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The National Association of Police Organizations (NAPO) is a coalition of law enforcement unions and associations from across the United States that serves to advance the interests of America's law enforcement and corrections officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents more than 2,000 police unions and associations, 236,000 sworn law enforcement officers, 11,000 retired officers and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement. Florida PBA, Palm Beach County PBA, Dade County PBA, and Coastal Florida PBA are members of NAPO.

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“A government big enough to give you everything you want is strong enough to take everything you have.”

~ Thomas Jefferson

### Supreme Court Rules on Crack Cocaine Sentencing

On December 10, 2007, the Supreme Court ruled that federal judges have discretion to impose more lenient sentences for crack cocaine crimes than those recommended by the federal sentencing guidelines. The 7-2 ruling by the court in *Kimrough v. United States* enhances judicial discretion to reduce the disparity between sentences for crack and powder cocaine offenses. This backs an earlier decision by the court in 2005, in which it ruled that the federal guidelines are not mandatory, but rather advisory.

In the *Kimrough v. United States* ruling, written by **Justice Ruth Bader Ginsburg**, the court held that federal judges must abide by the statutory mandatory minimum prison sentences established by Congress for crack cocaine offenses, but have discretion to depart from the higher sentences allowed under the U.S. Sentencing Commission's federal guidelines. Currently, the mandatory minimum sentence for simple possession of 5 grams of crack is 5 years, while it takes possession of 500 grams of powder cocaine to receive that same sentence.

In addition to the Supreme Court ruling, on November 1, 2007, the U.S. Sentencing Commission changed its guidelines to reduce the disparity in prison time for crack and powder cocaine offenses. The new guidelines lower the

sentencing ranges for first-time trafficking offenses involving 5 grams of crack to include the statutory mandatory minimum penalties. The previous guideline sentencing ranges for the same offense were higher than, and did not include, the statutory mandatory minimum penalties.

While the rulings of the Supreme Court and the U.S. Sentencing Commission could potentially result in shorter prison terms for some crack offenders, Congress alone has the power to narrow the disparity between mandatory minimum sentences for crack and powder cocaine offenses.

Since the release of a U.S. Sentencing Commission report recommending the elimination of the mandatory minimum prison sentence for simple possession of crack in May 2007, interest has been growing among lawmakers to narrow the crack cocaine sentencing disparity. Several bills have been introduced in Congress that propose to either eliminate or reduce the current 100:1 sentencing ratio, but none have made any headway. NAPO is closely monitoring the issue and remains in favor of the sentencing gap between crack and powder cocaine convictions. Crack cocaine has proved to be a greater danger to our nation's communities and law enforcement.

### Congress Passes NAPO-Endorsed Legislation That Will Assist in the Clean-up of Meth Labs

On December 11, 2007, Congress passed a bill that requires the Environmental Protection Agency (EPA) to establish voluntary guidelines that states and localities can use when creating policies for the cleanup of methamphetamine laboratories. The "Methamphetamine Remediation Research Act of 2007," H.R. 365, aims to help states address the rapidly expanding number of meth lab sites shut down by law enforcement. It establishes a research program to develop new meth detection technologies, requires the EPA to convene a conference with state agencies and experts to provide information about the guidelines, and mandates the study of the residual effects of meth labs. The bill

authorizes \$5 million over two years for the program.

According to the Drug Enforcement Agency (DEA), one pound of methamphetamine production results in up to five pounds of dangerous waste chemicals, such as lye, red phosphorus, hydriodic acid and iodine.

NAPO actively supported the efforts of **Representative Bart Gordon** (D-TN) and **Senator Max Baucus** (D-MT) to assist states and localities cleanup methamphetamine labs. NAPO pushed for the passage of this legislation because we feel that it is important to fight meth in America's neighborhoods and completely erase the mark of meth from our communities.

### Efforts to Move Collective Bargaining Bill in Senate Before End of 2007 Fall Short

On Friday, December 7, 2007, **Senators Judd Gregg** (R-NH), **Edward Kennedy** (D-MA) and **Tom Harkin** (D-IA) submitted the Public Safety Employer-Employee Cooperation Act (S. 2123) as an amendment to the Farm, Nutrition, and Bioenergy Act of 2007, H.R. 2419. The amendment, S.Amdt.3830, was one of only forty amendments – out of hundreds offered – that the Senate leadership allowed to be considered. Senators Gregg, Kennedy and Harkin felt strongly that the Collective Bargaining bill had a good chance of passing the Senate as part of the Farm bill.

NAPO spent the next week lobbying Senators to ensure that we had the 60 votes necessary to pass the amendment when it was scheduled to come up for a vote on the morning of Friday, December 14. We were even able to arrange for all of the Senate Democratic Presidential Candidates (**Senators Joseph R. Biden, Jr., Hillary Rodham Clinton, Christopher Dodd, and Barack Obama**) to fly back Thursday night after their debate in Iowa in order to vote Friday morning in favor of the amendment.

However, the night before the scheduled vote, Senators Gregg, Kennedy and Harkin were forced to withdraw their

Public Safety Collective Bargaining amendment. Despite all of NAPO's efforts and overwhelming support for the amendment, **Senator Jim DeMint** (R-SC) did everything in his power to ensure that it did not pass. Senator DeMint offered so called second degree amendments that would have significantly weakened our amendment and threatened to filibuster it, making a clean passage of the Collective Bargaining amendment impossible.

While it is unfortunate that we did not get the chance to have S.Amdt.3830 voted on, we did discover that the Public Safety Employer-Employee Cooperation Act has widespread, bipartisan support in the Senate. We feel that if Senator DeMint had not forced it to be withdrawn, there was a strong possibility that it would have passed.

NAPO played a large role in the passage of the Public Safety Employer-Employee Cooperation Act, H.R. 980, in the House of Representatives on July 17, 2007. The fight to pass the collective bargaining bill in the Senate is now more focused and NAPO is putting all of its efforts into ensuring its passage. This year is a new Congressional session and we are optimistic that we can build on our broad bipartisan support and move the bill successfully in 2008.

### Congress Acts to Protect Some, But Not All Law Enforcement Officers in the Court Security Improvement Act of 2007

In July 2007, the House of Representatives unanimously passed the "Court Security Improvement Act of 2007," H.R. 660, which included a provision to protect law enforcement officers, undercover agents, informants and witnesses in a criminal investigation or prosecution from having their personal information posted on the internet. The provision makes it illegal to post personal data with the intent to threaten, intimidate, or harm.

NAPO worked hard to get language protecting law enforcement officers' personal information added to H.R. 660. However, the version of the "Court Security Improvement Act of 2007" that was passed by the Senate (S.378) only prohibited the publishing of personal information of certain "covered officials." This definition does not include state and local public safety officers.

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