

# IOWA POLICE JOURNAL

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## POLICE WEEK LOBBY DAY 2016

By Zach Lewis, ISPA President



Police Week events in Washington, D.C. were held May 9 through May 15. Iowa State Police Association (ISPA) First Vice President Todd Thoeming and I were in Washington, D.C. to participate in several of these events, including the annual National Association of Police Lobby Day.

Andy Edmiston, NAPO Director of Governmental Affairs, set up meetings with our elected officials from Iowa. Todd and I met with Congressman Blum, Senator Grassley, Congressman King and Congressman Young. We also met with staff members from Congressman Loebbeck and Senator Ernst's offices as they had prior engagements.

The following topics were the areas that we (NAPO members) focused on this legislative session. Many of these bills have gained some good traction and have a good possibility of passing both houses and moving to the president. The Bulletproof Vest Partnership Grant Program Reauthorization Act was unanimously passed by House of Representatives during Police Week to mirror the Senate and keep this program going.

I would encourage you to make contact with your elected federal officials to let them know we would like their support for these bills. If you have a chance to go to Washington, D.C. during Police Week, you will not be disappointed. The atmosphere and activities are almost overwhelming (in a good way). If you have any questions about any of these bills, feel free to contact me at [zlewis@sioux-city.org](mailto:zlewis@sioux-city.org) or Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org). Stay safe.

### State and local law enforcement access to surplus military equipment

**The Lifesaving Gear for Police Act**  
S. 2694, Patrick Toomey (R-PA)

**The Protecting Lives Using Surplus Equipment Act**  
H.R. 4880, John Ratcliffe (R-TX)

Since the 1980s, the Department of Defense (DOD) has donated surplus gear to state and local law enforcement to help them counter drug cartels and, more recently, fight terrorists and secure the border. More than 8,000 law enforcement agencies use this program, dubbed the "1033 Program" because it was made permanent by § 1033 of FY97 NDAA.

On May 18, 2015, President Obama issued Executive Order 13688, which imposed new restrictions that prevent state and local law enforcement from obtaining certain lifesaving, surplus military equipment through the DOD 1033 Program or with federal funds.

The administration acknowledged that this gear fulfills legitimate police needs, and the lack of such gear “can have life-threatening consequences.” However, the administration worried some of these items “could significantly undermine community trust” and concluded this concern outweighs the concern for police and public safety.

Resources like the 1033 Program and grant programs at the Departments of Justice and Homeland Security have been vital in allowing state and local law enforcement to acquire items used for search-and-rescue operations, disaster response and active shooter situations they otherwise would not be able to afford.

Surplus military equipment has not led to the “militarization” of police, but rather has proven to be essential in protecting communities against violent criminals with increasing access to sophisticated weaponry, *improvised explosive devices* (IEDs), body armor and sometimes even armored vehicles.

Between October 1, 2015, and April 1, 2016, the DOD recalled this lifesaving military equipment from state and local law enforcement agencies, leaving them to scramble to fill in the equipment gaps left behind. The executive order also imposed new training policies and expanded inventory reporting to include equipment previously outside of the federal purview to ensure that state and local law enforcement do not “misapply” the use of such equipment.

The Lifesaving Gear for Police Act and the Protecting Lives Using Surplus Equipment Act would restore law enforcement’s access to military surplus equipment available through the federal government by overturning the executive order, prohibiting the president from implementing new restrictions and requiring the administration to return equipment it has recalled — at no expense to local police.

**NAPO position:** Given the unfortunately high number of mass shootings that have occurred in 2015 alone, and the fact that state and local law enforcement are the first line of defense, it is improper that the federal government has questioned the appropriateness of state and local agencies acquiring such equipment for the protection of their communities. NAPO will continue working to ensure that state and local law enforcement have the resources they need to safely and effectively protect our communities.

**Bulletproof Vest Partnership Grant Program Reauthorization Act  
S. 125, Patrick Leahy (D-VT); H.R. 228, Frank LoBiondo (R-NJ)**

In 1998, with NAPO support, Congress enacted legislation to create the Bulletproof Vest Partnership (BVP) Grant Program through the Department of Justice. This program was designed to help state and local law enforcement purchase bullet-resistant vests for their officers.

The BVP Grant Program is a critical resource for state and local jurisdictions that saves lives. To date, more than 3,000 law enforcement officers have survived shootings thanks to their bullet-resistant vests. Those officers are only a fraction of the more than 900,000 law enforcement officers who put their lives at risk every day to protect our nation’s communities.

Since the program's inception, the BVP Grant Program has awarded more than 13,000 jurisdictions a total of \$412 million in federal funds for the purchase of more than one million vests. Congress has reauthorized the program three times, most recently in 2008. However, the program's charter expired in September 2012 and Congress has failed to pass reauthorization legislation despite bipartisan efforts to do so.

The Bulletproof Vest Partnership Grant Program Reauthorization Act (S. 125) would extend the authorization of the program through fiscal year 2020, and make several reforms to the program, including:

- Incentivizing agencies to provide uniquely fitted vests for female officers;
- Clarifying that grantees cannot use other federal grant funds to meet the matching fund requirement the program requires; and
- Requiring that vests or body armor purchased with grant funds meet any performance standards established by the Justice Department's Bureau of Justice Assistance.

*S. 125 passed the Senate unanimously on May 6, 2015, and it was overwhelmingly approved by the House Judiciary Committee on April 20, 2016. NAPO urges the House to take up and pass S. 125.*

**NAPO position:** While many officers are protected by bullet-resistant armor, an alarming number of officers, many in small departments across the nation, are not afforded this same protection due to local budget constraints. The BVP Grant Program has enabled small and large law enforcement departments alike to obtain protective equipment to safeguard their officers who risk their lives each and every day to keep our communities safe. These brave men and women must be protected with the proper equipment.

NAPO continues to support Congress's reauthorization of the BVP Grant Program. Reauthorizing and fully funding the BVP Grant Program will ensure that all of America's law enforcement officers are provided with the life-saving protection they need.

### **The Honoring Emergency Response Officers (HERO) Benefits Reform Act H.R. 5123, Bill Pascrell, Jr. (D-NJ)**

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 American society places on 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 Department of Justice Office of Inspector General released a report in July 2015 that examined the timeliness of the PSOB Program in processing claims, focusing on claims filed between 2008 and 2013. It found significant delays in the PSOB claims processing. Of the approximately 2,500 claims examined, 1,845 claims had been decided and 650 cases remained pending at the time of the audit. Over 25 percent of the cases took over a year to process and 79 of those claims took more than two years to decide. Of the 650 claims still pending, 69 claims had been pending for more than three years.

Unbelievably, the backlog has gotten worse. As of November 18, 2015, there was a backlog of 612 death benefit claims, of which 175 were 9/11-related death claims, 146 disability claims, and 128 education benefit claims, resulting in *a total of 1,061 claims that have yet to be determined*. At least one claim has been with the PSOB office since 2007. Additionally, there are 163 cases at the appeals level, many which have been there for several years.

The HERO Benefits Reform Act would address the issues of timeliness and transparency within the PSOB Program:

- It would return the PSOB to a presumptive benefit by putting the burden on the PSOB Program to prove beyond reasonable doubt that the officer's death or disability was not in the line of duty or due to gross negligence. Currently, the onus is on the disabled officer or grieving loved ones to prove that it was a line of duty death or injury deserving of the benefit, which is unacceptable and goes against the original intent of the program.
- It would address the backlog of cases by setting time limits on how long cases can sit at certain points of the review process. If any of those deadlines are met, the bill allows for claimants to appeal their cases to the Court of Federal Claims.
- It would tackle the significant lack of transparency within the program by requiring annual reports to Congress.

**NAPO position:** Public safety officers must know that their loved ones will be taken care of if something were to happen, and the current state of the PSOB office does little to instill confidence in officers that the federal government will do its part to take care of survivors. We must ensure that surviving public safety officers and their loved ones get the benefits they are entitled to in a timely and transparent manner.

### **Protecting public safety officers' Social Security benefits**

#### **The Social Security Fairness Act**

**S. 1651, Sherrod Brown (D-OH); H.R. 973, Rodney Davis (R-IL)**

#### **Equal Treatment of Public Servants Act**

**H.R. 711, Kevin Brady (R-TX)**

In the 1980s, Congress enacted the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) because it was concerned Social Security paid unintended benefits to workers who had spent most of their careers in "non-covered" jobs. However, these formulas go too far and penalize workers with split careers who contributed a great deal to Social Security, but retired under their "non-covered" pensions.

GPO reduces public employees' Social Security spousal or survivor benefit by 2/3 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 2/3 of the survivor's pension, eliminating most or all of 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 GPO, public safety employees are also adversely affected by 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 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 10 public employees affected by GPO lose their entire spousal benefit, even though their spouses paid Social Security for many years. WEP causes hard-working public safety officers to lose the benefits they earned themselves, thus punishing those who selflessly serve and protect our communities.

The Social Security Fairness Act would repeal the GPO and WEP formulas currently used to calculate Social Security benefits.

The Equal Treatment for Public Servants Act would replace the current WEP formula with one that would more fairly and accurately account for years a public employee paid into Social Security versus the years paid into a public pension system in a non-Social Security covered position.

**NAPO position:** The loss of income caused by 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 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.

Law enforcement officers and public employees across the United States are concerned about their retirement benefits and the impact of GPO and WEP. NAPO supports efforts to totally repeal GPO and WEP, but understands there are significant fiscal challenges associated with this effort, which is why we also support meaningful WEP reform.

### **The Thin Blue Line Act**

**S. 2034, Patrick Toomey (R-PA); H.R. 814, David Jolly (R-FL)**

There is a serious and growing trend of armed attacks on law enforcement officers. According to the National Law Enforcement Officers Memorial Fund, there have been 34 line-of-duty deaths so far this year, 17 of which have been by gunfire. Several of those gun-related deaths were by ambush — the officers were targeted and killed simply due to the fact that they were police officers.

Increased penalties make important differences in the attitudes of criminals towards public safety officers, and can ensure protection for the community. Any persons contemplating harming an officer must know that they will face serious punishments.

The Thin Blue Line Act would make the targeting or killing of a police officer, firefighter or first responder an aggravating factor in death penalty determinations in federal court. This would be applicable whether they were targeted or murdered on duty, because of the performance of their duty or because of their status as a public official.

S. 2034 / H.R. 814 would encompass public safety officers at every level — federal, state and local.

**NAPO Position:** Persistent and nationwide calls for the killing of officers and anti-police rhetoric continue with little to no abatement. Tepid responses to the murders of police officers do nothing to discourage future attacks, which is why the Thin Blue Line Act is so important. Establishing stricter penalties for those who harm or target for harm law enforcement officers will deter violent crimes.

