

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE



LEGISLATIVE AGENDA FOR THE 107TH CONGRESS

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THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Founded in 1893, the IACP is the worlds oldest and largest association of law enforcement executives, representing more than 18,000 members in 100 countries.

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

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

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

In light of this responsibility, the Executive Committee of the International Association of Chiefs of Police met to establish the association's legislative priorities for the 107th 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.

IACP LEGISLATIVE AGENDA FOR THE 107TH CONGRESS

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 and local governments. As with many new laws, there have been unforeseen costs and consequences. Unfortunately many of these new responsibilities are needlessly difficult and/or expensive to administer. To remedy this situation, the IACP supports limited exemptions to the ADA in at least two specific areas. First, in the area of Title II employment requirements, public safety employers should be exempted from provisions that require a conditional offer of employment be made to a prospective applicant before the employer may legally perform certain necessary physical and mental evaluations. The IACP believes it is extremely wasteful to require that a conditional offer be made before an employer may ask questions of an applicant that may divulge certain information that may disqualify that individual from being a law enforcement officer or firefighter.

Secondly, 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 and local agencies that unintentionally fail to provide equal services to the abled and disabled. State 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.

ADEQUATE & TIMELY RADIO SPECTRUM FOR PUBLIC SAFETY

The IACP seeks congressional action to set a specific deadline for the TV stations to vacate the public safety channels 63/68--64/69 (and their adjacent channels 62, 65, and 67). Until the TV stations vacate the channels, they will not be available for public safety use. Most of the TV stations are not moving toward implementation of High Definition Television (HDTV), and it appears that Congress will need to mandate a date for them to vacate the channels designated for public safety use.

In addition, the IACP seeks congressional action to require the Federal Communications Commission to protect public safety spectrum from Commercial Radio Service interference in both the 700 and 800 MHz band channels. Interference is currently occurring between commercial radio systems and public safety radio systems in the 800 MHz band. The technical

reasons for this interference are very complex. Congressional action in the Balanced Budget Act of 1997 to make the 700 MHz spectrum available to public safety by September 1998 recognized the problem of potential public safety interference from commercial users. Today, overly liberal FCC Rules for commercial radio service providers are contributing to this interference issue.

The Public Safety National Coordination Committee (NCC) has recommended to the FCC that they adopt guard bands on each side of the new 700 MHz public safety bands, and the FCC has responded favorably. However, the NCC is concerned that guard bands alone will not be adequate to protect the new public safety 700 MHz channels. It is necessary to try to avoid the problems public safety agencies are now experiencing from cellular-type interference in the 800 MHz band (such as the Phoenix Nextel interference). New FCC rules are needed to require that any interference to the adjacent public safety systems caused by any commercial license holders must be remedied or eliminated to the satisfaction of the affected public safety licensee.

The National Telecommunications and Information Administration (NTIA) has identified 3 MHz in the 138-144 MHz band, now under the control of the Department of Defense (DoD), as ideal for use by the public safety community. This spectrum is adjacent to the highly overcrowded band now used by nearly 75% of state and local law enforcement as well as other public safety agencies. If this spectrum were made available to state and local agencies, agencies would only have to reprogram their existing equipment to make immediate use of this 3 MHz. While a determination has been made that this band needs to remain under the control of DoD, it is not necessarily the case that the entire band will be used on an ongoing basis. Therefore, the National Public Safety Telecommunications Council, representing all of the public safety spectrum managers, has made it a priority to attain shared use of this band with the Department of Defense

The Defense Authorization bill of 2001 requires that the Secretary of Defense, working with the Attorney General and Secretary of Commerce, conduct a study to determine how the 138-144 MHz band might be shared between the DoD and the state and local public safety community. The IACP fully supports this action by Congress and, as part of NPSTC, will closely monitor the progress of the study. The IACP urges that the FCC formally designate the 138-144 MHz band as shared spectrum and supports congressional action to reinforce this proposed action.

ASSAULT WEAPONS

As there are no legitimate sporting or hunting purposes recognized for certain semi-automatic, military-style guns, the IACP supports efforts to eliminate the staggering proliferation of these weapons that police face each day. Therefore, the IACP will strenuously resist any attempt to repeal or diminish the assault weapons ban provided for by the Violent Crime Control and Law Enforcement Act of 1994.

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 weakening of the most valuable tool law enforcement has in combating drug trafficking and money laundering.

BRADY LAW

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

Additionally, the IACP believes that juveniles must be held accountable for their acts of violence. Therefore, the IACP supports the passage of legislation, sometimes referred to as Juvenile Brady, which would permanently prohibit gun ownership by an individual, if that individual, while a juvenile, commits a crime that would have triggered a gun disability if their crime had been committed as an adult.

In addition, the IACP supports the closure of the gun show loophole believing that it undermines the effectiveness of the Brady Law.

BRADY EXTENSION ACT

The IACP has gone on record supporting a waiting period for the purchase of a handgun. In the past, waiting periods have not only allowed for 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 the transition to the National Instant Check Background System (NICS). Nevertheless, the IACP believes there must still be a cooling-off period in place before an individual can purchase a handgun. Therefore, the IACP supports the Brady Extension Act, legislation to create a mandatory three-day waiting period prior to the completion of a handgun purchase.

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.

In addition, the IACP supports enhanced penalties for those who wear body armor during the commission of a crime.

BYRNE GRANTS

The Byrne Funding Program has proven itself an invaluable resource for cooperative federal, state and local anti-crime policing strategies, such as multijurisdictional drug task forces and DARE training. The IACP urges Congress to maintain current funding levels for the Byrne Memorial grant program by fully appropriating amounts specified for the program in Title XXI of the Violent Crime Control and Law Enforcement Act of 1994, through the trust fund and by providing an additional direct appropriation to supplement those funds at the required level.

CONCEALED WEAPONS

The IACP opposes any federal legislative proposals which 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, state, and local law enforcement personnel. The IACP believes it is essential that state governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities.

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 within the Department of Justice to assist federal, state, tribal and local public safety employers in conducting thorough, complete background investigations on applicants for these critical positions in public service. Modeled on the Florida state system, 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 JUSTICE INFORMATION NETWORKS

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

DIGITAL TELEPHONY

As telecommunications technology has advanced, the IACP has recognized the need for continued access for law enforcement agencies to execute court-ordered wiretaps. The IACP urges Congress and the Administration to support the Telecommunications Carriers Law Enforcement Cooperation Act (P.L. 103-414), passed by the 103rd Congress, by ensuring that the digital telephony infrastructure contains the features necessary for law enforcement to successfully perform court authorized wiretaps.

In addition, the IACP strongly urges telecommunications carriers to 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.

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 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, because state and local law enforcement agencies are increasingly collecting DNA samples and evidence, the IACP strongly supports the inclusion in the federal budget of additional funding designed to support state and local efforts to make greater use of DNA technology, including funding to analyze both convicted offender and crime scene DNA samples.

Finally, the IACP realizes that concerns exist over the potential for the misuse of DNA samples. Therefore the IACP also believes that law enforcement agencies must take the steps to ensure

that the DNA samples are properly secured and that adequate safeguards exist to protect the legitimate privacy concerns of citizens.

DOMESTIC VIOLENCE GUN DISABILITY

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

DWI STANDARDS

The IACP strongly supports the concept of reducing the legal blood alcohol concentration (BAC) limit from 0.10 to 0.08. However, the IACP has long maintained that the decision to take such an action should be left to the individual states and not mandated by the federal government. The IACP believes that any effort made by the federal government to prod states toward enacting the 0.08 standard should take the form of an incentive program rather than a sanction-based approach that would reduce the funding a state receives for failure to comply with a federal mandate.

Unfortunately, the FY 2001 Transportation Appropriations bill (P.L. 106-346) includes a provision that establishes a national 0.08 percent BAC standard for drunken driving. Under this law States that fail to comply with the national standard would lose 2 percent of their federal highway grants starting in Fiscal Year 2004. That penalty increases to 5 percent in fiscal 2005, 6 percent in fiscal 2006, and 8 percent in fiscal 2007.

Therefore, the IACP supports amending this law to remove the sanctions mechanism and replacing it with an incentive-based approach.

ENVIRONMENTAL CRIMES TRAINING

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

EXCLUSIONARY RULE

Time and again, courts have thrown out vital evidence discovered by law enforcement officers during "good faith" investigations, and allowed guilty parties to walk away from criminal convictions. The 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.

ENCRYPTION

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

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

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 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 to be "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 agency's ability to manage its budget and its personnel.

FORENSIC LABORATORY IMPROVEMENT

The IACP fully supports the National Forensic Sciences Improvement Act (P.L. 106-561), which will provide 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 and local 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.

FUNDING

The IACP opposes any reduction in the total level of funding for the Violent Crime Control and Law Enforcement Act of 1994 (P.L.103-322). In addition, the association has many members who directly benefited from and greatly appreciate the Federal Local Law Enforcement Block Grant Program that allowed for the purchase of needed equipment and technology used to combat crime.

It is the IACP's belief that while providing funds for hiring continues to be important, there is a vital need for increased flexibility in state and local law enforcement assistance funding. The needs of law enforcement agencies differ from community to community. One agency may need assistance in hiring new officers while another may need assistance in upgrading its technology equipment. The IACP believes that authorized uses for federal assistance funds should be maximized in order to allow state and local law enforcement agencies the opportunity to address their most pressing needs.

The ideal federal assistance program for State and Local Law Enforcement would contain the following components:

- The program should have a multi-year authorization, preferably five years through 2006.
- Funding levels should be comparable to current funding (e.g., approximately \$1 billion per year for five years, \$5 billion overall).
- The application process should be simple. The COPS grant application process was greatly appreciated by state and local law enforcement because it was simple and allowed the local agency to apply directly to the federal government.
- Assistance funding must flow directly to state and local law enforcement agency.
- Authorized uses for assistance funds should be broad and flexible enough to address the different needs of state and local law enforcement agencies.
- The violent crime reduction trust fund should be reauthorized, preferably for five years through 2006.

The IACP believes that match requirements tend to impair the ability of local agencies to fully participate in funding programs. The IACP believes every effort should be made to maximize waiver opportunities or to develop innovative alternatives to matching fund requirements.

The IACP strongly supports the full funding of P.L. 105-251, the Crime Identification Technology Act. Once funded, this act would provide law enforcement agencies \$250 million over five years for the purpose of establishing or upgrading equipment that will provide for an integrated criminal justice information system.

The IACP firmly believes that grants to state and local agencies should not contain earmarks or sanctions that reduce or restrict funding by requiring compliance with federal mandates.

HATE CRIME

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

HIGHWAY SAFETY ISSUES

The IACP urges Congress to continue to provide dedicated federal funding to states and localities for programs that target highway safety. While the IACP certainly supports traditional highway construction monies and design enhancement, experience dictates that highway safety programs must be maintained as a separate, sufficiently funded source.

HOUSING AND DEPORTATION OF CRIMINAL ALIENS

The IACP recognizes that states face ever-escalating costs for the processing and confinement of legal and illegal criminal aliens. States should be reimbursed fully for the actual cost of incarcerating criminal aliens. While applauding Congress and the administration for providing increased funding levels, the IACP believes that current funding levels are still inadequate. Furthermore, the IACP strongly supports swift implementation of newly enacted laws providing for the Department of Justice to expedite deportation of criminal aliens and suspected terrorists.

JUVENILE JUSTICE AND YOUTH VIOLENCE

The IACP supports legislative proposals that build upon, fund and implement the recommendations provided by the association's 1996 Final Report on Youth Violence Summit. Furthermore, the IACP supports increased funding levels and flexibility in state and local governments' conditional use of federal juvenile funding programs. The IACP supports policy that treats serious juvenile drug and gun offenses as armed career criminal act predicates, permits the discretionary prosecution and/or sentencing of serious violent crimes as adult offenses, amends existing law to allow for juvenile criminal records to be made available to schools and law enforcement for serious violent offenses, and imposes a mandatory minimum prison sentence for persons who use minors in drug trafficking, or who knowingly sell drugs and/or guns to minors. The association recognizes the need for a relaxation of the four core requirements of the current Office of Juvenile Justice and Delinquency Prevention.

NEEDLE EXCHANGE PROGRAMS

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

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

OFFENDER REENTRY PROGRAMS

The IACP supports federal funding assistance for programs that address the difficulties confronting communities when convicted criminals return after completion of their sentences. 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.

OFFICE OF JUSTICE PROGRAMS

The IACP supports reorganizing the Office of Justice Programs in order to streamline its current administrative procedures, increasing its accessibility to state and local law enforcement agencies, eliminating the duplication of functions and promoting greater integration and the sharing of critical information between the various programs.

The IACP believes that the restructuring plan forwarded to Congress in 1999 by then Assistant Attorney General Laurie Robinson meets these goals and will ensure that the Office of Justice Programs is able to fulfill its mission in a more efficient and effective manner.

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 has proven to be an inefficient and ineffective use of the limited funds that are available to combat crime and train young people to become career law enforcement professionals.

POLICE OFFICERS' BILL OF RIGHTS

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

The IACP also opposes the Public Safety Employer-Employee Cooperation Act which would mandate federal collective bargaining rules for state and local law enforcement agencies if they fail to meet the “minimum procedures” outlined in the legislation.

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 state, county and local law enforcement agencies to conform their pursuit policies to a national standard. Instead, the IACP urges Congress and the Administration to enact legislation that would make funds available to allow states and local jurisdictions to upgrade police driving training facilities, develop pursuit reporting systems, purchase pursuit ending technology, and support further federal research into electronic and other counter measures to safely apprehend fleeing vehicles.

POLICE 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.

PUBLIC TRUST

Recently, concerns over highly publicized incidents of use of force, racial profiling, corruption, and instances of unethical behavior of police officers and executives have laid the groundwork for many of our citizens to believe that the problems are widespread and deeply rooted. The concerns of our citizens encompass not only law enforcement but also all of the participants in the criminal justice system - the courts, prosecutors and corrections and probation officials. For all of these elements to perform in an effective manner that ensures justice and leads to orderly and peaceful communities, there must exist a trusting and confident relationship with all of our citizens in every part of the country.

In 1965, President Johnson established the Commission on Law Enforcement and Administration of Justice recognizing, as he said, “the urgency of the nation’s crime problem.” The Commission labored for a year and a half, ultimately producing 200 specific recommendations involving federal, state and local governments, civic organizations, religious institutions, business groups, and individual citizens that were intended to create a safer and more just society.

It is the IACP's view that the work of the 1967 Commission, embodied in its report, "The Challenge of Crime in a Free Society," was indeed effective. The commission and its recommendations marked the beginning of a sea change in our methods for dealing with crime and the public and built the framework for many of the exemplary programs that continue today.

Further, it is the IACP's view that the time has come, once again, to create a national commission to conduct a comprehensive review of law enforcement and the administration of justice in the United States and to provide the nation with a measured response to crime. It is our hope that the commission's recommendations would serve to ensure justice, to maintain order and peace, and to secure a trusting and confident relationship between the people of the United States and their criminal justice system.

The IACP believes that this commission should adopt the following principles to guide its work:

1. The commission should include all elements of the criminal justice system in its examination.
2. The commission should be comprised of individuals from within and outside the criminal justice system, and that every effort be made to include – and to hear from every stakeholder in this process – individuals with the broadest possible perspective on the areas selected for review and concentration.
3. The commission must be given all the resources it needs to conduct a rigorous and thorough investigation and sufficient time to conduct an exhaustive review.
4. The commission should, as part of its review, study the threats, challenges and opportunities created by these significant advances in technology over the last 30 years.
5. The commission examination should be conducted in a thoroughly non-partisan manner.

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.

REGIONAL INFORMATION SHARING SYSTEMS

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

SEX OFFENDER REGISTRATION

The IACP supports programs that require the registration of convicted sex offenders. However, the Jacob Wetterling Sex Offender Registration Act imposes a cumbersome registration system on states, even though some states have a similar, but not identical, program in effect. Failure to comply with the Wetterling Act threatens the state with the loss of 10 percent of Byrne Grant funds. The IACP supports amendment to the Jacob Wetterling Act that provides exemption for those states having an appropriate sex offender registration program.

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. The IACP will support federal legislation that will bring truth to law enforcement solicitations by any group or organization.

STATE DRUG LEGALIZATION EFFORTS

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

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

SUPPORT FOR FEDERAL LAW ENFORCEMENT

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 and local 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.

In addition, the IACP supports efforts to increase the professionalism of the United States Marshals Service by supporting legislation that would call for the appointment of U.S. Marshals in a professional manner, and the establishment of standards that would require potential Marshals to have a significant law enforcement background, not necessarily in the Marshals Service.

VICTIMS' RIGHTS AMENDMENT

The IACP recognizes that the rights of victims or their survivors are often held to be subservient to those of defendants in criminal proceedings, and feels a better balance of those rights should be established. At the same time, however, the association does not wish to allow delays in the swift administration of justice, or the creation of civil or criminal liability for failure to protect the victims' or their survivors' rights.

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 federal government to work in collaboration with other nations to develop plans to both prevent and respond to these types of attacks.
