



The Washington Report

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

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PRESIDENT'S FY 2011 BUDGET PROPOSAL CALLS FOR INCREASED FUNDING FOR COPS HIRING, DHS GRANTS

On February 1, 2010, the White House released the President's fiscal 2011 budget request, which shows a continued commitment to supporting state and local law enforcement's efforts in community policing, fighting crime and drugs, and homeland security.

The state and local law enforcement assistance programs that receive the biggest increases in funding in the President's budget are the COPS Hiring program and the Department of Homeland Security State Homeland Security Grant program (SHSGP) and the Urban Area Security Initiative (UASI). This boost in requested funding levels reflects the administration's goal of putting an additional 100,000 cops on the streets and its belief that state and local law enforcement play a significant role in our nation's counterterrorism and homeland security strategy.

The President's fiscal 2011 budget asks for \$600 million for the COPS Hiring program, doubling the \$298 million the program received in fiscal 2010. For the other major Justice Department state and local law enforcement grant programs, the spending package would appropriate: \$512 million for the Byrne-JAG program; \$30 million for the Byrne competitive grants; \$30 million for the Bulletproof Vest Partnership Grant (BVP) program; \$330 million for the State Criminal Alien Assistance Program (SCAAP); and \$210 million for High Intensity Drug Trafficking Areas (HIDTAs). These funding amounts are consistent with what the programs were appropriated for fiscal 2010.

As for the major Department of Homeland Security state and local first responder grant programs, the President's budget calls for significant increases to SHSGP and UASI. The budget requests \$1.05 billion for SHSGP, up from the \$890 million the program received in fiscal 2010, and \$1.1 billion for UASI, an increase of \$223 million from last fiscal year. The Law Enforcement Terrorism Prevention Program (LETPP), which receives 25 percent of both SHSGP and UASI, would be funded at \$538 million. The budget also requests \$300 million for both rail and transit grants and port security grants.

NAPO has been working closely with the administration over the past year and we are glad to see that the administration's budget request reflects the law enforcement funding priorities which NAPO has and continues to champion. NAPO is now focusing its efforts on ensuring that congressional appropriators agree to and pass these requested funding levels.

\$11 MILLION FROM ZYLON SETTLEMENT SET ASIDE FOR BVP PROGRAM

Since 2007, the body armor industry has paid the United States more than \$54 million to resolve allegations that it violated the False Claims Act by knowingly manufacturing and selling defective Zylon bulletproof vests. On January 22, 2010, Attorney General Eric Holder announced that the Department of Justice (DOJ) will set aside \$11 million of the settlement money for the Bulletproof Vest Partnership (BVP) program.

The DOJ estimates that this funding will help state and local agencies purchase approximately 26,000 bullet-resistant vests. NAPO believes it is only right that a significant portion of that money go to ensuring that our nation's law enforcement officers have the life-saving body armor they need.

The \$11 million will be in addition to the \$30 million the BVP Program received for fiscal 2010. BVP funding covers up to 50 percent of the total cost for vests purchased by state and local law enforcement agencies. BVP funds can only be used to purchase vests that meet the minimum performance standards established by the Office of Justice Programs' National Institute of Justice Ballistic Resistance of Body Armor Standard.

For more information about the BVP Program and the National Institute of Justice Ballistic Resistance of Body Armor Standard, please visit www.ojp.usdoj.gov/bvpbasi/ or call the NAPO office at (703) 549-0775.

NAPO VICTORY! HOUSE PASSES THE HELP FIND THE MISSING ACT

On February 23, 2010, the House of Representatives passed the NAPO-endorsed "Help Find the Missing Act (Billy's Law)," H.R. 3695; a bipartisan bill sponsored by Congressmen Christopher Murphy (D-CT) and Ted Poe (R-TX) that would address and fix the gaps in our nation's missing persons systems.

While federal law mandates state and local law enforcement report missing children, there are no such requirements for adults or unidentified bodies. Compounding this problem is the fact that local law enforcement agencies, medical examiners and coroners often do not have the resources, personnel or training to voluntarily report these cases. Furthermore, even when missing adults and remains are reported, finding a match can be a significant challenge because existing federal, state, local and non-profit databases for missing and unidentified bodies are not connected.

H.R. 3695 addresses these issues by authorizing the Department of Justice's National Missing Persons and Unidentified Persons System (NamUs) and connecting it to the Federal Bureau of Investigation's Crime Information Center (NCIC). This will make missing persons and unidentified remains databases more comprehensive as well as streamline the reporting process for local law enforcement. Additionally, the legislation provides incentive grants to assist state and local law enforcement report missing persons and unidentified remains to NCIC, NamUs, and the National DNA Index System (NDIS). These provisions not only increase accessibility to NamUs, but also facilitate data sharing between NamUs and NCIC.

NAPO thanks Congressmen Murphy and Poe for their leadership in passing this important legislation. NAPO looks forward to working with Senator Joseph Lieberman (I-CT), who is expected to champion the legislation in the Senate. We hope the Senate acts quickly to pass H.R. 3695 so that our nation's law enforcement have the resources and information necessary to efficiently and effectively serve and protect our communities.

EXECUTIVE DIRECTOR'S REPORT

NAPO FILES BRIEF IN NEW CASE AT SUPREME COURT

The National Association of Police Organizations (NAPO) filed a new legal brief in a case before the United States Supreme Court on January 13, 2010. The case, *Jensen v. Stoot*, 09-728, involves an appeal from the United States Court of Appeals for the Ninth Circuit. The issue involves personal civil liability for law enforcement officers who are alleged to have interrogated a suspect in what is later deemed an unconstitutional manner. Several courts have ruled that when a defendant's involuntary statement is actually used in criminal court against the defendant, the defendant's Fifth Amendment rights are violated at that point, and the officer involved in the original interrogation is now liable. Other courts have held that this issue has to be looked at under the Fourteenth Amendment's Due Process Clause, and that only misbehavior by the officer that rises to such a high level that due process is violated can lead to officer liability. This second way of looking at it would be true regardless of whether the statement is ultimately used against the defendant in court. This second type of legal analysis provides more security and protection to officers, and this is what NAPO is arguing to the Supreme Court that they should adopt as a standard. We will keep you posted on developments in the case.

SENATE JUDICIARY COMMITTEE APPROVES H.R. 218 IMPROVEMENTS BILL

On March 4, 2010, the "Law Enforcement Officer's Safety Act Improvements Act", S. 1132, was approved by the Senate Judiciary Committee. This bipartisan legislation will help ensure that H.R. 218, the Right to Carry Act, will be easily, fairly and broadly implemented. Specifically, S. 1132 will reduce the number of years a retired or separated law enforcement officer has had to serve in order to qualify to carry, from 15 years to an aggregate of 10 years or more. The legislation also designates new qualification procedures that will make the process easier for a retired or separated law enforcement officer to meet the requirements of firearms training.

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. It was for this belief that NAPO actively fought for the passage of the "Law Enforcement Officers' Safety Act" and it is why we are fighting for the passage of the "Law Enforcement Officers Safety Act Improvements Act of 2009". NAPO thanks Senator Leahy for his leadership and his support of the law enforcement community. We continue to work closely with Senator Leahy and his staff to bring this important legislation to the Senate floor for a vote this year.

HEALTH CARE EXCISE TAX UPDATE

On February 22, 2010, the White House released the President's Proposal for Health Care Reform, which is very similar to the Senate-passed health care legislation, the "Patient Protection and Affordable Health Care Act", H.R. 3590. The President's Proposal made some minor changes to the Senate's excise tax provision in order to try to appease opponents of the tax, but it did not eliminate it. NAPO stands firm in its opposition to any form of an excise tax on high-cost employer-provided health care plans.

The current course of action being deliberated by congressional democrats is for the House to take up and pass the Senate-passed bill (H.R. 3590), on the condition that once the bill has reached the

President's desk, the Senate would pass amendments to the law similar to those changes proposed by the President. Democrats would most likely use the budget reconciliation process to do this as it only requires 51 votes rather than the 60 it took to pass H.R. 3590. Due to strong opposition of the Senate bill within the Democratic Caucus, it is still uncertain whether the House has enough votes to pass H.R. 3590.

On February 22, NAPO sent a letter to the President and Democrat and Republican congressional leadership outlining our continued concerns with the proposed excise tax. In our letter, NAPO stated that we will actively oppose any legislation that includes an excise tax on high-cost plans. NAPO urges lawmakers to consider other revenue sources to pay for health care reform.

Please visit NAPO's website, www.napo.org, for more information on the proposed excise tax and NAPO's work to remove it from consideration.

MARK YOUR CALENDARS

NAPO's 17th Annual TOP COPS Awards® Ceremony
Friday, May 14th, 2010, at the Warner Theatre in Washington, D.C.
More information will be coming soon!

NAPO's Annual Legal Rights and Legislative Seminar
Thursday, May 13th, 2010, Washington, D.C.

NAPO'S 32ND Annual Convention
Sunday, July 11 – Wednesday, July 14, 2010
The Park Hyatt Beaver Creek, Beaver Creek, Colorado

Please visit NAPO's website, www.napo.org for detailed event information or for information on exhibiting and sponsorship opportunities.