making criminals out of decent officers enforcing the laws in good faith.

Another provision of serious concern is the change proposed to the current legal standard of “objective reasonableness” for the use of force outlined in the 1989 U.S. Supreme Court decision *Graham v. Connor*. The Supreme Court has repeatedly said that the most important factor to consider in applying force is the threat faced by the officer or others *at the scene*. The use of force must be reasonable given what the officer perceived to be the threat at the time, not with the 20/20 vision of hindsight.

Finally, one of the underlying assumptions that runs throughout the George Floyd Justice in Policing Act is that law enforcement officers should not be given the right to due process, a right we give all citizens, a right all unions work to protect for their members in disciplinary actions. This is incredibly concerning. Law enforcement officers must be given due process during internal investigations, administrative hearings, and evaluation of citizen complaints. Too often law enforcement officers are subjected to the whim of their departments or local politics during internal investigations and administrative hearings.

For any police reform to be truly successful, the views of rank-and-file officers, who work tirelessly to keep our communities safe and have firsthand knowledge of the issues that are being considered, must be engaged. Law enforcement officers have a significant stake in the outcomes of any forthcoming policies and legislation, both as public safety officers who are responsible for carrying out the law, and as citizens of communities that will be impacted by new policies on public safety. It is, quite literally, a matter of life and death for them when considering when and how they may defend themselves.

### **Recent Legislative History:**

#### **117<sup>th</sup> Congress (2021-2023)**

- **H.R. 677**, “JUSTICE Act.” Sponsor: Rep. Pete Stauber (R-MN)
- **H.R. 1280**, “George Floyd Justice in Policing Act.” Sponsor: Rep. Karen Bass (D-CA)

#### **116<sup>th</sup> Congress (2019-2021)**

- **H.R. 7210**, “George Floyd Justice in Policing Act of 2020.” Sponsor: Rep. Karen Bass (D-CA)

- **S. 3912**, “George Floyd Justice in Policing Act of 2020.” Sponsor: Senator Cory Booker (D-NJ)
- **S. 3985**, “JUSTICE Act.” Sponsor: Senator Tim Scott (R-SC)
- **H.R. 7278**, “JUSTICE Act.” Sponsor: Rep. Pete Stauber (R-MN)

**NAPO Position:** As an organization representing rank-and-file officers, NAPO supports improving policing practices. We are actively participating in the stakeholder process for the implementation of President Biden’s Executive Order 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.

NAPO participates on the National Decertification Index (NDI) Expansion Advisory Group, that was begun under President Trump’s Executive Order on Safe Policing for Safe Communities and continues under this current Executive Order. With its expansion, the NDI will potentially include mechanisms for tracking criminal convictions of law enforcement officers for on-duty conduct and civil judgments against officers for improper use of excessive force where the officer resigns or retires while the investigation into the use of force is ongoing. In all instances, NAPO strongly believes that such entries should be limited to cases where the officer has been afforded due process pursuant to the local jurisdiction’s statutes and regulations.

NAPO supports training on de-escalation and communication techniques to help officers to stabilize situations and reduce the immediate threat so that more time, options, and resources can be used to resolve the situation without requiring the use of force. Such training will go much further in achieving the goal of reducing the use of lethal force than the lessening of legal protections for officers. NAPO also believes that rank-and-file officers, as practitioners, must play a role in developing national training standards.

Data collection on the use of force can be an important factor in improving the perception of integrity and transparency in policing. It is important that the data collected on the use of force reflects the entirety of the situation: use of force by officers and use of force against officers, and not just force using firearms. The Federal Bureau of Investigation began collecting such data in their Use of Force Database in 2019, which they established in collaboration with state and local law enforcement. NAPO supports the FBI’s Use of Force Database and promoting greater use of it by federal, state, and local law enforcement agencies.

Data collection, training, and certification all cost a significant amount of money, yet both the George Floyd Justice in Policing Act and the President's Executive Order 14074 do not provide additional funding to help states and localities comply with their many mandates. In fact, to ensure compliance, they penalize states and law enforcement agencies by making it harder to access the Byrne Justice Assistance Grant (Byrne JAG) and the Community Oriented Policing Services (COPS) Grant funding. The consequence of this on all sectors of the criminal justice system will be long lasting.

Over the past two years, homicides have jumped nearly 45 percent and violent crime is on the rise in our cities and communities. As police departments across the country are fighting to contain the increase in violent crime, they are understaffed, under-resourced and struggling to hire and retain good, qualified officers. Yet the George Floyd Justice in Policing Act and the Executive Order assume that somehow governments will have the funding to comply with the requirements of the bill. To incentivize compliance with any police reform policies, funding must be provided, and it is imperative that all sides have had their voices heard.

NAPO takes our seat at the table very seriously and we will continue to work with the Administration and Congress to ensure officers' rights and safety are protected.

Further, NAPO will continue to review and stay engaged on legislation that would impact law enforcement, federal sentencing guidelines and the criminal justice system as a whole.

## **Law Enforcement Officers Safety Act (LEOSA) Reform**

**Background:** NAPO is proud to have worked with members of Congress to enact the Law Enforcement Officers Safety Act (LEOSA) in 2004 to allow well-qualified off-duty and retired officers to carry their firearms for the protection of themselves, their families, and our nation's communities. However, today, qualified off-duty and retired officers continue to encounter unnecessary roadblocks when exercising their legal right to carry a firearm.

NAPO supports the **LEOSA Reform Act**, which would address the specific issues being faced by officers in exercising these rights, including expanding the areas qualified current or retired officers are allowed to carry

a firearm, such as in a school zone. LEOSA currently does not exempt an officer from the Gun Free School Zone Act, while federal statute exempts concealed carry permits from that Act. This would bring LEOSA in line with federal concealed carry law.

Importantly, the LEOSA Reform Act also addresses the issues of magazine capacity and qualification for concealed carry under LEOSA. While LEOSA exempts officers from state restrictions on the type of ammunition that can be carried, it does not exempt them from state restrictions regarding magazine capacity. Many officers when traveling to other states unknowingly put themselves at legal jeopardy when their magazine does not comply with state law. The LEOSA Reform Act would allow officers to carry any magazine not prohibited by federal law.

Regarding qualification to carry under LEOSA, the legislation would amend the qualification standards to allow retired law enforcement officers to obtain certification from any certified firearms instructor, which could include retired law enforcement firearms instructors and civilian firearms instructors, and the officers may be qualified to any state standard. This would address issues many retired officers, particularly those who retired to a different state than the one they served in, have faced when trying to qualify under LEOSA.

### **Recent Legislative History:**

#### **118<sup>th</sup> Congress (2023-2025)**

- **H.R. 354**, “LEOSA Reform Act”. Sponsor: Rep. Don Bacon (R-NE)

#### **117<sup>th</sup> Congress (2021-2023)**

- **H.R. 1210 / S. 1610**, “LEOSA Reform Act”. Sponsors: Rep. Don Bacon (R-NE) and Senator John Kennedy (R-LA)

**NAPO Position:** NAPO firmly believes that all qualified off-duty and retired or separated officers across the country should be able to carry firearms for the protection of themselves, their families, and our nation’s communities.

With the rise in targeted violence against law enforcement officers and violent crimes in our communities, allowing all qualified officers and retirees, who have sworn to serve and protect our communities, to be armed in accordance with LEOSA would allow them to respond more efficiently and effectively in emergencies for the safety of themselves and those around them. The LEOSA Reform Act will go a long way to ensuring all

qualified off-duty and retired officers across the country can legally carry their firearm under the law.

## **IMMIGRATION AND BORDER SECURITY: CRIME CONTROL AND SANCTUARY CITIES**

**Background:** According to the Federal Bureau of Investigation (FBI), there are approximately 33,000 violent street gangs, motorcycle gangs, and prison gangs with about 1.4 million members criminally active in the U.S. and Puerto Rico today. Gangs have been directly linked to drug and gun trafficking, prostitution and human trafficking, fraud, violent maiming, and assault and murder.

Cross-border crime by gangs is a significant concern for law enforcement as it impacts communities both along our Southwest border and across the country as drugs – including fentanyl – trafficked across the border are transported and sold on our neighborhood streets. Along with drugs, gangs bring an increase in assaults, larceny, and burglary to our communities. Targeting aliens associated with criminal gangs and violent crimes for deportation would give law enforcement an important tool in fighting cross-border gang crimes as well as the steady growth in gang participation nationwide.

From October 2020 through September 2021, U.S. Customs and Border Protection seized 11,201 pounds of fentanyl. One kilogram of fentanyl is equivalent to 500,000 lethal doses, making this record amount equal to 2.5 billion fatal doses. The fentanyl produced is up to 100 times stronger than morphine and 50 times stronger than heroin. The Centers for Disease Control and Prevention found most fentanyl overdoses were from illicitly manufactured fentanyl or that made illegally and smuggled into the country by criminal organizations.

Sanctuary policies in cities and jurisdictions across the country, however, make it difficult for law enforcement to effectively protect communities from violent criminal aliens. The country's immigration 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. Sanctuary cities forbid their local law enforcement from fully cooperating with

federal immigration officials, which has led to the release of violent criminals back into our communities.

### **Recent Legislative History:**

#### **118<sup>th</sup> Congress (2023-2025)**

- **S. 1068**, “Stop Dangerous Sanctuary Cities Act.” Sponsor: Senator Ted Cruz (R-TX)

#### **117<sup>th</sup> Congress (2021-2023)**

- **S. 42**, “Stop Dangerous Sanctuary Cities Act.” Sponsor: Senator Pat Toomey (R-PA)

#### **116<sup>th</sup> Congress (2019-2021)**

**H.R. 3000 / S. 1644**, “Stop Dangerous Sanctuary Cities Act.” Sponsors: Rep. Tom McClintock (R-CA) and Senator Pat Toomey (R-PA)

**NAPO Position:** NAPO supports the elimination of sanctuary jurisdictions, which pose real threats to the American people, and increases penalties for criminals who re-enter the United States illegally, which provides federal, state and local law enforcement vital tools to help keep our communities safe. We also believe that illegal immigrants associated with gangs and criminal organizations should be barred from entering the country and those already in the country should be ineligible for deferred deportation and should be removed expeditiously.

NAPO also supports legislation that explicitly states that local law enforcement officers have legal authority to comply with immigration detainers.

Further, NAPO supports legislation to permanently extend the Drug Enforcement Agency’s (DEA) authority to list fentanyl analogues on Schedule I. The classification of fentanyl analogues as a Schedule 1 substance is necessary for all law enforcement actions on fentanyl, allowing law enforcement to prosecute criminals who make and distribute the drug.

## **EXTRADITION OF COP- KILLERS**

**Background:** Under the U.S. – Mexico Extradition Treaty, enacted in 1980, both countries may refuse to extradite their nationals, unless the country seeking extradition assures that the death penalty will not be imposed. In 2001, the Mexican Supreme Court ruled that this language

encompasses the extradition of anyone who faces the possibility of the death penalty *or* life in prison. This ruling requires the United States to assure a sentence of a fixed number of years to prosecute a criminal who has fled to Mexico, which is impossible as neither a judge nor a prosecutor can make such a judgment in advance of a trial. Since 2001, many violent felons have fled to Mexico to evade prosecution under the auspices of this ruling.

Mexico is not the only country that harbors violent felons who have fled the United States to avoid facing justice. Joanne Chesimard is the only woman on the FBI's most wanted terrorist list for her role in the cold-blooded killing of New Jersey State Trooper Werner Foerster in 1973. She fled to Cuba and is currently living free there. Her ability – and the ability of other felons like her – to live life freely after the horrendous acts she committed is an affront to the men and women who have dedicated their lives to protecting our communities as law enforcement officers – above all to the family and friends of police officers who have made the ultimate sacrifice.

### **Recent Legislative History:**

#### **116<sup>th</sup> Congress (2019-2021)**

- **H.Res. 92 / S.Res.232**, A resolution calling for the immediate extradition of Joanne Chesimard and all other fugitives from justice. Sponsors: Rep. Peter King (R-NY) and Senator Robert Menendez (D-NJ).

**NAPO Position:** NAPO continues to lobby the Administration and Congress to reconsider the U.S. – Mexico Extradition Treaty and to encourage the Mexican government to work with the Mexican Supreme Court to reconsider its 2001 decision blocking extradition to the United States.

Additionally, NAPO is lobbying the Administration to prioritize the extradition of cop-killers and terrorists as a precondition to any further normalization of diplomatic relations between the United States and Cuba.

Federal action will ensure that this growing issue of the United States Government's inability to extradite violent criminals who flee to Mexico, Cuba or other criminal havens is rightly addressed. NAPO is working to ensure that all criminals who flee the United States are promptly returned.

# PUBLIC SAFETY OFFICERS' BENEFITS & HEALTHCARE

## PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

**Background:** The Public Safety Officers' Benefits (PSOB) Program was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value that American society places on the contributions of those who serve their communities in potentially dangerous circumstances. The families of public safety officers who have fallen or have become completely and permanently disabled in the line of duty rely on the benefits promised to them by the PSOB Program to continue on with their lives.

The PSOB Program not only provides death and disability benefits to eligible public safety officers and their survivors, but also offers financial assistance for higher education for the spouses and children of federal, state, and local public safety officers through the Public Safety Officers' Educational Assistance (PSOEA) Program.

NAPO successfully worked to pass the **Protecting America's First Responders Act** and the **Public Safety Officer Support Act** last Congress. This Congress we are working to include exposure-related cancers as line of duty injuries under the PSOB program and to ensure the benefits received meet the needs of the families of those officers killed or severely disabled in the line of duty so that they are not left struggling with mortgages, loan debts, and the costs of raising children.

We will continue to push for transparency and accountability in the PSOB Program to make certain that the Program is being implemented as Congress intended – to unequivocally honor support officers and their families who have paid the ultimate sacrifice in the line of duty.

### **Recent Legislative History:**

118<sup>th</sup> Congress (2023-2025)

- **H.R. 1719 / S. 930**, "Honoring Our Fallen Heroes Act". Sponsors: Rep. Bill Pascrell (D-NJ) and Senator Amy Klobuchar (D-MN)

### 117<sup>th</sup> Congress (2021-2023)

- **H.R. 483**, “Heroes Lesley Zerebny and Gilbert Vega First Responders Survivors Support Act.” Sponsor: Rep. Raul Ruiz (D-CA)
- **H.R. 2936 / S. 1511**, “Protecting America’s First Responders Act.” Sponsors: Rep. Bill Pascrell, Jr. (D-NJ) and Senator Charles Grassley (R-IA)
- **H.R. 6943 / S. 3635**, “Public Safety Officer Support Act.” Sponsors: Rep. David Trone (D-MD) and Senator Tammy Duckworth (D-IL). **PASSED.**

### 116<sup>th</sup> Congress (2019-2021)

- **H.R. 2812 / S. 1208**, “Protecting America’s First Responders Act.” Sponsors: Rep. Bill Pascrell, Jr. (D-NJ) and Senator Charles Grassley (R-IA)
- **S. 3607**, “Safeguarding America’s First Responders Act.” Sponsor: Senator Charles Grassley (R-IA) **PASSED**
- **H.R. 1210 / S. 465**, “Heroes Lesley Zerebny and Gilbert Vega First Responders Survivors Support Act.” Sponsors: Rep. Raul Ruiz (D-CA) and Senator Tammy Duckworth (D-IL)
- **H.R. 7568**, “Public Safety Officer Support Act.” Sponsor: Rep. David Trone (D-MD)

**NAPO Position:** NAPO is actively working to improve the PSOB Program to ensure that survivors of law enforcement officers killed in the line of duty and officers catastrophically injured in the line of duty are provided every available resource and benefit.

## **ADDITIONAL ISSUES OF INTEREST**

### **FEDERAL CONSENT DECREES**

**Background:** Consent decrees are used to remedy violations of rights and protect the party that faces injury. Consent decrees should not be used to further any policy extraneous to the protection of those rights or be expanded to apply to parties not involved in the litigation.

State and local governments have often found their interests and judgments in managing their own affairs vitiated by the federal courts’ structuring of consent decrees. Consent decrees often exemplify a top-down, Washington

knows best, one-size-fits all, coercive approach to how state and local policing should be done, what officers should look like, and even what they should think and believe. Such agreements do not instill a sense of partnership between the Department of Justice (DOJ) and the law enforcement agencies they address, which affects the efficacy of the consent decrees. They also have deleterious effects on officer morale and public safety as rank-and-file officers feel attacked and unsupported by their governments and political officials.

**NAPO Position:** The DOJ should provide state and local governmental entities, including rank-and-file officers and their representatives, an adequate opportunity to respond to any allegations of legal violations; require special caution before using a consent decree to resolve disputes with state or local governmental entities; limit the circumstances in which a consent decree may be appropriate; and limit the terms for consent decrees with state and local governmental entities, including terms requiring the use of monitors.

NAPO strongly supports protecting the interests of state and local governments in managing their own affairs and limiting the duration of federal consent decrees to which state and local governments are party. Further, consent decrees should not over-reach in forcing superfluous policies on police departments.

NAPO will work to seek a mandatory time limit for monitoring programs instituted under federal consent decrees. This will protect the interests of state and local governments in managing their own affairs. Further, we are willing to take legislative action, if necessary, to control the scope and timeframe of federal consent decrees.

## **DEPARTMENT OF DEFENSE EQUIPMENT FOR STATE & LOCAL LAW ENFORCEMENT AGENCIES**

**Background:** The Department of Defense 1033 program, and similar grant programs at the Departments of Justice and Homeland Security that assist state and local law enforcement in acquiring surplus military equipment, have been vital resources in allowing agencies acquire items used in search and rescue operations, disaster response, and active shooter situations that they otherwise would not be able to afford.

President Barack Obama issued Executive Order 13688, which greatly limited state and local law enforcement's access to surplus military

equipment in January 2015. NAPO participated in the Federal Interagency Law Enforcement Equipment Working Group, established under the Executive Order, and worked to ensure that defensive gear like helmets and shields remained available.

NAPO continued to oppose restrictions on this vital equipment and worked with President Trump on the issuance of Executive Order 13809 in August 2017 to restore state and local law enforcement's access to this lifesaving equipment. Unfortunately, President Biden reinstated President Obama's Executive Order 13688 on May 25, 2022, and expanded it to not only include equipment acquired through the 1033 program, but also equipment purchased through grants through the Departments of Justice and Homeland Security.

President Biden's Executive Order 14074 also places new restrictions on the use of search and rescue vehicles obtained by state and local law enforcement through these programs, which we believe limits our ability to protect the public in emergency situations.

### **Recent Legislative History:**

#### **117<sup>th</sup> Congress (2021-2023)**

- **S. 1597**, "Lifesaving Gear for Police Act." Sponsor: Senator Patrick Toomey (R-PA)

#### **116<sup>th</sup> Congress (2019-2021)**

- **S. 1537**, "Lifesaving Gear for Police Act." Sponsor: Senator Patrick Toomey (R-PA)

**NAPO Position:** NAPO continues to stress that the vast majority of equipment provided under the 1033 program is defensive in nature. We do not believe this equipment has led to the "militarization" of police, but rather has proven to be essential in protecting communities against violent criminals, terrorists, and natural disasters. Restricting the equipment available to law enforcement agencies across the nation through programs like the 1033 program would limit departments' ability to keep our communities and our officers safe.

NAPO will continue to engage the Administration and members of Congress on this issue to ensure law enforcement agencies have all necessary tools to protect our citizens and the officers serving them.

# POSTAL POLICE OFFICERS' DUTIES & FEDERAL LAW ENFORCEMENT EQUITY

**Background:** There are over 600 Postal Police Officers (PPOs) that patrol in and around select Postal Service facilities in the United States, including Puerto Rico. These are the uniformed law enforcement officers of the U.S. Postal Inspection Service (USPIS), a federal law enforcement agency. Pursuant to Title 18 U.S.C. § 3061(C), the Postal Service, and thereby the USPIS, are authorized to employ police officers to enforce Federal law. Simply put, PPOs are police officers. They wear police uniforms, carry police badges, have arrest authority, operate police vehicles (both on and off postal property), and are trained at the federal law enforcement accredited (FLETC) police academy.

Unfortunately, due to a 2020 directive from the Chief Postal Inspector, dedicated PPOs have been shackled to physical postal locations, preventing officers from fully executing their mission to ensure public safety within the nation's mail system and process. As a result, incidents of postal-related crime have increased at a staggering rate, specifically mail theft, robberies, and assaults on postal workers. Some of these attacks on postal workers have resulted in significant injury and even death.

Further, as federal police officers, PPOs are categorized differently than federal criminal investigators and thus do not receive the enhanced federal law enforcement pay and benefits. Because of a loophole in current law, more than 30,000 officers do not receive equal pay and retirement benefits – including PPOs and officers in the Federal Protective Service, Department of Defense, FBI, National Institutes of Health, U.S. Veterans Administration, U.S. Mint, Government Publishing Office, Bureau of Engraving and Printing, and U.S. Customs and Border Protection, among others.

NAPO supports bipartisan legislation will correct the current ambiguity in federal law and will once again allow Postal Police Officers to engage in street duty and patrols to stem the tide of increased criminal activity against postal employees and assets. We also support bipartisan legislation that would expand and secure full federal benefits to tens of thousands of officers.

## **Recent Legislative History**

### **118<sup>th</sup> Congress (2023-2025):**

- **H.R. 1322**, “Law Enforcement Officers’ Equity Act”. Sponsors: Reps. Bill Pascrell (D-NJ) and Andrew Garbarino (R-NY).

### **117<sup>th</sup> Congress (2021-2023)**

- **H.R. 962 / S.1888**, “Law Enforcement Officers’ Equity Act”. Sponsors: Rep. Bill Pascrell (D-NJ) and Senator Cory Booker (D-NJ)
- **H.R. 5587**, “Postal Police Reform Act”. Sponsors: Reps. Andrew Garbarino (R-NY) and Bill Pascrell (D-NJ)

**NAPO Position:** NAPO will continue to work with the Postal Police Officers’ Association and Congress to support legislative strategies to ensure PPOs are properly utilized, compensated, and protected.

**For further information on any of NAPO’s legislative priorities, please contact NAPO at (703) 549-0775 or email NAPO at [info@napo.org](mailto:info@napo.org).**

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