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## PUBLIC SAFETY AND CRIME PREVENTION (2009)

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### 6.00 Introduction

Providing for the public's safety is ultimately the responsibility of municipal government and one of its highest priorities. "Public safety" means not only putting an end to the levels of crime and violence that impact the everyday lives of our residents, but just as importantly, delivering life-saving rescue services, preventing fires, and preparing for and responding effectively to domestic terrorism and natural disasters.

The primary goal of local public safety and crime prevention efforts is to ensure that the nation's cities and towns provide a safe, healthy environment in which residents can live. To achieve this goal, federal, state and local officials must view the safety of the community in holistic terms. Officials must recognize the danger of focusing exclusively on prevention, intervention, or punishment. Public safety efforts are more likely to result in safer communities if all solutions are integrated into a single strategy.

Recent crime statistics demonstrate the significantly greater risks of direct criminal victimization of poor people. In addition, indirect victimization of crime also falls disproportionately on poor individuals. Neighborhoods with large concentrations of low income people are also generally the geographic areas of cities in which there are greater reports of crime, particularly street crime. Other chapters of the *National Municipal Policy* cover a variety of programs and initiatives to reduce poverty and address affordable housing issues. These should be viewed as a way to get at the root causes of crime and violence.

### 6.01 Crime Prevention

#### A. Problem Statement

Crime prevention is everyone's responsibility. Crime and violence plague American cities and towns. Serious discussions continue to be held by all levels of government over the complex coordinated services that can make a difference, but substantive action has been slow in coming. These services include preschool education, recreation, neighborhood and employment programs targeted for youth, substance abuse treatment on demand, victims assistance programs, economic development, and job training and creation.

Prevention of crime and violence is the goal; public safety education is the key. This can be done by such efforts as implementing drug awareness programs, restricting access to guns, increasing recreational programs, returning schools to the "safe havens" they

once were, providing children with successful role models, and celebrating positive successes of our youth. This nation needs to view young people as assets -- not liabilities.

The attention of all levels of government should not only be aimed at the perpetrators of crime and violence, but also their victims. Toward this end, NLC supports direct federal funding to cities for local victims assistance efforts and programs funded through an office for victims of crime.

The practice of community policing is an important part of crime prevention and has helped to return a sense of unity between local law enforcement and the community.

#### B. Goals

Action must be taken to prevent crime and violence in our communities. To accomplish this, NLC:

- strongly supports community policing efforts;
- supports adequate and direct federal anti-drug, anti-violence and gang prevention funding to cities and towns that can be directed towards community policing efforts, anti-crime and violence activities, and rural enforcement programs;
- urges a greater role for municipal elected officials in federal decision-making regarding the local use and expenditure of federal anti-crime and violence funds. This would allow flexibility to redirect financial resources from drug interdiction activities to prevention and treatment;
- urges on-going reevaluation of state and federal laws and regulations related to public safety and crime prevention issues. This reevaluation should include a review of laws and regulations which address the age at which juveniles are charged as adults and should include the input of municipal elected officials;
- urges the federal government to continue to gather information on hate crimes, family status, educational level and income as well as race in its crime statistics on perpetrators and victims and give the reporting of these variables equal prominence;
- encourages federal law enforcement officials to investigate and prosecute cases in which crimes occur because of the real or perceived race, national origin, religion, gender, sexual orientation or disability of a victim. Such investigation and prosecution should not supersede the right of state and local communities to legislate and prosecute in the area of hate crimes;
- urges Congress to continue to support the efforts of the National Crime Prevention Council (NCPC) which has provided cities and towns with the

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hands-on, how-to, materials and publications to assist citizens in their efforts to organize and fight back against crime and violence; and

- encourages and supports federal efforts to address the growing forms of electronic or “cyberspace” crimes through the Department of Justice and other federal law enforcement agencies. Cooperation, specialized training and tracking equipment is essential for federal, state and local law enforcement personnel. Continued federal funding to establish “cyber patrol” units within local law enforcement agencies is essential to prevent and detect on-line crime.

### **C. Weapons and Ammunition Control**

The growing abuse of firearms in cities and towns throughout this nation is the common denominator for most violent deaths. Firearms do not kill and maim without someone pulling a trigger. Controlling weapons and ammunition is just part of a more comprehensive effort necessary to reduce violent acts. NLC urges all levels of government to adopt statutory, regulatory, and policy actions to confront, curb, and eventually eliminate firearms violence in America. Specifically, NLC asks the federal government to:

- require registration of all hand guns in the United States;
- continue to enact initiatives and strengthen laws imposing mandatory sentences for the use of a firearm in the commission of any federal, state, or local crime;
- strongly support enhanced gun control that will disrupt the illegal markets for firearms;
- regulate, in a manner consistent with the Constitution, Internet facilitated firearms commerce and provide the same oversight as other types of commerce involving the sale and/or transfer of ownership of firearms;
- grant authority to the appropriate Federal agency to regulate and otherwise oversee the design, safety, and responsible marketing of firearms;
- support flexible federal funding for local crime prevention programs that address gun violence and promote gun safety;
- urge firearm manufacturers to be responsible corporate citizens by:
  - 1) including safety devices with their products and developing new technologies to make guns safer;
  - 2) selling only to authorized dealers and distributors, and allow their authorized distributors to sell only to authorized dealers;
  - 3) allowing no firearm sales at gun shows or similar events unless all background checks are completed;
  - 4) not selling firearms that can readily be converted into fully automatic weapons or that are resistant to fingerprints;

- 5) not selling large (more than 10 rounds) capacity ammunition clips;
  - 6) maintaining an electronic inventory tracking plan; and
  - 7) forgoing firearms sales to licensed dealers known to be under indictment.
- institute a federal ban on all manufacture, sale, importation or use of armor-piercing bullets that can penetrate bullet-proof vests except for legitimate use by the military and police officers. This legislation must include a precise definition of “armor-piercing handgun bullets” so that legitimate recreational ammunition will not be affected. The Department of Justice and Congress must devise and agree on such a definition as soon as possible;
  - support passage of federal, state, and local laws imposing substantial mandatory sentences, with no possibility of parole, probation, or suspended sentence for the use of armor-piercing bullets in the commission of any crime;
  - institute a ban on the manufacture, sale, importation, or transfer of all automatic assault type weapons and semi-automatic assault type weapons which can be rendered automatic except for legitimate use by the military and police officers;
  - apply a 30-day waiting period for the purchase or transfer of all guns so that local police agencies may check the criminal and mental health status of purchasers. A uniform, national computerized system to check criminal records in other states that maintains confidentiality must be implemented;
  - require federal licensing of gun dealers. Applicants for Federal Firearms Dealer licenses should be required to show proof of compliance with state and local laws to the Bureau of Alcohol, Tobacco, and Firearms (BATF) before the agency issues a gun dealer license. The BATF must be required to provide each general purpose government with a list of that jurisdiction’s Federally Licensed Firearms Dealers annually;
  - require that the background of an individual who redeems a weapon from a pawnshop be subject to the same scrutiny as an individual who purchases a firearm from a federal firearms licensee;
  - enact federal legislation that would allow states and/or local governments to adopt stricter standards and rules regarding purchase, storage and possession of firearms; and
  - enact federal legislation to prohibit an individual over the age of 18, but under the age of 21, from purchasing or possessing an assault rifle or handgun, including, without limitation, an assault pistol.

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## D. Youth Oriented Crime Prevention

It is essential that all levels of government, community leaders, the business community, and residents work together to create and sustain environments in which violence is not a pervading presence in the everyday lives of our nation's children.

### 1. Early Childhood Education

All levels of government must work together to ensure that all children, regardless of economic status, are given the chance to begin healthy, violence-free lives. Prevention efforts that provide quality childcare and preparation for school will ensure young children get off to a good start. Studies have consistently shown that quality childcare reduces crime and violence in later years. The federal government must provide adequate funding for quality early childhood education in order to provide development opportunities and school readiness. *See the Human Development Chapter for a complete discussion of quality childcare.*

### 2. Education

The educational system can play a major role in the prevention of criminal activity. The educational system should improve and provide the quality of education for all youth. The federal government should continue to fund programs designed to motivate students to stay in school, including supporting programs which provide alternatives to the traditional school environment. By giving priority to prevention and intervention efforts and by recognizing that the current serious levels of youth violence have not always existed, the federal government can help to foster safe, healthy, long lives for our nation's youth.

The federal government must continue to fund educational programs that address parent training, school-to-work opportunities and after-school activities for youth. *Specific policies for youth programs, education, and employment are contained in the Human Development Chapter of the National Municipal Policy.*

### 3. School Safety

The federal government must provide increased federal funding to augment local efforts aimed at improving school safety, such as School Resource Officers. The long-term effectiveness of programs that help to improve school safety can succeed with continued investments by federal, state, and local governments. The federal government must provide funding for the implementation of effective intergovernmental partnerships to truly achieve the goal of developing a comprehensive approach to school safety, including comprehensive mental health treatment and counseling for all youth and their families, sensitivity training programs, and other services that help prevent students

from becoming perpetrators or victims of crime and violence.

The federal government should increase flexible funding for Title V, juvenile justice programs and innovative approaches to school safety that can be replicated by communities across the nation. The federal government must work with state and local authorities to establish more uniform guidelines and recommend mandatory reporting for crime and violent incidents in schools. School districts should be required to provide the U.S. Department of Education and other federal agencies, as well as state education agencies and state and local law enforcement agencies, with school incident reports. The school districts should also provide these agencies with an analysis of incidents and intervention techniques to create a national database of school crime and violence incidents and "best practices" for intervention.

This responsibility to report creates a difficult task of defining what is a violent incident. Intergovernmental cooperation, to establish reporting standards and criteria for federal, state, and local education and law enforcement agencies, would establish benchmarks for consistent guidelines on reporting school crime and violence.

NLC calls for a consistent commitment among all levels of government, school systems, businesses, and community groups to ensure that public safety contributes to a good quality-of-life in all communities.

### 4. Mass Media and Media Violence

NLC urges the federal government to adopt an approach toward violence in the media that emphasizes alternative approaches which encourage and applaud pro-social values, demystify violence, and teach youth how to handle frustration, prevent suicide, and deal with conflict.

NLC supports entertainment rating systems that will provide advance notice of violent content in programming. NLC supports a federal public health campaign in schools that targets violence in a manner similar to that used to combat drunk driving.

The federal government must:

- provide a clearinghouse that coordinates and evaluates recently conducted credible studies on the mental health implications of mass media violence; and
- provide flexible, direct funding and/or assistance for Internet filtering capabilities for our nation's libraries, schools, community centers and other local public facilities that provide children access to computers and other interactive media.

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## **E. Domestic Violence**

Domestic violence is a serious social crime and a criminal justice problem that significantly impacts our nation's cities and towns in a variety of ways, including emergency shelters, schools, law enforcement and emergency medical service agencies, and the courts. Domestic violence crosses all socio-economic strata and should not be viewed as a private family matter, but in the context of other crimes and problems requiring prevention, intervention, and prosecution.

All levels of government must make domestic violence initiatives a priority on their agendas. Federal legislation should be enacted to provide funding for local government programs to address the problems of domestic violence through prevention, intervention, treatment, and effective prosecution. Any legislation must take into account the potential impacts on already overburdened probation and parole departments.

NLC encourages the federal government to:

- provide funding and assistance to maintain successful domestic violence programs already in existence, to initiate demonstration projects, and to aid local governments and organizations in modeling programs after successful holistic approaches;
- establish a central point for the collection and dissemination of information on domestic violence programs taking place across the country that includes examples of what is and is not working, the progress of legislative initiatives at both the state and federal levels, recent studies on domestic violence issues, and other relevant information; and
- assist all levels of government in the development of programs that work with children exposed to domestic violence and in the development of general education programs for all children on domestic violence issues.
- fully fund the Violence Against Women Act programs, as well as, efforts which support the abolition of physical, sexual and psychological human rights abuse and oppression of women.

## **F. Driving Under the Influence**

The enforcement of driving under the influence laws, adjudication of cases, treatment of offenders, prudent punishment of repeat offenders and the development of public awareness are all important state and local functions.

The role of the federal government, through the National Highway Traffic Safety Administration in assisting state and local governments should continue and be expanded. These efforts should focus public attention on the driving under the influence problem, facilitate public and private sector actions to counter

the problem and provide administrative support for interstate coordination of driving under the influence countermeasure efforts.

## **6.02 Public Safety**

### **A. Problem Statement**

Public safety requires the commitment of all levels of government. Information sharing among levels of government must be comprehensive and timely. Through the joint efforts of local, state, and federal governments, as well as the responsible actions of individual residents and corporate citizens alike, the safety and well-being of our business and civic communities can be controlled successfully.

### **B. Goals**

In order to keep our cities and towns safe:

- cities must continue to partner and collaborate with state and federal government to help combat youth and gang violence;
- cities should continue to work with state and federal government agencies to provide resources for transitional services to all prisoners reentering society; and
- the federal government should assist cities and towns across the nation in acquiring modern emergency communications capabilities and advanced law enforcement technology.

### **C. Youth and Gang Crime and Violence**

The number of juveniles taken into custody has increased dramatically and admissions to juvenile facilities are at their highest levels ever. Federal juvenile justice efforts within the Department of Justice have not had enough resources devoted to them to address the full range of problems in the area of youth victimization and youth crime.

Rising youth crime has also been associated with increased gang activity across the nation. Many schools and public facilities have become battle grounds for youth gang members. As gang activities have become increasingly mobile in crossing geographical boundaries, NLC urges the federal government to continue its work toward placing increased penalties on gang-related crimes, such as prosecuting offenders under organized crime statutes.

The federal government must prioritize establishing and maintaining effective juvenile crime and gang prevention programs on the local level by directly funding city, town, and multi-jurisdictional initiatives. Federal partnership and collaboration with cities and towns is the best way to take advantage of local leadership on this issue while encouraging innovative thinking and cooperation across jurisdictions and levels of government.

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The federal role in juvenile justice should also focus on support services for state and local governments and information gathering and dissemination in the areas of rehabilitation of juveniles and progressive sanctions.

NLC supports:

- federal assistance for the establishment and operation of youth courts to ensure swift and appropriate sanctions for certain juvenile offenses;
- direct, flexible funding to municipalities for local juvenile justice and delinquency prevention initiatives with strict limitations on the amount of federal funds that can be used for administrative costs to ensure that a high percentage of the funds go to the local level; and
- continued federal technical assistance to train local governments on how to apply for federal funds administered through states and units of local governments.

### 1. *Juvenile Records*

The federal government should establish and maintain a national system to track juvenile criminal records for use by local, state, and federal law enforcement agencies and provide assistance to states and local jurisdictions to update their record keeping procedures. Such collaboration would help local officials share and access juvenile records, identify and monitor habitual offenders, and address truancy rates.

### 2. *Sentencing*

NLC believes that, except in cases of federal crimes, the federal government should not be involved in juvenile sentencing – this is a state and local function. In particular:

- decisions regarding the transfer of violent juveniles to the adult criminal justice system should be left to state and local governments;
- parental responsibility laws are inappropriate at the federal level; and
- the federal government should not pass laws or regulations that significantly hinder the ability of local governments to develop and implement alternative sentencing programs for juveniles.

### 3. *Corrections*

The federal government should provide funding for mandates imposed on state and local governments that call for more accountability in punishing juvenile offenders. Currently not enough juvenile holding facilities are available to adequately meet the demands of the justice system. Overcrowding and the high costs of implementing specific separation requirements are problems that severely hinder rehabilitation efforts. More flexibility is needed in all areas of juvenile corrections, including juvenile detention facilities and the education of juvenile offenders. NLC urges the federal government to provide sufficient funding for all

phases of all juvenile justice mandates to achieve desired results.

### **D. Prisoner Reentry**

Each year prisoners are released back into society without access to immediate supervision and/or support. These prisoners face a multitude of problems including homelessness, a lack of job opportunities, educational deficits, mental health issues, substance abuse, infectious diseases, and no connection to their families and communities. Over half of all released prisoners will be rearrested causing increased costs and burdens for cities.

In order to combat this problem, the federal government must provide local and state governments with resources for transitional services to all prisoners in the areas of housing, education, mental health treatment, substance abuse counseling, employment opportunities, and healthcare. In addition, the U.S. Department of Justice should adopt a policy mandating that all federal prisoners be screened for drug/alcohol addiction, mental health problems, infectious diseases and other risk factors prior to release and then require these prisoners to seek continued treatment while on federal parole. Furthermore, the federal government should encourage state governments to require policies mandating that all state prisoners have DNA collected during the initial screening and exiting process in an effort to solve open cases. All prisoners should further be screened for drug/alcohol addiction, mental health problems, infectious diseases and other risk factors prior to re-entry into society.

For prisoner reentry to succeed, reintegration must be emphasized as soon as a prisoner enters a correctional institution. Emphasis must be placed on identifying a prisoner's specific risk factors, providing treatment while in custody, and following up with community-based treatment once a prisoner is released. Programs must be implemented on both the federal and state level to involve the prisoner's family unit or mentor in any decisions or treatment plans, both during incarceration and at the time of release. Federal grant money is needed to fund 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. In addition, attention must be paid to the specific struggles and barriers associated with youth prisoner re-entry. Often, youth leaving the criminal justice system lack age-appropriate levels of education, needed social and developmental skills, and are returning to environments that do not foster rehabilitation and development. Emphasis must be placed on creating the necessary support systems and opportunities to help youth transition into adulthood,

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reintegrate into communities, and stop cycles of recidivism.

Successful federal, state, and local pilot projects must be expanded to address challenges related to prisoner reentry and the full spectrum of problems. The federal government should fund programs that include the cooperation of corrections officials, probation and parole officers, former offenders who can serve as mentors, families, police, prosecutors, the court system, mental health administrators, healthcare providers, housing agencies and rental advocates, substance abuse counselors, businesses, educational and vocational training providers, victim advocates, community- and/or faith-based organizations, neighborhood associations and coalitions, researchers and records personnel, and public affairs officers.

## **E. Public Safety Technology**

### *1. Public Safety Technology Goals*

NLC urges the federal government to assist cities and towns across the nation in acquiring modern emergency communications capabilities and advanced law enforcement technology. Specifically, the federal government should:

- make surplus equipment available to local governments (without undue restrictions on use) that would improve emergency response capabilities;
- provide funding for research and training opportunities and publicize these opportunities;
- make direct, flexible grants to local governments for local law enforcement and fire safety training and equipment;
- conduct regular, well publicized training sessions and provide coordinated technical assistance to local public safety personnel operating public safety technologies;
- encourage manufacturers to make public safety equipment available at reasonable costs to local government that can be easily upgraded for future purposes; and
- support a national inventory of records information sharing and integrate it into one composite system that all federal, state and local agencies can access and use.

NLC strongly urges flexibility in the use of federal public safety funds for upgraded technology and training. Many municipalities face great difficulty in purchasing necessary public safety equipment because of budget constraints or inability to qualify for available funds. New duties placed on law enforcement related to homeland security have constrained budgets further. NLC urges the federal government to assist all municipalities with public safety advancements without imposing stringent compliance guidelines.

### *2. Emergency Communications*

Having the capability to transmit vital information to different emergency response personnel among all levels of government without interference and delay is key to disaster preparedness and emergency response. No man, woman, or child should lose his/her life because public safety officials cannot communicate with one another.

The federal government should take immediate action to provide local governments with the broadcast channels needed to enhance their communications capabilities. Reliable and interoperable wireless communications are essential to public safety's mission to protect life and property.

The federal government should encourage regional planning for public safety communication needs and address the current shortage of spectrum channels with a long-term plan that ensures available broadcast channels to meet future public safety needs across the nation. If federal reallocation of radio spectrum forces a municipality to change radio frequencies and/or channels to preserve its public safety and emergency communications services, there should be prompt and fair compensation made for transfer costs, such as new equipment and additional personnel and training. (*NLC's policies on public safety communications are detailed further in the Information Technology and Communications Chapter of the National Municipal Policy.*)

The federal government should also link all emergency warning systems across the nation, supplying all areas with appropriate equipment so that no area is left unprotected. Emergency alert systems should be used to ensure that any presidentially declared emergency, homeland security, and National Weather Services alerts are timely and accurate and provide direction on recommended protective measures local governments should take when the threat level is increased. Local governments should be reimbursed for any costs associated with heightened alerts.

NLC urges the federal government to ensure that all areas of the country have access to modernized 9-1-1 technology for emergency use. Currently, cities and towns that do not have timely emergency response services usually have not implemented a 9-1-1 system or their systems are antiquated. NLC also urges the federal government, in particular the Department of Justice and the Federal Communications Commission, to continue its efforts to improve the wireless 9-1-1 or E 9-1-1 services by working in partnership with state and local land use authorities, public safety officials, and the telecommunications industry. The telecommunications industry must fully develop and fund wireless emergency locator services and tracking

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systems and lead efforts to resolve interoperability problems that affect emergency communications systems throughout the nation. These efforts must continue to respect the premise of local autonomy, avoid burdensome mandates, and reflect the need for greater funding in underserved jurisdictions.

### 3. *Law Enforcement Technology*

The ability to transmit and access information quickly and easily helps local, state and federal law enforcement agencies prevent and reduce crime. The federal government should facilitate criminal records information sharing among all levels of governmental law enforcement agencies. Such an information system would provide law enforcement agencies a tool to track and apprehend transient, violent, repeat offenders, and/or suspected terrorists and share information with prosecutors, courts, corrections, parole agencies, and other relevant agencies. This integrated system would be particularly useful to localities in securing essential data during a time of emergency or disaster.

Advanced public safety technologies including mobile data terminals, geographic information systems, and biometric information repositories increase efficiency and can help return law enforcement officers to the streets, enhancing community policing efforts. In addition, modern technology is cost-effective because it manages workloads which reduce overtime among personnel. The federal government should facilitate the availability of these technologies to cities regardless of size.

### 4. *Training*

As local governments acquire new public safety technologies, the federal government should continue to promote interagency sharing of equipment during emergencies among all levels of government and provide training to local public safety personnel. To promote greater compatibility among training programs and curriculum, the federal government should lead efforts to ensure that public safety training programs provide a level of consistency among all agencies, which are essential to implement mutual aid and regional cooperation agreements. Federal assistance that enables local governments to improve public safety services will always be a key component to reducing crime, planning for and predicting disasters, and responding to emergencies.

### 5. *Surveillance*

The federal government must provide local law enforcement with the proper equipment, technology, and training to perform requested surveillance duties. Information sharing among all agencies is essential. In addition, surveillance must be balanced with civil liberty issues and not cause undue liabilities for localities.

## **F. Transportation of Hazardous Materials**

The transportation of hazardous materials, including nuclear waste, must be made as safe as possible. Minimizing the danger of injury, environmental damage and other costs of such events requires knowledge of the materials so that appropriate measures can be taken and decisions made regarding evacuation or traffic diversion. NLC urges the federal government to provide adequate funds, training and equipment to all cities affected by the transportation and disposal of hazardous waste to assure the protection of public health and safety in the event of an accident.

The federal government must also ensure that the transport of high-level radioactive waste (HLW) be safely accomplished by employing state of the art technology, engineering and procedures.

### 1. *Consolidation of Federal Programs*

NLC supports federal efforts to consolidate hazardous materials policies and to designate the U.S. Department of Transportation (DOT) the lead federal department. NLC believes that when more than one federal agency regulates a hazardous material, the appropriate agencies must take steps to correct conflicting or inconsistent policies.

### 2. *Standards*

#### a. *National Hazardous Materials Driver Standards*

NLC supports federal hazardous materials driver training standards that are tailored to the transportation of specific materials. As a prerequisite to receiving a license, drivers of such vehicles must be required to certify that they have received special training.

#### b. *Insurance*

NLC supports existing federal regulations that require motor carriers to maintain sufficient liability coverage. NLC also supports continuation of federal law that provides supplemental liability coverage in the event of a catastrophic accident involving radioactive materials.

### 3. *Notification and Communication*

NLC encourages federal guidelines to clarify the level and frequency of notification and communications between state and local officials necessary to protect public safety. Currently available technologies and systems must be used to ensure immediate communication between transporters and all entities charged with responding to any incidences. Any carrier must be required to make an immediate notification to designated local emergency personnel when a hazardous materials incident occurs.

Federal, state, regional and local governments should cooperate in the development of a unified data and notification system.

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#### 4. *Disaster Prevention and Training*

First responders regularly respond to incidents involving the release or threat of release of hazardous materials in transport, therefore emergency response should continue to be the primary responsibility of state and local governments. The federal government must ensure that first responders have the resources and capacity to address and respond to any hazardous materials incidents.

In order to respond quickly and efficiently to any hazardous materials incidents federal, state and local governments should develop a centralized emergency response command structure within each of their jurisdictions to improve inter-jurisdictional communications when an accident does occur. There must be terrorism response plans for shipments of hazardous materials.

The federal government should set minimum training and education standards, require all stakeholders to participate, and offer technical and financial assistance to support these efforts. The federal government should evaluate and certify training programs used by regional, state and local emergency personnel.

#### 5. *Enforcement*

NLC believes that the federal government should continue to be responsible for the enforcement of hazardous materials transportation regulations. The federal government must be more vigilant in its enforcement of its regulations regarding unregistered carriers and shippers.

States and localities should be allowed to adopt and enforce vehicle operating requirements and standards, including the imposition of fines or civil penalties for infractions of these federal requirements.

The Federal Railroad Safety Act should be amended so that the federal and state governments have concurrent authority to enforce federal rail safety regulations that relate to hazardous materials.

Finally, the Federal/State Rail Safety Participation program should be continued and adequately funded.

#### 6. *Financing*

NLC urges Congress to appropriate sufficient federal funding to operate hazardous materials programs. NLC supports raising registration fees to pay for such programs while opposing federal preemption of local fees on carriers.

Motor Carrier Safety Assistance Program (MCSAP) grants from the Highway Trust Funds should be increased and made available to local governments.

## 6.03 Homeland Security, Disaster Preparedness and Response

### A. **Problem Statement**

The lives lost, property damaged, and economic hardships suffered due to criminal and terrorist acts and natural, manufactured and technological disasters pose severe problems for individual residents, communities, businesses and all levels of government. Local governments are the first level of government to respond to most disasters and emergencies and must be regarded as the focal point of all disaster mitigation and recovery activities. The federal government should provide funding directly to local governments for homeland security, emergency preparedness and response.

An effective system must be developed to ensure that federal and state emergency management officials conduct substantive consultations with local officials for key decision-making affecting homeland security, disaster preparedness and response at the local level.

Federal and state technical and financial assistance should be structured to allow local officials maximum flexibility in meeting identified needs. Regarding the homeland security funding formula, NLC supports the federal government continuing to fund risk-based threats in highly populated and high-threat areas. NLC also supports a minimum level of funding for state grants sufficient to allow jurisdictions to prepare for possible terrorist-based threats, with flexibility to use the funds for dual-use (risk and all-hazards) pursuant to their state homeland security plans.

The potential for hazardous or radioactive material spills, pipeline accidents, large scale social disorders, and domestic terrorism compels all levels of government to coordinate efforts to protect communities. Such coordination must result in a comprehensive national homeland security and disaster preparedness strategy. The Department of Homeland Security must continue to have a central office for coordinating local and state domestic preparedness activities. Regional plans and cooperation must be fostered through this central office.

### B. **Goals**

In order to maintain viable communities and an economically sound nation, all levels of government must work together to reduce the likelihood of disasters occurring and the magnitude of disaster losses incurred.

### C. **Prevention, Planning, and Mitigation**

The highest priority of all levels of government in addressing disaster and terrorism issues should be

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prevention and mitigation. Mitigation saves lives and reduces injuries; reduces economic losses; maintains and protects critical infrastructure; and reduces the liability borne by local governments and elected officials.

Knowing that improved safety from disasters in the future relies on what we can learn from the disasters of today, the federal government should collect data on the effects of disasters and lessons learned from the analysis of such data should be disseminated to aid state and local disaster-related efforts. Similarly, the federal government should provide assistance to state and local governments to help them conduct annual hazard and risk assessments to determine the vulnerability of particular areas or structures to disasters or terrorist acts based on historical and/or intelligence information.

The federal government can also help mitigate potential disasters by working closely with local governments to develop a useful uniform emergency warning system to ensure that as people travel throughout the nation, they will be informed of existing emergencies and advised how to respond. The federal government must also educate and train local emergency services on the effects of disasters and lessons on the warning system and what precautions need to be taken.

In addition, the federal government should fund and support a sustained effort to develop and improve the nation's health and medical readiness, ensuring surge capacity in disaster situations. Our nation's hospitals and other medical facilities operate at or near maximum capacity and lack the space and staff to adequately care for the influx of victims in a disaster situation. All levels of government must work together to pre-assess high-risk areas, build and pre-position the necessary medical infrastructure, including mobile and temporary response centers, and create clear and comprehensive health care related disaster plans. *See Human Development Chapter 4.08 "Health" for additional policy on public health and disaster planning.*

The federal government should provide an adequate level of funding for local emergency preparedness and disaster planning and management. Such funding should allow a city to tailor its disaster preparedness planning to the special circumstances and needs of the area, particularly to any facilities and densely populated areas that have the potential to be terrorist targets, as well as provide local governments with appropriate emergency response equipment and communication as necessary.

In addition to directly assisting cities and towns in their mitigation efforts, NLC urges the federal government to:

- require federal agencies to develop and coordinate pre- and post-disaster mitigation programs for the types of emergencies they manage;
- Develop a comprehensive evaluation of risk factors for potential terrorist targets;
- make their mitigation training programs more accessible and affordable and ensure that proven mitigation technology is more widely publicized and utilized;
- support local governments in their efforts to encourage the public and private sectors to retrofit existing structures to reduce future losses from natural disasters and to locate new construction outside of high-risk areas such as flood plains, coastal areas or on or near earthquake faults;
- encourage lending institutions to incorporate mitigation provisions as conditions for loans;
- sufficiently fund agricultural counterterrorism and food safety efforts; and
- adopt strict standards for the enforcement and transport of hazardous materials.

#### **D. Disaster Response and Recovery**

Federal programs should be structured to support municipal governments with adequate funding and authority to immediately and effectively respond to all types of disasters, including training and equipping first responders and the public and private medical community.

The federal government must increase funding to local governments for preparedness and response, including processes to resolve equity issues in disaster relief efforts. The federal government must review all regulations dealing with disaster relief that raise equity issues, and based on such a review, propose corrective action. Specifically, when multiple cities have been damaged by a disaster, a formula or waiver process should be available to resolve disaster-related damage in a fair manner.

Accidents or terrorist acts involving nuclear, biological or chemical (NBC) materials represent a special subset of disasters. The federal government must ensure that local governments and their first responders have the resources and capacity to address and respond to NBC incidents. The federal government should coordinate with state and local governments for public education regarding NBC incidents.

Additionally, the federal government should assist in the establishment and training of interdisciplinary, multi-jurisdictional search and rescue teams in each state to respond to and recover from natural and manufactured disasters.

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## **E. Training and Technical Assistance**

The federal government must provide technical assistance and regional training devoted to disaster preparedness and response. This technical assistance should include the gathering and regular dissemination of information to local governments on general disaster issues and terrorist threats as well as specific disasters where they occur. This sensitive information must be shared with local government without jeopardizing national security. As part of its technical assistance efforts, the federal government should encourage regions to share resources and equipment needed for preparedness and response through mutual aid agreements and regional coordination.

## **F. Domestic Terrorism**

The federal government should help local authorities by providing appropriate training to local governments in terrorism prevention. Public safety personnel must be taught and provided the necessary equipment to manage a situation involving weapons of mass destruction, including biological or chemical weapons.

Information or intelligence on likely or imminent acts of terrorism, gathered by any means by the federal government, must be shared across agency lines and with local enforcement agencies in potential impact areas. A policy for sharing certain classified information on threats or potential threats of terrorism with first responders must be implemented. Both federal financial assistance and federal personnel should be provided to the local government immediately when terrorist acts take place. The federal government must include local governments in federal plans and operations relative to issues in their jurisdictions and provide legal assistance to local governments that have high profile public or private targets within their boundaries.

## **G. Border Security**

NLC supports increased coordination and cooperation between federal, state and local law enforcement agencies to achieve operational control of our nation's borders. When all agencies work together and share information, our borders will become less porous and our nation will be safer. Local law enforcement should not be conscripted into federal border patrol service. If the federal government does require local law enforcement to act on its behalf, absolute immunity and/or indemnification should be given so that localities are not liable for the actions taken on the federal government's behalf. All costs associated with enforcement, training and equipment for these duties should be paid directly to the local jurisdiction by the federal government.

## **H. Immigration Enforcement**

### *1. Interaction with Local Law Enforcement*

Local police have a responsibility to cooperate with the federal government to apprehend specific persons identified as having committed a crime and violated US immigration laws. Local police should promptly report to appropriate federal immigration authorities any reasonable suspicions they have regarding persons already in their custody. However, local police should not be responsible for the enforcement of federal immigration laws or the ongoing detention of individuals merely suspected of violating those laws. Local personnel cannot be conscripted into federal service because the federal government has decided not to fund and staff its immigration enforcement agencies to meet demand. This type of action can divert local personnel from their primary duties, break important trust that has been built within the immigrant community and constitute a cost shift onto local governments. The federal government should not transfer the responsibility of enforcing U.S. immigration laws to local police by making undocumented status in the U.S. a criminal offense.

The federal government has a responsibility to share information with local law enforcement on criminal immigrants. An accessible database that can track illegal immigrants must be developed and local police must be provided access and training on the database.

If the federal government does require local law enforcement to act on its behalf, absolute immunity must be given so that localities are not liable for the actions taken on the federal government's behalf. All costs associated with enforcement, training or equipment for these duties must be paid directly to the local jurisdiction by the federal government.

### *2. Interaction with Local Officials*

Other city personnel such as fire inspectors, educators, health personnel and social service personnel should not be responsible for reporting those persons who cannot produce proof of their legal presence in the US.

### *3. Cost Recovery*

Any costs associated with the detention of illegal immigrants on behalf of the federal government must be fully reimbursed to local governments. NLC strongly supports full funding of the State Criminal Alien Assistance Program (SCAAP), which provides funding for the costs of detaining illegal immigrants.

### *4. Visa Requirements*

The federal government must address unlawful immigration by increasing enforcement over those individuals who enter the US legally with student, tourist or business visas and remain in this country after their visas expire. To effectively track all

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individuals entering and exiting the U.S. under the various visa systems, the federal government must enforce visa overstays through the full implementation and staffing of the US-VISIT and the Student and Exchange Visitor Programs (SEVIS). The US-VISIT program is a biometric security measure which tracks individuals prior to entry and exit within the U.S., the SEVIS program is a web based system which maintains information on international students and exchange visitors in the U.S. An accessible immigration database should be maintained that identifies when the visa expires. Appropriate and timely review of the visa status of individuals visiting the US should help to address this concern, as well as a mandatory notification of change in address.

### **I. Profiling**

All Americans have a right to expect equal treatment by law enforcement officers, prosecuting authorities, judges and correctional officials. Discriminatory enforcement of criminal laws has a corrosive effect on our cities and towns, undermining the confidence of the community in law enforcement and interfering with our efforts to prevent crime and prosecute offenders.

Unfortunately, our country has a long history of disparate treatment in our criminal justice system. Numerous studies confirm that racial minorities, especially African Americans and Latinos, are more likely to be arrested, more likely to be prosecuted and more likely to be incarcerated for offenses than whites accused of the same crime.

NLC supports federal legislation and action which eliminates discrimination in the enforcement of our criminal justice system. NLC opposes profiling of suspects based solely on race, ethnic origin, religion or other similar factors.

In addition, the federal government should assist local law enforcement agencies in their efforts to provide education and training for law enforcement officers regarding appropriate investigative and enforcement techniques.

## **6.04 Substance Abuse**

### **A. Problem Statement**

Substance abuse is a public safety concern. Cocaine, crack, heroin, PCP, amphetamines, methamphetamines, marijuana, and other illegal drugs-as well as the illegal use of alcohol and prescription drugs-are all straining the capabilities and resources of governments-especially public safety budgets.

Despite considerable efforts, there has been little discernible progress being made in reducing the social costs of drug abuse. Efforts to control drug trafficking

have been, for the most part, unsuccessful. Local law enforcement efforts continue to be hampered by inadequate and ill-defined state and federal laws, limited resources, overcrowded prisons, and overburdened criminal justice systems.

Drug abuse prevention is under-funded, particularly at the federal level, and there is uncertainty and disagreement at all levels of government about what constitutes prevention. Currently, federal funding is focused on programs which stress care to the chronic substance abuser, while providing only minimal attention to programs aimed at preventing the proliferation of illegal alcohol and drug use among America's youth.

### **B. Goals**

NLC supports a comprehensive strategy for substance abuse prevention, intervention, treatment and law enforcement, including alternatives to incarceration. NLC further urges that a balance in expenditures should be sought between prevention, treatment and corrections. NLC supports:

- federal research into alternative sentencing programs for first-time non-violent drug offenders;
- the creation of non-incarceration alternatives for first-time non-violent drug offenders;
- federal funding and standardized training for police, fire fighters, and public emergency medical personnel on identifying, seizing and clean up of methamphetamines labs;
- reimbursement of the cost associated in the clean up and damages to property contaminated by methamphetamines; and
- funding for hazardous material equipment and training that reduces the occupational health issues associated with methamphetamine lab seizures and clean-up

### **C. Economic Deterrents**

In order to effectively address the drug issue, the economic incentive is a critical element to any anti-drug strategy. To do so, NLC supports the following actions:

- aggressively using all legal means to pursue actions against financial institutions that knowingly conduct financial transactions which involve proceeds from unlawful activity;
- withholding foreign aid to source countries being uncooperative in interdiction efforts;
- developing treaties with countries to restrict the flow of precursor chemicals into drug manufacturing countries; and
- seizing the assets of individuals convicted for involvement in illegal drug activity. These funds should go to local law enforcement agencies.

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## D. Enforcement

Current enforcement efforts have simply not been effective in controlling the manufacturing, sale, distribution and use of illegal substances. NLC believes that better definitions in state and federal laws related to illegal drug and alcohol use will enhance enforcement efforts.

To improve this situation, sufficient federal resources must be committed to ensure that enforcement strategies are realistic and are coordinated with efforts in education, prevention, treatment and research.

NLC supports:

- the maintenance of adequate funding for local, federal and state law enforcement agencies to deal with drug-related problems;
- increased criminal penalties for the manufacture, sale and distribution of illegal drugs with particularly harsh penalties for those selling or furnishing illegal drugs and alcohol to minors;
- prosecution to the fullest extent of the law for those involved in crime and violence related to illegal drug and alcohol use. NLC supports trying juveniles as adults in the case of major felonies;
- the use of the Armed Forces and public safety personnel in the interdiction, arrest, search and seizure of narcotics and illegal drugs;
- increased penalties imposed for the death or injury of public safety and/or armed services personnel involving official investigations of illegal drug operations;
- the uniform prohibition of the distribution and sale of illegal-drug paraphernalia, except for hypodermic needles; and
- the deportation of aliens convicted of offenses related to the sale of illegal drugs after the court's disposition has been fulfilled.

## 6.05 Municipal Fire Policy

### A. Problem Statement

In the United States fire departments respond to nearly two million fires each year. Compared to other developed nations the U.S. is severe. Our cities have higher death rates and per capita loss due to fire than cities of comparable size abroad. It also causes more loss of life than all natural disasters combined. Fire-related injuries number in the tens of thousands each year. Since 1992, fire and fire casualty trends have declined.

Compounding this issue, many local communities are affected by the lack of resources required to provide the necessary levels of public fire safety education and training, and fire fighting personnel. Budget limitations, combined with the fire services expanding

responsibilities in homeland security, emergency medical services, hazardous materials incidents response, search and rescue, and other emergency demands, translate to more duties and fewer dollars to support them.

Rural communities face particular challenges in handling the problems that fire presents. Almost all rural and small city fire protection is provided by local citizens on a volunteer basis, who have less time for training, pre-fire planning and prevention activities. In addition, the distances that must be covered in rural areas are greater and the availability of water supply is less, impeding response. Lastly, fewer new volunteers are signing up for duty, signaling a potential crisis in adequate volunteer personnel.

### B. Goals

The highest priority in fire safety is the protection of life and prevention of injury to the general population and fire protection personnel.

Better management of our fire protection resources and a continued society-wide commitment to fire safety education and fire prevention are necessary. Proven technology such as smoke detectors and sprinkler systems should be more widely publicized and utilized.

Changing human behavior through fire prevention, including fire safety education and arson control, fire prevention and outreach programs and the distribution of smoke alarms are critical in addressing our fire problem.

To focus attention on this commitment, annual goals for reduction of property loss, life loss and injuries should be established and the U.S. Fire Administration should continue to report on progress toward and barriers to achieving these goals.

### C. Federal Roles and Responsibilities

Fire protection will continue to be financed on the local level, but federal government programs established to help cities address fire-related problems should be funded at a level commensurate with the size of the U.S. fire problem. The federal government is in the best position to teach, train, and lead the fire service to higher levels of management skills. The U.S. Fire Administration and National Fire Academy should serve as a national focus for development and dissemination of fire-related research, development and training of both the general public and the nation's firefighters.

#### 1. *The U.S. Fire Administration must:*

- continue to be the focus of federal fire programs and should be funded at a level commensurate with the size of U.S. fire

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problems. Its programs should be designed to develop the highest level of professionalism and management skill in the administration of local fire departments;

- strive to improve the timeliness, accuracy and geographic coverage data of the National Fire Incident Reporting System. This data and resulting analysis should be shared with local fire departments and research organizations;
- assist small cities in utilizing master planning procedures and developing fire reporting procedures;
- give priority to the education of fire personnel in the areas of fire safety, public education, fire prevention, and management skills;
- research the problems of fire control and continue developing improved safety equipment for firefighters. The information gained from this research, as well as information on new techniques and technologies, should be made readily available to local officials;
- actively and regularly solicit the advice of elected municipal officials, municipal administrators, and fire professionals on priorities for research and development efforts; and
- research methods to improve fire prevention and share the results of this research with municipal officials.

2. *The National Fire Academy must:*

- maintain training programs for improvement of management and leadership skills needed for the development of future fire service officers;
- continue and enhance training programs for firefighters in order to increase fire fighter safety and reduce the number of deaths and injuries;
- supplement state and local training efforts by developing model training programs for use by local fire fighting administrations and line personnel;
- receive sufficient funding to enable it to function both as a central educational facility and as a provider of training sessions for local fire administrations and line personnel;
- provide a forum in which fire executives can exchange information on fire administration and management techniques, as well as new fire fighting methods and technology;
- actively solicit the advice of elected city officials, administrative personnel and fire professionals on the design of its training programs; and

- continue and expand its “train the trainer” and other outreach programs to provide cost effective and current training materials to fire departments of all sizes, both paid and volunteer.

3. *The Consumer Products Safety Commission should:*

- give high priority to the improvement of the fire safety of consumer products; and
- encourage the use of voluntary performance standards, design and labeling practices and in extreme cases, make use of mandatory standards or product bans.

**D. Standard Setting**

The federal government should refrain from adopting or giving other status to fire standards developed by bodies not having adequate representation by elected officials. NLC urges that national committees constituted to develop fire service standards include significant representation of elected municipal officials and municipal fire protection professionals. Mandatory involvement of municipal officials will help to ensure that the resulting standards consider the implications of the proposed standards on local jurisdictions.

**E. Arson Control**

Those federal agencies who have the responsibility for the nation’s arson problem, particularly those with criminal justice and fire protection concerns, should implement policies and effective programs to reduce arson nationally. These policies and programs should continue to be coordinated through an inter-agency committee on arson control.

National arson criminal data should be accessible to state and local investigators, fire marshals, and law enforcement officials, and should encourage the comprehensive interstate reporting of arsonists. Federal arson-related training, program development, and research activities need to be improved. The U.S. Fire Administration should be authorized and provided with adequate appropriations to conduct a comprehensive arson training, program development, and technical assistance effort of national scope. Effective programs already developed should be updated and shared through direct technical assistance.

The federal government should develop and provide programs for the orientation and education of public officials, the judiciary, and prosecutors on arson issues in addition to training fire and police personnel.