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## PUBLIC SAFETY AND CRIME PREVENTION (2020)

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### **Primer**

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 foreign and domestic terrorism, natural and manmade disasters, and pandemic events.

The list below is a summary of all the federal policy objectives contained in the Public Safety and Crime Prevention chapter of NLC's National Municipal Policy. The purpose of the summary is to provide a quick reference guide in responding to most legislative and regulatory actions that may affect local authority over public safety programs.

### **NLC SUPPORTS FEDERAL PROGRAMS AND FUNDING THAT HELP CITIES...**

- implement the principles of community policing within their local law enforcement agencies.
- target, prosecute and convict violent criminals, drug dealers, sex offenders and human traffickers.
- reduce gun violence.
- prevent hate crimes and youth violence.
- establish initiatives that reduce the need for the incarceration of at risk youth, mentally ill and non-violent drug offenders.
- provide assistance to victims of crime.
- address problems associated with of domestic violence through prevention, intervention, treatment, and effective prosecution.
- manage drug abuse prevention, education, treatment, and community wellness programs.
- reintegrate convicted offenders, who have completed their sentence, back in to the community.
- fight cybercrimes and cyberattacks.
- mitigate risk, respond to and recover from natural and manmade disasters.
- share information and intelligence among local, state, and federal law enforcement agencies.
- maintain safe and secure roads and public transit systems.
- improve first responder voice and data communications, public alerting and 9-1-1 calling systems.
- acquire and maintain first responder equipment and technology.
- train law enforcement, fire, and emergency medical personnel.
- safeguard civil liberties and privacy of its citizens while ensuring public safety.

### **NLC OPPOSES ANY FEDERAL MANDATE THAT...**

- is unfunded or underfunded.
- reduces or restricts local control of public safety programs.
- limits a local governments ability to enact laws to improve public safety.
- imposes or increases the liability or risk to a local government.
- conscripts local government personnel to enforce federal immigration laws.
- adopts or gives legal status to law enforcement, fire and emergency medical standards developed by bodies not having adequate representation by elected officials.
- restricts local governments ability to participate in programs that support local, state and federal law enforcement partnerships.

## 6.00 Introduction

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, response or punishment. Public safety efforts are more likely to result in safer communities if all solutions are integrated into a single strategy.

### 6.01 Crime Prevention

#### A. Problem Statement

Crime prevention is everyone's responsibility because crime and violence plague all 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.

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

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.

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;
- 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;
- 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 hands-on, how-to, materials and publications to assist citizens in their efforts to organize and fight back against crime and violence;
- Urges the United States government to use all means at its disposal to secure the extradition of those alleged to have committed crimes against the people of the United States; 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 train local governments and law enforcement agencies on how to deter, identify, and capture cybercriminals is essential to prevent and detect on-line crime.

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

The growing illegal use 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:

- Provide funding and resources to the ATF to help facilitate efforts of states and localities to register guns;
- Continue to enact initiatives and strengthen laws imposing enhanced sentences for the use of a firearm in the commission of any federal, state, or local crime;
- Strongly support enhanced programs to arrest gun traffickers and shut down the illegal sale and distribution of 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 and sales of firearms;
- Support flexible federal funding for local programs that address gun violence and promote gun safety education and training in safe effective handling and secured storage of legal firearms;
- Continue the 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.<sup>1</sup>

- 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;
- Ban the manufacture, sale, importation, or transfer of all automatic and semi-automatic assault type weapons except for legitimate use as authorized by the National Firearms Act (NFA) and by the military or law enforcement;
- Apply a waiting period of up to 30 days for the purchase or transfer of all guns so that local police agencies may check the criminal and mental health status of purchasers.
- Expand and enhance the National Instant Criminal Background Check System (NICS) to ensure every states criminal records are easily entered and updated and to require anyone who is selling or transferring a gun to check appropriate records through and authorized federal firearms licensee (FFL) to ensure the person acquiring the firearm is not a prohibited person;
- Provide increased funding and assistance to state and local governments to upload standardized real-time data to NICS.
- 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 (ATF) before the agency issues a gun dealer license. The ATF must be required to provide each general purpose

government with a list of that jurisdiction's Federally Licensed Firearms Dealers annually;

- Require the Department of Justice to work closely with State and local law enforcement to aggressively target and hold accountable licensed and unlicensed individuals who break the law by knowingly selling or transferring firearms or ammunition to prohibited persons, gun traffickers or straw purchasers.
- Require that the background of an individual who acquires a weapon from a pawnshop, gun show or online seller shall 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 under the age of 21 from purchasing or possessing an assault rifle and or handgun.
- 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;

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<sup>1</sup> Armor-piercing ammunition, sometimes referred to as metal-piercing ammunition, is ammunition that is designed primarily to penetrate metal or armor, including body armor commonly worn by police officers. Under federal law, armor-piercing ammunition is defined as any projectile or projectile core that may be used in a handgun and that is constructed entirely from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. (18 U.S.C. § 921(a)(17); 27 C.F.R. § 478.11) In addition, armor-piercing ammunition is defined as a full jacketed projectile “larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.” 18 U.S.C. § 921(a)(17)(B). 18 U.S.C. § 923(k)

- 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.
- Enact federal legislation that would prohibit any person from knowingly transferring, purchasing, or attempting or conspiring to purchase or transfer, any firearm or ammunition from licensed or an unlicensed person on behalf of or at the request or demand of a prohibited person, known or unknown.
  - Enact legislation that requires a fully federally funded and completed background check within a reasonable time frame consistent with state and local laws for all gun sales or transfers, and requires that all unlicensed or private sellers use an FFL or participating law enforcement agency to facilitate a firearms background check through NICS on the purchase or transfer of any firearm to anyone.
  - Congress should provide sufficient funding to the Center for Disease Control to conduct comprehensive research to identify the underlying causes that lead to gun violence and mass shooting in communities.
  - Establish a national commission that consists of federal, state, and local officials, gun rights advocates, survivors of gun violence, law enforcement officials, and medical and mental health providers to recommend legislative solutions

aimed at reducing gun violence in the United States.

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

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.

Youth crime has 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.

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.

## 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.

## 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.

## 4. *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 a violent incident is. 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.

#### 5. *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.

#### **E. Substance Abuse**

Substance abuse is a public safety concern. Illegal drugs, as well as alcohol and prescription drug abuse, 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.

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 non-violent drug use offenses;
- Funding for the creation of non-incarceration alternatives for non-violent drug use offenses;
- Federal funding and standardized training for law enforcement, fire fighters, public emergency medical personnel, and other first responders on identifying, seizing and clean-up of illicit drug producing labs;
- Reimbursement of the cost associated in the clean-up and damages to property contaminated by illicit drug producing labs;

- Funding for hazardous material equipment and training that reduces the occupational health issues associated with methamphetamine lab and other drug production lab seizures and clean-up; and
- Technical assistance, national information sharing services, and direct fiscal support for Prescription Drug Monitoring Programs; and,
- Increasing the ease of access to and prevalence of safe, environmentally sound disposal of prescription drugs through convenient take-back options for all unwanted prescription drug medications.

### *1. 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.

### *2. Enforcement*

Current enforcement efforts have simply not been effective in controlling the manufacturing, sale, distribution and use of illicit drugs. NLC believes that better definitions in state and federal laws related to illicit 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;
- An increased focus on enforcement against those involved in cases that are determined as high-level manufacturing, sales and distribution of illicit drugs, especially those selling or furnishing illegal drugs to minors;
- Prosecution to the fullest extent of the law for those involved in violent crime related to illegal drug use;
- Increased penalties for those convicted of drug offenses where firearms are possessed by the offender;
- Increasing the use of federal law enforcement in the interdiction, arrest, search, and seizure of illicit use and sale of drugs;
- Federal assistance in the arrest and prosecution of those responsible for the death or injury of public safety and law enforcement personnel involving official investigations of illegal drug operations;
- The utilization of extradition as a key tool in combating international trafficking;
- The immediate deportation of illegal immigrants convicted of offenses related to the illicit sale of drugs after the court's disposition has been fulfilled;
- The aggressive pursuit and prosecution of medical personnel illicitly prescribing, selling, administering, dispensing, mixing or otherwise preparing any prescription drug, including any controlled substance under state or federal law; and



- Federal funding and assistance to every state to establish and maintain Prescription Drug Monitoring Program (PDMP) and to ensure these programs achieve data uniformity and implement information sharing across all state PDMPs. The federal government should also require healthcare providers utilize the PDMP prior to prescribing medications to patients.

### **F. 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 and support for local government programs to address the problems of domestic violence through prevention, intervention, treatment, and effective prosecution. 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;
- 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; and
- 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.

### **G. 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 and funding 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 prior to and upon re-entry. 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.

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, 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.

Congress should pass legislation guaranteeing that appropriate programs such as Medicaid, Social Security Disability, educational or vocational retraining, and other federal benefits, are available to eligible individuals on the first day of their release, ensuring access to the necessary services and resources vital to making a successful transition back into society.

#### **H. Driving Under the Influence and Distracted Driving**

The enforcement of laws for distracted driving (including texting or the use of mobile devices) and driving under the influence, 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 distracted driving and 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.

## **I. Stopping Human Trafficking**

Human trafficking is a modern-day form of slavery that impacts people of all ages and of both genders, where services, labor, or sex are supplied by victims who are forced, defrauded or coerced to work through such methods as involuntary servitude, debt bondage, and forced labor. At the heart of this heinous crime are the myriad forms of enslavement – not the activities involved in international transportation—and hundreds of thousands of U.S. citizens and other permanent residents, including kidnapped and homeless youth, are considered to be at risk for or victims of trafficking. Victims of human trafficking live among us in our cities and towns, but are typically captive and isolated, unaware of their rights, powerless to access services, and afraid to ask law enforcement and other authority figures for help. Combating human trafficking requires a collaborative, comprehensive approach across all levels of government.

To combat human trafficking, sufficient federal resources must be committed to ensure that law enforcement strategies are realistic and are coordinated with efforts in education, prevention, and support of victims.

NLC supports:

- Congressional action that will provide adequate funding for the Trafficking Victims Protection Reauthorization Act, which gives law enforcement additional tools and resources to prevent human trafficking, investigate human trafficking crimes, promote increased cooperation among federal agencies, between the U.S. and other countries, and between federal, state and local law enforcement.
- Congressional authorization and funding of block grants to localities to support comprehensive local approaches to stopping sex trafficking of minors

through prevention, support for victims, and resources and support for the police and prosecutors who pursue justice against traffickers, pimps and others who participate in or coordinate these crimes.

- Federal programs that train key state, local government, and non-profit personnel, as well as make efforts to increase the public’s awareness of human trafficking.

## **J. Mental Illness and Criminal Justice**

As people with mental illnesses continue to come in contact with the criminal justice system, communities across the United States struggle to develop interventions and supports that improve outcomes for these individuals, their service providers, and the public.

How the criminal justice community engages people with mental illness is a matter of national concern. Untreated mental illness often leads to volatile situations that require law enforcement to intervene. These interactions can require special training, be difficult to resolve, and create unique risks to the safety of all involved.

In 2004, Congress passed the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which enhances local public safety by funding training for law enforcement officers on how to identify and respond to incidents involving people with mental illnesses, increasing mental health courts nationwide, improving collaboration between criminal justice and mental health systems, and improving access to effective treatment.

NLC supports MIOTCRA federal efforts that provide additional resources for veteran treatment courts, and increases resources and training for first responders (law enforcement, fire, emergency medical

service personnel, and others) to properly respond to mental health calls. Federal programs that fund joint efforts between law enforcement and health officials to reduce repeat calls for service and better serve people with mental illness are also crucial to reducing unnecessary interactions between police and the mentally ill.

Mentally ill persons who do not receive psychiatric treatment and/or fail to comply with their medications regimen are significantly more likely to face arrest. For this reason, NLC supports funding for programs that improve the screening of incoming jail and prison detainees for mental illness; the diversion of individuals to mental health programs when appropriate; increasing the availability of grants for mental health courts and other diversion efforts; providing intensive treatment while incarcerated, when necessary; requiring Bureau of Justice Statistics to regularly update the “Mental Health Problems of Prison and Jail Inmates; and ensuring transitional services when leaving jail. These programs ultimately reduce the likelihood that mentally ill individuals will return to incarceration or have a future interaction with law enforcement. (*NLC’s policies on Mental Health are detailed further in the HD Chapter of the National Municipal Policy.*)

#### **K. Equity in the Criminal Justice System**

Every person has 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, gender identity, poverty or other similar factors.

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

#### **L. Poverty**

Crime statistics demonstrate the significantly greater risks of direct criminal victimization of poor people.<sup>2</sup> 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.

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<sup>2</sup> Marcus Berzofsky, Dr.P.H., RTI International, Lance Couzens, RTI International, Erika Harrell, Ph.D., BJS Statistician, Lynn Langton, Ph.D., BJS Statistician, Hope Smiley-McDonald, Ph.D., RTI International, “Household Poverty And Nonfatal Violent Victimization, 2008–2012” Department of Justice Bureau of Justice Statistics, November 18, 2014, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5137>.

### **M. Improve Policing in the 21<sup>st</sup> Century**

NLC believes that trust between law enforcement agencies and the people they protect and serve is essential to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services. Unfortunately, high-profile officer-involved killings have exposed racially divisive issues in the relationships between local police and the communities they protect and serve, especially in communities of color.

In December 18, 2014, President Barack Obama signed Executive Order 13684 establishing the Task Force on 21st Century Policing to examine ways of fostering strong, collaborative relationships between local law enforcement and the communities they protect and to make recommendations to the President on ways policing practices can promote effective crime reduction while building trust. The final report of the Task Force was delivered to the President on March 2, 2015 that included a total of 63 recommendations, most of which were directed at the approximately 18,000 state and local law enforcement agencies spread throughout the country.

NLC supports the report's findings that encourage collaboration with community members, especially in communities and neighborhoods disproportionately affected by crime, to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing community engagement, and fostering cooperation.

NLC calls on Congress and the Administration to provide financial and technical assistance to local governments to help implement the applicable recommendations of the Task Force on 21st Century Policing and to assist municipalities

with their efforts to make sure law enforcement training provides the foundation to cultivate police officers as leaders in – and guardians of – their communities by providing increased training in racial and implicit bias, intelligent restraint and de-escalation tactics and the use of nonlethal force.

### **N. Federal Asset Forfeiture Program**

The criminal and civil asset forfeiture has long been an effective law enforcement tool to fight against illegal profiteering and to deter crime. The federal asset forfeiture program, when it is properly managed and regulated, redirects illegally gained property to be used by law enforcement to combat criminal activity consistent with federal and state regulations.

When Congress passed the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), P.L. 106-185, it made significant reforms to the Department of Justice's asset forfeiture program to ensure property owners are afforded adequate due process before their property was forfeited.

NLC strongly supports the provision in the law that authorizes the Attorney General to transfer or share seized assets with other federal, state, local, or foreign law enforcement agencies who have participated in the investigation or proceedings that resulted in confiscation. The civil asset forfeiture program provides millions in additional funding to support local law enforcement agencies ability to continue to participate in federal task forces targeting criminal and gang activity.

NLC is concerned that Congress's continued scrutiny of the civil asset forfeiture's peculiarities in greater detail because of ongoing allegation of misconduct by local law enforcement agencies it may once again

consider legislation to change or limit the Department of Justice's ability to transfer property and funding to state and local law enforcement agencies through the civil asset forfeiture program. NLC believes the reforms already implemented by the Department of Justice address many of the concerns that have been raised regarding asset forfeiture and that any further steps to reform the program should only be taken after careful consideration as to not further weaken this valuable tool that aids state and local law enforcement in protecting our communities.

NLC opposes federal legislation that would limit local law enforcement's ability to participate in the Federal civil asset forfeiture program. We strongly believe and future efforts to change or severely limit local law enforcement's ability to participate in the federal civil asset forfeiture program should not give safe harbor to the cartels and professional criminals who engage in drug trafficking, human trafficking and child pornography. NLC believes Congress should maintain the method for reimbursement of state and local agencies that have committed resources participate in joint Federal task forces, while also establishing appropriate requirements that safeguard individual rights and remove financial incentives for potential misconduct. The Department of Justice should also pursue sanctions against local law enforcement agencies that habitually misuse the federal civil asset forfeiture program.

## **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: The federal government should assist cities and towns across the nation in acquiring modern emergency communications capabilities and advanced law enforcement technology; and
- Federal, state and local law enforcement must share information and intelligence across intergovernmental and jurisdictional boundaries.

### **C. Public Safety Technology and Intelligence**

#### *1. Public Safety Technology and Intelligence Goals*

NLC urges the federal government to assist local governments 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;

- Provide technical assistance and funds to local police for the adoption of advanced policing technology, particularly alternative use of force options that help safely deescalate violent situations; and
- Provide technical assistance and support to established intergovernmental institutions to ensure a collaborative exchange of information that maximizes resources, streamlines operations, and improves the ability to fight crime and terrorism by merging data from a variety of sources.

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 sufficient and appropriate spectrum to meet future public safety needs across the nation, communications equipment with open standards, and funding for the necessary building, operation, and maintenance of a national interoperable emergency communications system. 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 ITC 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 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. The collection and analysis of biometric evidence - particularly DNA- has proven a valuable tool in identifying suspects in both violent and non-violent crimes, as well as ruling out innocent individuals, and expansion of its use should be supported at the federal level.

Ultimately, the use of modern technology results in cost efficiencies because it allows for better management of workloads, streamlines processes, and provides rapid analysis, all of 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. Information Sharing*

Access to both specific and aggregate information on public safety threats — ranging from acts of terrorism, to health threats, to gang violence trends — gathered by the federal government, should be shared



with local law enforcement and other necessary agencies in potential impact areas.

The federal government must continue to improve standing task forces, centers, and institutions for sharing classified information on threats with first responders. Both federal financial and technical assistance, as well as on-site assistance of federal personnel, should be provided to local government, to assist in these information sharing institutions and joint analysis efforts.

The federal government should assist local law enforcement with acquiring the proper equipment, technology, and training to participate in information sharing activities, such as establishing fusion centers. The federal government should continue to refine policies and practices surrounding these institutions to ensure all activities respect civil liberties and privacy concerns.

#### **D. 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*

##### 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.

#### *3. 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.

#### *4. 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.

#### *5. 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.

#### *6. 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.

#### *7. 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.

#### **E. Mental Health and Public Safety**

Major criminal incidents and emergencies have a significant impact on the psyche of citizens and first responders alike. Immediate support after traumatic incidents can ensure that witnesses provide first responders with more lucid descriptions of the event and prevent significant long-term mental health concerns. First responders to traumatic events also require psychological support. In both cases, psychological conditions, post-traumatic stress disorder, or substance abuse may develop or worsen if not addressed.

Psychological first aid, crisis counseling, and response worker support are all key to mitigating these issues. The federal government should assist with resources and the coordination of non-profit entities and

state and local governments to ensure a continuum of care is available to victims of crimes and disasters—particularly after major emergencies and incidents. These efforts must include awareness and education of access to behavioral health treatment to prevent negative effects following a devastating event.

### **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 disaster losses incurred. Specifically, the federal government should:

- Continuously strive to improve the coordination of local, state, and federal disaster preparedness plans, including Emergency Management Assistance Compact (EMAC) operations;
- Assure continued availability of adequate property and casualty insurance and excess insurance coverage to all regions of the nation, at affordable rates without unreasonable exclusions or geographic redlining;
- Provide clear and appropriate division of responsibilities between local, state, and federal governments in presidentially-declared disaster areas, with clear channels and protocols between leaders, including maintaining the appropriate role of the U.S. military forces in supporting emergency response;

- Ensure FEMA has the funding, authority, clear mandate, and flexibility it needs to respond quickly and effectively; and
- Do nothing to impede efforts by first responders and state and local authorities.

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

The highest priority of all levels of government in addressing disaster and terrorism issues should be 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 HD 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;
- Provide fiscal, technical, and staff support for the development and operation of fusion centers and other standing information sharing institutions;
- 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;
- Enact legislation that will allow for federal assistance in the accreditation of municipal levees in a cost-effective and responsible manner;
- Support federal programs to encourage public, private, and individual disaster plans, such as Citizen Corps;
- 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 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. The federal

government also should allow municipalities to request their municipality be declared a disaster independently of other local government entities. 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.

When a city is asked by the federal government to provide services to citizens from jurisdictions outside their own in times of a declared state of emergency, it is the right of that city to recoup reimbursement from the federal government for expenses. Federal agencies must reimburse cities outside the declared state of emergency for costs related to disaster evacuation and sheltering, including straight time for city employees and the use of city-owned sheltering facilities at the direction of the federal government.

#### **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. 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 United States.

### *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 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 United

States. 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.

### *5. Sanctuary Cities*

NLC opposes federal legislation that would impose harmful sanctions on local governments that have in affect a statute, ordinance, policy, or practice that prohibits or restricts compliance when a detainer request or administrative warrant is issued by the Department of Homeland Security.

Congress should ensure that the Department of Homeland Security's detainer requests and administrative warrant comply with the U.S. Constitution's Fourth and Tenth Amendments. Congress should also provide additional resources and funding to the Department of Homeland Security to meet the statutory requirements to enforce our Nation's immigration laws and not force local governments to take on the financial responsibilities and duties of federal immigration enforcement agents.

## **I. Protect Against and Respond to Cyber Threats**

The growing number of attacks on our cyber networks has become "one of the most serious economic and national security threats our nation faces. Cyber-based infiltrations of the nation's electric grid, water, sewer, and other critical infrastructure have already occurred, and have left behind software programs that could be used to disrupt the system. Municipalities that manage critical infrastructure such as utilities and transit systems, as well as maintain sensitive databases on individuals, public works, and industries are at considerable risk of cyberattacks.

NLC is concerned that information sharing across all levels of government and the private sector remains challenged, often leaving municipalities unaware of the latest threats to data systems. Many municipalities are often not aware of steps that can be taken to mitigate threats to networks. NLC believes there is a crucial federal role in cybersecurity related to national security, protection of sensitive information and intellectual property, and the availability and continuity of infrastructure. NLC applauds the Administration and Congress for recognizing the increasing importance of securing cyberspace, taking initial steps to review federal policy on cyberspace, and reaching out to state and local governments, and the private sector, on this issue. We would encourage that federal engagement with state and local governments, as well as the private sector, continues to increase to ensure the safety of e-commerce and to secure critical infrastructure from online threats while not impeding on local authority.

The frameworks that have been established by the Department of Homeland Security for facilitating the sharing of information on cyber threats among all levels of government, such as the Multi-State Information Sharing and Analysis Center (MS-ISAC) and other members of the National Council of ISACs, as well as with the private sector, must be encouraged and expanded.

The federal government should be required to disseminate cyber intrusion detection and prevention tools to intergovernmental partners, and be permitted, when requested, to provide assistance to localities and other entities in addressing and repairing damages from a major cyber-attack and for advice on building better defenses.

NLC urges also Congress and the administration to continue to work to safeguard civil liberties and privacy of its citizens while maintaining the safety and stability of the internet.

#### **J. Local law enforcement access to the Department of Defense's (DoD) Excess Property Program (1033 program)**

In September 1996, Congress authorized DoD to donate to State and local law enforcement agencies excess property suitable for use in counter-drug and counter-terrorism activities.<sup>3</sup> Local law enforcement agencies have used the equipment acquired through the 1033 program to respond to critical incidents like the Boston Marathon bombing and other incidents where members of the public and public safety personnel have been under attack by heavily armed criminals. This equipment is used during critical incidents to protect and rescue members of the public and first responders. More than 8,000 law enforcement agencies around the country participate in the 1033 program.

Since the program's inception, the Pentagon has transferred property that has saved local taxpayers more than \$5.1 billion, according to the Defense Logistics Agency, which manages the transfers. Much of the equipment is non-military items, including but not limited to office equipment, blankets and sleeping bags, computers, digital cameras and video recorders, binoculars, flashlights, extreme weather clothing, repair tools, first-aid supplies and TVs.

NLC urges the Administration and Congress to maintain policies that ensure local law enforcement agencies continue to have access to the 1033 program to acquire surplus

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<sup>3</sup> 10 U.S.C. § 2576a, which was established by section 1033 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)



equipment that is essential for public safety from the DoD

## 6.04 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 firefighting 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 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 firefighting 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 firefighting 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.

**NLC RESOLUTION #37****IN SUPPORT OF FEDERAL EFFORTS TO COMBAT THE EPIDEMIC OF HEROIN AND PRESCRIPTION OPIOID ABUSE**

**WHEREAS**, cities throughout the nation – both urban and rural – are dealing with the tragic effects of the epidemic of heroin and prescription opioid abuse; and

**WHEREAS**, heroin and opioid addiction is an epidemic ravaging urban, suburban, and rural communities in our country;<sup>1</sup> and

**WHEREAS**, according to the Centers for Disease Control and Prevention, opioids (including prescription opioids, heroin, and fentanyl) killed more than 47,000 people in 2017<sup>2</sup>; and

**WHEREAS**, cities are supplying their law enforcement, fire and emergency medical personnel with naloxone to reverse heroin and opioid overdose, which rapidly restores normal respiration to a person who has stopped breathing as a result of overdose; and

**WHEREAS**, local governments have been aggressively developing policies and programs to address substance abuse disorders in their communities but many lack the necessary resources to mount a comprehensive response to the opioid and heroin epidemic; and

**WHEREAS**, efforts to reduce the number of opioid and heroin overdoses in our cities require a strong partnership between local, state and federal health and law enforcement programs; and

**WHEREAS**, Congress passed the Comprehensive Addiction and Recovery Act (CARA) of 2016 (Public Law No: 114-198) and the 21<sup>st</sup> Century Cures Act (Public Law 114-255), which authorizes additional funding for local opioid abuse prevention and education efforts, expands the availability of naloxone to local law enforcement, fire and emergency medical personnel, and supports local prescription opioid and heroin treatment and intervention programs; and

**WHEREAS**, in FY 2017, FY 2018 and 2019 the Department of Health and Human Services (HHS) awarded each year more than \$1 billion in grants – authorized by the CARA and the Cures Act – to states and territories to help combat the opioid epidemic by funding local programs for prevention and treatment to those affected; and

**WHEREAS**, lack of clarity from Congress and the Administration on how States should use the money has left millions of dollars in federal funding unspent; and

**WHEREAS**, there is insufficient information on how the States are spending the federal funding to support local substance use disorder programs; and

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<sup>1</sup> Cicero, T., Ellis, M., Surratt, H., Kurtz, S. The Changing Face of Heroin Use in the United States: A Retrospective Analysis of the Past 50 Years, July, 2014.

<sup>2</sup> <https://www.cdc.gov/drugoverdose/index.html>

**WHEREAS**, local governments are best positioned to quickly put the unspent funding and any additional funding that Congress provides for opioid abuse prevention and treatment programs to immediate use.

**NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) urges Congress to require each State to submit a comprehensive report on how they are using the Cures and CARA funding to support local programs for prevention and treatment of substance abuse disorders by the end of the first quarter of 2020; and

**BE IT FURTHER RESOLVED**, NLC calls on Congress to include statutory language in future substance abuse disorder prevention, intervention, treatment and recovery funding that would require States that receive a federal block grant for substance use prevention, intervention, treatment and recovery services to pass through 80 percent of the funding within 90 days of receiving the award to local governments and programs; and

**BE IT FURTHER RESOLVED**, that once a State receives a federal block grant for substance abuse disorder prevention, intervention, treatment and recovery it should be required to inform all local governments in the State on how the State intends to distribute the funding to support local programs.

**NLC RESOLUTION #38****IN SUPPORT OF LEGISLATION TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)**

**WHEREAS**, Congress created the National Flood Insurance Program (NFIP) in 1968 to make affordable flood insurance available to homeowners, renters, and business owners in exchange for using Federal Emergency Management Agency (FEMA) generated and specified Flood Insurance Rate Maps (FIRMS) for floodplain management by a participating community; and

**WHEREAS**, the Flood Disaster Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of federal or federal-related financial assistance for acquisition or construction purposes with respect to the insurance buildings; and

**WHEREAS**, the NFIP provides affordable flood insurance to property owners by encouraging local governments to adopt and enforce floodplain and water management regulations, best practices and techniques; and

**WHEREAS**, these mitigation efforts reduce and prevent flooding on new and improved structures, thereby saving lives and reducing injuries, reducing economic losses, maintaining and protecting critical infrastructure, and reducing the liability borne by local governments and elected officials; and

**WHEREAS**, in July 2012, the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12) was enacted (PL 112-141) to extend the authorization of the NFIP through September 30, 2017; and

**WHEREAS**, the NFIP collected more than \$1.33 billion in 2018 and paid out more than \$1.35 billion in losses to 31,801 homeowners and businesses<sup>1</sup>; and

**WHEREAS**, as of August 14, 2019, there were 5,178,978 homeowners and businesses that were issued a flood insurance policy through the NFIP<sup>2</sup>; and

**WHEREAS**, there is still no viable private market for homeowners and businesses to acquire sufficient flood insurance coverage; and

**WHEREAS**, it is incumbent upon all of us to have a long-term, sustainable and viable NFIP with rates that are affordable; and

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<sup>1</sup> Federal Emergency Management Agency. (2019, Aug 18). National Flood Insurance Program: Statistics by Calendar Year. Retrieved from Federal Emergency Management Agency: <https://www.fema.gov/statistics-calendar-year>

<sup>2</sup> FEMA (2016, June 30)

**WHEREAS**, accurate mapping is fundamental for local governments to assess and communicate risk to their communities and homeowners; and

**WHEREAS**, the current mapping process often results in local governments having to fight inaccurate maps that do not take into account locally built flood protection features and communities building off of outdated mapping, which results in artificially inflated risk. Further, many areas of the country are not mapped or mapped accurately, which results in communities who are at risk of flooding unaware of the risk; and

**WHEREAS**, unless Congress reauthorizes the NFIP, millions of home-owners and businesses will lose their flood insurance coverage and could default on their loans.

**NOW, THEREFORE, BE IT RESOLVED**, that the National League of Cities (NLC) urges Congress to reauthorize the NFIP and to keep flood insurance rates affordable for primary, non-primary and business properties while balancing the fiscal solvency of the program; and

**BE IT FURTHER RESOLVED** that NLC urges the federal government to work with state and local governments, the insurance industry, and other stakeholders to develop an incentive-based disaster insurance and mitigation system that would encourage property owners to retrofit existing structures to reduce future losses from natural disasters; and

**BE IT FURTHER RESOLVED** that NLC urges the federal government to encourage lending institutions to incorporate mitigation provisions as conditions for loans; and

**BE IT FURTHER RESOLVED** that in order for local governments to help their communities and homeowners to adequately prepare for risk, Congress should provide additional resources to FEMA to utilize the best technology and methods available to improve the mapping process, including seeking the input from local government officials prior to approving any flood map that could impact local zoning rules.

**NLC RESOLUTION #39****IN SUPPORT OF FEDERAL EFFORTS TO ENSURE STATE AND LOCAL GOVERNMENTS HAVE THE AUTHORITY TO REGULATE THE MANUFACTURING, DISTRIBUTION AND SALE OF MEDICAL AND ADULT-USE CANNABIS**

**WHEREAS**, in 1970, President Nixon signed the Controlled Substance Act (CSA) and listed “marijuana (cannabis)” in the most restrictive category, Schedule I, which was designated for substances that “have no currently accepted medical use in the United States, a lack of accepted safety for use under medical supervision, and a high potential for abuse;” and

**WHEREAS**, the listing of cannabis as a Schedule I substance was supposed to be temporary pending a federal review by the newly formed National Commission on Marijuana and Drug Policy (more commonly known as the Shafer Commission)<sup>1</sup>; and

**WHEREAS**, despite the Shafer Commission's 1972 report concluded that "neither the marijuana user nor the drug itself can be said to constitute a danger to public safety," and recommended that cannabis possession for personal use no longer be considered a criminal offense<sup>2</sup>, cannabis remains as a Schedule I substance today; and

**WHEREAS**, throughout the 1980s, because cannabis was listed as a Schedule I substance, federal and state criminal penalties for cannabis became stricter and mandatory-minimum sentences were established<sup>3</sup>; and

**WHEREAS**, since 2002, public support for legalizing cannabis has increased from 34% to 66% in 2018<sup>4</sup>; and

**WHEREAS**, since 1996, 33 states and the District of Columbia have legalized the medical use of cannabis and since 2012, 11 states and the District of Columbia have also legalized the adult-use of cannabis; and

**WHEREAS**, the cannabis industry in the United States could exceed \$24 billion in revenue by 2025<sup>5</sup> and for every \$1.00 spent in the marijuana industry, between \$2.13 and \$2.40 in economic activity is generated<sup>6</sup>; and

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<sup>1</sup> Amy Nordrum, "Why Is Marijuana A Schedule I Drug?," [ibtimes.com](http://ibtimes.com), Feb. 19, 2015

<sup>2</sup> National Commission on Marijuana and Drug Abuse & Raymond P. Shafer, *Marihuana: A Signal of Misunderstanding*, 1972

<sup>3</sup> Eric Schlosser, "Marijuana and the Law," *The Atlantic*, Sep. 1994

<sup>4</sup> Justin McCarthy, "Record-High Support for Legalizing Marijuana Use in U.S.," Gallup, October 2017

<sup>5</sup> Alicia Wallace, "Report: America's Marijuana Industry Headed for \$24 Billion by 2025," [thecannabist.co](http://thecannabist.co), Feb. 22, 2017

<sup>6</sup> Troy Antonuci, "The Economics of Legalization," *Daily Marijuana Observer*, Apr. 6, 2017



**WHEREAS**, the millions of dollars in tax revenues that have been collected in states that have legalized medical and adult-use cannabis provide funding to local police, drug treatment and mental health centers, housing programs, and school program<sup>7</sup>; and

**WHEREAS**, more than 122,814 jobs have been created in states that have legalized the medical and adult-use of cannabis<sup>8</sup>; and

**WHEREAS**, more than half of US adults, over 128 million people, have tried cannabis, despite it being an illegal drug under federal law<sup>9</sup>; and

**WHEREAS**, despite the increased number of states that have legalized cannabis, a study from the Centers for Disease Control (CDC) found that marijuana use among kids ages 12 to 17 decreased by 17%, from 15.8% in 2002 to 13.1% in 2014 including a nearly 12% drop in marijuana use just two years after adult use was legalized in Colorado, according to the National Survey on Drug Use and Health<sup>10</sup>; and

**WHEREAS**, the rising concerns about the conflict between federal and state laws on cannabis use led to a 2013 memo by Deputy Attorney General James M. Cole stated “that so long as states had good regulations, then the federal government would hold off on challenging marijuana legalization”<sup>11</sup>; and

**WHEREAS**, the roll back of Department of Justice’s 2013 Cole memo in 2018 by Attorney General Jeff Sessions is raising new questions about whether the federal government will crack down on states that legalized medical and adult-use of cannabis by instructing federal prosecutors to determine for themselves when to prosecute marijuana activities; and

**WHEREAS**, the threat of increased federal enforcement of the Controlled Substances Act has resulted in uncertainty of states and local governments ability to regulate the manufacturing, distribution and retail sale of cannabis for the safety and health of its residents; and

**WHEREAS**, On June 7, 2018, Senator Elizabeth Warren (D-MA) and Senator Cory Gardner (R-CO) introduced the Strengthening the Tenth Amendment Through Entrusting States (STATES) Act, which would ensure that each State has the right to determine for itself the best approach to marijuana within its borders; and

**WHEREAS**, rescheduling of cannabis would allow greater federal, state and local regulation of the industry to ensure the cannabis people are buying is not covered with mold, fungus, pesticides, or other harmful substances<sup>12</sup>; and

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<sup>7</sup> Josh Hamilton, "The Economic and Social Benefits of Taxing Marijuana," medium.com, Sep. 26, 2017

<sup>8</sup> Bruce Barcott and Gage Peake, "Part 2, How Many Jobs Depend on Legal Cannabis?," leafly.com, Jan. 5, 2017

<sup>9</sup> MaristPoll, "Yahoo News/Marist Poll: Weed & The American Family," marist.edu, Apr. 17, 2017

<sup>10</sup> Alejandro Azofeifa, et al., "National Estimates of Marijuana Use and Related Indicators - National Survey on Drug Use and Health, United States, 2002–2014," cdc.gov, Sep. 2, 2016

<sup>11</sup> Department of Justice, "Justice Department Announces Update to Marijuana Enforcement Policy," justice.gov, Aug. 29, 2013

<sup>12</sup> American Public Health Association (APHA), "Regulating Commercially Legalized Marijuana as a Public Health Priority," Nov. 18, 2014

**WHEREAS**, rescheduling of cannabis would allow the federal, state and local governments to set rules and regulations that would restrict driving under the influence, set age restrictions on buyers and regulate the entire supply chain of cannabis, including growers, distributors, retailers, and testing laboratories<sup>13</sup>; and

**WHEREAS**, rescheduling of cannabis should also allow local governments to establish zoning restrictions on the manufacturing, distribution and retail sales of cannabis.

**NOW, THEREFORE, BE IT RESOLVED** that the National League of Cities (NLC) calls on the White House, U.S. Department of Justice and the U.S. Drug Enforcement Administration to reschedule cannabis by removing it from the list of Schedule I substances under the CSA; and

**BE IT FURTHER RESOLVED**, NLC urges Congress to pass legislation that would ensure states and local governments have the ability to establish laws and regulations on the manufacturing, distribution, and sale of medical and adult-use cannabis within the state; and

**BE IT FURTHER RESOLVED**, calls on the U.S. Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Drug Enforcement Administration, and the United States Department of Health and Human Services Food and Drug Administration to establish federal regulations for the manufacturing, distribution and sale of legal medical and adult-use cannabis.

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<sup>13</sup> Bureau of Cannabis Control, "Medicinal and Adult-Use Cannabis Regulation," [bcc.ca.gov](http://bcc.ca.gov)

**NLC RESOLUTION #40****IN SUPPORT OF FEDERAL LEGISLATION TO INCENTIVIZE STATES TO ENACT EXTREME RISK PROTECTION ORDER LAWS AND TO ENACT A FEDERAL EXTREME RISK PROTECTION ORDER LAW TO REDUCE FIREARM RELATED SUICIDES, MURDER-SUICIDES AND FAMILY FIRES**

**WHEREAS**, a majority of the discussion in Congress regarding gun violence prevention overlooks the leading causes of firearm related deaths and injuries in the United States – suicide, murder-suicide and family fire; and

**WHEREAS**, according to the Center for Disease Control and Prevention’s Annual Fatal Injury Report, 62 percent (218,735) of the firearm related deaths from 2006 to 2016 were due to a person using a firearm to commit suicide<sup>1</sup>; and

**WHEREAS**, in 2015, more than 32 percent of homicide victims were killed by a family member or someone they knew (acquaintance, neighbor, friend, boyfriend, etc.) and more than 71 percent of the homicides for which the Federal Bureau of Investigations received weapons data in 2015 involved the use of firearms<sup>2</sup>; and

**WHEREAS**, more than 65 percent of the murder-suicides involve an intimate partner and nine out of ten use a firearm<sup>3</sup>; and

**WHEREAS**, if a firearm is present in the home when a domestic violence incident takes place, the risk of homicide increases by 500 percent<sup>4</sup>; and

**WHEREAS**, the lifetime medical and work-loss costs for suicide in 2019 was estimated to be above \$70 billion<sup>5</sup>; and

**WHEREAS**, we lose twenty-two military veterans a day to suicide and 2/3’s of such suicides are gun suicides, and

**WHEREAS**, more than 50% of all suicides in the United States are gun suicides, and

**WHEREAS**, most people who survive a suicide attempt never try again, only 10% of those who attempt suicide with a gun survive, and less than 50% of those who attempt suicide by any other means die, and

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<sup>1</sup> United States Suicide & Homicide Firearm Deaths and Rates, Centers for Disease Control and Prevention - Fatal Injury Reports, National, Regional and State, 1999 – 2016

<sup>2</sup> Federal Bureau of Investigations Uniform Crime Report (UCR) – Expanded Homicide Data, 2015. (Note: 2016 and 2017 UCR data did not delineate victim’s relationship.)

<sup>3</sup> Violence Policy Center, American Roulette: Murder-Suicide in the United States, Sixth Edition, 2018, <http://vpc.org/studies/amroul2018.pdf>

<sup>4</sup> National Coalition Against Domestic Violence, “Guns and Domestic Violence,” [https://ncadv.org/assets/2497/guns\\_and\\_dv.pdf](https://ncadv.org/assets/2497/guns_and_dv.pdf)

<sup>5</sup> Florence C, Simon T, Haegerich T, Luo F, Zhou C. Estimated lifetime medical and work-loss costs of fatal injuries-United States, 2013. MMWR Morb Mortal Wkly Rep. 2015;64(38):1074-1077.

**WHEREAS**, suicide, murder-suicide and family fire are often associated with known risk factors that family members, cohabitants, law enforcement and other qualified professionals can use to alert public safety and health officials through petitioning the courts when an individual is in crisis and could use a firearm to harm themselves or others. Such risk factors may include:

- a history of depression, suicidal ideations, violent outbursts or threats of violence, and exhibiting other such risky or threatening behaviors such as hopelessness, substance abuse, Post Traumatic Stress Disorder and other such health conditions, previous suicide attempts, violence victimization and perpetration, and genetic and biological determinants.
- high conflict or violent relationships, sense of isolation and lack of social support, family/loved one's history of suicide, financial and work stress
- inadequate community connectedness, barriers to health care (e.g., lack of access to providers and medications); and

**WHEREAS**, Extreme Risk Protection Orders, also called Gun Violence Restraining Orders, have been enacted in several states since first being implemented in Connecticut in 1999 (for law enforcement only) and in California in 2014 (for family and law enforcement), and have been found to greatly reduce the incidence of gun suicide and other gun related violence, and

**WHEREAS**, permitting law enforcement, immediate family members, co-habitants and other qualified professionals to petition a court to allow law enforcement to temporarily remove firearms, and temporarily prohibit the purchase or possession of firearms from an individual that is determined by the court to be a danger to themselves or others has proven to dramatically reduce the rate of gun violence where enacted and could greatly reduce gun violence in the United States, saving federal, state and local governments billions of dollars while saving lives.

**NOW, THEREFORE, BE IT RESOLVED**, the National League of Cities urges Congress to pass legislation that would allow certain immediate family members, co-habitants, law enforcement and other qualified professionals to petition a court to temporarily prohibit an individual from purchasing or possessing a firearm and direct local law enforcement to temporarily confiscate firearms from those same individuals who the court finds are at risk of committing suicide, murder-suicide, family fire or other gun related violence as a danger to themselves or to others; and

**BE IT FURTHER RESOLVED**, the legislation should also further prevent these individuals from purchasing or possessing firearms by requiring that their names be entered into the National Instant Criminal Background Check System until such time it has been determined by the court that they no longer pose a threat to themselves or to others; and

**BE IT FURTHER RESOLVED**, the legislation must ensure that any effort to confiscate firearms from individuals who may pose a threat to themselves or others requires local law enforcement to follow federal and state notification and due process protections; and

**BE IT FURTHER RESOLVED**, an individual that makes a malicious claim against another person to have their firearms removed and prohibit them from purchase or possession of firearms should be subject to appropriate legal action by the state and local governments.

**NLC RESOLUTION #41****IN SUPPORT OF FEDERAL EFFORTS TO HELP LOCAL GOVERNMENT REDUCE  
FIREFIGHTER EXPOSURE TO HAZARDOUS CONTAMINANTS THAT MAY  
INCREASE HEALTH RISKS**

**WHEREAS**, the National League of Cities (NLC) conducted a study in 2009 that found there is a lack of substantive evidence that was available at the time to confirm or deny linkages between firefighting and an elevated incidence of cancer; and

**WHEREAS**, the NLC report, however, concluded the cancer research studies did provide solid groundwork from which future studies can be developed and improved and recommend collaborative efforts by government, scientists, firefighters, municipalities, national associations, and others to undertake additional research, establish a firefighter cancer database, and seek more federal funding for research; and

**WHEREAS**, the National Fire Protection Association (NFPA) has recently conducted extensive research recently on the risk of cancer to firefighters, and

**WHEREAS**, NFPA studies have concluded that firefighters are exposed to highly toxic substances (including a variety of carcinogens) on the fireground; and

**WHEREAS**, it is presumed health risk associated with fire ground exposures is related to protection/hygiene practices and persistent harmful contamination found in firefighter equipment, apparatus carrying that equipment, and stations where the equipment resides; and

**WHEREAS**, firefighter exposure to dirty, soiled, and contaminated personal protective equipment (PPE) is an increasing concern for long-term firefighter health; and

**WHEREAS**, there is still a strong need exists to determine the broad contamination hazards that exist throughout the fire service, and gaps in how contamination is addressed similarly need to be identified; and

**WHEREAS**, a new law that requires the Centers for Disease Control and Prevention (CDC) to develop and maintain a registry to collect data on firefighter cancer was signed on July 9, 2018 by President Trump; and

**WHEREAS**, NLC is working to update the “Assessing the State Firefighter Cancer Presumption Laws and Current Cancer Firefighter Cancer Research” that it conducted in 2009 to determine what linkages there are between firefighting and an elevated incidence of cancer; and

**WHEREAS**, the Firefighter Cancer Registry Act calls for the collection of voluntary data including whether a firefighter is a career professional or volunteer, years on the job, the number of calls responded to, and incident type so that researchers can better understand the impact of smoke inhalation and other job-related dangers that may lead to cancer; and

**WHEREAS**, it is important to the health of firefighters to properly clean PPE following a fire to prevent the transfer of carcinogens, particulates and biohazards; and

**WHEREAS**, the high cost of realizing a comprehensive PPE cleaning program may limit some municipal fire departments, especially in small cities and towns with volunteer fire services, from implementing standard PPE cleaning procedures; and

**NOW THEREFORE BE IT RESOLVED**, the National League of Cities urges Congress to authorize additional funding as a part of the Assistance to Firefighters Grants to support local governments in implementing comprehensive municipal fire firefighter PPE cleaning program; and

**BE IT FURTHER RESOLVED**, NLC calls on Congress to provide sufficient funding to ensure national firefighter registry is properly maintained and the data is validated to provide an accurate account of firefighter cancer rates and causes.

**NLC RESOLUTION #42****IN SUPPORT OF FEDERAL EFFORTS TO PREVENT AND TREAT FIRST RESPONDER POST-TRAUMATIC STRESS DISORDER (PTSD)**

**WHEREAS**, protecting residents' life and property is a vital part of ensuring the safety and security cities, towns and villages; and

**WHEREAS**, first responders, who are charged with protecting life and property, may experience a broad range of health and mental wellness consequences as a result of work-related exposures to traumatic incidents that include violent acts, death and destruction; and

**WHEREAS**, for the purposes of this resolution, the term "first responders" refers to municipal law enforcement, fire, and emergency medical employees who are responsible for the protection and preservation of life and property, and municipal emergency responders and public safety telecommunicators and dispatchers that provide immediate support services during traumatic incident that causes physical, emotional, or psychological harm to themselves or others.

**WHEREAS**, constant exposure to traumatic incidents involving death, dismemberment, abuse, violence, and destruction may exert a psychological toll on first responders, resulting in post-traumatic stress disorder (PTSD), substance abuse, depression, and even suicide; and

**WHEREAS**, the establishment of a strong prevention and early intervention systems that include crisis hotlines, routine mental health checks, and peer and family support programs can be key components of first responder mental health and wellness programs, provided they are appropriately researched and resourced; and

**WHEREAS**, while first responders may have access to support services to help reduce the risk of post-traumatic stress, studies have shown that they are less likely to seek because they are concerned about how they would be viewed at work if they had sought support; and

**WHEREAS**, studies have shown that concerns over the stigma and scrutiny from others about contemplating or attempting suicide is one of the primary reasons that prevents first responders from seeking help; and

**WHEREAS**, many first responders have military experience, and therefore their experiences as first responders pile onto a career that is already rife with trauma; and

**WHEREAS**, when first responders know and recognize the indicators or warning signs of an impending crisis and have the skills to talk to someone with mental illness, they are more likely to be comfortable confronting or breaking down the stigma about saying something to a peer or recognizing the warning signs for a self-referral; and

**WHEREAS**, the beneficial effects of peer counseling have been documented and key to the success of any peer support program is providing appropriate training and ongoing support and supervision for the peers; and



**NOW, THEREFOR BE IT RESOLVED**, the National League of Cities (NLC) urges Congress to establish a federal program, similar to the Department of Veterans Affairs' National Center for PTSD program, within the Department of Health and Human Services that would:

- develop resources and training programs for community-based clinicians who interact with first responders and their families to help them better understand the unique risks facing their clients and what health and wellness programs may be available to them as members of the first responder community,
- provide technical assistance to support the development of model policies and implementation guidance for public safety agencies to make substantial efforts to reduce first responder PTSD and suicide,
- establish a national crisis hotline for first responders,
- conduct research to determine the efficacy of regular mental health checks, establish which approaches are most effective, and provide resources that move public safety agencies toward best practices to reduce mental health issues among first responders,
- establish remote access or regional mental health check programs to help first responders in small cities, towns and villages,
- assist local public safety agencies to implement peer support programs to ensure all first responders have access to this important wellness service; and

**BE IT FURTHER RESOLVED**, NLC urges Congress to improve legislative privacy protections for first responders seeking assistance from peer crisis lines and other peer-support programs; and

**BE IT FURTHER RESOLVED**, NLC calls on Congress to create of a public service campaign around first responder mental health and wellness in conjunction with National Mental Health Month.

**NLC RESOLUTION #43****ON THE USE OF FORCE BY MUNICIPAL LAW ENFORCEMENT OFFICERS**

**WHEREAS**, the police officer-involved killings of Ahmaud Arbery, Breonna Taylor, Dreasjon “Sean” Reed, George Floyd, Tamir Rice, and the countless other Black people have exposed racially divisive issues in the relationships between local police and the communities they are sworn to protect and serve, especially in communities of color; and

**WHEREAS**, Black Americans face a higher risk of being targeted and killed by police as compared to White Americans;<sup>1</sup> and

**WHEREAS**, 235 African Americans were shot to death by police in 2019 alone,<sup>2</sup> who are disproportionately subjected to police shootings; and

**WHEREAS**, NLC believes that trust between law enforcement officers and the people they serve and protect is essential to a municipality’s stability, the integrity of our criminal justice system, and the safe and effective delivery of policing services; and

**WHEREAS**, every person has a right to equal and fair treatment by law enforcement officers; and

**WHEREAS**, when it comes to governing a municipality, nothing is more important for local officials than protecting the public's safety; and

**WHEREAS**, in our civil society, local elected officials bear the responsibility of managing a municipality's public safety programs, including its police department; and

**WHEREAS**, the goal of managing law enforcement efforts by municipal governments must be to provide a safe, healthy environment in which ALL residents can live free from violence, fear, harassment, discrimination, and intimidation; and

**WHEREAS**, our country has a long history of disparate treatment of Black, Indigenous, Latinx, and Asian Americans, especially Black and Latinx people in our criminal justice system; and

**WHEREAS**, the excessive use of force by law enforcement has shown that discriminatory enforcement of criminal laws has a corrosive effect that undermines the community's confidence in law enforcement and interferes with our efforts to keep all members of the community safe; and

**WHEREAS**, it is the responsibility of local elected leaders to hold law enforcement officials accountable for unjustified, unnecessary actions that result in an abuse of power; and

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<sup>1</sup> <https://www.pnas.org/content/116/34/16793>

<sup>2</sup> <https://www.statista.com/statistics/585152/people-shot-to-death-by-us-police-by-race/>

**WHEREAS**, local elected officials work closely together with their municipality's law enforcement officials and residents to ensure police officers have the support, resources, and training they need to serve their communities with honor, integrity, moral character, and courage.

**NOW, THEREFORE, BE IT RESOLVED**, NLC's Public Safety and Crime Prevention Federal Advocacy Committee requests that NLC develop recommendations for how municipal leaders can ensure their law enforcement agencies "use of force policies" are appropriate. These recommendations should be published and distributed to the NLC membership and the board. Specifically, NLC should propose recommendations relative to:

- complying with the U.S. Department of Justice's Use of Force Continuum;
- prohibiting maneuvers such as chokeholds that are intended to limit person's ability to breathe or restrict person's blood flow;
- authorizing the use of "lethal" or "less lethal" force<sup>3</sup> when there is imminent danger to the officer or to another individual;
- requiring officers to use de-escalation techniques when there is no imminent danger to life and property;
- requiring other officers that are at the scene of the incident to intervene and stop the use of force by officer(s), including using their arresting authority, if they believe the actions are unwarranted, unnecessary, or are an abuse of power by the officer(s);
- requiring the law enforcement agency to log all use of lethal or less lethal force by officers to a national database that is searchable and available to the public;
- requiring officers, who use force when it is not necessary, to be relieved of duty;
- requiring officers equipped with body worn cameras to make sure the cameras are in recording mode anytime the officer is engaged in a potential incident that might require the use of force;
- prohibiting officers from restricting witnesses to video record the use of force by officer(s);
- ensure the public is able to call 9-1-1 or use an online reporting system when they believe an officer's use of force is unwarranted or is in violation of an individual's civil rights;
- ensure law enforcement officers and other public safety employees are provided whistleblower protections when they report an officer use of force violation; and
- requiring that all lethal and less lethal use of force actions be thoroughly investigated to ensure the incident warranted the use of force; and
- requiring law enforcement executives to take immediate disciplinary action against an officer who used lethal or less lethal force, if it is determined that the use of force was unwarranted, unnecessary, excessive or was an abuse of power; and

**BE IT FURTHER RESOLVED**, NLC calls on the U.S. Department of Justice to update the Use of Force Continuum<sup>4</sup> to ensure that the continuum fully addresses structural and institutional racism on how the use of force is employed by local, state and federal law enforcement; and

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<sup>3</sup> As defined in the DOJ's Use of Force Continuum

<sup>4</sup> <https://nij.ojp.gov/topics/articles/use-force-continuum>

**BE IT FURTHER RESOLVED** that NLC calls on Congress to:

- establish a federal technical assistance and grant program that help local governments to establish violence interrupter programs<sup>5</sup> and initiatives that employ community members with expertise, and reduce the overburden on law enforcement to respond to calls; and
- provide additional funding for the community oriented policing grant program to help local law enforcement agencies implement and improve racial bias and de-escalation training; and
- prioritize the awarding of the above funding to targeted municipalities that have repeatedly been cited for lethal or less lethal use of force violations, civil rights violations, or abuse of power by officers; and
- provide additional federal funding and technical assistance to local governments to help administer mental health and wellness services to law enforcement officers; and
- establish a National Database of Decertified Officers that local governments can use to vet officers who have been dismissed for such issues as unnecessary or excessive use of force, abuse of power, racial discrimination, and violation of individual's civil rights; and
- provide technical and grant assistance to local governments to establish transparent civilian oversight boards to investigate officer use of force violations.

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<sup>5</sup> Violence Interrupters cruise the streets of the toughest neighborhoods to identify and intervene in gang-related conflicts before they intensify. If a shooting has occurred, they seek out the victim's friends and relatives and try to prevent a retaliatory shooting.