

**THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE**



**LEGISLATIVE AGENDA FOR THE 113<sup>TH</sup> CONGRESS**  
***JANUARY 2013-JANUARY 2015***

**The International Association of Chiefs of Police** is a comprehensive professional organization that “Serves the Leaders of Today and Develops the Leaders of Tomorrow.”

**The IACP** is dedicated to meeting the needs of law enforcement executives. For over 100 years, we have been launching internationally acclaimed programs, speaking out on behalf of law enforcement, conducting ground-breaking research and providing exemplary programs and services to our membership across the globe. This mission continues today.

**The IACP** “Serves the Leaders of Today” through advocacy, training, research, and professional services; the IACP addresses the most pressing issues facing leaders today. From new technologies to emerging threats and trends, the IACP provides comprehensive and responsive service to its members throughout the world.

**The IACP** is also focused on “developing the law enforcement leaders of tomorrow.” The IACP Center of Police Leadership, its Police Chief Mentoring program, and numerous other training and educational opportunities are designed to prepare tomorrow’s leaders for the challenges they will face.

**The IACP membership** encompasses a diverse and exceptionally professional group. IACP members are able to participate in committees and sections of topical interest and network with law enforcement leaders from around the world. In addition, members are provided opportunities to participate in summits, project advisory boards, research endeavors, and more. These opportunities provide forums to strengthen professional development and increase leadership capacity.

## **IACP Legislative Agenda for the 113<sup>th</sup> Congress**

*The IACP Executive Committee met to establish the association's legislative priorities for the 113th 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.*

### **CRIMINAL JUSTICE SYSTEM REFORMS**

#### **Bias-Free Policing and Data Collection**

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.

#### **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.

#### **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.

### **Dangerousness Assessments for Pretrial Release**

In the U.S., a suspect's release or detention pending trial is currently based almost exclusively on whether the suspect has enough money to bail himself or herself out of jail, rather than on an informed assessment of whether or not he or she is a danger to society and/or is likely to return to court for trial. Accused felons, therefore, are often released on bail with little or no attention paid to their criminal histories, their danger to society, or whether they are likely to become fugitives. Public and officer safety and defendant accountability should be the foremost considerations in the issue of pretrial release.

The IACP recognizes the critical need for bail reform and in particular the urgent need for more robust pretrial services that conduct dangerousness assessments for use by the judiciary when considering pretrial release to positively impact public and officer safety. Through pretrial services, pretrial release can be tailored to the circumstances of each individual defendant, providing valuable information on whether or not to release a defendant. Those who can safely be released will be released; and those who pose a risk will be detained. The IACP supports reform that would result in rational, safe, and transparent pretrial release based on a risk assessment rather than on the suspect's financial means.

### **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.

### **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."

**Tribal Police Departments Should Be Recognized as Governmental Entities For Purposes of the National Firearms Act and the Gun Control Act**

This resolution strongly supports legislation to amend the National Firearms Act and the Gun Control Act so that Tribal Police Departments are recognized as governmental entities for purposes of the NFA and the GCA, so that Tribal Police Departments:

- Are exempt from payment of the transfer tax for NFA firearms,

- Are eligible to receive firearms interstate, and
- Can possess a machinegun manufactured after May 18, 1986.

### **Juvenile Justice and Youth Violence**

IACP supports legislative proposals that build upon, fund, and implement recommendations provided by the association's Youth Violence Summit report. Furthermore, the IACP supports increased funding levels and flexibility in state, local and tribal government's conditional use of federal juvenile funding programs.

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.

### **National Commission on Law Enforcement and the Administration of Justice**

The IACP strongly supports legislation which would create a National Commission on Law Enforcement and the Administration of Justice, similar to the 1965 President Lyndon Johnson Commission.

The Commission would conduct a top-to-bottom review of the nation's criminal justice system and study all areas of the criminal justice system, including federal, state, local and tribal governments' criminal justice costs, practices, and policies. After conducting the review, the commission will make recommendations for changes in, or continuation of oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, improve cost-effectiveness, and ensure the interests of justice.

### **National Violent Death Reporting System**

The IACP calls for increased law enforcement awareness of and agency participation in the National Violent Death Reporting System (NVDRS) as well as expanded federal funding to enable every state, Tribe, territory, and the District of Columbia to be included in the NVDRS.

### **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.

### **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.

## **EDUCATION AND TRAINING**

### **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.

### **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 to provide funds for such scholarships.

The IACP strongly opposes the Police Corps program. The IACP believes that the Police Corps program 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.

### **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.

## **FIREARMS**

### **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 the 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.

The IACP has been a strong supporter of the assault weapons ban since 1992, and our membership has approved several reauthorizations of support in the years since. 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.

### **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.

### **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.

### **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.

### **Firearm Purchase Waiting Period**

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 legislation to create a mandatory five-day waiting period prior to the completion of a handgun purchase.

### **Gun Show Loophole**

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.

The laws we have in place to ensure gun purchasers go through FFLs are 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 calls on Congress to act swiftly to close these loopholes and preserve the effectiveness of the laws in place.

### **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.

### **Juvenile Crime Firearms Disability**

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.

## **FUNDING**

### **Bulletproof Vest Partnership Act**

The IACP supports legislation to reauthorize the Bulletproof Vest Partnership Act (BVPA) that has enabled the purchase of more than a million vests for law enforcement officers throughout the United States. The IACP supports provisions that would extend the mandatory wear policy requirements enforced for BVPA grantees to other federal streams of funding that allow the purchase of body armor, as well as provisions ensuring unique fit of vests to individual officers.

### **Byrne Justice Assistance Grant**

The Byrne Justice Assistance Grant (Byrne-JAG) Program should be fully funded at its authorized level of \$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.

The IACP calls on Congress to amend the Byrne-JAG Grant Program to allow for the expenditure of grant funds to purchase unmanned aircraft (UAS). Given the very high cost of acquiring, operating and maintaining traditional aircraft and crews, the low cost of UAS make them an attractive alternative to cash strapped local governments. Given that most law enforcement agencies do not have immediate access to air support, small UAS have the potential to give an incident commander immediate access to the information necessary to efficiently and effectively bring an event to a successful conclusion. Using real-time video or infra-red downlink information, the incident will be managed to a successful conclusion, quicker and better than before UAS technology was available.

### **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.

### **Community Oriented Policing Services Program**

The COPS Program should be funded at its authorized level of \$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.

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.

### **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.

### **Law Enforcement Terrorism Prevention Program (LETPP)**

The Law Enforcement Terrorism Prevention Program should be fully funded. 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 (LETPP) as a standalone program. 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.

### **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.

### **State Police and Highway Patrol Eligibility for Federal 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.

Additionally, the IACP calls on Congress and Administrative Agencies to ensure that that state police and highway patrol agencies are eligible participants in all federal hiring programs, receiving full consideration, and that award evaluation criteria is inclusive of all law enforcement.

### **Violence Against Women Act**

Since its inception, the IACP has supported the Violence Against Women Act (VAWA) as part of the Violent Crime Control and Law Enforcement Act of 1994. Authorizing grants and providing technical assistance, this landmark act addresses issues surrounding domestic violence, dating violence, sexual assault, and stalking. As women are victimized by these highly complex crimes, the IACP offers its continuous support for legislation supporting and funding these programs and initiatives. IACP understands the severity of these crimes and believes it is essential to support these efforts.

### **HIGHWAY SAFETY**

#### **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.

#### **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.

#### **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.

### **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.

### **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 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.

### **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.

### **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.

## **HOMELAND SECURITY**

### **Driver's Licenses**

It is critically important that LE be able to accurately identify the individuals they are interacting with. For those reasons, the IACP strongly supports national standards for the issuance of driver's licenses that meet the following conditions:

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.

### **Immigration Enforcement: The Role of State, Local and Tribal Law Enforcement**

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 be voluntary; have clear authority guidance from the federal government; include an incentive based approach; include immunity for state, local and tribal law enforcement officials and agencies enforcing federal immigration laws; and provide training resources for state, local and tribal law enforcement agencies.

### **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.

### **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.

### **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.

## **INFORMATION AND INTELLIGENCE SHARING**

### **Fusion Centers**

The role of state and urban area fusion centers is of critical importance to the law enforcement agencies and information bodies working in tandem to continually compile vital intelligence. It cannot be overstated that both the benefits, and challenges, of fusion centers and their counterparts are myriad. However, the IACP strongly supports the continued substantive, fiscal and operational support provided to fusion centers by the federal governments and state governments.

### **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.

### **Information Sharing Environment**

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.

### **License Plate Readers**

The IACP strongly encourages Congress to provide greater resources to state, local, tribal and federal law enforcement entities for the significant expansion of License Plate Reader programs to further combat drug trafficking, violence, and other criminal activity. In addition, IACP endorses the enhancement of LPR information sharing systems, so that LPR information gathered across systems and jurisdictions can be made available to those investigators who need it.

### **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.

### **Public/Private Partnerships**

Public/private partnerships have proven to be an effective way for law enforcement agencies and private sector entities to work collaboratively to address crime, terrorism and share information. The IACP strongly supports efforts to provide funding and continued research to assist in the formation of effective public/private partnerships.

### **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.

## **NARCOTICS AND DANGEROUS DRUGS**

### **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.

### **Crack vs. Powder Cocaine Sentencing Disparity**

The IACP recognizes that there is a crack vs. powder cocaine sentencing disparity. However, the IACP urges the continuation of mandatory sentences for crack and powder cocaine and urges that any modifications to eliminate the disparity between crack and powder cocaine sentencing be made by significantly adjusting downward the cocaine powder mandatory minimum amount to levels which correspond to the current levels for crack so that the law enforcement community will still be able to deal effectively with the violent crack organizations that plague our communities.

### **Drug Legalization Efforts**

The IACP is strongly opposed to any federal, state, local or tribal efforts that would legalize, decriminalize, declassify or classify as a medical substance any narcotic—including marijuana. The public safety risks—from highway safety to prevention funding—heavily outweigh any purported benefits that some claim legalizing drugs will have.

As law enforcement executives, we are all-too familiar with the terrible costs already imposed on society by the excessive use and abuse of alcohol, a heavily taxed substance where the taxes don't come close to paying for the costs.

The IACP is also distressed about the misleading claims that are being made regarding the medicinal benefits of smoking marijuana. We recognize there is an established, widely accepted research and review process that substances must go through to establish their medicinal value, which includes the establishment of appropriate dosage amounts, interaction warnings, purity and safety controls, and, for more dangerous substances, a closed system of distribution in order to ensure only those with a legitimate medicinal need have access. Those advocating for 'medicinal' marijuana are bypassing all of these well-established safety controls and product standards, putting the public at risk.

### **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.

### **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.

### **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.

### **Hydrocodone Rescheduling**

With the explosion of prescription drug abuse, the IACP supports consideration of rescheduling hydrocodone combination products from Schedule III to Schedule II.

### **Narcotics and the US Border**

The IACP calls on Congress to provide greater resources and support to state, local and tribal law enforcement for drug interdiction and to combat violence at the Southwest Border of the United States.

### **National Prescription Drug Take Back Days**

The IACP strongly supports National Prescription Drug Take Back Days and urges Congress and states to pass legislation to provide for safe and responsible disposal of prescription controlled substances and implementing regulations in the best interest of public health and safety.

### **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 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.

### **Prescription Drug Monitoring Programs**

The IACP strongly supports Prescription Drug Monitoring Programs and further encourages the use of these systems by practitioners and pharmacists to detect and prevent the diversion of controlled substances for non-medical purposes. The IACP urges consideration of the passage of statutory restrictions prohibiting convicted felons from owning, operating, or directing facilities that prescribe or dispense controlled substance pharmaceuticals to individuals. In addition the resolution urges consideration of amendments to statutory and regulatory requirements that currently hinder law enforcement by providing an unnecessary level of protection to practitioners or employees

of pain clinics who are directly contributing to the prescription drug abuse problem in the United States.

The IACP supports any legislative initiative that promotes the electronic integration of PDMPs between states to better assist practitioners in identifying “doctor shoppers” that cross state borders to obtain controlled substance prescriptions from unsuspecting practitioners who are providing treatment. Doctor shoppers generally have an illness that necessitates the application of controlled substance therapy but the patient is visiting several practitioners for the same treatment to obtain large amounts of controlled substances for self-abuse and illegal distribution.

**Pseudoephedrine Control to Combat Clandestine Labs** - The IACP supports legislation that would strengthen criminal penalties for the intentional violation of the CMEA's quantity limitations. The IACP also supports the placement of pseudoephedrine and ephedrine into one of the controlled substance schedules listed in the Federal Controlled Substances Act. Designating pseudoephedrine and ephedrine as a controlled substance that requires a prescription for purchase/dispensing is an effective method to combat the clandestine manufacture and distribution of methamphetamine and decrease the number of small toxic labs nationwide.

### **Safe Injection Sites**

While safe injection sites are legally sanctioned, the IACP adamantly opposes safe injection sites as they convey acceptance of harmful drug use. The IACP believes that these programs exacerbate an already alarming drug abuse problem and transmits a contradictory and harmful message to the public; the federal government currently has numerous anti-drug policies yet supports an atmosphere of accepted illegal drug use. Instead, the IACP believes that public and private funding best serves the public when directed towards drug prevention, treatment, and rehabilitation. If introduced, the IACP will support efforts that assist law enforcement, prevention, education, and treatments that reject drug use.

### **POLICE ADMINISTRATION**

#### **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, firefighter or EMS worker.

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.

### **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.

### **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 cannot 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.

### **Mandatory Federal Collective Bargaining**

The IACP opposes legislation that would mandate federal collective bargaining rules for state, local and tribal law enforcement agencies if they fail to meet the certain minimum standards. Legislation like this would only harm the efficiency of state and local public safety agencies by forcing them to divert their precious resources from their primary mission of protecting the public and instead use them for collective bargaining administration.

Safe streets and safe neighborhoods require well-trained and well-managed police departments that are responsive and accountable to the communities they serve. The IACP believes that federally mandating collective bargaining would federalize state and local government labor-management relations and as a result, would make these goals harder to achieve.

Additionally, 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.

### **Mandatory Seat Belt Use by Police Officers**

As first responders, law enforcement officers must first protect themselves before they can fulfill their duties of protecting their communities. According to the National Highway Traffic Safety Administration, fatal traffic incidents are the leading cause of officer deaths for over a decade. Of those officers killed in traffic incidents, 42% were not wearing seat belts, suggesting that seat belt use could save the lives of many officers. Law enforcement executives must undertake the development of policies and techniques that will protect officers from injury or death. The IACP believes the issue of seat belt use is a critical officer safety issue and believes it is imperative that departments should immediately develop policies on mandatory seat belt use.

### **Mandatory Vest Use by Police Officers**

The IACP strongly believes in any efforts advocating officer safety. In particular, the IACP is a strong supporter of mandatory vest use by police officers. According to the National Law Enforcement Officers Memorial Fund (NLEOMF), between the years 2000 – 2009, 565 law

enforcement officers were killed with a firearm. With body armor available, officers should utilize equipment that protects against life threatening or potential disabling injuries. In the same time frame, FBI LEOKA data demonstrates that 37% of killed officers did not wear body armor, suggesting that the use of vests noticeably increase chances of survival. Currently, only 60% of agencies enforce mandatory wear policies, exposing many officers to occupational threats. The IACP supports the development and implementation of mandatory body armor wear policies while understanding that officers engaged in non-patrol assignments may not have the need to engage in these policies. IACP supports that each department will need to outline those situations and use their discretion in determining when body armor is appropriate.

### **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 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 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.

### **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.

### **Use of Social Media for Pre-employment Background Investigations**

The IACP supports the use of social media by law enforcement for community outreach, recruiting, investigative and other purposes. Social media is also a vital component of an agency's investigative background process. The process of cybervetting must be rooted in procedures to protect the constitutional rights of candidates and the integrity of the process as described in *Developing a Cybervetting Strategy for Law Enforcement*. Given the authority granted to law enforcement employees, the IACP supports the inclusion of a law enforcement exemption to any legislation that places limits on the use of social media in vetting and employment decisions.

## **TECHNOLOGY AND COMMUNICATIONS**

### **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 calls for an update the Communications Assistance for Law Enforcement Act (CALEA) to ensure that law enforcement maintains its ability to conduct electronic surveillance by requiring companies that provide individuals with the ability to communicate also provide law enforcement with the ability to intercept those communications in a timely and cost effective manner.

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.

### **Cybercrime Investigation and Digital Forensics**

Technology has become inextricably intertwined with life in modern society and is now a pervasive factor to manage in professional policing. All types and levels of law enforcement agencies must confront the need to daily collect and analyze digital evidence. This evidence handling capability has become essential from investigation of motor vehicle accidents involving driver use of cell phones to the most complex criminal investigations involving homicides or protection of critical infrastructure and key resources. The volume and frequency of digital evidence may outpace many other forms of evidence. Thus, cyber skills for first responders, criminal investigators, evidence specialists, accident investigators, and laboratory personnel are an increasingly basic and critical part of a law enforcement agency's tool kit.

In order to ensure the necessary state, local and tribal law enforcement capabilities for all aspects of cyber or technology centric investigation, digital evidence collection, and computer forensics for thousands of US law enforcement agencies; the IACP requests that Congress and the White House increase support for key federally funded organizations which provide these law enforcement agencies fundamental training, equipping, and technical support for these missions.

Key organizations include the National Institute of Standards and Technology, the National White Collar Crime Center, the United States Secret Service National Computer Forensics Institute, the FBI's Regional Computer Forensic Laboratories, the Federal Law Enforcement Training Center, SEARCH National Criminal Justice Computer Laboratory and Training Center, and the DOD Cyber Crime Center. They collectively comprise our precious but insufficient National resources to train, equip, and support state, local, and tribal law enforcement agencies.

Expanding these technological, educational, and operational resources will significantly improve law enforcement services, better serve the citizens they protect, and work to address the concerns raised in the National Academy of Science Report on forensic services.

Therefore, the IACP recommends to Congress that funding is made available to expand these critical federal partners and federally funded non-profit organizations to protect and increase this critical support state, local, and tribal Law enforcement agencies for developing and sustaining cyber crime investigation and digital evidence handling capabilities.

### **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.

### **Familial DNA Searches**

The IACP recognizes that DNA technology has revolutionized investigations and forensic identification. In addition to nuclear DNA, the development and utilization of Y-STRs and Mitochondrial DNA can now identify familial relationships. The identification of familial relationships can assist law enforcement in identifying perpetrators and expand the number of candidates during an investigation. The IACP supports legislation that would permit the use of familial DNA search in cases under strict policies that respect and protect individual privacy.

### **Forensic Science Reform**

Recently, 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. In response to the NAS report, the IACP Executive Committee, working in collaboration with the IACP Forensics Committee, outlining the associations concerns with the report recommendations and highlighting the impact they could have on state, local and tribal law enforcement agencies.

First and foremost, the IACP strongly opposes the report's recommendation that crime laboratories and other forensic services should be removed from law enforcement agencies.

The IACP is also concerned that the report was developed without input from law enforcement practitioners. 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.

The IACP agrees with, and supports, the need for accreditation and certification of forensic science providers, but 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

The IACP supports the development, inclusive of federal, state, county, local and tribal representation, of an entity to establish standards, practices and serve as a funding source for forensic science services.

In addition, the IACP fully supports legislation 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.

### **Live Video Testimony**

In many cases the efficiency of the criminal justice system depends on timely analysis of forensic evidence. The current time required to deliver in-person forensic testimony often results in an analyst taking extended periods away from the workplace, further slowing down the evidence handling (?) process. The IACP believes that with current technology focusing on live, two-way video streams, these analysts can easily testify with the assistance of this mechanism. Endorsing the use of secure, live video testimonies in court can be appropriate and feasible. The IACP supports legislations working to allow the use of live, video testimony that can prevent long periods of absence of forensic analysts from their workplace.

### **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.

## **Public Safety Communications and 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.

## **Nationwide Public Safety Broadband Network (NPSBN)**

On February 22, 2012, the President signed Public Law 112-96, the Middle Class Tax Relief and Job Creation Act of 2012. Title VI of the Act, Public Safety Communications and Electromagnetic Spectrum Auctions, sets the foundation for a new NPSBN.

PL 112-96 is the result of several years of collaboration within the public safety community, including strong participation from the IACP. The law includes allocation to public safety of 10 MHz of spectrum in the 700 MHz band known as the “D-Block” which is needed in addition to 10 MHz already allocated to public safety for the nationwide broadband network. It also designates \$7 billion (to be gained from future spectrum auctions) towards building the network and sets forth new governance for the network called the First Responder Network Authority (FirstNet) to oversee planning, implementation, and management of the NPSBN.

The IACP will continue to support the development of the NPSBN as an active participant in the FirstNet Public Safety Advisory Committee (PSAC) where the IACP representative has been appointed Chair of the PSAC.

It is expected that there will be ongoing legislative issues related to the NPSBN and the IACP will address those issues as they may arise.