

2017 NATIONAL SHERIFFS' ASSOCIATION RESOLUTIONS

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NSA RESOLUTION 2017-1

NATIONAL SHERIFFS' ASSOCIATION ACKNOWLEDGES THE ELECTED OFFICE OF SHERIFF AS THE CHIEF LOCAL LAW ENFORCEMENT OFFICE THROUGHOUT OUR NATION

WHEREAS, the Elected Office of Sheriff is recognized as the chief law enforcement office in many of our nation's counties, parishes, cities, etc.; and

WHEREAS, the Elected Office of Sheriff is directly answerable to the people of his or her local jurisdiction who have the right to vote for an elected Office of Sheriff; and

WHEREAS, all of America's Sheriffs take an Oath of Office to enforce the laws of their state pursuant to the United States Constitution and their applicable State Constitutions, and;

WHEREAS, the National Sheriffs' Association represents the public safety and law enforcement interests of over 3,000 Elected Sheriffs of our Nation who strongly support the U.S. Constitution and the Bill of Rights and their own State Constitutions; and

WHEREAS, America's Sheriffs strongly support our citizens protected rights to bear arms under the Second Amendment of the U.S. Constitution; nevertheless, the individual Offices/Departments of Sheriff do not possess the judicial nor legal authority under any State Constitution nor under the U.S. Constitution to interpret the constitutionality of any State or Federal law/statute; and

WHEREAS, our National Sheriffs' Association promotes the jurisdiction of the Department/Office of Sheriff by supporting our nation's local Sheriffs as constitutional or statutory law enforcement officers in discharging and in carrying out their law enforcement and Homeland Security duties, the administration of local jails and detention centers and administrative responsibilities as provided under state statutes, individual State Constitutions and the United States Constitution; and

WHEREAS, as promulgated under the Code of Ethics of the Office of Sheriff of the National Sheriffs' Association, each individual constitutionally/statutorily elected Sheriff pledges to equally protect all individuals and to enforce and to administer their sworn duties in accordance with applicable State Constitutions and under the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the National Sheriffs' Association recognizes that our nation's over 3,000 Departments/Offices of Sheriff under our representative form of government are subject to the jurisdiction and authority imposed by our local, State, and Federal governments and by the separation of powers doctrine into executive, judicial and legislative branches of government.

Approved by the Board of Directors of the National Sheriffs' Association ("NSA") on February 7, 2017 at the 2017 NSA Winter Conference. NSA Resolution 2017-1 is the Amendment & Restatement of NSA Resolution 2013-1. All NSA Resolutions subject to approval by NSA's Membership expire after four (4) years under NSA's Constitution & Bylaws.



2017- 02

**NATIONAL SHERIFFS' ASSOCIATION SUPPORTS THE MISSION
OF THE DEPARTMENTS OF JUSTICE AND HOMELAND
SECURITY IN STOPPING ILLEGAL IMMIGRATION AND
SECURING OUR BORDERS**

WHEREAS, immigration and border security remains a concern for the National Sheriffs' Association (NSA), and;

WHEREAS, the enforcement of immigration laws is a Federal responsibility and should be a Federal priority, and;

WHEREAS, an integrated, collaborative effort between the federal components at the Department of Justice (DOJ) and the Department of Homeland Security (DHS) is critical to stemming the tide of illegal immigration, and;

WHEREAS, the overburdened detention, transportation, and adjudication components remain a significant obstacle to fulfilling their respective missions, and;

WHEREAS, the need to increase funding and personnel to meet their missions is critical;

NOW, THEREFORE, BE IT RESOLVED, that the National Sheriffs' Association supports the efforts of the Department of Justice and the Department of Homeland Security in its mission to stop illegal immigration and to secure our borders thereby ensuring the safety of our citizens and our communities.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the National Sheriffs' Association urges Congress to appropriate the funding necessary to allow the Department of Justice and Department of Homeland Security to succeed in their missions.



2017-03

**NATIONAL SHERIFFS' ASSOCIATION RESOLUTION IN OPPOSITION
TO LOCAL UNFUNDED MANDATES**

WHEREAS, the National Sheriffs' Association (NSA) is a trade association with a stated purpose of raising the level of professionalism among U.S. sheriffs, their deputies, and others in the fields of criminal justice and public safety; and

WHEREAS, the NSA supports efforts by local units of government to rely on scientific, evidence-based data when considering the adoption of a local rule, ordinance or law; and

WHEREAS, the NSA supports local cost-effective policies, programs, and practices that prioritize public safety, promote safer communities, and protect citizens from serious criminal offenders; and

WHEREAS, law enforcement and local governments need to collaborate to identify and address the needs of the community to ensure the safety of its citizens and to develop an estimate of the cost to enforce a local rule, ordinance or law; and

WHEREAS, the adoption by a local unit of government of a rule, ordinance or law that imposes direct or indirect costs and expenses upon local law enforcement agencies, including local the local sheriff, without a commensurate appropriation of funds to carry out the enforcement of such rule, ordinance or law, constitutes an unfunded mandate; and

WHEREAS, unfunded mandates imposed upon local law enforcement agencies, including the local sheriff, to enforce a rule, ordinance or law on local businesses and citizens place unreasonable demands on limited local law enforcement resources and can compromise the ability of local law enforcement to effectively ensure the enforcement of other laws.

NOW, THEREFORE, BE IT RESOLVED, that the National Sheriffs' Association: (1) recognizes the importance of relying on scientific, evidence-based data to support the adoption of a rule, ordinance or law the intention of which is to improve public health in the most cost effective manner possible; (2) encourages local units of government to collaborate with local law enforcement agencies, including the local sheriff, to determine the cost of enforcing a rule, ordinance or law prior to the adoption of any rule, ordinance or law; and (3) urges local units of government to either appropriate the necessary funds for local law enforcement agencies to enforce a rule, ordinance or law, or to avoid the adoption of a rule, ordinance or law that creates an undue burden upon law enforcement to enforce such rule, ordinance or law on local businesses and citizens.



2017-04

NATIONAL SHERIFFS' ASSOCIATION DEMONSTRATES THE BENEFITS OF RIDE SHARING THROUGH ONGOING SUPPORT FOR RIDE SHARING PROGRAMS SUCH AS LYFT

WHEREAS, according to the US Department of Transportation, in 2010, there were 32,999 people killed, 3.9 million people injured, and 24 million vehicles damaged at a cost of \$242 billion in motor vehicle crashes in the United States.

WHEREAS, countering the rise in traffic deaths and injuries is of paramount importance to the office of sheriff and law enforcement agencies across the country.

WHEREAS, Lyft is improving public safety. Studies have shown the availability of services like Lyft in a community reduce alcohol-related driving arrests by up to 51% (Dills & Mulholland), reduce assault and disorderly conduct arrests by up to 42% (Dills & Mulholland), and reduce DWI deaths by more than 10%. (UT Austin).

WHEREAS, in addition to the issue of traffic safety, urban, rural, and unincorporated areas of our nation currently lacks adequate infrastructure and resources to address the transportation issues of disenfranchised individuals, such as victims of domestic violence and human trafficking.

WHEREAS, the safety of our communities is top priority for law enforcement. Lyft has demonstrable policies and features that protect both drivers and passengers, a rigorous and thorough criminal background check and a driving record check, including a social security number trace, enhanced nationwide criminal search, county court records search, federal criminal court records search, and a U.S. Department of Justice 50-state sex offender registry search for each driver.

WHEREAS, expert background checks are conducted in real time from up-to-date court records and does not rely on fingerprint based background checks as these show incomplete and delayed FBI and federal data.

WHEREAS, age-related declines in vision and cognitive functioning (ability to reason and remember), as well as physical changes, may affect some older adults' driving abilities and access to transportation plays a key role in the lives of older adults

and those who care for them as for older adults who no longer drive, the risk of poor health outcomes, food insecurity, and social isolation is significant. Ridesharing provides older adults continued independence and dignity while reducing the burden on family members.

WHEREAS, in 2014, more than 5,700 older adults were killed and more than 236,000 were treated in emergency departments for motor vehicle crash injuries. This amounts to 16 older adults killed and 648 injured in crashes on average every day. By rapidly expanding safe, affordable, and welcoming rides to older adults (65+), on-demand ridesharing provides older adults with an alternative to driving for maintaining an active and independent lifestyle while making roads safer for everyone.

WHEREAS, the National Sheriffs' Association believes that a coordinated multidisciplinary approach—that includes alternatives to driving while impaired, maintaining safe speeds while on the roadways, eliminating distracted driving, providing equitable access to alternative modes of transportation for older adults, and curbing victimization—is necessary to improve the safety of motorists and crash victims and improves the quality of life in our communities.

WHEREAS, access to transportation plays a critical role in the everyday lives of those in our communities. Across the country, the growth and popularity of Lyft and other on-demand ridesharing services have expanded access to safe, reliable, affordable transportation, thereby increasing communities' access to economic empowerment, education, commerce, art, and culture, and creating safer roads for healthy, vibrant communities.

THEREFORE, BE IT RESOLVED, that the National Sheriffs' Association strongly supports the important role of Lyft and ridesharing efforts in promoting safer roads, healthier cities, and more vibrant communities.



2017-05

**NATIONAL SHERIFFS' ASSOCIATION OPPOSES ANY INCREASE
IN SIZE OR WEIGHT OF LARGE TRUCKS AT ALL LEVELS
OF GOVERNMENT**

WHEREAS, the United States Department of Transportation (USDOT) 2016 Comprehensive Truck Size and Weight Limits Final Report to Congress recommended to Congress that no changes be made to the current size or weight of trucks on the roads today, and;

WHEREAS, the USDOT Final Report found that longer double-trailer trucks, Double 33s, took 22 feet longer to stop than the current twin 28-foot trucks on the road today, and;

WHEREAS, the USDOT Final Report found that 97,000-pound and 91,000-pound, six-axle trucks had higher crash rates than the current 80,000-pound, five-axle trucks on the road today in limited state testing, and;

WHEREAS, the USDOT Final Report found that multi-trailer trucks and heavier trucks had higher out-of-service violation rates than 80,000-pound, five-axle trucks, and;

WHEREAS, the Insurance Institute for Highway Safety (IIHS) found in a 2016 study that a large truck with any out-of-service violation was 362 percent more likely to be involved in a crash, and;

WHEREAS, according to the 2007 Federal Motor Carrier Safety Administration (FMCSA) study *Unit Costs of Medium and Heavy Truck Crashes*, the average cost per crash of a large truck with one trailer is \$97,574, and the average cost per crash of a large truck with two or three trailers is \$289,549, the highest among all crashes, and;

WHEREAS, the FMCSA Motor Carrier Management Information System (MCMIS) determined that there were 4,389 fatalities and 74,798 injuries in large-truck crashes nationwide in 2016, and;

WHEREAS, law enforcement officers with expertise conducting first responder efforts, truck safety inspections and crash investigations agree that longer and heavier trucks would be more dangerous to other drivers, damage the infrastructure, and harmful to communities, and;

WHEREAS, longer and heavier trucks would increase the risks to law enforcement officers on roadsides because of diminished steering and handling capabilities, and;

WHEREAS, any increase in the number or severity of truck crashes would increase demands on already short-staffed commercial vehicle enforcement and first responders, and;

WHEREAS, in 2015, Congress rejected legislation for both longer and heavier trucks with bipartisan support;

NOW, THEREFORE, BE IT RESOLVED, that the National Sheriffs' Association: (1) continues to oppose increases in truck size or weight at all levels of government; (2) given the limitations in national crash rate data, encourages federal and state authorities to work to improve the collection and reporting of weight and configuration data for commercial vehicles involved in fatal crashes and recommended by the USDOT; and (3) opposes increases in truck size or weight limits without clear and convincing evidence that it will not further endanger the motoring public.



2017-06

NATIONAL SHERIFFS' ASSOCIATION SUPPORTS THE USE OF NON-NARCOTIC EVIDENCE-BASED MEDICATION-ASSISTED TREATMENT (MAT) FOR OPIOID DEPENDENCE IN COUNTY JAILS

Background

In response to the opioid epidemic gripping this country, significant resources to treat opioid addiction have been allocated by federal and state government across the country. In December 2016, as part of the 21st Century Cures Act, Congress appropriated \$500 million in grants to the states to treat opioid addiction, which can then be passed down to providers as well as local and tribal governments. This and other funding from the federal Substance Abuse Mental Health Services Administration (SAMHSA) can be utilized to provide treatment, including medication-assisted treatment (MAT), to incarcerated persons before they re-enter the community.

WHEREAS, it has been estimated that more than 50% of inmates meet the medical criteria for drug dependence or abuse,ⁱ with adults on parole or supervised release from jail being nearly 3 times more likely to be dependent on or to abuse a substance than their peers;ⁱⁱ and,

WHEREAS, the criminal justice system is the largest source of referral to addiction treatment;ⁱⁱⁱ and,

WHEREAS, criminal justice-related costs due to prescription opioid overdose, abuse, and dependence reached approximately \$7.7 billion annually;^{iv} and,

WHEREAS, substance use disorders are often associated with a revolving door of arrest, incarceration, and release to the streets untreated or undertreated, followed by rearrests and return to incarceration; and,

WHEREAS, according to a recent report by the National Association of Counties and National League of Cities, individuals with opioid dependence who receive little or no treatment while incarcerated are likely to relapse to opioid dependence and criminal behavior;

comprehensive drug treatment programs in jails are associated with reduced system costs;^v and,

WHEREAS, our nation's Sheriffs manage the vast majority of local jails and, as such, have the responsibility to maintain a safe and secure facility. Smuggling or diversion of controlled substances, whether illicit or prescribed, within the envelope of the secure facility undermines the safety and security of inmates and staff; and,

WHEREAS, certain forms of medication-assisted treatment (i.e. methadone, buprenorphine) are types of opioids, and associated with diversion which presents particular concerns in a secure jail environment;^{vi} and,

WHEREAS, non-narcotic forms of medication-assisted treatment are available and currently utilized in criminal justice programs across the country; and,

WHEREAS, it is the sole jurisdiction and responsibility of the Sheriff in the vast majority of states to manage the county jail and, as such, it is critical that matters of safety and security of inmates and staff within the jail be prioritized as determinations are made of appropriate medications to administer behind the wall.

THEREFORE, BE IT RESOLVED, that the National Sheriffs' Association (NSA) supports the use of non-narcotic, evidence-based medication-assisted treatment for opioid dependence after detoxification within the confines of a jail or other secure facility and, when deemed appropriate, as an alternative to incarceration for drug-related offenses.

ⁱ U.S. Dept. of Education, Policy and Program Studies Service. (July 2016). *State and Local Expenditures on Corrections and Education*. Available at: <https://www2.ed.gov/rschstat/eval/other/expenditures-corrections-education/brief.pdf>.

ⁱⁱ U.S. Dept. of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. (2010). *Results from the 2009 National Survey on Drug Use and Health: Volume I. Summary of National Findings*. Rockville, MD; HHS Publication 10-4586.

ⁱⁱⁱ U.S. Dept. of Health and Human Services, Substance Abuse and Mental Health Service Administration, Office of Applied Studies. (2011) *Treatment Episode Data Set (TEDS): 1999-2009*. National Admissions to Substance Abuse Treatment Services, DASIS Series: S-56, HHS Publication No. (SMA) 11-4646, Rockville, MD.

^{iv} See Wolters Kluwer. (Sept. 14, 2016). *Costs of US Prescription Opioid Epidemic Estimated at \$78.5 Billion* (citing: Florence, C., Zhou, C. et al. (Oct. 2016). The Economic Burden of Prescription Opioid Overdose, Abuse, and Dependence in the United States, 2013. *Medical Care*, 54 (10), 901-906.) Available at: <http://wolterskluwer.com/company/newsroom/news/2016/09/costs-of-us-prescription-opioid-epidemic-estimated-at-usd78.5-billion.html>.

^v National League of Cities and National Association of Counties. (2016). *A Prescription for Action: Local Leadership in Ending the Opioid Epidemic*. Available at: <http://opioidaction.org/report/>.

^{vi} See Beitsch, R. (May 30, 2017). Prisons Put New Limits on Inmate Visits to Stamp Out Drugs. *The PEW Charitable Trusts*. Available at: <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/05/30/prisons-put-new-limits-on-inmate-visits-to-stamp-out-drugs>.



2017 – 07

**NATIONAL SHERIFFS' ASSOCIATION OPPOSES
DRUG IMPORTATION LEGISLATION WHICH
JEOPARDIZES LAW ENFORCEMENT'S ABILITY TO
PROTECT THE PUBLIC HEALTH AND ENDANGERS THE SAFETY OF
LAW ENFORCEMENT AND OTHER FIRST RESPONDERS**

WHEREAS, the number of drug overdose deaths in 2016 likely exceeded 59,000, representing the largest annual increase in the drug overdose death count ever recorded in the United States, and which are the consequence of an escalating public health crisis: opioid addiction,ⁱ and;

WHEREAS, the Drug Enforcement Administration (DEA) reported in 2016 that the sudden arrival of wholesale amounts of counterfeit prescription drugs containing fentanyl (fueled by China-sourced fentanyl into the United States via Canada and Mexico) will result in an increase in overdoses, deaths, and opiate-dependent individuals,ⁱⁱ and;

WHEREAS, local law enforcement are seeing fentanyl — with deadly results — in counterfeit prescription opioid medications,ⁱⁱⁱ and;

WHEREAS, the DEA reports that traffickers are expanding the fentanyl market to other counterfeit, non-opiate prescription medications (including benzodiazepine, prescribed for treating anxiety and insomnia), resulting in additional deaths,^{iv} and;

WHEREAS, the DEA warns that exposure to even minimal amounts (approximately 2 milligrams) of fentanyl can have deadly consequences for law enforcement officers, their canines, and other first responders,^v and;

WHEREAS, a report by former FBI Director Louis Freeh concluded that legislative drug importation proposals, if implemented, would open up the U.S. drug supply to adulterated and counterfeit drugs,^{vi} and;

WHEREAS, drug importation would, accordingly, worsen the opioid crisis, open up the U.S. pharmaceutical supply chain to adulterated and counterfeit drugs, further burden law enforcement, and endanger the safety of officers and other first responders;

NOW, THEREFORE, BE IT RESOLVED, that the National Sheriffs' Association opposes the passage of legislative drug importation proposals which would jeopardize law enforcement's ability to protect the public health; threaten the safety of our drug supply; and endanger law enforcement officers, their canines, and other first responders across America.

ⁱ New York Times (June 5, 2017), *Drug Deaths in America Are Rising Faster Than Ever*, <https://www.nytimes.com/interactive/2017/06/05/upshot/opioid-epidemic-drug-overdose-deaths-are-rising-faster-than-ever.html>.

ⁱⁱ Drug Enforcement Administration (July 2016), *Counterfeit Prescription Pills Containing Fentanyl: A Global Threat*, <https://www.dea.gov/docs/Counterfeit%20Prescription%20Pills.pdf>.

ⁱⁱⁱ U.S. News and World Report (March 21, 2017), *32 Deaths in Metro Phoenix Attributed to Counterfeit Pills*, <https://www.usnews.com/news/best-states/arizona/articles/2017-03-21/32-deaths-in-metro-phoenix-attributed-to-counterfeit-pills>.

^{iv} Drug Enforcement Administration (July 2016), *supra*.

^v Drug Enforcement Administration (undated; viewed on July 25, 2017), *DEA Warning to Police and Public: Fentanyl Exposure Kills*, <https://ndews.umd.edu/sites/ndews.umd.edu/files/DEA%20Fentanyl.pdf>. Also, Drug Enforcement Administration (July 2016), *supra*.

^{vi} Freeh Group International Solutions, LLC (June 2017), *Report on the Potential Impact of Drug Importation Proposals on U.S. Law Enforcement*,

https://storage.googleapis.com/m1738/20170605_Report%20on%20Counterfeit%20Drugs.pdf.

Approved by the Board of Directors of the National Sheriffs' Association who have now Amended & Restated NSA Resolution 2017-07, on June 27, 2017 at the Annual Conference of the National Sheriffs' Association, Reno, Nevada. This resolution to remain in effect until June 25, 2021, in accordance with Article XIII, Section 6 of the Constitution and Bylaws of the National Sheriffs Association