

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE



LEGISLATIVE AGENDA FOR THE 111TH CONGRESS

The International Association of Chiefs of Police

Founded in 1893, the IACP is the world's oldest and largest association of law enforcement executives, representing over 22,000 members in 100 countries.

The goals of the IACP are to advance the science and art of police services; to develop and disseminate improved administrative, technical and operational practices and promote their use in police work; to foster police cooperation and the exchange of information and experience among police administrators throughout the world; to bring about recruitment and training in the police profession of qualified persons; and to encourage adherence of all police officers to high professional standards of performance and conduct.

A core strength of the IACP is the unity with which it speaks on behalf of its members and the law enforcement profession. In an effort towards inclusiveness and brevity in addressing the broad scope of the police family, the following demographics are implied and considered when the phrase, "state, local and tribal" or "law enforcement" is employed. University and college; state and provincial; municipal; county; federal; Indian Country; public transit; marine; railroad; environmental; military; park police; capitol police; the various special investigative branches of prosecutorial agencies; and any legislatively authorized duly sworn and certified law enforcement agency.

Since 1893, the International Association of Chiefs of Police has been serving the needs of the law enforcement community. Throughout those past 100-plus years, the IACP has been launching historically acclaimed programs, conducting ground-breaking research and providing exemplary programs and services to our membership across the globe.

Professionally recognized programs such as the FBI Identification Division and the Uniform Crime Records system can trace their origins back to the IACP. From spearheading national use of fingerprint identification to partnering in a consortium on community policing to gathering top experts in criminal justice, the government and education for summits on violence, homicide, and youth violence, the IACP has realized our responsibility to positively effect the goals of law enforcement.

In light of this responsibility, the Executive Committee of the International Association of Chiefs of Police met to establish the association's legislative priorities for the 111th Congress. The following priorities have been designated by the Executive Committee as those most important to the association at the beginning of this Congress. As additional issues of interest to the IACP arise, the Executive Committee will establish positions on them.

ADA REVISIONS

The passage of the Americans with Disabilities Act (ADA) in 1990 marked the most significant expansion of the Civil Rights Act since 1964. It has provided the legal means for nearly 55 million Americans with disabilities to more fully participate in and contribute to American society. The ADA placed many new responsibilities on both the public and private sectors, including state, local and tribal government. As with many laws, there have been unforeseen costs and consequences. Unfortunately, many of these new responsibilities are needlessly difficult and/or expensive to administer. To remedy this situation, the IACP supports limited exemptions to the ADA in at least two specific areas. First, in the area of Title II employment requirements, public safety employers should be exempted from provisions that require a conditional offer of employment be made to a prospective applicant before the employer may legally perform certain necessary physical and mental evaluations. The IACP believes it is extremely wasteful to require that a conditional offer be made before an employer may ask questions of an applicant that may divulge certain information that may disqualify that individual from being a law enforcement officer or firefighter.

Second, in the area of services to be provided to citizens by law enforcement agencies, exceptions should be made from the universal applicability of accessibility and equipment requirements for correctional facilities. Specifically, availability of limited, specialized facilities should be sufficient to comply with the law. Additionally, immunity from liability should be provided for state, local and tribal agencies that unintentionally fail to provide equal services to the abled and disabled. State, tribal and local agencies, which traditionally have enjoyed the benefit of a court-imposed "sovereign immunity" from liability, should not be exposed to suits if they inadvertently failed to provide the same services.

ARMOR PIERCING AMMUNITION

The IACP supports legislation and policies that will prohibit the sale or transfer of armor piercing ammunition. In addition, the IACP believes that process utilized to determine whether a round of ammunition is armor piercing should include performance based testing conducted by the Bureau of Alcohol, Tobacco and Firearms.

ASSAULT WEAPONS BAN

First passed in 1994, the assault weapons ban required domestic gun manufacturers to stop production of semiautomatic assault weapons and ammunition magazines holding more than ten rounds except for military or police use. While the ban was in place, it was remarkably effective in reducing the number of crimes involving assault weapons. In the period of the ban, (1994-2004) the proportion of assault weapons traced to crimes fell by a dramatic 66 percent.

Assault weapons are routinely the weapons of choice for gang members and drug dealers. They are regularly encountered in drug busts and are all too often used against police officers. In fact, one in five law enforcement officers slain in the line of duty between January 1, 1998, and December 31, 2001, was killed with an assault weapon.

The IACP has been a strong supporter of the assault weapons ban since 1992, and our membership approved a resolution calling for its reauthorization at our 2008 conference. The

membership took this action because we, as law enforcement executives, understand that semiautomatic assault weapons pose a grave risk to our officers and the communities they are sworn to protect.

BIAS-FREE POLICING & DATA COLLECTION

The International Association of Chiefs of Police believes that any form of police action that is based solely on the victim's race, color, religion, national origin, sexual orientation, gender or disability is both unethical and illegal. Therefore, the IACP strongly encourages all law enforcement agencies to develop and implement anti-discriminatory policies that explicitly prohibit biased enforcement practices and encourage bias free policing.

The IACP believes that data collection can play a role in reducing the incidence of biased enforcement actions. However, in order to achieve this goal, data collection programs must be conducted in a fashion that ensures that data is being collected and analyzed in an impartial and methodologically sound fashion. In addition, the IACP strongly believes that legislative proposals addressing the issue of biased policing should be carefully drafted so that legitimate law enforcement practices and operations are not compromised.

BODY ARMOR

The IACP supports legislation to prohibit the mail order sale of bulletproof vests and body armor to all individuals except sworn or certified law enforcement officers. In recent years, the safety of law enforcement officers has often been compromised due to the possession of body armor and bulletproof vests by the criminals they were attempting to apprehend. The IACP believes that the sale, transfer, or acquisition of these items should be conducted in person in order to make it more difficult for criminals to acquire and use these items while committing crimes of violence.

BRADY EXTENSION ACT

The IACP has gone on record supporting a waiting period for the purchase of a handgun. In the past, waiting periods have not only served as time for a thorough background investigation, but also as an informal cooling off period for handgun purchasers. However, the time needed to perform most background checks has become obsolete due to transition to the National Instant Check Background System (NICS). Nevertheless, the IACP believes there must still be a cooling off period in place before an individual can purchase a handgun. Therefore, the IACP supports the Brady Extension Act, legislation to create a mandatory five-day waiting period prior to the completion of a handgun purchase.

BRADY LAW

In 1994, the IACP strongly advocated for legislation to allow for a five-day waiting period to conduct thorough background checks on all prospective handgun purchasers. The IACP continues to strongly support the Brady Law.

Additionally, the IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP supports the passage of legislation, sometimes referred to as Juvenile Brady, which would permanently prohibit gun ownership by an individual, if that

individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.

However, the efficacy of the Brady Act is undermined by oversights in the law that allow individuals prohibited from owning firearms to obtain weapons at events such as gun shows without undergoing a background check. The IACP believes that it is vitally important that Congress act swiftly to close these loopholes and preserve the effectiveness of the Brady Act.

BYRNE JUSTICE ASSISTANCE GRANT PROGRAM

The Byrne Justice Assistance Grant (Byrne-JAG) Program should be funded at \$1.1 billion. Byrne-JAG provides funds to assist states and units of local government in controlling and preventing drug abuse, crime, and violence, and in improving the criminal justice system. The value of this program can be seen by examining the success of one of the most popular uses of Byrne JAG funds, multi-jurisdictional drug task forces. These multi-jurisdictional task forces help reduce the impact of drug and firearm traffickers, gangs, pharmaceutical diversion, and organized crime on America's communities.

CAMPUS PUBLIC SAFETY GRANTS

According to the Congressional Research Service, Congressionally approved grant funding emergency response or law enforcement programs at postsecondary institutions was first authorized under the Higher Education Act, signed into law during the previous Congressional session. Incidents around the country have focused attention on the unique needs of campus public safety agencies and the lack of a national program to assist in keeping campuses both open and safe. The IACP requests that Congress appropriate the \$50 million in funding programs authorized under the Higher Education Act.

CERTIFIED OFFICERS CLEARINGHOUSE

Currently a law enforcement and/or corrections officer who leaves a department or loses certification in one state as a result of misconduct or criminal activities can easily circumvent employment screening in other states, or other jurisdictions within the same state, by misrepresenting prior police service records.

To combat this type of unethical officer, often referred to as a "rogue" or "gypsy" cop, the IACP seeks the establishment of a national clearinghouse of certified officers. This clearinghouse, placed preferably within the Department of Justice will assist federal, state, tribal and local public safety employers in conducting thorough, complete background investigations on applicants for these critical positions in public service. The clearinghouse would provide a national "pointer file" where prior conduct as a police officer could be divulged, accessed, and reviewed by prospective police and correctional employers.

CHILD PASSENGER SAFETY

In order to increase child passenger safety and reduce incidents of injury and death of unrestrained children in motor vehicles, the IACP urges the development of incentive programs to provide additional highway safety funds for intensified education, training, and enforcement programs.

CLANDESTINE LABORATORY CLEANUP FUNDING

The IACP urges Congress to provide the Drug Enforcement Agency (DEA) permanent and adequate funding resources to confront the clandestine laboratory problem. There are currently thousands of small production laboratories across the United States with public safety hazards that require specialized training for police and expensive clean-up operations. In addition, the IACP urges sufficient funding so that the DEA will be able to continue to financially assist law enforcement agencies in the safe and environmentally sound disposition of seized clandestine chemical laboratories.

COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM FUNDING

The Commercial Equipment Direct Assistance Program (CEDAP) was created to provide law enforcement technologies directly to smaller jurisdictions throughout the United States. CEDAP was designed to benefit agencies that may otherwise be ineligible for funding and allows these agencies to select and procure specialized equipment. That equipment includes communications interoperability systems, information sharing software, chemical detection and sensor devices and personal protective equipment. CEDAP also provides the training and technical assistance to ensure that recipients are able to use the equipment effectively.

In 2005, \$8 million was available for this program and \$24 million for 2005-2006. However, future funding is undetermined at this time. The IACP believes that federal funding for CEDAP must be sustained at \$50 million or more per year.

CONCEALED WEAPONS

The IACP continues to oppose any federal legislative proposals that would either pre-empt and/or mandate the liberalization of individual states' CCW laws pertaining to the carrying of concealed weapons in other states without meeting that state's requirements. This applies to private citizens as well as active, former, and/or federal, tribal, state and local law enforcement personnel. IACP believes it is essential that state governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities.

COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT (CALEA)

The IACP believes that lawful interception of voice and data communications is one of the most valuable investigative tools available to law enforcement in identifying and crippling criminal and terrorist organizations. However, telecommunication companies continue to develop and mass produce voice and data communication products without law enforcement intercept capabilities or regard for national security or public safety concerns.

In 1994 Congress enacted the Communications Assistance for Law Enforcement Act (CALEA) to preserve the ability of law enforcement to conduct electronic surveillance despite changes in telecommunications technology. Unfortunately, since 1994, the rapid pace of technological change has severely reduced the effectiveness of the act.

The IACP urges Congress and the Administration to support legislative amendments to the Communications Assistance for Law Enforcement Act (CALEA) to ensure that the digital telephony infrastructure contain the features necessary for law enforcement to successfully perform court authorized wiretaps.

The IACP believes that carriers must be required to install, deploy and make available to law enforcement a CALEA solution to assist with lawfully authorized electronic surveillance of telecommunication services prior to or concurrent with the release of communications products to the public

IACP strongly urges that telecommunications carriers provide law enforcement agencies service for cost and not retail value. Therefore, the IACP supports continued congressional appropriations into the Telecommunications Carrier Compliance Fund (TCCF) at commensurate levels in order to assist in preserving law enforcement's ability to conduct electronic surveillance.

COMMUNITY ORIENTED POLICING SERVICES PROGRAM

The COPS Program should be funded at \$1.05 billion. Since its inception, the COPS program has provided law enforcement agencies with resources necessary to allow law enforcement agencies to mount effective anticrime programs, which also serve as effective antiterrorism programs. Since 1994, more than 13,000 of the nation's 18,000 law enforcement agencies have utilized 36,000 grants from the COPS Office. Some of the areas these funds have supported include:

- ❑ Assisting law enforcement agencies in the hiring of more than 118,000 officers. Of this total, 6,500 have been school resource officers;
- ❑ Providing more than 36,000 Technology Grants to help law enforcement agencies procure advanced technologies such as in-car computers and cameras, computer-aided dispatch systems, and laptop computers;
- ❑ Providing more than \$257 million to help local law enforcement agencies improve interoperable communication;
- ❑ Providing more than \$385 million to help state and local law enforcement combat methamphetamine and clean-up methamphetamine lab sites.

The COPS program has a clear record of success. This program has made it possible for communities throughout the nation to not only hire additional police officers, but also to ensure that they are well trained, well equipped, and positioned to protect our nation's citizens from crime and violence. Without the funds provided by this program, many law enforcement agencies would be unable to maintain their current level of effectiveness and, as a result, their ability to protect our communities would be diminished.

CRIMINAL HISTORY CHECKS

The effective screening of individuals for employment in positions of trust is essential for public safety and homeland security. Criminal history checks are a critical component of that screening process for both public law enforcement and private security. Accordingly, the IACP supports legislative initiatives at the State, Tribal and Federal levels, which improve the completeness and

accuracy of criminal history information maintained by the various repositories. It supports greater access to criminal history information by private security employers screening individuals for positions of trust. Due to the need for timely access to criminal history information in the hiring process, the IACP supports the development and use of the infrastructure necessary to permit electronic fingerprint-based criminal history checks throughout the nation.

CRIMINAL JUSTICE INFORMATION NETWORKS

The IACP recognizes that the ever-increasing interstate and transnational nature of crime and terrorism requires that law enforcement agencies worldwide work in close collaboration with one another. Therefore, the IACP strongly urges the Administration and the Congress to support efforts, such as the Global Justice Information Network Advisory Committee, to improve the integration and compatibility of local, state, federal and international criminal justice information systems. Coordination of these systems will enhance the ability of law enforcement agencies to quickly access information necessary to combat crime in our increasingly mobile society.

DNA EVIDENCE

The IACP believes that the collection and examination of DNA evidence is the next step in the technological advancement of the art and science of crime investigation. Unfortunately, the potential of DNA identification technology as a crime fighting/solving tool is not being realized due to the underfunding of forensic laboratories and the limitations on sample collection.

Therefore, the IACP strongly supports legislation that authorizes the taking of DNA samples from individuals at the time of arrest. In addition, the IACP also supports the taking of DNA samples from all felons at the time of their release from prison.

In addition, because of state, local and tribal law enforcement agencies' ever-increasing collection of DNA samples and evidence, the IACP strongly supports increased federal funding designed to support state, local and tribal efforts to make greater use of DNA technology, including funding to analyze both convicted offender and crime scene DNA samples.

DOMESTIC VIOLENCE GUN DISABILITY

IACP strongly supports the rationale behind Section 658 of the Omnibus Spending Bill of 1996, but has reservations about some of the bill's unintended consequences. The association has no desire to exempt law enforcement officers, as a class, from the prohibitions of the law. We are concerned about possible inequities for all citizens who entered into plea-bargaining situations years ago without full knowledge of the later consequences, after this law became effective. However, the IACP is concerned with the lack of complete misdemeanor files and records, and the subsequent inability to make a determination of a weapons disability. The association is concerned about the civil or criminal liability that might arise from the failure to adequately locate and analyze the misdemeanor records.

DRIVER'S LICENSES

The IACP supports federal legislation that would establish national standards for the issuance of driver's licenses, if the following conditions are met. The legislation should:

1. Require that licenses contain both a unique identifier, such as a fingerprint, and anti-

counterfeiting security devices.

2. Encourage states to link databases so licensing agencies and law enforcement personnel in other states can access an individuals' criminal and motor vehicle traffic violation history to assist in the identification of potential criminal suspects or problem drivers.
3. Increase the penalties for identity theft and fraud
4. Provide states with incentives to act and not penalize states with sanctions for the failure to act.

In addition, the IACP supports legislation to require that identifying information about all motor vehicle operators is included in a bar code on motor vehicle licenses that would interface with state and federal law enforcement and motor vehicle agencies when scanned.

DRUG TRAFFICKER ASSET FORFEITURE

Criminals who engage in drug trafficking and money laundering face the risk of having the proceeds of their illegal activities or the instruments used to commit the crime forfeited to the law enforcement agencies that apprehend them, after appropriate administrative or judicial proceedings. The IACP will not support any proposal which weakens one of the most valuable tools law enforcement has in combating drug trafficking and money laundering.

ENCRYPTION

Telecommunications systems are being increasingly utilized by technologically advanced criminals to mask their illicit activities. Despite being armed with a court-approved warrant, law enforcement oftentimes does not possess the legal, technological means to intercept and/or acquire strongly encrypted communications. Throughout the debate on encryption legislation, the IACP has stressed the need for provisions that would provide law enforcement with the ability to gain timely access to encrypted conversations and information that threaten public safety. IACP believes that the passage of any encryption legislation, without the inclusion of these vital safeguards, would severely weaken the ability of law enforcement to combat society's most dangerous criminals. IACP urges Congress and the Administration to ensure that any encryption legislation that is enacted contain provisions that provide for immediate access to information encrypted in the furtherance of criminal activity and protects the ability of law enforcement agencies to perform court authorized electronic surveillance and the search and seizure of information stored in computers.

In addition, the IACP urges the Congress and the Administration to provide the funding necessary to establish and adequately staff the FBI's technical support center. The technical support center will serve as a centralized technical resource for federal, state, and local law enforcement in responding to the increasing use of encryption by criminals.

ENVIRONMENTAL CRIMES TRAINING

From illegal dumping to public littering, environmental crimes have received much more emphasis in the law enforcement community. Because of the potential impact of these crimes, the IACP supports the provision of appropriate training for law enforcement officers by the federal Environmental Protection Agency.

EXCLUSIONARY RULE

Time and again, courts have thrown out vital evidence discovered by law enforcement officers during "good faith" investigations, and allowed guilty parties to walk away from criminal convictions. IACP supports the good-faith exception to the Exclusionary Rule, which codifies the Supreme Court decision in the *Leon* case and extends the rationale to warrantless situations by all law enforcement agencies with no exceptions. This exception would allow evidence to be admitted in criminal proceedings when obtained in good faith.

FEDERAL LAW ENFORCEMENT SUPPORT

Federal law enforcement agencies play a central role in anti-crime efforts. From providing technical assistance to setting up federal task forces, federal law enforcement agencies greatly assist state, local and tribal law enforcement agencies. Therefore, the IACP will resist any reduction in the funding or staffing levels for federal law enforcement agencies, and strongly encourages Congress to appropriate funding levels that will allow federal law enforcement agencies to successfully fulfill their mission.

FIREARMS ENFORCEMENT

The IACP urges Congress to increase resources to better allow state, local and tribal law enforcement agencies and the Department of Justice to enable greater prosecution of individuals for Brady Act violations. In addition, the IACP supports firearms enforcement programs that involve local, state and federal agencies, such as Project Safe Neighborhoods and Project Exile, which have shown significant reductions in firearms-related violent crime.

FIREARMS OFFENDER REGISTRY

The reduction of firearms-related violent crime has been and continues to be a major goal of IACP. Studies have shown that firearm offenders have a higher recidivist rate for committing other firearms-related violent crime with firearms than the rate for sexual offenders. Therefore, the IACP supports creating a federal registry, similar to the sexual offender registry, for offenders who have been previously convicted of a felony firearm violation or a misdemeanor that involved violent or threatening acts with firearms. At little cost, this registry would have great benefit toward preventing and investigating a myriad of violent crimes, as well as establishing a computerized list of dangerous offenders that could be utilized as a notification system to alert officers of potential danger.

FLSA REFORM

Before 1985, when the U.S. Supreme Court decided *Garcia v. San Antonio*, the Fair Labor Standards Act (FLSA) was not applied to employees of state, tribal and local governments. Following this decision, however, those employees became subject to the FLSA. The difficulties created by this coverage arise because the definitions and classifications developed under the FLSA were intended for private-sector employees. It is clear that the FLSA and its definitions and classifications were not written with law enforcement in mind.

The IACP supports targeted changes in the FLSA in two specific areas.

The first area of concern involves the definition of what constitutes an "exempt" employee (i.e., an employee who is "exempt" from the FLSA and thus not eligible for overtime--typically an individual considered to be a salaried employee) and the problems created by the application of definitions intended for private-sector exempt employees to public-sector exempt employees.

The second area of concern involves what the Department of Labor considers "compensable hours" for non-exempt or hourly employees. Many departments have been forced to pay large overtime awards to employees who were performing activities that neither the officer nor the agency believed to be compensable at the time of performance. However, after a new agency or court interpretation is released these activities are ruled to be compensable, thus requiring the agency to pay the employee overtime awards. Situations such as this completely eviscerate the agencies' ability to manage its budget and its personnel.

FORENSIC LABORATORY IMPROVEMENT

The IACP fully supports the National Forensic Sciences Improvement Act, which provides grants to existing local and state forensic laboratories to improve productivity, quality measures, overall operation and achieve professional certification based on generally accepted forensic science performance standards, common definitions, and protocols. This act will increase the ability of state, local and tribal laboratories to keep pace with increased service demands and fully meet quality assurance requirements that pose a substantial threat to the timely administration of justice.

The IACP strongly encourages that the federal assistance programs established by the passage of the National Forensic Science Improvement Act be fully funded.

FULL FUNDING FOR ALL FEDERAL AGENCIES INVOLVED IN COMBATING DRUG CRIME

Federal law enforcement agencies, in partnership with local, state and tribal law enforcement agencies, are on the front lines in combating the most powerful and sophisticated organized crime groups to ever challenge domestic law enforcement agencies. Federal law enforcement investigative resources and technology are also critical to the support of local, state and tribal law enforcement efforts to combat transnational gangs and large-scale drug trafficking organizations.

Therefore, the IACP strongly urges Congress to fully fund all federal agencies involved in combating crime.

GLOBAL JUSTICE INFORMATION SHARING INITIATIVE

The Global Justice Sharing Initiative is a program that has had the participation and support of the IACP since its inception in 1998. The work products developed over the ensuing years have been very beneficial to the law enforcement and justice community. One of the more important activities for law enforcement has been the Criminal Intelligence Coordinating Council which has brought together the local, tribal, regional and Federal community in an effort to better coordinate the gathering and dissemination of intelligence information to the law enforcement community

GPO/WEP OFFSET

Currently, some police officers are not entitled to dual pension and Social Security benefits they and their spouses have earned. Under the provisions of the Government Pension Offset (GPO) public pensions are treated as Social Security benefits. Under this framework, a public employee can not receive the full benefits of the non-SSA pension and any spousal benefits they are entitled to. Usually, the GPO applies a formula that will serve to reduce the Social Security benefits, but it can also eliminate Social Security benefits entirely.

The Windfall Elimination Provision (WEP) affects someone who works under a non-covered pension system but who has also earned Social Security from other jobs. Under this scenario an affected employee has their Social Security benefited reduced in correlation with the size of the non-SSA pension.

The IACP believes that non-covered pensions should not affect the right of law enforcement officers and their families to collect Social Security benefits. The IACP urges Congress to repeal these provisions and ensure that law enforcement officers and their families receive the benefits to which they are entitled.

HATE CRIMES

The IACP supports legislation that would provide the federal government with the jurisdiction to investigate and prosecute the most serious bias motivated crimes in which the violence occurs because of the victim's race, color, religion, national origin, sexual orientation, gender or disability. However, federal jurisdiction must be limited to those cases where state, local and tribal authorities are either unwilling or unable to act.

HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM FUNDING

Federal programs designed to assist state and local law enforcement agencies have played a vital role in reducing the use of illicit drugs and drug related crime, which has in turn resulted in the reduction of the nation's crime rate. The High Intensity Drug Trafficking Area (HIDTA) Program is a partnership among federal, state and local government to reduce crime and create safer, more drug resistant communities.

HIDTA-designated areas encompass approximately 13 percent of U.S. counties and have a presence in at least 43 states. These areas are on the front lines in confronting international drug trafficking and money laundering organizations and also lead investigative and enforcement efforts against the nation's domestic drug threats.

IACP supports efforts to reduce drug abuse, violent crime and serious offenders. HIDTA funded programs and initiatives have proven to be invaluable resources for cooperative federal, state and local anti-crime policing strategies. Therefore, a reduction in funding for HIDTA programs will severely affect the ability of state and local law enforcement to continue current drug enforcement and demand reduction efforts.

IACP strongly urges Congress to maintain funding for the HIDTA Program at the FY 2005 funding level.

IGNITION INTERLOCKS

Ignition interlocks may be the best method of keeping hardcore drunk drivers off the road. There should be an increased emphasis on interlocks, such as funding demonstration projects and providing States access to incentive funding for passing and strengthening their interlock laws.

ILLEGAL FIREARMS TRAFFICKING/ FIREARMS TRACING

The IACP opposes any legislation that would limit or reduce the ability of our nation's law enforcement agencies to combat the sale of illegal guns. The IACP believes that the ability to trace illegal firearms effectively plays a critical role in law enforcement's ability to protect communities from the scourge of firearms violence.

The IACP is opposed to the "Tiahrt Amendment" restricts the ATF's ability to share vital gun trace information with its state and local counterparts, which severely limits the ability of those agencies to conduct critical investigations designed to identify and apprehend corrupt firearms dealers and the traffickers they supply.

The IACP strongly believes that these provisions, and others like them, put our citizens and our officers at risk. Therefore, the IACP strongly supports efforts to repeal the Tiahrt amendment and any piece of legislation containing provisions that would weaken law enforcement's ability to trace illegal firearms.

IMMIGRATION ENFORCEMENT: THE ROLE OF STATE, TRIBAL AND LOCAL LAW ENFORCEMENT

Many law enforcement executives believe that state, tribal and local law enforcement should not be involved in the enforcement of civil immigration laws since such involvement would likely have a chilling effect on both legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. They believe that this lack of cooperation could diminish the ability of law enforcement agencies to effectively police their communities and protect the public they serve.

Other law enforcement executives believe that it is appropriate for state, tribal and local law enforcement to play an active role in immigration enforcement because individuals who are in the country illegally have violated the law and should be treated in the same fashion as other criminals. They feel that it is the duty of state, tribal and local law enforcement to assist the federal government and to apprehend and detain these individuals.

It is the IACP's belief that the question of state, tribal or local law enforcement's participation in immigration enforcement is an inherently local decision that must be made by a police chief, working with their elected officials, community leaders and citizens.

However, it is important to set forth the elements necessary to secure the support of the IACP for legislative proposals addressing the question of immigration enforcement by non-federal law enforcement agencies.

The IACP believes that at a minimum, any legislation seeking to have state, tribal and local law enforcement agencies participate in immigration enforcement must contain the following essential elements.

Voluntary:

Because the question of state, tribal or local law enforcement's participation in immigration enforcement is an inherently local decision, the IACP believes that any legislative proposal to enlist the assistance of non-federal agencies in immigration enforcement must be based on the completely *voluntary cooperation* of state/local law enforcement agencies.

Therefore, any legislative proposals that seek to coerce cooperation through the use of sanction mechanisms that would withhold federal assistance funds from states or localities is unacceptable to the IACP.

Authority Clarification:

In order to clarify the authority of state, tribal and local law enforcement to act in matters related to immigration enforcement, it is necessary for the federal government to issue a clear and complete statement that outlines the role of state, local and tribal law enforcement agencies in this effort and enumerates the legal authority of state, local and tribal law enforcement officers to act in these matters.

In addition, in cases involving aliens with civil violations, it is the IACP's belief that if the federal government wants to have state, tribal and local law enforcement officers apprehend and detain these deportable aliens, then it must first secure a federal criminal arrest warrant for these individuals. In this fashion, state, tribal and local law enforcement officers will be certain that the actions they take in dealing with these individuals is consistent with their legal authority and the policies of their agencies.

Incentive Based Approach:

Legislative proposals addressing immigration enforcement should provide law enforcement agencies with an incentive to perform immigration enforcement. Under such an incentive based approach, agencies that agree to perform immigration enforcement activities as set forth in the legislation would be eligible to receive federal assistance funds that may be used for a variety of uses related to immigration enforcement. For example, agencies should be authorized to use these funds to:

- 1) Cover the personnel costs associated with the enforcement effort.
- 2) Cover the costs of training programs for their law enforcement officers.
- 3) Cover the costs associated with housing and transportation of these individuals prior to their release into federal custody.

Liability Shield:

Legislative proposals addressing immigration must provide:

- 1) Personal liability immunity to state, tribal and local law enforcement officials for enforcing federal immigration laws within the scope of their duties.

- 2) Immunity for state, tribal or local agencies enforcing immigration laws unless their personnel violated criminal law in such enforcement.

Training Resources:

The legislation should also ensure that the federal government will provide the financial assistance necessary to develop and provide a training program for state, local and tribal law enforcement officers on federal immigration law and how they should respond when they encounter suspected illegal aliens and absconders. (However, specific-training requirements, including the number of hours or topics to be covered, should be the responsibility of law enforcement administrators, who should design training programs appropriate to their agencies.)

IMPAIRED DRIVING

The IACP fully supports the passage and enforcement of effective impaired driving legislation, which includes .08 percent blood alcohol content, repeat impaired driver provisions, open container laws, a minimum drinking age of 21, and zero tolerance by the states and territories.

In addition, the IACP supports legislation and policies that would increase the ability of law enforcement agencies to identify and apprehend drugged drivers. Specifically, the IACP supports legislation that would specify that a person operating a motor vehicle with any detectable amount of a controlled substance present in their system can be charged with drug impaired driving.

IMPROVE ICE RESPONSE TO STATE, LOCAL AND TRIBAL LAW ENFORCEMENT

The Immigrations and Customs Enforcement (ICE) agency has indicated that they want to work closely with state, local, and tribal law enforcement on immigration issues. However, given the increased demands of state, local, and tribal law enforcement agencies in addressing those issues, ICE has been severely hampered by the limited amount of special agents assigned compared to the approximately 18,000 state, local, and tribal law enforcement agencies who may need their assistance. Further, ICE response can vary by state, by region and even time of day—with few resources available when local agencies seek support after normal business hours. Congress and the Administration should ensure that ICE has the staffing and resources available to effectively and efficiently aid state, local, and tribal law enforcement agencies in the fight to curb illegal immigration.

INCREASE FUNDING FOR THE 287 (G) PROGRAM

Section 287(g) of the Immigration and Nationality Act authorizes the Secretary of the Department of Homeland Security to enter into agreements with state, local, and tribal law enforcement agencies to permit specially trained officers to enforce immigration law enforcement functions. Under this provision, the states must sign a Memorandum of Agreement (MOA) and officers must receive specialized training and function under the supervision of ICE. To date, only 7 states have entered into these agreements with ICE and had their law enforcement officers trained to perform immigration enforcement functions that pertain to domestic security and counterterrorism needs. Congress and the Administration should fully fund 287 (g) to aid states in participating in this vital program.

INDIAN COUNTRY

The IACP urges federal departments and agencies to consult and coordinate their efforts with Indian Tribal governments. In addition, when appropriate in drafting legislation, requests for proposals, funding applications policies and speeches, specific language should be used to identify Tribal governments as eligible for funding and services. To this end, the phrase “Federal, Tribal, State and Local governments” should be used instead of the current language of “Federal, State, and Local governments.”

INFORMATION AND INTELLIGENCE SHARING

In the United States, there are more than 700,000 officers who patrol our state highways and the streets of our communities daily. During the past 15 years, these officers and the law enforcement agencies they serve have made tremendous strides in reducing the level of crime and violence in our communities. This has been accomplished in part because these officers have an intimate knowledge of their communities and because they have developed close relationships with the citizens they serve. The IACP believes that as a result of their daily efforts to combat crime and violence, state, tribal, and local law enforcement officers are uniquely situated to identify, investigate, and apprehend suspected terrorists.

This central truth has been demonstrated on numerous occasions. Incidents such as the pre-attack traffic stops of September 11 hijackers Muhammad Atta, Ziad Samir Jarrah, and Hani Hanjour demonstrate that local law enforcement officers may encounter suspected terrorists in the course of their routine duties, while the arrests of individuals such as Timothy McVeigh and Eric Rudolph highlight the often critical role that local law enforcement officers play in the apprehension of terrorists

In order to make use of this intelligence and information gathering capability of state, local and tribal law enforcement agencies, it is vital that federal, tribal, state and local law enforcement agencies develop an efficient and comprehensive system for the timely sharing, analysis, and dissemination of important intelligence information. Therefore, the IACP urges Congress to take the steps necessary to promote intelligence-led policing and the information exchange between law enforcement agencies.

As part of this effort, the IACP calls on Congress to strongly support the Information Sharing Environment (ISE) Implementation Plan recently submitted by the Office of National Intelligence (ONI). The IACP believes that the ISE plan is a major step forward in intelligence integration and will allow the law enforcement community to better detect, disrupt, and prevent future acts of terrorism.

The IACP is particularly pleased that the ISE plan emphasizes the vital role that state, local, and tribal law enforcement must play in the development and dissemination of critical intelligence. This reinforces the IACP’s longstanding belief that only through effective information sharing can we hope to ensure that our hometowns and homeland are safer.

JUVENILE JUSTICE & YOUTH VIOLENCE

IACP supports legislative proposals that build upon, fund, and implement the recommendations provided by the association’s 1996 Final Report on Youth Violence Summit. Furthermore, the

IACP supports increased funding levels and flexibility in state, local and tribal government's conditional use of federal juvenile funding programs. IACP supports policy that treats serious juvenile drug and gun offenses as armed career criminal act predicates, permits the discretionary prosecution and/or sentencing of serious violent crimes as adult offenses, amends existing law to allow for juvenile criminal records to be made available to schools and law enforcement for serious violent offenses, and imposes a mandatory minimum prison sentence for persons who use minors in drug trafficking, or who knowingly sell drugs and/or guns to minors. The association recognizes the need for a relaxation of the four core requirements of the current Office of Juvenile Justice and Delinquency Prevention.

In addition, the IACP urges Congress to fully fund crime prevention programs aimed at youths, including after-school programs, quality educational child care programs, and programs designed to improve parenting skills and prevent child abuse and neglect.

LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETTP)

LETTP should be funded at \$500 million. To date, the vast majority of federal homeland security efforts have focused on increasing our national capabilities to respond to and recover from a terrorist attack. There is no question that response and recovery are important endeavors, and the IACP certainly agrees that there is a need to improve the response and recovery capabilities of the state, tribal, and local public safety agencies.

However, law enforcement officials, unlike other members of the public safety community, have a dual responsibility. Law enforcement officials understand and accept that it is the responsibility of their agencies to be the first to arrive at the scene of a crime, an accident, or a terrorist attack. However, they also know that it is their primary responsibility to prevent these events from happening in the first place. As a result, law enforcement officials believe the need to build response and recovery capabilities are secondary to the need to build our capacity to prevent terrorist attacks from happening.

For these reasons the IACP believes that it is vitally important to fully fund the Law Enforcement Terrorism Prevention Program (LETTP). Unlike other homeland security programs, which fund a broad range of public safety organizations, the LETTP program is the only funding resource that is dedicated solely to meeting law enforcement's unique needs. The IACP believes that failure to retain and fully fund the LETTP will severely weaken the abilities of our nation's law enforcement agencies to detect and prevent future terrorist attacks.

LAW ENFORCEMENT AND TERRORISM PREVENTION TRUST FUND

The IACP is very concerned that the debate over funding for the various law enforcement and homeland security assistance programs has become increasingly partisan over the past several years. The IACP believes that this issue is too important to the safety of our communities and our nation to allow political differences to delay or reduce funding. Law enforcement and other public safety agencies must receive the resources they need to ensure that they have the equipment, assets, training, and manpower necessary to fulfill their mission.

For these reasons, the IACP urges Congress to adopt an approach similar to that used to combat crime in the early 1990s. As part of the 1994 Crime Bill, Congress established the Violent

Crime Reduction Trust Fund, which set aside more than \$30 billion to fund the law enforcement assistance programs and other anti-crime initiatives created in the 1994 bill. This trust fund provided the law enforcement community with a consistent funding stream during the late 1990s. By designating these funds for crime control programs, Congress insulated these programs from both partisan politics and the budget cuts faced by other programs as the federal government strove to balance the budget.

LEGALIZATION EFFORTS

Legalizing drugs would not reduce violent and property crime. Rather, it would mislead public perception of the risks and costs of drug use; increase the demand for, availability and use of, and addiction to drugs; and weaken, if not remove, the social sanction reinforced in legislation. The IACP opposes any effort at the federal, state, tribal or local level to legalize drugs and controlled substances, and endorses an anti-drug campaign that blends drug enforcement, drug education, and drug treatment.

The IACP also strongly opposes recent initiatives to legalize the use of marijuana and other Schedule I substances for medicinal purposes. It is the IACP's belief that these are inconsistent with established scientific and medical protocols for establishing the medical value of dangerous drugs

LOWERING THE NATIONAL DRINKING AGE

IACP strongly opposes any efforts to reduce the legal drinking age from 21 to a lower age. There is strong data to support the fact that the adoption of the age 21 laws nationwide has saved a tremendous number of young lives.

MANDATORY BACKGROUND CHECKS

The federal Gun Control Act of 1968 stipulates that individuals "engaged in the business" of selling firearms must possess a Federal Firearms License (FFL). Holders of FFLs are required to conduct background checks and maintain a record of all their firearm sales. Certain gun sales and transfers between private individuals, however, are exempt from this requirement.

Those who would fail a background check can access firearms through these sources. Unlike an FFL, the seller is not required to conduct a background check to determine whether the purchaser is prohibited from purchasing and possessing a gun. Federal, state, local and tribal laws should be enacted to close these loopholes. If all gun sales proceed through an FFL, a single, consistent system for conducting gun sales, including background checks, will be established.

MICROSTAMPING TECHNOLOGY

Despite the tireless work of the nation's law enforcement officers, nearly 40 percent of homicides go unsolved. A new technology—Microstamping—will give police more precise investigative leads to pursue suspects. Microstamping is a form of ballistics identification that uses laser technology to engrave the firearm's serial number on the cartridge. With the use of this technology, officers who collect cartridge evidence at a crime scene can identify the make, model and serial number of the gun from which it was fired. All firearms produced or sold should be fitted with microstamping technology so that law enforcement can further criminal

investigations and enhance public safety and calls on all governments to enact legislation that will allow for the implementation of microstamping technology.

MOBILE ENFORCEMENT TEAM PROGRAM FUNDING

The Mobile Enforcement Team (MET) Program was created in 1995 as a response to the overwhelming problem of drug-related violent crime in the United States. The MET Program assists local law enforcement by: identifying major drug traffickers and organizations that commit violent crimes; collecting, analyzing and sharing intelligence with state and local counterparts; cultivating investigations against violent drug offenders and gangs; arresting drug traffickers and assisting in the arrests of violent offenders and gangs; seizing the assets of violent drug offenders and gangs; and providing support to federal, state, and local prosecutors.

Since 1995, MET teams have seized over 2,800 pounds of cocaine, 1,300 pounds of methamphetamine, 240 pounds of heroin, and 11,900 pounds of marijuana. In FY 2005 alone, 41% of all MET cases involved methamphetamine. In FY 2006, MET teams have successfully disrupted 21 methamphetamine trafficking organizations, dismantled 14, and arrested 619 individuals.

Therefore, the IACP strongly urges Congress to maintain full funding for the MET Program.

MOTORCYCLE SAFETY

NHTSA indicates that motorcycle fatalities continued in 2007 their 10-year increase, were the highest they ever have been since NHTSA started collecting them in 1975, and were the only category of fatality to increase in 2007: They increased 10.0 percent and accounted for 13 percent of 2007's total. In addition, wearing a DOT-compliant motorcycle helmet has been shown to be 37 percent effective in preventing fatal head injuries to motorcyclists, yet many motorcyclists do not wear them. In fact, NHTSA believes 800 more lives could have been saved in 2007, had 100 percent of motorcyclists worn helmets. Congress and the Administration should take action to reduce motorcycle fatalities and promote motorcycle safety.

NATIONAL COMMISSION ON LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

The events of September 11, 2001, fundamentally altered the traditional role of law enforcement and have ushered in a new era of policing in the United States. In the aftermath of these attacks, as the nation struggled to comprehend the new menace confronting our society, our nation's law enforcement agencies realized that they now had a new and critically important mission. No longer could they focus their energies solely on traditional crime fighting efforts. Now they would be asked to confront a new threat to their communities, perpetrated by individuals and organizations that had vastly different motivations and means of attack from that of traditional criminals. Accepting this challenge required law enforcement and public safety agencies to reassess their operations and reevaluate their priorities.

Over the last seven years, a number of dramatic steps have been taken to confront the menace of terrorism, including the passage of the Patriot Act, the establishment of the Department of Homeland Security, and the creation of a variety of programs designed to assist states and local governments in their efforts.

Unfortunately, despite these valuable initiatives state, tribal and local law enforcement executives have grown increasingly concerned with the lack of a central, comprehensive plan to guide our Nations efforts to adjust to our post 9/11 reality. This fractured approach has sown confusion among public safety agencies, delayed progress, resulted in the waste of limited resources, and in the end, left our nation far less secure than it needs to be. This must end.

At the same time, law enforcement's traditional crime fighting efforts have suffered. Already tight state, county, municipal, and tribal budgets were forced to absorb the costs associated with increased training needs, overtime, and equipment purchases.

Coupled with these pressures is the continuing need to ensure the protection of civil rights and civil liberties which is central to a strong community-police relationship and therefore vital to our crime-fighting and homeland security efforts.

It is for these reasons that the IACP urges the Administration to establish a National Commission to conduct a comprehensive review of law enforcement and homeland security efforts and to provide the nation with a strategic plan that will guide an integrated public safety and homeland security effort in the years ahead.

Such a commission has succeeded before. In July of 1965, President Lyndon Johnson issued an executive order establishing the Commission on Law Enforcement and Administration of Justice. The commission and its recommendations marked the beginning of a sea change in our methods for dealing with crime and the public and built the framework for many of the exemplary programs that continue today.

Forty-three years have now passed since the Commission completed its work. The International Association of Chiefs of Police now calls for the establishment of a new Commission to address and solve the issues facing law enforcement and the criminal justice system in the 21st Century.

The United States needs a strategic plan that embraces the reality that protecting our communities depends on our ability to both fight crime and terrorism. It is the IACP's belief that establishing a national commission is the vital, first step in this process.

Therefore, we urge the Administration to issue an Executive Order establishing this vitally needed commission.

In this call for national commission, the IACP leaves to the ultimate designers of the commission decisions about all of the logistics and administrative detail that must be made.

We do, however, recommend the adoption of certain principles that would serve to guide the work of the commission.

- First, we believe the commission should include all of the elements of the criminal justice system in its examination.
- Second, we believe the commission should be comprised of individuals from within and outside the criminal justice system and that every effort be made to include – and to hear

from every stakeholder in this process – individuals with the broadest possible perspective on the areas selected for review and concentration.

- Third, we believe the commission must be given all the resources it needs to conduct a rigorous and thorough investigation and that it be given sufficient time to conduct an exhaustive review.
- And finally, fourth, it is our strongest possible recommendation that this examination be conducted in a thoroughly non-partisan manner.

It is our hope that a commission so structured will allow us to focus this discussion on ensuring the safety of our communities and a continued partnership with them and we look forward to working with and supporting this commission when established.

NATIONAL DATA EXCHANGE SYSTEM

As a result of the 911 Commission report, it is apparent that the need to share criminal justice information at all levels of law enforcement is critical in ensuring the safety of our communities and nation. Additionally, the majority of usable information resides in local and state databases. Unfortunately, most databases are proprietary stand alone systems with little information exchanged. A national architecture that will allow law enforcement databases to share information between local, tribal, state, and federal agencies is essential in making our hometowns safe and are homeland secure. The National Data Exchange system (N-DEx) offers this capability. After years of development by a committee comprised of all stakeholders, the hub of N-DEx is being implemented through the FBI's CJIS division. While funding has been secured for the hub, connectivity that will allow local, state, and tribal agencies to participate has not. It is critical that a national funding stream be established in order to capitalize on the vast majority of criminal justice information that resides in local, state, and tribal law enforcement agencies. The IACP urges Congress to fully fund this connectivity, in concert with the recently released Information Sharing Environment Implementation Plan. However, it is essential for funding for this program not come at the expense of other, equally critical state, tribal and local law enforcement programs.

NATIONAL EMERGENCY COMMUNICATIONS PLAN

The NECP sets forth many goals that include the continuing upgrading and replacement of the numerous public safety land mobile radio systems. This will require continued and ongoing federal funding, particularly in today's economic climate where states and local governments are facing severe financial problems.

NATIONAL REGISTRY OF COMMERCIAL DRIVERS

The IACP supports the development of a National Registry of Commercial Drivers that would be available to licensing agencies, law enforcement, and the motor carrier industry. This register should include for all commercial drivers a complete record of convictions for all motor vehicle traffic violations, drug and alcohol testing information, and the information currently contained in the existing Commercial Driver's License Information System.

NEEDLE EXCHANGE PROGRAMS

The IACP strongly opposes needle exchange programs for intravenous drug (IV) users. These programs only serve to facilitate the abuse of certain narcotics and dangerous drugs and exacerbate an already alarming drug abuse problem.

The IACP believes that these types of programs convey an implicit acceptance of drug use. The implementation of a needle exchange program at any level of government would send a contradictory and harmful message to all citizens, especially children, about the sincerity and necessity of the government's anti-drug policies. The IACP strongly believes that governments should not place itself in the position of enabling IV drug users to inject their bodies with illegal and dangerous narcotics.

OFFENDER REENTRY PROGRAMS

The IACP supports federal funding assistance for programs that address the difficulties that often confront communities when convicted criminals return after completion of their sentence. These programs are designed to assist released offenders in making a successful, peaceful and lawful reentry into their communities. The IACP also believes that the funds for these programs should not be drawn from existing law enforcement programs.

In addition, the IACP believes that all convicted felons should be required, as a condition of their release, to submit DNA samples.

POLICE EDUCATION

The IACP strongly believes that federal funding should be available to provide current police officers with tuition reimbursement to further their education and enhance their existing skills as dedicated career law enforcement personnel, as authorized by Title XX of the Violent Crime Control and Law Enforcement Act of 1994, and urges Congress and the Administration's to provide funds for such scholarships.

The IACP strongly opposes the Police Corps program. The IACP believes that the Police Corps has proven to be an inefficient and ineffective use of the limited funds that are available to combat crime and train young people to become career law enforcement professionals.

POLICE LEADERSHIP TRAINING

The IACP strongly supports the creation of a federal assistance program that would provide funds to organizations that provide low or no cost leadership training to current or future law enforcement executives.

POLICE LIABILITY

Each year, police departments are forced to spend millions of dollars defending themselves in baseless lawsuits. Often, these lawsuits are brought and perpetuated by convicted criminals utilizing taxpayer-provided legal resources at their places of incarceration. This litigation forces law enforcement agencies to divert valuable financial and personnel resources away from their primary law enforcement objectives. To address this problem, the IACP supports legislative reform that would heighten pleading requirements in actions against police agencies, reduce

litigation by prisoners, and preclude actions by persons who have committed criminal acts, refuse to comply with officer's lawful orders, resist arrest, assault officers, or flee.

POLICE OFFICERS' BILL OF RIGHTS

The Police Officers' Bill of Rights proposal amounts to a federal intervention into state, tribal and local law enforcement agencies' management of internal investigations concerning their employees' actions and professional conduct. The IACP opposes any special and/or additional protection for law enforcement officers. Officers' rights should be no greater than those of other private and public sector employees.

The IACP also opposes legislation that would mandate federal collective bargaining rules for state, tribal and local law enforcement agencies if they fail to meet the certain minimum standards.

POLICE PURSUIT

The IACP recognizes the dangers inherent in police pursuits and the need for stringent controls on such pursuits. However, the IACP opposes legislation that would require tribal, state, county and local law enforcement agencies to conform their pursuit policies to a national standard. Instead, the IACP urges Congress and the Administration to enact legislation that would make funds available to allow states and local jurisdictions to upgrade police driving training facilities, develop pursuit reporting systems, purchase pursuit ending technology, and support further federal research into electronic and other counter measures to safely apprehend fleeing vehicles.

POLICE RECRUITMENT AND RETENTION

The recruitment of the best possible candidates, representing a cross section of the community, for employment in law enforcement is critical to maintain the public's trust and confidence in their law enforcement agency. However, it has become increasingly difficult to attract qualified personnel to law enforcement because of the higher compensation, more traditional work schedules, and less stressful working conditions available in other careers. Therefore, the IACP believes that funds should be made available through the COPS Office, or other federal assistance program, to offset the expense of agency personnel who are dedicated to recruitment and candidate selection.

The IACP also urges Congress to create a new assistance program, modeled after the successful "Troops to Teachers" program, to encourage members of our nation's military to enter the law enforcement profession once they leave the service. Such a program should:

- Provide financial incentives to recently retired members of the military to pursue a career in law enforcement
- Provide financial incentives (in the form of training funds) to law enforcement agencies that agree to hire former military as law enforcement officers.

PUBLIC AIRCRAFT DISASTER REIMBURSEMENT

Disasters strike the United States every year and state, local and tribal agencies are the first to respond. While responding to these disasters is the duty of state, local and tribal agencies, response activities can be extremely expensive. Due to current federal regulations, public aircraft services are not guaranteed reimbursement for services performed. Unless the government agency requesting aid can certify that no commercial operators were immediately available, or

the government sending its aircraft in response to a disaster is certified as a commercial operator (except for civil aircraft engaged in firefighting), public aircraft may not be reimbursed for its very expensive aviation operations. The IACP requests that Congress amend the Code of Federal Regulations to allow for reimbursement for public aircraft services in the event of a declared disaster or state of emergency.

PUBLIC AVIATION

Many IACP members manage law enforcement public aircraft operations, which allow the agency to better provide life-saving service and crime deterrence activities. Several laws passed in the last few years have severely restricted law enforcement agencies' ability to effectively utilize their aircraft in the performance of their mission. The IACP supports legislation to correct the deficiencies of current law. To this end, the IACP urges passage of legislation that would allow for full pilot training to be considered when obtaining Federal Aviation Administration pilot certificates and in maintaining pilot proficiency. In addition, the legislation should mandate that pilots of public aircraft be Federal Aviation Administration-certified pilots. Finally, IACP urges Congress to establish minimum maintenance standards for non-Federal Aviation Administration-certificated aircraft.

PUBLIC SAFETY COMMUNICATIONS & INTEROPERABILITY

The IACP seeks congressional action to increase federal funding for Public Safety Radio Communications & Interoperability. Because of the tremendous current budget problems faced by local and state governments, federal funding is critical to improving Public Safety First Responder Communications & Interoperability. Public Safety First Responders (Police, Fire, EMS) need good, reliable, mission critical wireless communications within and between Public Safety Agencies in responding to incidents involving the safety of life and property. Such communications are critical to the safety and well being of the First Responders and the Public they serve. The tragic events of 9/11 clearly demonstrated the need to improve Public Safety Communications & Interoperability.

The IACP continues to support standards that promote interoperability. New or upgraded systems and new equipment should, for the most part, be compatible with a suite of standards called ANSI/TIA/EIA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHz frequency band. Over a dozen manufacturers that serve the Public Safety and Defense markets offer Project 25 radios and several also offer Project 25 infrastructure.

PUBLIC SAFETY SHARED WIRELESS BROADBAND NETWORK

Since 2006, the IACP, along with many other national public safety organizations, has been actively promoting a plan to implement a new nationwide public safety shared wireless broadband network. The most recent efforts are focused on an FCC proposal to create a public/private partnership that would require an auction of 10 MHz of spectrum in the 700 MHz band known as the "D Block" which would result in the winning bidder(s) building out the infrastructure for such a nationwide network.

Unfortunately, this process has been delayed and, as a result, many law enforcement agencies are being put at risk by the delay because they are in the middle of implementing new 700 MHz narrowband voice systems that depend on the outcome of this initiative. The IACP recommends that the next Administration move this initiative forward as soon as possible.

REGIONAL INFORMATION SHARING SYSTEMS

Regional Information Sharing Systems (RISS) have proven to be a valuable asset for state, local and tribal law enforcement agencies. The IACP strongly supports the continuation of federal funding at current levels for these programs.

REPEAL INTEREST PAYMENTS FOR STATE HOMELAND SECURITY GRANTS

In 1990, the Cash Management Improvement Act (CMIA) required states to pay interest to the federal government when they draw on funds before they are needed to pay for program expenses. This requirement reduces the amount of homeland security funding available for state and local law enforcement agencies.

The majority of law enforcement agencies do not have the funds available in their budgets to pay for large equipment purchases “up front” and seek reimbursement later. At the same time, municipal laws often require funds to be in an account before equipment can be ordered.

Allowing for the advancement of funds without interest payback would allow local law enforcement agencies to spend those funds more quickly, and therefore increase preparedness. The Homeland Security Grant Program should be administered allowing interest earned on those funds to be rolled back into the program.

RURAL LAW ENFORCEMENT TRAINING

The IACP is aware that there is a need for law enforcement training that is designed to meet the needs of rural law enforcement agencies. The IACP strongly supports the creation of competitively awarded federal funding of training programs that are specifically designed to meet the special needs of rural law enforcement executives.

SAFTEA-LU REAUTHORIZATION

This legislation will drive funding for the next half-decade for highway construction and safety programs and set parameters for the strategic highway safety plans of all 50 states. Increased funding should be provided for innovative and the sustainment of successful highway safety programs and to place added emphasis on addressing the human factors that cause the majority of highway crashes. Consistent enforcement of traffic laws provides immediate payback in terms of reduced deaths, injuries and property damage and an ancillary benefit of reducing street crime by providing a highly visible police presence on the streets and highways.

SECURITY OFFICER STANDARDS

Concerns about terrorism have highlighted the critical importance of competent private security to homeland defense. As law enforcement must regularly interface with security personnel, the police have a strong vested interest in seeing improved and relevant standards established and maintained for private security officers and businesses. Nationally, the current standards for private security are a patchwork with many states requiring no license, training or criminal

history screening for security officers. Drawing from the "Private Security Officer Selection, Training and Licensing Guidelines" articulated by the Private Sector Liaison Committee, the IACP supports legislative initiatives at the State and Federal levels, which will establish and promote effective licensing, training and screening standards for private security officers.

SOLICITATION OF FUNDS BY POLICE ORGANIZATIONS

States throughout the nation have experienced an increasing number of organizations and associations that are conducting misleading and fraudulent telephone solicitations, by posing as law enforcement officers or agencies, or using names that closely resemble law enforcement agencies. IACP will support federal legislation that will bring truth to law enforcement solicitations by any group or organization.

STATE POLICE AND HIGHWAY PATROL ELIGIBILITY FOR BLOCK GRANT FUNDING

State police and highway patrol agencies provide service, protection and enforcement for the citizens they serve and provide assistance, backup, technological support, training and supplemental manpower to local law enforcement agencies. However, state police and highway patrol agencies have been ineligible to receive federal assistance available under various block grant programs. The IACP urges that the applicable laws and regulations be amended in order to ensure that state police and highway patrol agencies are eligible to receive block grant funding.

WEAPONS OF MASS DESTRUCTION

The IACP realizes that law enforcement agencies must respond to the threat posed to our communities by Weapons of Mass Destruction. Therefore, the IACP urges the Administration and the Congress to authorize, and provide funding for, programs, equipment and training that would assist federal, state, and local authorities respond to attacks from weapons of mass destruction. Additionally, the IACP believes that law enforcement should be included as an integral part of the national security strategy as it relates to combating and responding to terrorist activities. Finally, the IACP calls on the United States Government to work in collaboration with other nations to develop plans to both prevent and respond to these types of attacks.

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