



The Washington Report

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

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Congress Passes Significant Opioid Package

On September 28, the Congress passed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (H.R. 6), the negotiated final bill between the House-passed measure and the Senate's Opioid Crisis Response Act (S. 2680). The SUPPORT for Patients and Communities Act is a package of opioid-related legislation that provides significant resources to help address the significant drug crisis our country is facing. In a victory for law enforcement, the measure includes several NAPO-endorsed provisions that support state and local law enforcement's efforts to combat opioids in our communities.

To help combat the growing problems associated with synthetic drugs, the SUPPORT for Patients and Communities Act includes the Synthetic Abuse and Labeling of Toxic Substances (SALTS) Act. While taking these drugs, individuals can experience elevated heart rates and blood pressure, hallucinations, seizures, and extreme agitation. There have been reports from states around the country of people acting violently while under the influence of these drugs, leading to deaths or injuries to themselves and others. Unfortunately, current law makes it difficult to prosecute new synthetic drugs as analogues because they are often labeled "not intended for human consumption" despite their well-known use as recreational drugs with dangerous side effects.

By making it easier to prove that synthetic drugs are intended for human consumption and thus easier to prosecute, the SALTS Act will help law enforcement in their efforts to get these drugs off the streets and out of stores.

The SUPPORT for Patients and Communities Act also includes the Substance Abuse Prevention Act of 2018, which reauthorizes the Office of National Drug Control Policy (ONDCP), including the High Intensity Drug Trafficking Area (HIDTA) Program and the Drug Free Communities (DFC) Program.

NAPO strongly believes that the ONDCP is a key component in bringing federal, state, local, and tribal governments together and fostering law enforcement, treatment and prevention partnerships. The HIDTA Program under ONDCP plays an essential role in the nation's drug control strategy. The success of HIDTA is touted by key law enforcement, treatment and prevention stakeholders across the nation due to its ability to seamlessly operate on local, regional, and national levels coordinating resources to address our nation's drug epidemic. Further, the DFC Program has supported communities in addressing the drug crisis through treatment and prevention.

Additionally, the Substance Abuse Prevention Act builds on current prevention laws to ensure our communities and law enforcement have the resources they need to fight this growing drug epidemic. It expands the grant program for naloxone training for state and local law enforcement officers and for training on safety around fentanyl. It also expands the grant programs to allow funding to be used by agencies to purchase screening equipment to help protect officers coming into contact with such drugs as fentanyl in the field.

NAPO believes rank-and-file law enforcement officers must be given the training, resources and support necessary to keep themselves and the communities they serve safe in the fight to end the opioid crisis. The passage of the SUPPORT for Patients and Communities Act goes a long way to support law enforcement's efforts.

NAPO Victory! House Passes 9/11 Heroes Medal of Valor Act

In a victory for NAPO, the House passed the 9/11 Heroes Medal of Valor Act (H.R. 3834) by voice vote on September 26. This important legislation would reestablish the original 9/11 Heroes Medal of Valor, which would be provided by the President to the families of those police officers, firefighters, and EMTs who have died due to their exposure to toxic chemicals during the rescue and recovery efforts following the September 11, 2001 terrorist attacks.

On September 11, 2001 nearly 3,000 of our fellow citizens gave their lives in New York City, at the Pentagon, and in Shanksville, Pennsylvania. This includes the more than 400 federal, state, and local public safety officers who ran into harm's way to save others, many of whom were NAPO members. It was in recognition of their sacrifice that in 2004 Congress established the 9/11 Heroes Medal of Valor, which was presented by the President to the families of those first responders who so heroically died that day.

However, as we know too well, first responders across the country continue to die from their rescue and recovery efforts on and after 9/11 from cancers and other serious health conditions related to sustained exposure to toxins found at Ground Zero. This year alone, more than 50 of the brave men and women whose names were added to the National Law Enforcement Officers Memorial died as the result of 9/11-related health conditions. Unfortunately, that number is only expected to grow.

NAPO pushed for the 9/11 Heroes Medal of Valor Act to ensure that the heroism of the thousands of federal, state, and local first responders who responded to the 9/11 attacks did not go unrecognized.

We are working with Senate leadership to have this bill taken up immediately for a vote on the floor. We will keep our members updated on its status.

NAPO Victory! Congress Passes Justice Served Act

In yet another win for NAPO, Congress passed the Justice Served Act (H.R. 4854) on September 26 and the bill is on its way to the President to be signed into law. This bill, sponsored by Rep. John Carter (R-TX), amends the Debbie Smith DNA Analysis Backlog Elimination Act of 2000 to provide resources to help law enforcement convict guilty offenders and exonerate the innocent.

In 2004, Congress passed the Debbie Smith Act to help end the growing backlog of untested and unanalyzed DNA evidence. Congress has since reauthorized this Act twice and passed several pieces of legislation to give state and local law enforcement agencies the resources to continue to whittle down their backlogs, grapple with the enormous task of investigating these cases and enhance crime laboratory technology.

Building on this investment by Congress, the Justice Served Act advances the criminal justice process by authorizing the use of a small percentage of funds under the Debbie Smith Act to prosecute cold cases that have been solved due to DNA forensic analysis. This legislation will ensure that victims have closure and justice is finally served.

National Blue Alert Advisory Group Calls for Ramp-up of State-Level Efforts

The Blue Alert Advisory Group, of which NAPO is a member, met on September 20 to discuss the action plan and next steps to getting Blue Alert systems in all 50 states. Currently, nineteen states do not have Blue Alert networks, including Iowa, Louisiana, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon and Wisconsin. Getting Blue Alert plans up and running in all 50 states is a priority for NAPO as it ensures the National Blue Alert Network we fought so hard to get enacted as part of the Rafael Ramos and Wenjian Liu National Blue Alert Act works efficiently and effectively to protect officers from harm.

During the meeting, NAPO brought up the need for coordination within the states to ensure that all stakeholders were working together and staying informed on the efforts to create a Blue Alert plan. In response, the COPS Office stated that they will be creating state working groups in all nineteen states that do not currently have Blue Alert plans and that each working group will have dedicated COPS staff to help coordinate and support the working group efforts. NAPO is working to ensure its members in those states have an active role in the state-level working groups.

Further, the COPS Office announced during the meeting that the FBI will be including a Blue Alert flag in the next rollout of the National Crime Information Center (NCIC).

NAPO will continue to participate as part of the Advisory Group and keep our members updated on the status of the National Blue Alert Network. If your organization or agency is in a state that does not yet have a Blue Alert and you are interested in receiving information and resources on how to establish a Blue Alert plan or you wish to participate in the state-level working group, please contact Andy Edmiston at aedmiston@napo.org.

NAPO'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/>

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 will update this spreadsheet regularly and continue 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.

House Passes Bill to Naturalize Immediate Family of First Responders Killed in the Line of Duty

On September 25, the House passed the Kerrie Orozco First Responders Family Support Act (H.R. 6580), which would make the immediate family of first responders killed in the line of duty eligible for immediate naturalization. The family members would have to comply with all U.S. citizenship requirements except for the length of prior residence and physical presence within the country.

The Kerrie Orozco First Responders Family Support Act would apply to spouses, parents and children of federal, state or local law enforcement, fire fighters or EMTs who are U.S. citizens.

The bill is named for Omaha, Nebraska Police Officer Kerrie Orozco who was shot and killed while serving a warrant in 2015 and whose widower is an immigrant. Congressman Don Bacon (R-NE) introduced the bill to honor the sacrifice first responders make to keep our communities safe and ensure their families are taken care of.

NAPO on the Hill: FIRST STEP Act

In our efforts to oppose the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person (FIRST STEP) Act (H.R. 5682 / S. 2795), NAPO continues to make the rounds in the Senate, asking Senators to help us delay this bill until law enforcement’s concerns can be thoroughly considered. This past week, NAPO met with staff of Senator Bill Cassidy (R-LA) to discuss our opposition to the bill.

The FIRST STEP Act includes reckless retroactive increases in good time credits and program participation credits that would cause 4,000 inmates to be released into communities upon enactment. These inmates would not be given access to halfway houses or transition housing nor would they benefit from any of the reentry programs provided by the Bureau of Prisons (BOP) prior to release that are normally given to inmates who serve out their full prison term.

Furthermore, not only would thousands of inmates be released due to retroactive time credits, the new system of time-off-sentence credits would reduce sentences for many criminals, including dangerous drug traffickers, by one-fourth to one-half.

There is absolutely no doubt that these ill-advised proposals will harm public safety and lead directly to the injury and deaths of police officers and citizens alike. NAPO strongly believes that significant changes to our criminal justice system should first be thoroughly studied and must include the input of the federal, state and local public safety community, which plays an integral role in the system.

Senator Cassidy’s staff thanked us for our efforts and for educating them on law enforcement’s opposition to the FIRST STEP Act but stated that at this time the Senator would reserve taking any position on the

bill until after the Senate version is introduced. We will continue to communicate with the Senator's staff and hope that he will consider law enforcement's concerns when and if new Senate language is released.

We continue to meet with Senate Republicans to voice our concerns with the FIRST STEP Act and push to ensure it does not move forward.

House Passes Tax Reform 2.0

On September 28, the House passed the Protecting Family and Small Business Tax Cuts Act (H.R. 6760), the sequel to the Tax Cuts and Jobs Act – the Republican tax cuts that were passed last year. The legislation includes a permanent extension of the individual tax cuts and it would make permanent the \$10,000 combined cap on state and local property, sales and income tax deductions. The individual tax breaks and the cap on state and local tax deductions are currently scheduled to expire December 31, 2025.

The Protecting Family and Small Business Tax Cuts Act passed the House largely along partisan lines by a vote of 220-191, with only three Democrats voting in favor of the bill. The bill is not expected to go anywhere in the Senate given the incredible price tag for making the individual tax breaks permanent. Senate Republicans do not seem willing to add such a significant amount to our national deficit in an election year.

If you have any questions about this bill or the Tax Cuts and Jobs Act, please contact Andy Edmiston at aedmiston@napo.org.

Senate Judiciary Committee Advances Kavanaugh Nomination

After a long and contentious confirmation hearing, the Senate Judiciary Committee advanced the nomination of Judge Brett Kavanaugh, President Trump's pick to replace Justice Anthony Kennedy on the U.S. Supreme Court, by a party line vote on September 28. He was advanced, however, on the condition that the floor vote be delayed at least a week to allow the FBI to reopen his background check to investigate the sexual assault allegations made against Judge Kavanaugh. Senator Jeff Flake (R-AZ) joined Democrats on the Committee in calling for a delay in the confirmation vote. The vote came one day after a long and contentious hearing in which Judge Kavanaugh and his accuser both testified regarding the alleged sexual assault.

Shortly after the vote, Senate Majority Whip John Cornyn (R-TX) announced that the Senate would vote September 28 on a motion to proceed with the nomination of Judge Kavanaugh, but that there would also be an FBI investigation into the allegations against the Judge. The Senate will start the process of confirming Judge Kavanaugh but wait until the FBI has completed its investigation to schedule the final vote. This keeps the nomination on track so that little time is lost due to the investigation.

Republicans have a 51-49 voting majority and they can only stand to lose two votes assuming all Democrats vote against Judge Kavanaugh.

NAPO will keep our members updated on Judge Kavanaugh's confirmation as he works his way through the Senate.

President Signs Continuing Resolution Funding the Government

President Trump averted a government shutdown by signing a continuing resolution on September 28 funding the federal government through December 7. Only five of the twelve appropriations bills have been signed into law, with the other seven bills, including the Commerce, Justice, Science and Related Agencies measure, being wrapped up in a continuing resolution to ensure the government stays open in the new fiscal year starting October 1. The continuing resolution makes no changes to funding levels, so the covered departments and agencies will continue to be funded at fiscal 2018 levels.

The House adjourned on September 28, two weeks earlier than expected to allow for more time to campaign before the November elections. The Senate is expected to continue working through much of October. Staff will continue the negotiations over the remaining seven appropriations bills in order to avoid needing to pass another continuing resolution or an omnibus spending measure by December 7.

We will keep our members updated on the status of our priority grant programs and the appropriations process.

Join NAPO for Our 2018 Annual Legal Seminar: The Aftermath of *Janus* and Other Current Issues for Attorneys

**November 14 – 16, 2018 ~ Caesars Palace Hotel & Casino
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Earn 12.5 Hours of CLE Credits Including 2 Hours of Ethics!

Key Issues will include: The Recap of *Janus* Supreme Court Decision, The Legal Duty of Fair Representation, Representing Officers in Critical Incidents, Expert Testimony in Use of Force Cases Jury Selection & Social Media, Protecting Yourself in a Tech World, Opioid Multi District Litigation, Federal Update: Trump Administration Policies and Changes to Consent Decrees.

Seminar Registration is attached and also available on NAPO's website.

If you have any questions or need additional information please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at eloranger@napo.org or (703) 549-0775.

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