



The Washington Report

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

July 5, 2016

NAPO Opposes Bill Forcing Dangerous De-Escalation Practices on State and Local Law Enforcement

NAPO opposes legislation, the Preventing Tragedies Between Police and Communities Act of 2016 (H.R. 5221), introduced by Representative Gwen Moore (D-WI), that would require law enforcement officers to undergo training on de-escalation techniques and then use those techniques to assist in reducing the need for them to use force. If agencies do not comply with providing such training they will be at risk of losing vital Byrne Justice Assistance Grant (Byrne JAG) funding.

NAPO takes serious issue with the underlining assumption of this legislation that the current legal standard of “objective reasonableness” for the use of force outlined in the 1989 U.S. Supreme Court decision *Graham v. Connor* is not sufficient to guide officers’ decisions. 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 has to be reasonable given what the officer perceived to be the threat at the time, not the public’s perspective after the fact.

Additionally, NAPO has concerns with several of the specific de-escalation training requirements in the bill as we believe they are more likely to result in increased officer injuries and death. One example is the Critical Decision-Making Model, which is a time-consuming, unrealistic and paralyzing thought process for officers under threat that also disregards the Constitutional legal standard for use of force.

A second example is the requirement for training on communication and negotiation de-escalation practices. While many offenders and despairing persons can certainly be helped with effective communications and negotiation techniques, it is equally certain that many offenders and desperate persons cannot. Policies must recognize that or the safety of the officer and the public he or she is protecting will no longer be the paramount objective.

Lastly, we have serious concerns that this bill would negatively impact the availability of resources for officers to use to keep our communities safe by tying the ability of state and local governments to be awarded much-needed grants to the implementation of these unrealistic and often dangerous training requirements.

The men and women who actually do this difficult and often dangerous job deserve to have their own lives, and the ability to protect themselves, defended. It is very clear to NAPO that this legislation is the result of the work of academicians and was written without the consultation of the men and women who do this job every day.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

317 S. Patrick Street ~ Alexandria, VA 22314 ~ (703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515

www.napo.org ~ Email: info@napo.org

NAPO has made Representative Moore, House leadership and members of the House Judiciary Committee aware of our serious concerns with this legislation. We will continue to work to ensure that Congress does not force such dangerous and impractical requirements for the use of force on state and local law enforcement officers. Rank and file officers must have a voice in the development of any such training or standards as it is their lives on the line.

In addition to the Preventing Tragedies Between Police and Communities Act of 2016, NAPO is also aware of a police reform proposal that House Judiciary Committee Chairman Bob Goodlatte (R-VA) and Ranking Member John Conyers (D-MI) are currently working on that could be introduced and taken up in Committee when Congress returns from its summer recess in September. The proposed bill could include provisions around law enforcement agency accreditation, a study of state and local administrative due process policies for officers, police data collection, and officer body-worn cameras. NAPO is working with Committee staff to learn more about the proposal and what it aims to accomplish. We will keep our members up to date on its status and NAPO's position on it.

If you have any questions, please contact Andy Edmiston at aedmiston@napo.org.

House-Passed Defense Appropriations Bill Restores 1033 Program

The House of Representatives voted to restore state and local law enforcement's access to surplus military equipment as part of its Department of Defense (DOD) Appropriations bill. The provision – an amendment offered by Congressman David Reichert (R-WA) – would prohibit any funds being used to implement President Obama's Executive Order #13688 limiting the donation of surplus military equipment to state and local law enforcement as part of the DOD's 1033 Program.

NAPO thanks Congressman Reichert for his leadership on this important issue. The Senate will try to consider the bill, H.R. 5293, before leaving for summer recess on June 15th. NAPO will work to ensure that the final version of the DOD appropriations bill includes this important provision.

The DOD Appropriations measure is not the only vehicle NAPO is using to try to repeal the President's Executive Order. We were able to win a provision – offered by Congressman Ted Poe (R-TX) – in the House version of the National Defense Authorization Act (NDAA) that would restore state and local law enforcement's access to such equipment for border protection. An amendment offered by Senator James Inhofe (R-OK) to the Senate NDAA that would have repealed the Executive Order was defeated along party lines. The House and Senate Armed Services leadership have begun informal negotiations over a final version of the bill and NAPO is urging them to include a full repeal of the Executive Order in the final NDAA. NAPO will continue to fight to ensure that state and local law enforcement regain access to this lifesaving equipment.

Please see NAPO's [letter to the President](#) in response to the tragedy in Orlando urging for a restoration in law enforcement's access to surplus military equipment.

NAPO Participates in ONDCP Meeting on Opioid Epidemic

On June 29th, NAPO participated at a meeting with the director of the White House Office of National Drug Control Policy (ONDCP), Michael Botticelli, the deputy director of the White House Domestic Policy Council, Kate Kochman, and the director of the White House Office of Urban Affairs, Justice and Opportunity, Roy Austin, regarding the President's proposal to fight the opioid epidemic that is sweeping the nation.

The President's proposal includes \$1.1 billion in new funding to increase access to treatment across the country and includes funding to train law enforcement officers on the use of the drug naloxone and expand the use of it in the field by agencies.

In Congress, negotiators are currently meeting to discuss the differences between the House and Senate passed bills that combat opioid abuse, which primarily authorize grants through the Department of Justice to enhance collaboration between state and local criminal justice and mental health systems, develop and expand treatment programs, train first responders on naloxone and similar drugs, and investigate illegal opioid distribution. The bills only authorize \$80 million in funding and do not actually appropriate any money towards the fight against opioid abuse. The \$80 million is only a fraction of what the Administration is looking for to address the opioid epidemic.

During the meeting, the Administration made clear that this is one of the President's top priorities as he finishes out his presidency and that he views law enforcement as a key partner to getting this accomplished.

NAPO will continue stay on top of this issue and work with Congress and the Administration to ensure that state and local law enforcement get what they need to help address this growing epidemic.

NAPO's Sponsor/Cosponsor Spreadsheet

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 Andrea Edmiston at: aedmiston@napo.org.

Please monitor NAPO's website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.