



NATIONAL SHERIFFS' ASSOCIATION 2010 LEGISLATIVE PRIORITIES

CREATED 1-12-10

- **HATCH ACT LEGISLATION:** NSA strongly supports the **State and Local Law Enforcement Hatch Act Reform Act of 2010 (H.R. _____)**, introduced by Reps. Latta and Holden. The federal Hatch Act restricts the political activity of individuals principally employed by state, county or municipal executive agencies who have duties in connection with programs financed in whole or in part by federal loans or grants. An employee covered by the Act is prohibited from being a candidate for public office in a partisan election. H.R. _____ amends the Hatch Act to allow state and local law enforcement officers to run for the Office of Sheriff without having to quit their jobs; allows sheriffs in their official capacities to participate in political activities; and implements a statute of limitations for the Office of Special Counsel, of no more than 6 months, to file charges against a violation. H.R. _____ was introduced on January 19th, with _____ original cosponsors. This bill is also supported by the Fraternal Order of Police (FOP), the National Narcotic Officers' Associations' Coalition (NNOAC), and the National Troopers' Coalition (NTC). NSA urges Congress to support the **State and Local Law Enforcement Hatch Act Reform Act of 2010** and pass this critical legislation in 2010.
- **COPS HIRING PROGRAM METHODOLOGY REVISIONS (DOJ):** NSA strongly urges Congress to encourage the COPS Office to consider revising the current methodology for awarding COPS grants, to ensure that funding is proportionally distributed among municipalities and counties with eligible applicants. The COPS Hiring program already requires a certain portion of its funds be allocated based on various categories to ensure a balanced and unbiased distribution of funds; therefore, the proposed revision would not compromise the integrity of the program. This revision is needed due to the lack of COPS grants awarded to sheriffs compared to police departments in the recovery package. Although both police agencies and sheriff's offices demonstrated the same fiscal need for funding, sheriffs were only awarded 77 grants compared to the 909 grants awarded to police agencies. NSA also urges Congress to fully fund the COPS Hiring Program, as it is the only federal program available to assist sheriffs in hiring officers.

- **BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM (DOJ):** Byrne JAG is the only formula based program for local law enforcement and the backbone of many programs to control and prevent crime. The vast majority of states use this funding to operate and fund officers for multi-jurisdictional drug and gang taskforces. NSA urges Congress to fully fund the Byrne JAG Program at its authorized level at \$1.1 billion. Such funding will help to restore funding for the drastic cuts in the recent fiscal years and enable drug and gang taskforces across the country to continue their operations and avoid shutting down.
- **STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) (DOJ):** SCAAP is a reimbursement program for local governments that shoulder the costs associated with processing and detaining illegal aliens—which is a federal responsibility. NSA urges Congress to fully fund this program at the authorized level at \$950 million.
- **COMPETITIVE TRAINING GRANT PROGRAM (CTGP) (DHS):** CTGP is the only program dedicated to providing new training to local law enforcement agencies on emerging issues of national homeland security. Since FY'09, funding for this critical program has been eliminated. Given the ongoing need to address gaps in training for the nation's Sheriffs as a result of the ever-widening threats facing them and other public safety personnel, NSA urges Congress to fund this program at \$30 million for FY 2011.
- **LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP) (DHS):** LETPP is the only program dedicated for local law enforcement agencies to enhance interoperable communications and information sharing to prevent terrorists from executing a threat. NSA urges Congress to fund this program as a stand-alone program rather than as an earmark out of other DHS programs.
- **COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM (CEDAP) (DHS):** CEDAP helps local law enforcement to meet the equipment needs of smaller and rural jurisdictions by providing communications interoperability, information sharing, chemical detection, sensors, personal protective equipment, technology, and training in using the equipment, devices, and technology. NSA urges Congress to fund this program to help law enforcement agencies in non-urban areas to also be fully prepared during times of disaster.
- **287(G) PROGRAM FOR LOCAL LAW ENFORCEMENT TO ENFORCE IMMIGRATION LAW (DHS):** NSA urges Congress to provide adequate funding for the 287(g) program to train local law enforcement officers to enforce immigration law. This program enables local law enforcement to offer assistance to federal law enforcement to meet the demands to control the border and enforce immigration laws.
- **COLLECTIVE BARGAINING:** NSA strongly opposes the **Public Safety Employee Employer Cooperation Act (H.R. 413/S. 1611)**, which would federalize collective bargaining for public safety officers, thereby forcing sheriffs and peace officers to adhere to strict guidelines when dealing with the public safety workforce. It creates a "one-size-fits-all" approach to collective bargaining for public safety officers. The needs of law enforcement agencies and their

communities vary significantly depending on their size and locality. The Act fails to make this distinction, therefore doing law enforcement a great disservice. NSA believes that the decision to engage in collective bargaining should be solely left up to the states and localities.

- **CRACK COCAINE SENTENCING:** Both crack and powder cocaine are dangerous narcotics and plights on communities throughout the United States. Therefore, NSA strongly opposes the **Fairness in Cocaine Sentencing Act of 2009 (H.R. 3245)**. The bill would eliminate the current 100-to-1 sentencing disparity between crack and powder cocaine sentences and create a 1:1 ratio. NSA does however recognize the need to conduct further research on the sentencing disparity between crack and powder cocaine. NSA would consider supporting legislation that would increase the sentence for powder cocaine, rather than significantly reducing the sentence for crack cocaine.
- **WEBB CRIME COMMISSION BILL:** NSA is aware of the **National Criminal Justice Commission Act of 2009 (S. 714)** that is currently garnering significant attention in Congress. While NSA has not taken an official position on the bill, we have appreciated Sen. Webb and other Senate Judiciary Committee members' willingness to address law enforcement concerns and making recommended changes. NSA believes that such a Commission, conceptually, is needed. And as we move forward, NSA would like to continue staying closely engaged on this issue and if and when the Commission is formed, sheriffs having an active role in the Commission.
- **COMPREHENSIVE IMMIGRATION REFORM:** NSA has been closely monitoring the issue and has been engaged in the debate around immigration reform with the current Administration. NSA did not take an official position on the comprehensive immigration reform bill considered in the 110th Congress. However, NSA continues to advocate for enhanced border security initiatives—particularly to provide assistance to allow local law enforcement agencies to hire additional personnel dedicated to securing the borders to quickly get boots on the ground until the federal government can provide necessary personnel along the borders. NSA also supports the continuance of the 287(g) program and expansion of the Secure Communities program—both aimed at optimizing the criminal alien removal process.