

NLC RESOLUTION #2006-40

**URGING MORE EFFECTIVE EMERGENCY PREPAREDNESS
AND ACTION ON RELATED ISSUES**

WHEREAS, the loss of life, human suffering and devastation in our Gulf Coast communities after Hurricanes Katrina and Rita are a national tragedy of epic proportions;

WHEREAS, the intergovernmental emergency response after Katrina was inadequate at all levels of government and there is an urgent need for significant improvements in emergency preparedness and response capabilities at the local, state and federal levels before future natural disasters or acts of terrorism;

WHEREAS, since 1991, the U.S. General Accountability Office (GAO) has issued 120 reports on preparedness and response including a 1993 report that predicted that local and state first responders would be overwhelmed by future catastrophic natural disasters, so that immediate federal help would need to be coordinated by the Federal Emergency Management Agency (FEMA);

WHEREAS, emergency response was improved significantly after the 1993 GAO recommendations were implemented, but then the lessons were forgotten and many of the changes were undone, and there is significant evidence that the need to focus attention and resources on preventing and responding to acts of terrorism resulted in a shift away from traditional disaster management;

WHEREAS, effective disaster preparedness and mitigation measures are vastly preferable to and less costly than avoidable disaster recovery; and

WHEREAS, our nation's cities and towns need solid assurance and demonstrated actions that our federal government partner is ready and able to provide swift and effective emergency assistance.

NOW, THEREFORE, BE IT RESOLVED that to accomplish the significant improvements in emergency preparedness and response capabilities and related matters that are clearly necessary, NLC calls on the Administration, members of Congress, state and local government leaders, other state and local government organizations and interested private and non-profit sector entities to work together constructively and in good faith on these issues as a matter of national urgency; and

BE IT FURTHER RESOLVED that NLC urges prompt and meaningful action on the following issues:

- better coordinated and effective local, state and federal natural disaster preparedness plans, with special attention to evacuation procedures, emergency transportation, emergency medical resources, and availability of large shelters with emergency power, adequate supplies and staff in charge and in control;

- giving FEMA the competent leadership, structure, funding, authority, clear mandate and flexibility it needs to respond quickly and effectively;
- clear and appropriate division of responsibilities between local, state and federal governments in presidentially-declared disaster areas, with clear channels and protocols for communications between local, state and federal leaders, including maintaining the appropriate role of U.S. military forces in supporting emergency response to natural disasters;
- measures to assure that federal authorities do nothing to impede efforts by first responders and state and local authorities, or create unnecessary obstacles;
- more pre-positioning of basic emergency supplies and logistical arrangements to deliver them quickly;
- faster and better coordination of mutual assistance under the existing interstate Emergency Management Assistance Compact, so that inefficient use of limited resources and uncertainties with respect to FEMA reimbursement, workers compensation and liability issues are not an issue;
- action by Congress and the Federal Communications Commission to develop comprehensive and interoperable emergency communications and set equipment standards, fund the purchase of emergency and interoperable communications equipment, and provide additional radio spectrum that will allow first responders to communicate over long distances using the same radio frequencies and equipment;
- reinstatement of a federal disaster preparedness and mitigation program like the former "Project Impact," based on effective incentives without burdensome mandates;
- better technology and resources for planning including timely and adequate flood and seismic mapping, land use planning and local disaster preparedness and mitigation programs to prevent structures from being built in high risk areas;
- additional cost effective investments to rebuild and improve local government infrastructure and restore protective natural conditions;
- measures to assure continued access by all local governments to tax-exempt borrowing for infrastructure improvements to make our communities more disaster resistant, temper impacts of natural disasters and reduce recovery time;
- action to enhance the financial soundness and integrity of the National Flood Insurance Program and other FEMA programs, including effective but non-cumbersome measures regarding contract award and administration, fiscal control and accountability, and safeguards to assure that funds go only to affected citizens and communities;
- necessary action at the federal and state levels to assure continued availability of adequate property and casualty insurance and excess insurance coverage to all regions of the nation, at affordable rates and without unreasonable exclusions or geographic redlining;
- support of the federal Citizen Corps program to encourage individual disaster plans; and
- adequate funding for the initiatives and capabilities outlined above.

NLC RESOLUTION #2006-41

CONCERNING METHAMPHETAMINE PRODUCTION AND DISTRIBUTION

WHEREAS, the methamphetamine abuse problem is growing into an epidemic and having a devastating effect on our country, affecting urban, suburban and rural communities equally;

WHEREAS, cities must grapple with both the societal problems as well as the law enforcement aspects of the growing methamphetamine abuse problem;

WHEREAS, crime and related police activities at the local level have increased in response to the growing methamphetamine problem;

WHEREAS, methamphetamine production has moved from large scale laboratories that produce the drug in mass quantities to smaller, home based labs that produce the drug derived from household goods readily available;

WHEREAS, these smaller methamphetamine laboratories pose a significant problem for local law enforcement and environmental agencies since they produce highly toxic materials and clean-up is hazardous; and

WHEREAS, local law enforcement must have the resources necessary to combat this growing problem and potential long term health effects for first responders;

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities supports a nationally coordinated effort to target methamphetamine production and abuse involving federal, state and local law enforcement;

BE IT FURTHER RESOLVED that NLC supports federal resources dedicated to curbing and tracking the production, importation and distribution of methamphetamine and its ingredients; and

BE IT FURTHER RESOLVED that NLC supports specialized training and resources for the clean-up of the methamphetamine laboratories.

NLC RESOLUTION #2006-42

EX-OFFENDER RESOLUTION

WHEREAS, at the end of 1999, nearly 6.3 million adults were incarcerated or on parole, and in 2002, the nation's state and federal prison and local jail population exceeded 2 million for the first time in history and;

WHEREAS, more than 600,000 adults will be released from state and federal prisons and many more than that will be released from city and county jails this year;

WHEREAS, rates of recidivism are high with close to two-thirds of former local and state prisoners being rearrested within three years of their release and over half being jailed again either for a new offense or for violating the terms of their release;

WHEREAS, rates of incarceration are substantially higher for minorities, especially African-American males, and lower income populations;

WHEREAS, incarceration has a dramatic effect on the family structure and children of prisoners have a 70% greater chance of being incarcerated;

WHEREAS, released prisoners face a multitude of problems including homelessness, lack of job opportunities, educational deficits, mental health issues, substance abuse, infectious diseases, causing increased costs and burdens for cities; and

WHEREAS, the current system can perpetuate financial, psychological and social failure for the released prisoner.

NOW, THEREFORE, BE IT RESOLVED prisoner reintegration must be emphasized as soon as a prisoner enters a correctional institution with emphasis placed on identifying a prisoner's specific risk factors, providing treatment while in custody and following up with community based treatment once the prisoner is released;

BE IT FURTHER RESOLVED the federal government must provide local and state governments with resources for transitional services to all released prisoners in the area of housing, education, mental health treatment, substance abuse counseling, employment opportunities and health care; and

BE IT FURTHER RESOLVED that the federal government should provide grant money for community-based intervention and treatment programs focusing on the issues of housing, job opportunities and training, mental health screening and treatment, substance abuse, healthcare, education and family reunification.

NLC RESOLUTION #2006-43

THE DEPARTMENT OF HOMELAND SECURITY “SAFETY” ACT

WHEREAS, legislation creating the Department of Homeland Security included the SAFETY Act, which established a new Government sponsored risk management mechanism for anti-terrorism technology; and

WHEREAS, the purpose of anti-terrorism technology is to ensure that this nation’s technological assets could be brought up to bear fully and rapidly on the critical effort to protect American people; and

WHEREAS, although the Department developed an application process and issued Interim Final Regulations in October, 2003, under which providers of anti-terrorism technology could request SAFETY Act designation/ certification, few such designation/ certification have been issued to date, and the final implementing regulations have yet to be formally published; and

WHEREAS, providers of anti-terrorism technology are reluctant to bring to market such technologies without the protection that designation/ certification provides, and therefore cities may not have access to critical anti-terrorism technology; and

WHEREAS, the SAFETY Act can provide potentially important protection to cities who purchase designated/ certified anti-terrorism technology from the sellers of such technology;

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities urges the Department of Homeland Security to take the following actions to:

- establish a formal fast-track process to expedite the review of requests to implement anti-terrorism technology for mission critical infrastructure targets, especially for those requests related to pending local government procedures;
- modify the application process to include services and systems-oriented solutions in addition to tangible products and applications;
- streamline the application process to facilitate rapid designation/ certification of mission critical anti-terrorism technology that is being considered by local government.

NLC RESOLUTION #2006-44

PUBLISHING OF PERSONAL DATA OF FIRST RESPONDERS ON THE WEB

WHEREAS, the nation's top first responders, both elected and appointed, provide our cities with protection on an everyday basis;

WHEREAS, these officials, while providing an important public service, do maintain private lives and families;

WHEREAS, there have been incidences of personal data of public safety officers, such as home address and telephone number, familial status and information, including locations of children's schools, appearing in detail on certain web sites; and

WHEREAS, this information could pose a threat or cause harm to the public safety officials and/or their families if used against them.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities supports legislation that would prohibit the publishing of personal information of elected or appointed first responders on web sites.

NLC RESOLUTION #2006-45

DOMESTIC VIOLENCE AND INTERNATIONAL HUMAN RIGHTS ABUSE

WHEREAS, activism to stop violence and human rights abuse against women is on the rise worldwide;

WHEREAS, the United States Congress passed a resolution supporting reauthorization of the Violence Against Women Act (VAWA) of 1994, which strengthened criminal laws, established the National Domestic Violence Hotline, and created grant programs to encourage comprehensive community response to violence against women across the United States; and

WHEREAS, the U.S. Department of Justice and Health and Human Services have awarded VAWA grants to support critical state and local programming and initiatives that benefit cities across the nation, such as hiring the training law enforcement officers, prosecutors, victim advocates and court personnel, creating specialized domestic violence police and prosecution units, providing shelter and services for victims of domestic violence, providing civil legal assistance for victims of domestic violence, funding community-based domestic violence and sexual assault programs, and training health care and social service professionals.

NOW, THEREFORE, BE IT RESOLVED that the NLC opposes violent crimes against women and strongly supports programs promoting comprehensive community responses, elements and tested strategies to eliminate violence against women; and

BE IT FURTHER RESOLVED that the NLC strongly supports full funding for Violence Against Women Act programs as well as efforts which support the abolition of international systematic cultural and state-sanctioned physical, sexual and psychological human rights abuse and oppression of women throughout the world.

NLC RESOLUTION #2006-46

**IN SUPPORT OF INTEROPERABLE PUBLIC SAFETY
COMMUNICATIONS SYSTEMS AND FUNDING**

WHEREAS, interference-free broadcast spectrum and reliable and interoperable wireless communications are essential to the public safety role of local officials;

WHEREAS, the federal government has a responsibility in providing adequate telecommunications spectrum to enhance interoperable communications among public safety and emergency services;

WHEREAS, past federal public safety frequencies and channels have been scattered and inadequate, resulting in a fragmented public safety spectrum;

WHEREAS, the federal government must provide funding to purchase the necessary equipment and training; and

WHEREAS, federal funding of interoperable public safety equipment continues not to meet the new needs and requirements of the post September 11th environment.

NOW, THEREFORE, BE IT RESOLVED that the federal government must lead the efforts to resolve interoperability problems that affect emergency communications and data systems throughout the nation;

BE IT FURTHER RESOLVED that the federal government must remedy the current shortage of broadcast spectrum availability for public safety needs across the nation;

BE IT FURTHER RESOLVED that the federal government must provide adequate funding for interoperable equipment to better facilitate coordinated and effective emergency response in cities and across jurisdictions; and

BE IT FURTHER RESOLVED that the National League of Cities (NLC) insists that Congress adhere to the December 31, 2006 compliance date for vacation of television channels currently blocking radio spectrum required for public safety radio communications systems.

NLC RESOLUTION #2006-47

RESOLUTION AFFIRMING THE PRINCIPLES OF FEDERALISM AND CIVIL LIBERTIES

WHEREAS, the National League of Cities (NLC) believes there is no inherent conflict between national security and the preservation of liberty, and affirms its strong support of the rights of Americans to be both safe and free;

WHEREAS, NLC recognizes the Constitution of the United States as our nation's charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including the freedoms of speech, religion, assembly, privacy;

WHEREAS, NLC has a distinguished record of upholding the Constitution, and the Bill of Rights, and safeguarding the freedoms and rights of American residents;

WHEREAS, on September 11, 2001, terrorists from abroad attacked the U.S. by commandeering four commercial airliners, and destroyed the World Trade Center in New York, significantly damaged the Pentagon, and caused a jetliner crash resulting in significant civilian casualties;

WHEREAS, the terrorist attack was an attack on a nation that is home to a diverse population and plunged the nation into deep concern regarding its national security and vulnerability to future attacks;

WHEREAS, NLC condemns all terrorist acts wherever occurring;

WHEREAS, NLC believes that efforts to prevent and respond to acts of terrorism require extensive coordination, cooperation, and accountability among the federal, state, and local level;

WHEREAS, NLC recognizes that protecting our citizens against future terrorist attacks requires the federal government to aggressively pursue potential terrorists but these efforts to combat terrorism should not disproportionately infringe on the essential civil rights and liberties of the people of the U.S.;

WHEREAS, the prevention of future terrorists attacks is a critical national priority, but it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles;

WHEREAS, in response to the terrorist attacks, on October 26, 2001, the U.S. Congress passed, and President Bush signed into law, the USA PATRIOT Act, an acronym for "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism," by a Senate vote of 98-1 and House of Representative vote of 357-66;

WHEREAS, NLC believes that a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

- Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;
- Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
- Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
- Sections 215, 218, 358, and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
- Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as "terrorist organizations" and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
- Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

WHEREAS, municipal government budgets across the nation are strained and these added duties constitute unfunded mandates on cities police departments, libraries, universities, etc. that cities cannot financially absorb;

WHEREAS, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

WHEREAS, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT ACT, legislation has been introduced in the House and Senate that would roll back certain provisions of the PATRIOT ACT.

NOW, THEREFORE, BE IT RESOLVED that NLC supports the U.S. campaign against terrorism, but NLC affirms its commitment to the U.S. Constitution and respective state constitutions;

BE IT FURTHER RESOLVED that NLC urges the President, and executive branch members to review, revise and rescind executive orders and policies adopted since the terrorist attacks, that limit or compromise the liberties guaranteed by the Constitution and the Bill of Rights;

BE IT FURTHER RESOLVED that NLC strongly urges the U.S. Congress to amend the PATRIOT ACT in order to restore and protect our nation's fundamental and inalienable rights and liberties;

BE IT FURTHER RESOLVED that NLC supports the "Freedom to Read Protection Act of 2003" that would reinstate legal standards for libraries and bookstores and the Protecting the Rights of Individuals Act which would require a court order before conducting electronic surveillance;

BE IT FURTHER RESOLVED that NLC supports the sunset of key provisions of the PATRIOT Act and increased Congressional oversight over the role of the agencies responsible for enforcing the law;

BE IT FURTHER RESOLVED that NLC calls on Congress, the Department of Homeland Security, and other related agencies to partner with cities to protect our hometowns while simultaneously preserving the liberties of Americans; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the U.S. President, the U.S. Attorney General, and to each member of Congress.

NLC RESOLUTION #2006-48

**OPPOSITION TO THE CLEAR LAW ENFORCEMENT FOR CRIMINAL ALIEN
REMOVAL (CLEAR) ACT**

WHEREAS, local law enforcement has a responsibility to cooperate with the federal government to apprehend specific persons identified as having committed a crime and violated US immigration laws;

WHEREAS, local law governments do not have “inherent” authority to serve as immigration agents;

WHEREAS, local law enforcement officials routinely assist the federal government by apprehending, housing and feeding non-documented criminal suspects in local jails until federal agents are dispatched to retrieve the individuals;

WHEREAS, the Clear Law Enforcement for Criminal Alien Removal Act (The CLEAR Act), and the Homeland Security Enhancement Act (HSEA) , would mandate that state and local law enforcement officials enforce federal immigration laws or risk losing the reimbursement from the State Criminal Alien Assistant Program (SCAAP);

WHEREAS, current immigration law allow for the states and localities to enter into carefully negotiated Memoranda of Understanding with the federal government to provide training to officers; and

WHEREAS, these proposed pieces of legislation would preempt existing state and local laws, constitute an unfunded mandate on local governments, have an adverse effect on community policing programs and could lead to racial profiling.

NOW, THEREFORE, BE IT RESOLVED local police should not be responsible for the enforcement of federal civil immigration laws;

BE IT FURTHER RESOLVED that the National League of Cities opposes the CLEAR Act, and the HSEA or any similar legislation because it violates principles of federalism and is of questionable constitutionality, and such legislation would divert local personnel from their primary duties, impose an unfunded mandate on local governments and increase the risk of liability; and

BE IT FURTHER RESOLVED that if the federal government does mandate that local law enforcement work as federal immigration officers, the federal government must pay all of the expenses associated with this mandate.

NLC RESOLUTION #2006-49

**URGING THE ADMINISTRATION TO RESCIND THE IMMIGRATION
POLICIES AGAINST HAITIAN IMMIGRANTS AND CALLING FOR THE EQUAL
TREATMENT OF ALL IMMIGRANTS**

WHEREAS, federal policy provides for disparate treatment of Haitian immigrants that is unfair, discriminatory and inhumane;

WHEREAS, various U.S. Immigration and Customs Enforcement (BICE) policies grant “credible fear” interviews and parole individuals into the community once they touch land, while Haitian immigrants are incarcerated indefinitely and hence denied due process; and

WHEREAS, the National League of Cities (NLC) calls upon the Administration to issue the necessary directives providing for equal treatment and due process for all immigrants, including Haitian nationals.

NOW, THEREFORE, BE IT RESOLVED that NLC urges President Bush to issue the necessary directives providing for due process for all immigrants and directs the federal government to eliminate the word “indefinitely” from the Haitian asylum policy.

NLC RESOLUTION #2006-50

**SUPPORTING NATIONAL STANDARDS FOR INTEGRATED JUSTICE
INFORMATION SYSTEMS**

WHEREAS, local police often lack the technology to share critical information with other law-enforcement agencies within a state, with other states or with federal agencies;

WHEREAS, the lack of interoperability between criminal justice information systems prevents courts from having complete records when they sentence criminals;

WHEREAS, because records are not comprehensive, probation and corrections officials are sometimes unaware of violations committed by offenders;

WHEREAS, background checks conducted on employees working with vulnerable populations are sometimes incomplete;

WHEREAS, public safety is compromised by a lack of centralized, complete and accurate criminal history data about individuals, incidents and cases;

WHEREAS, some states are developing integrated criminal justice information systems, but these systems may not be compatible with one another;

WHEREAS, successful integration calls for a national framework of people, processes, data, standards, and technology focused on providing accurate and comprehensive data to the criminal justice community;

WHEREAS, police departments vary dramatically in fiscal capacity, staffing resources, technical expertise and business processes; and

WHEREAS, if an integrated information system is to function successfully, every criminal justice agency must use standards that support the exchange of data across existing and developing systems.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) supports efforts by Congress to assist state and local governments with developing and funding integrated criminal justice information systems;

BE IT FURTHER RESOLVED that NLC calls on Congress to enact legislation that will establish uniform standards for criminal justice information systems relating to:

- Case processing
- Pre-trial release data
- Domestic and restraint conditions
- Post-conviction restrictive probation conditions
- Weapons prohibition information
- Juvenile arrests and conviction data
- Total case record, from incident report to outcome, and sanction compliance and completion
- Arrest warrant information

- Electronic fingerprinting and photo images
- Conviction status on all offense levels
- Detention/incarceration data
- Alcohol/driving restrictions; and

BE IT FURTHER RESOLVED that NLC urges Congress to provide financial assistance to state and local governments willing to implement integrated criminal justice information systems that incorporate established standards.

NLC RESOLUTION #2006-51

URGING THE REVERSE OF THE CURRENT MEXICAN EXTRADITION POLICY

WHEREAS, the Preamble to the U.S. Constitution lists providing for the “common defense” as one reason for forming our national government;

WHEREAS, the Constitution prohibits state and local governments from entering into treaties with foreign governments to protect their citizens and arrange extradition for criminals;

WHEREAS, the “Extradition Treaty” (1980) allows Mexico to refuse to extradite a fugitive if U.S. courts charge the suspect with a capital offense, and now the Mexican Supreme Court has recently ruled that Mexico will not extradite criminals who face a life sentence in the U.S.;

WHEREAS, this restriction and policies followed by Mexico and other nations provides a safe haven for those who commit the most serious crimes, including murder and terrorist acts;

WHEREAS, a striking example of this threat to the common defense is that officials estimate that more than 60 suspected killers from Los Angeles County alone are in Mexico, along with countless more individuals who are suspected of rape, child molestation, attempted murder and other serious, violent crimes;

WHEREAS, the existence of any safe haven for these most heinous criminals presents an enormous challenge for border states seeking to defend their citizens;

WHEREAS, the Attorney General from each of the 50 states has asked the U.S. Attorney General and Secretary of State to address this extradition issue with their counterparts in Mexico; and

WHEREAS, the resolution of this issue is critical to defending our nation from enemies both foreign and domestic.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities calls upon the President and Congress to use all diplomatic means at their disposal to insist that the “Extradition Treaty (1980)” be revised to resolve the critical issue of the extradition of those suspected of committing serious and violent crimes against the people in the U.S.