State, Local and Tribal Law Enforcement:

CRITICAL ISSUES
Dear Member of Congress:

As President of the International Association of Chiefs of Police (IACP), I am pleased to provide you with this concise overview of the critical issues facing the law enforcement community and recommendations for Congressional action.

The IACP believes that now, perhaps as never before, Congress must act to ensure that the needs of the law enforcement community are addressed. In recent years, state, local, and tribal law enforcement agencies have played an ever-increasing role in our nation’s homeland security efforts and have been asked to tackle new challenges and confront a multitude of new threats.

As a result, these agencies now play a vital and indispensable role in the investigation of, the prevention of, and the response to terrorist acts. At the same time, they have continued to fulfill their primary responsibilities to protect our communities from more traditional acts of crime and violence.

However, meeting these dual challenges has not been easy. Police agencies throughout the nation are being stretched to the breaking point, and their abilities to combat crime have been diminished. Each year, more than 16,000 of our fellow citizens are murdered while well over one million more are victims of violent crime. We cannot allow this to continue.

If we are to be successful in our efforts to protect both our hometowns and our homelands, it is critical that state, local, and tribal law enforcement agencies receive the tools and the resources they need.

I respectfully request that you continue to support the nation’s law enforcement community by taking these agenda items into consideration. The IACP stands ready to answer any questions you may have.

Thank you for your attention to these critical issues.

Sincerely,

Walter A. McNeil
President
**COMBAT ILLEGAL NARCOTICS**

Law enforcement professionals understand and continue to be alarmed by the magnitude of drug abuse, illicit production and trafficking in narcotics and psychotropic substances, including synthetic or designer drugs, that threaten the health and well-being of millions of individuals, in particular youth.

Legalizing drugs would not improve the health of communities or reduce violent and property crime. Rather it would mislead the public perception of the risks and costs of drug use and lead to an increase in demand for, and the availability and use of drugs.

There is a close relationship between drug abuse and other crimes. For example, studies within the United States have found that 82 percent of all jail inmates admitted to a prior use of drugs and 36 percent acknowledged being on drugs at the time of their offense. Other studies have found that up to 75 percent of those charged with crimes had drugs in their systems at the time of their arrest.

In addition, the growing violence and economic power of criminal organizations and terrorist groups that engage in the production, traffic, and distribution of drugs is extremely alarming and poses a threat to many American communities. Recent studies have found that Mexican Drug Trafficking organizations are operating in well over 200 American cities. The United Nations Security Council has noted the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking and illegal movement of nuclear, chemical, biological, and other potentially deadly materials.

**ACTION STEPS:**

- Oppose efforts to legalize/decriminalize marijuana.
- Enact laws clarifying that the presence of any illegal drug in a driver’s body is *per se* evidence of impaired driving.
- Fully fund all federal agencies involved in combating drug crime;
- Fully fund High-Intensity Drug Trafficking Area Programs.
- Support efforts for a unified Prescription Drug Monitoring Program to combat prescription drug abuse.
- Oppose any federal, state or local legislation that would legalize marijuana or supposed “medical” marijuana.

**REDUCE FIREARMS VIOLENCE AND TARGET ILLEGAL GUNS**

Nearly 30,000 American lives are lost to gun violence each year—a number far higher than in any other country. Since 1963, more Americans died by gunfire than perished in combat in the whole of the 20th century.
Far too many of our citizens live with the fear of gun violence each day. They live in communities where the constant level of violence means they cannot sit on their porches at night. Many have reason to be afraid even inside their own homes because of the real possibility that bullets may fly through their windows and walls. All too often, innocent children are the victims of drive-by shootings and retaliatory gun fire.

Beyond the personal tragedies and emotional wreckage, gun violence also imposes extraordinary societal burdens and financial costs. It results in more than $2.3 billion in medical costs every year—of which taxpayers pay $1.1 billion.

For these reasons, the IACP strongly supports the continued funding of comprehensive, community-based firearms enforcement efforts, such as Project Safe Neighborhoods (PSN), that encourages collaboration among state, local, tribal and federal agencies. PSN has shown a significant reduction in firearm related violent crime at the local level where it is implemented based on a community’s specific gun crime problem using available resources and capacities. Since its inception, funding for this initiative has been used to hire additional federal and state prosecutors, provide training for federal, state, local and tribal law enforcement, distribute gun lock safety kits, as well as to support other gun and gang violence reduction strategies. Cessation of funding for PSN grants and support services while programs are cut locally will hinder law enforcement’s ability to interdict crime guns, reduce gang-related crime, and continue intervention and prevention services.

**ACTION STEPS:**

- Support S. 32, the Large Capacity Ammunition Feeding Device Act, introduced by Sen. Frank Lautenberg (D-NJ).
- Support S. 34, the Denying Firearms and Explosives to Dangerous Terrorists Act of 2011, introduced by Sen. Frank Lautenberg (D-NJ).
- Support S. 35, the Gun Show Background Check Act of 2011, introduced by Sen. Frank Lautenberg (D-NJ).
- Oppose S. 2188, the National Right-to-Carry Reciprocity Act of 2012.
- Restore funding for PSN.
- Enact an effective ban on military-style assault weapons, armor piercing handgun ammunition, .50 caliber sniper rifles and other weapons that enable criminals to outgun law enforcement.
- Support microstamping technology.
- Oppose restrictions, such as the Tiahrt Amendment, that limit the ability of law enforcement agencies to access, trace and share crime gun information.
- Establish a Firearms Offender Registry for offenders who have been convicted of a felony firearm violation.

**FOCUS ON TERRORISM PREVENTION**

The prevention of terrorist attacks must be viewed as the paramount priority in any national, state, local, or tribal homeland security strategy. Unfortunately, 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.
Although there is a need to enhance response and recovery capabilities, such preparations must not be done at the expense of efforts to improve the ability of state, local, and tribal law enforcement and other public safety and security agencies to identify, investigate, and apprehend suspected terrorists before they can strike.

For these reasons, the IACP believes that it is vitally important to fully fund the Law Enforcement Terrorism Prevention Program (LETPP). Unlike other homeland security programs, which fund a broad range of public safety organizations, the LETPP was the only funding resource that is dedicated solely to meeting law enforcement’s unique needs.

The IACP believes that the failure to retain and fully fund the LETPP has weakened the abilities of our nation’s law enforcement agencies to detect and prevent future terrorist attacks. It is imperative that the LETPP be reestablished to ensure that state, local, and tribal law enforcement agencies receive the resources they need to sustain and enhance their terrorism prevention capabilities.

**ACTION STEPS:**

- Reestablish and fully fund the LETPP as an independent program.
- Adopt a broad based homeland security strategy that builds our nation’s prevention and response capabilities from the ground up. It is vital that a baseline capability be established in all communities, not just urban areas or those determined to be at greatest risk.
- Support fusion centers and the national fusion center network.

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**PROMOTE INTELLIGENCE AND INFORMATION SHARING**

As the 9/11 Commission properly noted, the lack of effective information and intelligence sharing among federal, state, local, and tribal law enforcement agencies was and continues to be a major handicap in our nation’s homeland security efforts.

The simple truth is that while planning, conducting surveillance, or securing the resources necessary to mount their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we discovered in the aftermath of September 11, 2001, several of the terrorists involved in those attacks had routine encounters with state and local law enforcement officials in the weeks and the months before the attacks. In addition, the increased number of credible incidents in the United States this past year has highlighted the critical role that state, local, and tribal law enforcement officers play in terrorism prevention efforts.

If state, local, and tribal law enforcement officers are adequately equipped and trained and fully integrated into an information and intelligence sharing network, they can be invaluable assets in efforts to identify and apprehend suspected terrorists.

In addition, the timely and effective information sharing among law enforcement agencies will also benefit law enforcement’s efforts to combat all crimes, especially those that could provide material support to terrorism.
To that end, the directors of all criminal intelligence sharing initiatives and resources (such as fusion centers) should be encouraged to adopt and maintain an all-crimes approach. Law enforcement agencies remain primarily concerned with preventing, detecting, and investigating crimes; enforcing traffic laws; promoting public safety; and working with community members to improve the quality of life in their jurisdictions. Terrorism is one of the many threats they deal with and to some may seem like the most remote. Law enforcement agencies are more likely to participate fully in criminal intelligence sharing and therefore make fuller contributions to homeland security, if doing so helps them fulfill their primary mission.

**ACTION STEPS:**

- Support efforts to adopt an “all-crimes” approach to information and intelligence sharing.
- Provide funding for National Fusion Center Network.
- Support Nationwide Suspicious Activity Reporting Initiative.
- Support funding the Regional Information Sharing Systems.
- Support funding for the National Data Exchange System.
- Support the DHS “If you See Something, Say Something” initiative.

**SECURE THE BORDERS/ENHANCE FEDERAL IMMIGRATION ENFORCEMENT**

The inability of the federal government to secure the border, the absence of a clear national policy on immigration and limited federal assistance and resources have placed many state, local, and tribal law enforcement agencies in a difficult position as their communities look to them to address these critical issues.

However, the complex nature of federal immigration law, conflicting state and local ordinances, questions surrounding the authority of state and local officers to act, and differing community expectations are just a few of the issues surrounding the question of state, local and tribal involvement in enforcing federal immigration law. The result is a patchwork of approaches that often has adjacent jurisdictions adopting differing enforcement policies. In addition, even in those communities that choose to enforce federal immigration law, there is frustration because of the limited ability of the federal government to respond when a suspected illegal alien is apprehended or detained.

As Congress considers changing our current immigration enforcement system, it is imperative that it consider the impact of any changes on state, tribal, and local law enforcement’s ability to effectively police diverse communities.

**ACTION STEPS:**

- Improve ICE response to state, local and tribal law enforcement.
- Ensure that any comprehensive immigration legislation contains provisions that provide for the voluntary cooperation of state, local, and tribal agencies in enforcement efforts. Legislation should also clarify the legal authority of nonfederal agencies to act in immigration
enforcement and provide a liability shield for agencies and their personnel who are acting with the scope of their authority.

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**IMPROVE FORENSIC SERVICES**

The IACP has been working with Congress on forensic reform and ensuring that the needs of law enforcement agencies’ forensics needs are met. In 2009, the National Academy of Science released a report on forensics titled, *Strengthening Forensic Science in the United States: A Path Forward*. The report details a comprehensive plan to overhaul the delivery and use of forensic science in the United States.

Significantly, a key recommendation of the NAS report is the removal of crime laboratories and other forensics services from LE agencies. IACP strongly opposes the report’s recommendation that crime laboratories and other forensic services should be removed from law enforcement agencies. The IACP strongly believes that all research and other initiatives that are designed to study/enhance the delivery of forensic sciences must include the participation of law enforcement practitioners.

While the IACP agrees with, and supports, the need for accreditation and certification of forensic science providers, it realizes the costs associated with accreditation and certification efforts. Therefore, the IACP is strongly opposed to proposals that would institute “mandatory” accreditation/certification requirements in the absence of secure, sustainable and stable federal assistance funding.

Congress has held hearings on this topic and the IACP has weighed in on the topic. Sen. Patrick Leahy (D-VT) has introduced S. 132, the Criminal Justice and Forensic Science Reform Act of 2011. While there are many positive aspects of the bill, there are several areas of concern. The IACP, along with other stakeholder organizations, has been working with Sen. Leahy’s staff to make necessary changes. Sen. Leahy’s staff has been receptive to those changes and understands the needs of the law enforcement communities.

**ACTION STEPS:**

- Work with Members of Congress to ensure the needs of the law enforcement community are met with any forensic reform consideration.
- Continue to work with federal, state, county, local and tribal law enforcement agencies to establish standards and practices.
- Support funding to be made available for all forensic purposes to include quality systems, training and all forensic analyses conducted by public crime laboratories and forensic service providers within law enforcement agencies such as an identification unit and medical examiner/coroner offices in order to address the disproportionately large backlog of non-DNA forensic cases.
IMPROVE HIGHWAY SAFETY

Over the last 20 years, we have witnessed remarkable progress in vehicle safety technology. The broad acceptance and deployment of air bags, the development and use of better passenger restraint systems, and the engineering of vehicles according to a philosophy that places a premium on occupant protection have made vehicles safer. At the same time, we have witnessed an increasing focus on other factors related to vehicle crashes: stiffer penalties for impaired driving, the passage of primary seat belt laws, stricter child restraint laws, and a focus on designing safer highways.

Yet despite these improvements and enforcement efforts there is a death related to a traffic crash every 12 minutes. That adds up to nearly 33,000 deaths a year.

The simple truth is that for most of the citizens law enforcement agencies are sworn to protect, the greatest threat to their safety comes not from violent crime or terrorist activity but from traveling in a vehicle.

Tragically, these fatalities and injuries are, to a great extent, preventable. Crucial risk factors such as speeding; distracted driving; not wearing seat belts or child restraints; poor road design; and, most critically, driving under the influence of alcohol or drugs can be reduced and even eliminated.

That is why effective highway safety enforcement programs are so vital to our efforts to protect our communities.

ACTION STEPS

- **Reauthorize SAFTEA-LU**
  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.

- **Maintain 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.

- **Promote Incentive Grants**
  Incentive grants should be used for states that pass progressive highway safety laws and achieve specific performance goals and using the threat of reduction in federal highway funding only as a last resort.
Require 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.
For additional information on these issues, or other matters of concern to the law enforcement community, please contact the IACP Legislative Affairs staff:

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The International Association of Chiefs of Police is the world’s oldest and largest nonprofit membership organization of police executives, with more than 21,000 members in over 100 different countries. The IACP’s leadership consists of the operating chief executives of international, federal, state, tribal, and local agencies of all sizes.

Founded in 1893, the association’s goals 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.

Since 1893, the International Association of Chiefs of Police has been serving the needs of the law enforcement community. Throughout the past 115 years, we have 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. In fact, the IACP has been instrumental in forwarding breakthrough technologies and philosophies from the early years of our establishment to the present. 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 affect the goals of law enforcement.

Even with such an esteemed history, we are continually initiating programs to address the needs of today’s law enforcement professionals. Our members have let us know that they consider the IACP to be a progressive organization, successfully advancing the law enforcement profession.

If you would like additional information about the IACP, please contact IACP Headquarters at 1-800-THE-IACP (1-800-843-4227) or visit our website at www.theiacp.org.