



INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

TESTIMONY

Statement of

Chief Scott Knight

Firearms Committee Chairman

Of the

International Association of Chiefs of Police

On the Law Enforcement Officers Safety Act

Before the

**Subcommittee on Crime, Terrorism and
Homeland Security**

**Committee on the Judiciary
U.S. House of Representatives**

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Good Morning Chairman Scott and Member of the Subcommittee:

I am pleased to be here this morning to present the views of the International Association of Chiefs of Police on the Law Enforcement Officers Safety Act and proposed changes currently under consideration. The IACP is the world's oldest and largest association of law enforcement executives, with more than 22,000 members in 100 countries. Before I address our concerns with this law and its proposed modifications, I would like to express my gratitude and the gratitude of the IACP to this committee for your continuing support of this nation's law enforcement agencies and law enforcement officers.

As you know, the IACP strongly opposed to the Law Enforcement Officers Safety Act during its consideration in the 109th Congress and is opposed to H.R. 2276, which would amend the current LEOSA language. Our opposition was, and is, based primarily on the fundamental belief that states and localities should determine who is

eligible to carry firearms in their communities. Over the years, the IACP has consistently opposed any federal legislative proposals that would either pre-empt and/or mandate the liberalization of an individual state's laws that would allow citizens of other states to carry concealed weapons in that state without meeting its requirements. The IACP believes it is essential that state governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities. This applies to laws covering private citizens as well as active or former law enforcement personnel. The IACP also believes that each state should retain the power to determine whether it wants police officers that are trained and supervised by agencies outside their state to carry weapons in their jurisdictions.

In addition, authority for police officers to carry firearms when off-duty, use-of-force policies, and firearms training standards vary significantly from state to state. Why should a police chief who has employed the most rigorous training program, a strict standard of accountability, and stringent policies be forced to permit officers who may not meet

those standards to carry a concealed weapon in his or her jurisdiction?

However, in addition to these fundamental questions over the preemption of state and local firearms laws, the IACP is also concerned with the impact that this legislation may have on the safety of our officers and our communities.

There can be no doubt that police executives are deeply concerned for the safety of our officers. We understand that the proponents of LEOSA contend that police officers need to protect themselves and their families while traveling, and that undercover officers may be targets if recognized on vacation or travel. These are considerations, but they must be balanced against the potential dangers involved. In fact, one of the reasons that this legislation is especially troubling to our nation's law enforcement executives is because they could in fact threaten the safety of police officers by creating tragic situations where officers from other jurisdictions are wounded or killed by the local officers. Police departments throughout the nation

train their officers to respond as a team to dangerous situations. This teamwork requires months of training to develop and provides the officers with an understanding of how their fellow officers will respond when facing different situations. Injecting an armed, unknown officer, who has received different training and is operating under different assumptions, can turn an already dangerous situation deadly.

In addition, the IACP is concerned that the law specifies that only an officer who is not subject to a disciplinary action is eligible. Since passage, this provision has raised several concerns for law enforcement executives as they have struggled to comply with the provisions of the law. For example, what types of disciplinary actions does this cover? Does this provision apply only to current investigations and actions? How are officers to ascertain that an out-of-state law enforcement officer is subject to a disciplinary action and therefore ineligible to carry a firearm?

Additionally, while the law does contain some requirements to ensure that retirees qualify to have a concealed weapon, they are insufficient and would be difficult to implement. The law, and subsequent proposals to amend it, has failed to take into account those officers who have retired under threat of disciplinary action or dismissal for emotional problems that did not rise to the level of "mental instability." Officers who retire or quit just prior to a disciplinary or competency hearing may still be eligible for benefits and appear to have left the agency in good standing. Even a police officer who retires with exceptional skills today may be stricken with an illness or other problems that makes him or her unfit to carry a concealed weapon, but they will not be overseen by a police management structure, what we call "early warning systems," that identifies such problems in current officers.

Finally, the IACP is also concerned over the liability of law enforcement agencies for the actions of an off-duty officer who uses or misuses their weapon while out of state. If an off-duty officer uses or misuses his or her weapon while in

another state, it is likely that his or her department will be forced to defend itself against liability charges in another state. The resources that mounting this defense would require could be better spent serving the communities we represent.

Before I conclude, I would like to speak briefly about the IACP's concerns with H.R. 2726. Particularly troubling to the IACP are provisions that appear to weaken severely the eligibility and training requirements for retired police officers to carry concealed weapons. In particular, the IACP is deeply troubled that provisions proposed in Section 2 (b) of H.R. 2726 would effectively eliminate the ability of states and localities to determine what firearm standards a retired law enforcement officer must meet before qualifying to carry a concealed firearm in his or her jurisdiction. Specifically, the provisions of Section 2 (b) would appear to mandate that, in the absence of state standards, the standards set by any police department within the state would become the de facto standard for entire state.

Additionally, the IACP is concerned that by weakening the current definition of eligibility from “retired” to “departed,” that problems could arise when a law enforcement officer leaves the policing profession and embarks on a new career.

As I stated earlier, the ability of law enforcement agencies to establish, implement, and maintain firearms standards and training requirements varies greatly from state to state and from jurisdiction to jurisdiction. Some jurisdictions have developed rigorous training programs and have established strict standards of accountability and stringent firearms policies while other jurisdictions have not. This legislation would undercut the ability of state, tribal and local law enforcement agencies to determine what standards best meet the needs of the departments and the communities they serve.

This concludes my statement. I will be pleased to answer any questions you may have.