

Testimony of  
**Colonel Lonnie J. Westphal**

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Good Afternoon, Senator Leahy, Senator Hatch and members of the Committee.

I am pleased to be here this afternoon to present the views of the International Association of Chiefs of Police on S. 2480, the Law Enforcement Officers Safety Act of 2002. As you know, the IACP is the world's oldest and largest association of law enforcement executives, with more than 19,000 members in 100 countries. Before I address our concerns with this legislation, 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 is strongly opposed to the Law Enforcement Officers Safety Act. Our opposition 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, 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 they want 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 the proponents of S. 2480 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 coworkers will respond when faced with 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 believes that this legislation would do little to improve the safety of communities. It is important to remember that a police officer's authority to enforce the law is limited to the jurisdiction in which they serve. An officer, upon leaving his jurisdiction, has no arrest powers or other authority to enforce the law. That is the responsibility of the local law enforcement agencies.

The IACP is also concerned that the legislation specifies that only an officer who is not subject to a disciplinary action is eligible. This provision raises several concerns for law enforcement executives. For example, what types of disciplinary actions does this cover? Does this provision apply only to current investigations and actions? How would officers 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 legislation does contain some requirements to ensure that retirees qualify to have a concealed weapon, they are insufficient and would be difficult to implement. The legislation fails 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 problem that makes him or her unfit to carry a concealed weapon, but they will not be overseen by a police management structure that identifies such problems in current officers.

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

In conclusion, I would just like to state that the IACP understands that at first glance this legislation may appear to be a simple solution to a complex problem. However, a careful review of these provisions reveals that it has the potential to significantly and negatively impact the safety of our communities and our officers. It is my hope that this committee will take the concerns of the IACP into consideration before acting upon this legislation.

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