



*"The Only Union for Police Officers and 911 Dispatchers"*

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June 18, 2021

Dear Members:

As we stand together with the National Association of Police Organizations (NAPO) in support to the opposition to the draft police reform proposal being proffered by Senator Corey Booker, please find attached a copy of NAPO's Position on Senator Booker's Draft Police Reform Proposal, NAPO talking points on Senator Booker's Draft Police Reform Proposal, and a sample opposition letter.

We respectfully urge you to reach out to your Senators and Representatives and oppose Senator Booker's proposal as we believe it will have grave consequences on the men and women who serve and protect our communities and on public safety.

In the event that you receive a response from your elected official, please contact the office via phone or email so that we can track all responses received.

Thank you for your attention to this matter.

Sincerely,

*Scott Hovsepian*

Scott Hovsepian  
President

*John Nelson*

John Nelson  
First Vice President

*Bobby Murphy*

Robert Murphy  
Secretary/Treasurer

*Tim King*

Timothy King  
In-House Counsel

*Michael Perreira*

Michael Perreira  
Labor Relations Manager



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## NAPO POSITION ON SENATOR BOOKER'S DRAFT POLICE REFORM PROPOSAL

June 11, 2021 – Alexandria, VA. Senator Cory Booker (D-NJ), tried to negotiate a deal on police reform with the International Association of Chiefs of Police (IACP) and the Fraternal Order of Police. Sen. Booker froze out NAPPO and other police groups, despite the fact that NAPPO represents a majority of the law enforcement officers in the senator's state of New Jersey. This proposal is entirely of Senator Booker's doing as the other two main negotiators – Senator Tim Scott (R-SC) and Congresswoman Karen Bass (D-CA) – were not involved in its drafting.

NAPPO was able to obtain the text of Senator Booker's police reform bill and we have grave concerns with it. We strongly oppose the proposal and encouraging negotiators to reject this proposal as it is untenable.

The reasons for our opposition are too many to completely list (Sen. Booker's proposal runs to 125 pages), but in general:

- Sen. Booker proposes adding four new federal criminal offenses to incarcerate state and local police officers (Sec. 101).
- The bill removes the "knowing" *mens rea* requirement for the new criminal federal obstruction crime it establishes (Sec. 101).
- Deadly Force is defined to include Taser use in certain circumstances, carotid restraints, and even the "position or posture" of a suspect (Definitions, Sec. 2).
- It does away with both Sovereign Immunity for both State and Federal law enforcement agencies, and does not protect officer's Qualified Immunity at all. In fact, it *reminds* readers that they can still sue *individual* officers "under this section or under any other source of law" (Sec. 102).
- It expands pattern and practice investigations and specifically adds prosecutors, not just investigators, to the process (Sec. 103).
- It authorizes \$750,000,000.00 (you read that right) for the investigation and prosecution of individual state and local officers involved in use of force incidents (Sec. 104).
- It calls for the national establishment of Civilian Review Boards (Sec. 114).
- It defines "Serious Misconduct Complaint Information" to *include complaints that were not sustained* (Sec. 201).
- It would establish a public "National Police Accountability Database" into which individual officer information would be entered, without basic due process protections of notice and an opportunity to be heard; officers would only be allowed to include a "personal statement" *after* their personal information had already been added to the database (Sec. 202).
- It expands an FBI national database to collect information on all state and local officers' use of force, including "less lethal" force, which is defined to include touching someone with a hand (Sec. 223).

- It provides for lawsuits against individual law enforcement officers in State and Federal courts for alleged acts of discrimination, which are defined to include disparate impact of official agency policies (Sec. 312).
- It does away with no-knock warrants in drug cases where destruction of evidence is occurring (Sec. 361).
- It restricts the justification defense for officers in use of force cases (Sec. 363).
- It bans facial recognition technology (Sec. 372 and others).
- It *requires* discipline of officers for bodycam policy violations, without requiring due process (Sec. 372).
- Tear gas and OC spray may only be used against “violent” offenders, not to disperse crowds (Sec. 393).
- Provides \$50,000,000.00 for reinstatement of offenders’ suspended or revoked drivers licenses, and \$0 for addressing officer suicides (Sec. 803, Sec. 1004).
- Calls for looking at the *repeal of state and local misdemeanor crime enforcement* (Sec. 806).
- It greatly limits legitimate law enforcement tools, including further restricting the 1033 Program (Sec. 364).
- It severely restricts the confidentiality of peer-counselor communications by officers who have gone through a critical incident, such as a use of force (Sec. 1002).
- It lacks any language on Officer Suicide (Sec. 1004).
- It lacks any language on protecting officers who are whistle-blowers (Sec. 1005).
- It offers, apparently in exchange for all of the foregoing, not more than “a total of 6 months” disability coverage under the PSOB program (Sec. 1301); and repeal of the Social Security WEP and GPO provisions, *which are already covered in other legislation NAPO has helped support* (Sections 1102, 1103).

Senator Booker’s proposal in effect sets up a situation where the Department of Justice will be managing the hiring, training, deployment, and policy, including use of force and equipment, for every state and local agency. It would make law enforcement more dangerous and difficult for officers and it would exacerbate the already dire recruitment and retention issues facing state and local agencies.

We urge you to join us in opposing this proposal. Please contact NAPO’s Director of Governmental Affairs, Andy Edmiston, at [aedmiston@napo.org](mailto:aedmiston@napo.org), if you have any questions about our concerns with this proposal.



## NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS

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### TALKING POINTS ON SENATOR BOOKER'S DRAFT POLICE REFORM PROPOSAL

- This proposal adds four new federal criminal offenses to incarcerate state and local police officers and removes the “knowing” *mens rea* requirement for the new criminal federal obstruction crime it establishes. It specifically states that the federal government does not need to prove that the officer knew he was obstructing the investigation of a crime, exposing officers to civil and criminal penalties for actions that at most would have been an administrative issue. This is a significant change from the current constitutional standards that apply to officers and makes it easier to prosecute officers for good faith actions on the job (Proposed new Section 1644).
- It has unworkable and inconsistent definitions, including but not limited to “use of force”, “deadly force” and “excessive force”. For example, under the definition of “excessive force” an officer can be charged with using it if they use any force – even non-lethal force – that is greater than what a reasonable officer at the scene determines necessary to accomplish the law enforcement objective. Under this bill, use of “excessive force” comes with heavy criminal penalties for an officer, making how it is defined incredibly important (Sec. 2).
- The proposal defines “deadly force” to include Taser use in certain circumstances, carotid restraints, and even the “position or posture” of a suspect. This again is another way to target officers for prosecution even if they reasonably believe their actions will save their life or the lives of innocent bystanders (Sec. 2).
- It does away with Sovereign Immunity for both State and Federal law enforcement agencies and does not protect officer’s Qualified Immunity at all. In fact, it *reminds* readers that they can still sue *individual* officers “*under this section or under any other source of law*” (Sec. 102).
- It authorizes *\$750 million* for the investigation and prosecution of state and local officers involved in use of force incidents (Sec. 104). While violent crime rates have skyrocketed in cities and communities around the country, instead of putting these resources towards prosecuting violent criminals, it creates a false narrative that there is rampant use of force by officers who must be prosecuted.
- It calls for the national establishment of Civilian Review Boards (Sec. 114) which is overly broad and does not include due process protections for officers.
- It would establish a public “National Police Accountability Database” into which individual officer information would be entered, without basic due process protections of notice and an opportunity to be heard; officers would only be allowed to include a “personal statement” *after* their personal

information had already been added to the database (Sec. 202). Further, it defines “Serious Misconduct Complaint Information” to *include complaints that were not sustained* (Sec. 201).

- It does away with no-knock warrants in drug cases where destruction of evidence is occurring (Sec. 361).
- Tear gas and OC spray are defined as a “chemical weapon” and may only be used against “violent” offenders, not to disperse crowds or to de-escalate potential violent situations (Sec. 393).
- Senator Booker’s proposal in effect sets up a situation where the Department of Justice will be managing the hiring, training, deployment, and policy, including use of force and equipment, for every state and local agency. It would make law enforcement more dangerous and difficult for officers and it would exacerbate the already dire recruitment and retention issues facing state and local agencies.

June 18, 2021

The Honorable \_\_\_\_\_  
United States House of Representatives  
[Address]  
Washington, D.C. 20515

OR

The Honorable \_\_\_\_\_  
United States Senate  
[Address]  
Washington, D.C. 20510

Dear Senator or Representative \_\_\_\_\_:

I am writing to you today on behalf of the [*your organization*], representing over *X* sworn law enforcement officers, to advise you of our opposition to the draft police reform proposal being proffered by Senator Corey Booker. As a bipartisan group of members from both the House of Representatives and the Senate considers police reform, I respectfully urge you to oppose Senator Booker's proposal as we believe it will have grave consequences on the men and women who serve and protect our communities and on public safety.

Please find enclosed a position statement from the National Association of Police Organizations (NAPO), which represents [*your organization*] at the national level, that encapsulates our most serious concerns with the draft police reform proposal.

Senator Booker's proposal in effect sets up a situation where the Department of Justice will be managing the hiring, training, deployment, and policy, including use of force and equipment, for every state and local agency. It would make law enforcement more dangerous and difficult for officers and it would exacerbate the already dire recruitment and retention issues facing state and local agencies.

Thank you for your attention to our concerns. I look forward to hearing your views on this matter and would be happy to provide any further information you may need.

Sincerely,

Enclosed: National Association of Police Organizations' Position on Senator Booker's Draft Police Reform Proposal