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# JUSTICE & PUBLIC SAFETY

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## STATEMENT OF BASIC PHILOSOPHY

It is only through a county partnership with the other levels of government in the American system of federalism that a full-scale comprehensive approach may be taken to crime and public safety problems. Counties must increasingly look to the federal government for substantial amounts of financial assistance; to the states for coordination of state crime and public safety programs with those of local areas, and for appropriate statutory authorizations and a measure of financial assistance; and to their sister municipal governments and regional agencies for cooperative and coordinated local approaches to these problems. The need for comprehensive planning in order to bring about a more rational approach to problem solving in both enforcement and crime prevention is evident. Counties must exercise a strong leadership role in this regard.

## CRIMINAL JUSTICE SYSTEM

County governments are geographically best suited to coordinate local criminal justice activities, since all major criminal justice agencies are usually included within county boundaries and since county governments allocate local tax dollars to these agencies. However, the triple threat of increasing costs, rising standards imposed by courts and state legislatures, and the inherent autonomy of criminal justice agencies places on county officials unique planning and coordination requirements.

**Criminal Justice Planning and Coordination**—Due to the nature of the local criminal justice “system,” elected county policy makers should develop a criminal justice planning and evaluation capacity. A criminal

justice planning staff should do research, manage feasibility studies, recommend alternative options to the policy makers who make budget decisions, and provide technical assistance to operating criminal justice agencies. NACo encourages the use of state and federal funds to establish a planning capacity that can develop programs and priorities for county-financed operations as well as for federally-funded projects.

**A. Location**—The criminal justice planning staff should be tied closely to the county budgeting process in order to assist county officials in making a rational allocation of scarce resources. Coordinating staff should be located at the county level in urban areas and within standard multi-county planning regions in rural areas, with staff located in the areas they serve.

**B. Form**—Policy boards composed of representatives of local agencies, private organizations, and general purpose units of local government should be formed to develop policy options for legislative or executive action. NACo supports majority representation by officials from general purpose units of local government on policy boards.

**Law Enforcement and Crime Prevention**—The control of crime and the improvement of criminal justice are basically local concerns, and, as such, all efforts to alleviate and prevent crime must begin at the local level.

Sheriffs and other law enforcement officials should have written policy, sanctioned by legislation, which specifies the objectives and priorities that will guide the agency’s delivery of police services. These policies should include the role of police in the protection of constitutional guarantees, the enforcement of the law, as well as the provision of services necessary to reduce

crime, maintain public order, and respond to the needs of the community.

**A. Diversion**—Criminal justice officials are encouraged, where permitted by law, to divert from the criminal and juvenile justice system those individuals or cases for whom the criminal and juvenile justice system would not be appropriate, or in such instances where other resources would be more effective. All diversion policies should be written to ensure fairness and uniformity.

**B. Citation Release**—Counties are encouraged to promote the use of citation release by law enforcement officers. This form of release should be utilized in misdemeanor cases where (1) the alleged criminal behavior is unlikely to continue; and (2) the officer is able to determine that the arrestee is likely to appear in court at a designated time and place. Police agencies should have written procedures to aid officers in making the decision whether to release or detain an arrested individual.

**C. Team Policing**—Team policing is encouraged where research and testing in that jurisdiction indicate that such a system would enable it to use its resources more efficiently and improve crime control through better community relations.

**D. Quality of Personnel**—Counties should improve the strength and caliber of law enforcement personnel through a revision of personnel practices, requiring minimum standards, and by raising education and training. Training should include the needs of victims and witnesses of crime. The Department of Justice should provide assistance programs to train and educate local law enforcement personnel.

**E. Recruitment**—Recruitment should be directed toward attracting the best qualified candidates to fill vacancies. Efforts to fill these vacancies with capable personnel should be made without regard to race, creed, sex, or national origin.

**F. Interjurisdictional Contracts and Coordination of Police Services**—Municipalities should be encouraged to contract with counties for those police services which can be delivered more effectively at the county level. States should provide authority and financial incentives to encourage multi-jurisdictional cooperation.

**G. Coordination between Police and Other Criminal Justice Agencies**—County police agencies should

cooperate with other criminal justice agencies, especially in developing programs to apprehend career and white-collar criminals. Cooperation with qualified private security personnel is essential for complete protection of local communities.

**H. Neighborhood Police**—County police agencies are encouraged to develop neighborhood police programs which emphasize community involvement and crime prevention.

**I. Assault Penalties**—Adequate penalties for assault upon law enforcement officers in the performance of their duties should be provided.

**J. Hot Pursuit**—County police agencies are encouraged to develop objective, written guidelines concerning hot pursuit, as well as policies as to when hot pursuit should be abandoned. Police agencies should also provide adequate training for police officers who might engage in high-speed chases.

**K. FBI Training of Coroners and Medical Examiners**—The Federal Bureau of Investigation should provide advanced training for coroners and medical examiners. Such training should include organization and management issues, effective techniques for delivering medical legal investigations, methods for enhancing the pooling of resources, and the coordination of activities between county coroner/medical examiner offices and other law enforcement agencies.

**L. Forfeiture**—The assistance of state and local criminal justice agencies is essential to federal efforts to control crime. All components of state and local systems—law enforcement, courts, and corrections—provide manpower and other resources to federal law enforcement agencies who are conducting investigations in their jurisdiction.

Therefore, proceeds from property subject to criminal forfeiture as a result of joint federal and local law enforcement activities should revert to state and local governments. The Department of Justice should be required by statute to establish equitable procedures for distributing to state and local governments any proceeds generated from forfeited property. Funds accrued through this system can be used as reimbursement for costs incurred as a result of the forfeiture or to supplement the existing resources of state and local justice programs.

**M. Commission on Accreditation for Law Enforcement Agencies**—The National Association of Counties shares with and approves the mission of the Commission on Accreditation for Law Enforcement Agencies to promote excellence, efficiency and professionalism in our nation’s law enforcement agencies through its voluntary accreditation program.

The Commission and its Board have completed a well-conceived and tested process for accreditation and have already begun to accredit county law enforcement agencies. The Commission was formed through the active partnership of the nation’s leading law enforcement associations and contains elected county policymakers, representing general purpose local government on its Board.

The National Association of Counties encourages its member counties to voluntarily seek to be part of this accreditation process in furtherance of professionalism and excellence.

**N. Community Policing**—NACo enthusiastically supports community policing as a crime fighting strategy that encourages law enforcement to work in partnership with the community to prevent and seek solutions to problems in the criminal justice system with systems integration principles and goals. A fundamental shift from traditional, reactive policing, community policing stresses the prevention of crime before it occurs. Core components of community policing include partnering with the community; problem solving; and transforming policing agencies to support and empower frontline officers, decentralize command and encourage innovative problem solving.

**O. Public Safety Radio/Telecommunications Spectrum Access**—Radio/Telecommunications Spectrum is a finite resource critical to the ability of police, fire, emergency rescue, and disaster agencies to communicate in the event of a natural disaster, a crime, a fire or bombing, or any other serious incident jeopardizing lives and property. In many instances, counties throughout America have no current spectrum available for advanced interoperability.

The willingness of the FCC and Congress to enact stronger regulations that require the vacation of channels 60-69, will allow public safety in all its aspects to begin deployment of truly interoperative infrastructure.

**P. Racial Profiling**—The National Association of Counties strongly opposes racial profiling and sup-

ports incentive funding for counties to promote best practices to prevent its occurrence.

Incentive funds could be used to support activities such as:

(1) Development and implementation of training to prevent racial profiling and to encourage more respectful interaction with the public.

(2) Acquisition and use of technology to facilitate the collection of data regarding routine investigatory activities in order to determine if law enforcement agents are engaged in racial profiling.

(3) Acquisition and use of technology to verify the accuracy of data collection, including in-car video cameras and portable computer systems.

(4) Development and acquisition of early warning systems and other feedback systems that help identify officers or units of officers engaged in or at risk of racial profiling or other misconduct, including the technology to support such systems.

(5) Establishment or improvement of systems and procedures for receiving, investigating, and responding meaningfully to complaints alleging racial or ethnic bias by law enforcement agents.

(6) Establishment or improvement of management systems to ensure that supervisors are held accountable for the conduct of their subordinates.

Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in law enforcement officials, the courts, and the criminal law. This practice continues to harm individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects.

**Courts**—A number of important reforms are necessary to enable state and local courts to operate with effectiveness. Substantial changes in the processing of criminal cases and increased utilization of qualified judges and county court clerks are essential to more effective and efficient administration of justice.

To improve state and local courts, NACo supports the following:

**A. Coordinated and Simplified State/County Court System**—Establish and provide necessary funding mechanisms for a coordinated and simplified state/county court system to enable the consistent, fair, and expeditious administration of justice. The control of

the counties' justice systems shall rest with local government.

**B. Judicial Quality**—States shall adopt better procedures for judicial qualifications, selection, training, discipline, and tenure.

**C. Prosecution**—States shall consolidate local prosecutorial functions, where appropriate, in order to provide fulltime prosecutors.

**D. Defense Counsel for the Indigent**—Recognizing the constitutional requirement for the assistance of counsel for persons accused of crimes, recognizing the justice system requires the furnishing of counsel to indigent persons who have a substantial likelihood of confinement and otherwise could not afford the assistance of counsel, recognizing the significant role that counties perform in maintaining programs of legal services to indigent defendants, NACo supports adequate multi-government funding and training to guarantee the continuation of this essential component of our criminal justice system. States shall participate in the funding of a system for defense of the proven indigent. Stricter standards should be established for determination of indigency.

**E. Intake and Assessment**—The local judiciary should be encouraged to establish criteria to permit prompt intake, assessment, referral, and release services.

**F. Pretrial Release**—The local judiciary should be encouraged to establish alternatives to the money bail system, such as release on recognizance and supervised release programs.

**G. Mediation/Arbitration of Minor Disputes**—To help relieve overcrowded court dockets for both criminal and civil charges, increase citizen participation, reduce the costs in processing minor disputes, and guarantee a full presentation of the issues, counties are encouraged to establish mediation and arbitration programs, or a combination thereof, which rely on discussion and compromise rather than criminal prosecution or civil litigation. The definition of minor disputes can be determined by the courts, the prosecutor's office, and/or the legislature.

**H. Linking Sentencing Guidelines to Community Corrections**—In order to reduce sentencing disparity, eliminate unnecessary confinement, establish more rational and appropriate sentencing policies, and, in

general, better manage limited correctional resources—including jails and prisons—NACo supports the development and enactment of rational and uniform statewide sentencing guidelines. These should be tied to comprehensive community corrections legislation and legislatively predetermined jail and prison population maximums at both the state and local level. Such sentencing recommendations should set fixed presumptive terms for felony and serious misdemeanor populations, indicating who should go to jail or prison, and who should be placed in alternative community programs and for how long.

The guidelines should be based on an appropriate combination of offense and offender characteristics and allow judges to depart from the sentencing guidelines only in exceptional cases, when they can provide written reasons explaining why the sentence chosen is more appropriate or more equitable than that provided in the guidelines. A very thorough and rigorous monitoring system should be established.

**I. Drug Courts**—NACo enthusiastically supports the concept of drug courts. Drug courts are special courts given the responsibility to handle cases involving drug-using offenders through comprehensive supervision, drug testing, treatment services and immediate sanctions and incentives. Exceeding the constraints on offenders under standard probation or pretrial supervision, drug courts ensure close and intensive offender supervision.

The first drug court was established in Dade County, Florida in 1989, and there are now over 600 courts in existence, with many more being planned in the United States. The Government Accounting Office (GAO) has reported that 71 percent of all offenders entering drug courts have either successfully completed their drug court program or are actively participating in the program.

Additionally, Columbia University's National Center of Addiction and Substance Abuse concluded that drug courts provide the most effective control of drug using offenders' criminality and drug usage while under the court's jurisdiction. Drug courts also save money, program costs average about \$2,500 per offender, while the cost of incarcerating that same offender is between \$20,000 to \$50,000.

**Corrections**—It is the primary responsibility of the counties to ensure public safety and at the same time protect the constitutional rights of pretrial and

convicted persons. Most individuals in the local criminal justice system eventually return to their own communities. Counties are the best suited in providing to the individual basic social and physical environments which can help him/her to take a more productive place in the community. Counties alone cannot assume the full financial burden of providing comprehensive correctional programs and therefore need to make maximum use of intergovernmental arrangements to develop the capability of assessing the risk of an individual to the community.

**A. State-County Partnership Programs for Community Corrections**—NACo supports state-county partnership programs which foster local comprehensive planning and provide a range of community alternatives to incarceration for less serious felony and misdemeanor populations. State governments should assist counties in this process by providing a stable source of financial and technical assistance.

Partnership programs should emphasize the role of the private sector and encourage, wherever feasible, the systematic sharing of resources on a multi-county basis. Inherent in the practice of community corrections is the recognition that the community is the best place to deal with the behavior of less serious offenders and that county governments are uniquely able to coordinate, collaborate, and provide administrative leadership and oversight in developing programs suited for their communities.

**B. Community-Based Corrections**—States and counties should place increased emphasis on correctional programs within local communities. Counties should locally determine and assess their needs in developing flexible treatment programs according to the available resources within their communities.

**C. Intake Services**—County governments are urged to establish an intake screening process for the purpose of determining the overall needs of persons charged and assessing risks, in order to select persons charged for release on recognizance (ROR) pretrial programs and to provide information to the county governing board, courts, and other community agencies in determining needs for community services.

**D. Alternatives to Incarceration**—Counties are urged to minimize the cost of incarceration by maximizing the use of existing community services. Counties should identify gaps in services and develop a system-

atic plan for implementing a range of alternatives to incarceration. Such programs might include ROR, work release, halfway houses, drug and alcohol programs, vocational training, educational programs, and restitution.

**E. Confinement of Mentally and Developmentally Disabled**—The federal government should reduce its budgetary emphasis on reimbursement for institutionalized care and provide increased resources for community-based programs. The National Association of Counties supports the goal that the mentally and developmentally disabled should not be incarcerated in local jails and that programs to provide alternative institutional or community-based residential facilities and services should be developed.

**F. Institutional Services**—Correctional institutions of any jurisdiction—federal, state, or county should provide humane living conditions and rehabilitation programs, as well as providing services for their offenders' well-being, i.e., medical care, recreation, counseling, etc.

**G. Multi-County Correctional Systems**—States should authorize and encourage county governments, through financial incentives and technical assistance, to contract with other counties or with other units of government for the joint establishment of multi-county correctional systems. Such systems should encompass a full range of services and sanctions in the community and provide various levels of security for those who require confinement. A systems approach must be based on comprehensive planning and should generate new opportunities for dividing or sharing responsibilities among participating jurisdictions.

**H. Quality of Personnel**—State and county governments should improve recruitment, compensation, and specialized training to attract and provide sufficient numbers of high-quality personnel to the corrections system. Minimum standards of qualification and training should be established and greater use made of paraprofessional and volunteer aides.

**I. Establishment of Standards**—States and counties should jointly plan and develop state standards for adult and juvenile detention services, personnel, and facilities. Technical assistance and financial incentives shall be provided by the state in order to assist counties in meeting standards.

**J. Private Industry in County Correctional Programming**—Counties are encouraged where economically feasible to jointly develop with private industry and organized labor productive work experiences for inmates that teach marketable skills, good work habits, and provide real wages. Inmates should be judged on their productivity. Congress should, with the support of organized labor, remove restrictions prohibiting inmate-made goods from being sold in interstate commerce. The salaries from such ventures can help defray the costs of incarceration, help offenders support their families, and pay taxes and restitution.

**K. Federal Corrections Assistance**—The federal government should provide financial and technical assistance to counties to develop local strategies to reduce jail populations and to develop humane correctional facilities and services.

Counties lack the financial resources both to improve substandard correctional and detention facilities and services and to provide comprehensive community alternatives to secure detention for those inappropriately confined, since federal courts increasingly have mandated improvements in local correctional facilities and programs.

It is essential that greater emphasis be placed on local comprehensive planning and the sharing of facilities, programs, and services, wherever feasible, on a multi-county basis. Any standards promulgated to implement such a program should provide for effective input by local elected and appointed officials.

Existing federal programs designed to provide health and mental health services, social services, educational and vocational training, and employment services should be made available to local correctional and detention facilities.

**L. Nondiscrimination**—All corrections employment opportunities, as well as corrections programs and services, should be available without regard to race, creed, sex, national origin, or handicap.

**M. Creating State Commissions**—NACo urges that states, where lacking, establish state correctional commissions with local as well as state members to develop comprehensive state and local correctional policies.

**N. Women in Jail**—The majority of women in jail are confined for nonviolent misdemeanor offenses and, almost half have one or more children. Because of limited space and separation requirements many

women are often housed in isolated circumstances, or under more restrictive conditions than their male counterparts.

NACo urges that counties consider the principle of parity in new sentencing and corrections practices for women that will provide equity of treatment and alternatives to isolation that will access the services necessary to help female offenders succeed, thereby breaking the jail cycle for themselves and their children.

**O. The Police Lockup**—NACo supports the consolidation or transfer of the police lockup function to county correctional agencies as part of a comprehensive strategy for system-wide correctional reform at the local level. In most jurisdictions such change will require intergovernmental agreements on the sharing of costs and responsibilities; and improved population controls through the expanded use of release mechanisms (citation release, release on personal recognizance, supervised release, etc.) home detention and other alternatives to incarceration for persons charged with nondangerous offenses. State governments should play a supportive role in furthering these goals by: (1) intergovernmental cooperation; (2) providing financial assistance, and where necessary, providing appropriate enabling legislation. Careful planning and the involvement of all affected agencies is essential to successful implementation.

**P. Use of Federal Facilities for Correctional and Other Alternative Purposes**—The National Association of Counties favors the use of federal facilities for jail purposes on the condition that the county in question has taken all reasonable measures to develop alternative programs prior to seeking the use of such facilities.

NACo supports a special intensive technical assistance program administered by the National Institute of Corrections to assist counties utilizing federal facilities for correctional purposes; and supports the full utilization of federal facilities to reflect the priorities established by Congress and the Executive Branch and local governments in addressing policy on homelessness, drugs, education, corrections, and other areas of national concern.

**Q. The Commission on Accreditation for Corrections**—The Commission on Accreditation for Corrections performs a valuable service to the counties of this nation in advocating humane standards for local correctional institutions and its standards are directed toward

achieving improved administration, conditions and services in said institutions.

NACo realizes the inherent value of standards and has advocated state standards developed and designed in partnership with local government and tied to state financial and technical assistance to achieve the stated goals. NACo values the work of the Commission and its Revised Standards for Adult Local Detention Facilities as an important collateral resource for improving local correctional institutions:

The National Association of Counties acknowledges the important work of the Commission on Accreditation for Corrections and pledges NACo's support in achieving closer cooperation between our respective organizations. The Commission's standards should include in its detailed commentary alternative methods for treating in the community persons inappropriately confined (e.g. public inebriates, mentally ill, etc.).

**R. Loss of Federal Entitlement Benefits for Pretrial Defendants**—Currently a person incarcerated in a county jail or juvenile detention center in nearly all states is ineligible to retain Medicare and Medicaid benefits or Social Security Disability Insurance (SSDI) once they enter the facility. U. S. Code of Federal Regulations, Title 42, Part 435.1009 states that Federal Financial Participation (FFP) is not available for services provided to individuals who are inmates of public institutions. As a consequence, the cost of medical care for these inmates becomes a non-federal responsibility (typically borne by county governments) upon arrest and detention. The cost to counties for persons who would otherwise be receiving federal entitlement payments is significant based on county estimates. The vast majority of states are unable to provide the non-federal cost of providing medical services to FFP eligible persons and tend to terminate or sometimes suspend eligibility.

If the individual has been terminated from these programs, it may take months for these federal benefits to be restored once they leave the institution. What is clear is that the immediate cessation of benefits occurs prior to the issuance of formal charges or conviction when the individual is presumed innocent.

Many people awaiting trial, who are charged with crimes, are released upon posting of bond, released on their own recognizance, released under house arrest or other alternative means of detention. These accused people (who have not been convicted of a covered

crime) continue to be eligible for benefits under Medicare, Medicaid, or SSDI while awaiting trial. Some individuals who are charged with crimes and incarcerated in county jails are ultimately acquitted of the crime or the charges may be dropped and the individual released.

Therefore, NACo supports changes in current Federal policy that will allow a person receiving federal benefits, who has been charged with a crime and incarcerated, but not convicted, to continue to be eligible for Medicare, Medicaid, SSI or SSDI benefits until such time as they may be convicted and sentenced to an institution.

**Bail Practices and Release Options**—The National Association of Counties (NACo) recommends that to ease the financial burden of bail on poor defendants, all states enact defendant-based percentage bail laws. NACo also recommends that states and localities make greater use of such non-financial pretrial release options such as citation release and release on recognizance where there is a reasonable expectation that public safety will not be threatened.

Further, NACo recommends, where not already incorporated in state statutes, enacting legislation (a) permitting pretrial detention of repeat violent crime offenders; and (b) recognizing community safety as one consideration to be taken into account in judicial determinations of bail or other pretrial options.

**A Federal State/County Partnership Programs for Community Corrections**—NACo supports state-county partnership programs which foster local comprehensive planning and provide a range of community alternatives to incarceration for less serious felony and misdemeanor populations. The federal government should provide incentive funds to assist states and counties in developing or enhancing Community Corrections Acts. State governments should assist counties in this process by providing a stable source of ongoing financial and technical assistance. Partnership programs should emphasize the role of the private sector and encourage, wherever feasible, the systematic sharing of resources on a multi-county basis. Inherent in the practice of community corrections is the recognition that the community is the best place to deal with the behavior of less serious offenders and that county governments are uniquely able to coordinate, collaborate, and provide administrative leadership and oversight in developing programs suited for their communities.

**In Support of the National Commission on Correctional Health Care**—The National Association of Counties encourages the nation’s jails to seek voluntary accreditation through the use of the National Commission on Correctional Health Care’s Standards for Health Services in juvenile and adult confinement facilities and encourages all correctional health professionals to maintain their professional credentials and seek recognition through NCCHC’s Certified Correctional Health Professional Program.

**Federal Incentives to Promote Comprehensive State-County Partnership Programs in Corrections**—For many years NACo has called for new alliances between counties and state governments to better manage jail and prison populations and community corrections/detention programs.

At the time when county correctional expenditures account for about one-third of total state and local outlays, Congress has eliminated language, under Title II of the 1994 Crime Act, that made it mandatory for states to consult with counties and to share funds with them for certain purposes in accordance with a “comprehensive” state plan certified by the Attorney General of the United States.

Consequently, the National Association of Counties calls on Congress to require a mandatory passthrough of Title II funds to counties to be used in support of state-county partnership programs, including the implementation of statewide sentencing guidelines, community corrections acts, and other local programs or detention facilities set forth in a statewide plan. State associations of counties should be intimately involved in the design and development of such programs.

## COMMUNITY CRIME PREVENTION

Criminal justice professionals readily admit that without citizen involvement in crime prevention activities the traditional criminal justice agencies cannot control crime. Although swift apprehension and certainty of punishment can be a crime deterrent, and more research, coordination, and resources are badly needed by the county criminal justice system, the involvement of citizens in helping the public agencies apprehend and adjudicate offenders is also essential.

Beyond helping public agencies become more effective, citizens have two additional roles:

- (1) to reduce the opportunities for crime among

potential victims through public education and target hardening; and

- (2) to alleviate social and economic problems associated with crime.

Federal and state agencies should aid counties in assisting citizen groups with crime prevention activities. Citizen groups should have a role in designing crime prevention programs, and they should receive grants to implement crime prevention activities. County officials, in conjunction with criminal justice agency heads, should develop criteria for selecting citizen groups that are representative of their communities and are accountable for resources provided them. Such programs should be initiated and implemented only after consultation and participation by elected county officials.

## CONTROL OF FIREARMS

NACo supports the enactment of appropriate federal, state, and local legislation that would strengthen criminal sanctions relating to the illegal possession or sale of firearms.

NACo further supports legislation providing for mandatory prison sentences for the use of dangerous weapons in the commission of a felony.

NACo also supports the provisions of the 1968 Gun Control Act and the Omnibus Crime Control and Safe Streets Act, which are directed at preventing possession of handguns by proscribed groups of people.

These Acts stipulate that the following individuals are ineligible to receive firearms: fugitives from justice; persons under federal or state felony indictment; persons convicted of a federal or state felony; persons ineligible by state or local law to possess a firearm; minors (under eighteen for rifles and shotguns, and under twenty-one for handguns); adjudicated mental defectives or persons committed to a mental institution; unlawful users of or addicts to any depressant, stimulants, or narcotic drug; felons; persons dishonorably discharged from the United States Armed Forces; mental incompetents; former United States citizens; and illegal aliens.

In order for the intent of these laws to be fulfilled, an effective method is needed to verify a purchaser’s eligibility. NACo supports the requirement of a reasonable waiting period for the purchase of a handgun to allow for a records check, where possible, to ensure that

the purchaser is not ineligible under existing federal law to possess a handgun.

**Reducing the Supply of Illegal Guns to Criminals and Juveniles**—NACo recognizes that many guns used in crime are purchased from gun dealers by illegal gun traffickers who distribute them to juveniles and criminals, both in the same state and through illegal interstate gun trafficking to those in other states, and through international gun trafficking to international criminals, drug dealers, and terrorists.

The tracing of all recovered firearms with ATF's National Tracing Center leads to the disruption of illegal gun trafficking by enabling law enforcement to identify and incarcerate illegal traffickers, and by enabling municipalities, counties, and states to identify local, regional, and national patterns in the illegal gun supply.

Moreover, many jurisdictions are instituting comprehensive crime gun tracing to assist in reducing illegal gun trafficking, especially since tracing all recovered firearms need not cost any additional money or manpower because it can be done through existing communications systems such as NLETS, and the states of Connecticut and Illinois have enacted statewide tracing legislation:

The National Association of Counties encourages counties to adopt as a countywide strategy the tracing of all firearms that have been seized or confiscated in order to identify the illegal sources of firearms that supply criminals and juveniles in our nation's counties, and also endorses state and federal legislation and state and federal funding to facilitate statewide tracing measures.

**National Child Safety Lock Up**—Recognizing that an estimated 1.2 million latchkey children have access to loaded and unlocked firearms, the National Association of Counties endorses National Child Safety Lock legislation.

**Safe Ownership of Firearms**—The National Association of Counties recommends that counties actively promote firearm safety programs of proven effectiveness as part of a comprehensive strategy to deal with the use of firearms.

#### **FEDERAL SUPPORT FOR FORENSIC SCIENCES—DNA INITIATIVE**

Recognizing that in a number of states and counties death investigations are being performed by individu-

als who lack sufficient training and expertise to determine the cause and manner of death, NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs.

The National Association of Counties fully supports and strongly encourages the implementation and full funding of the National Forensic Sciences Improvement Act, which will provide grants to existing local and state forensic laboratories to improve productivity, quality measures, and overall operation, and achieve professional certification based on generally accepted forensic science performance standards, common definitions and protocols.

The National Association of Counties supports and encourages the implementation and funding of the Administration's DNA initiative as part of the funding for state and local forensic sciences under the Paul Coverdell National Forensic Science Improvement Act.

DNA testing is one of several problems facing state and local crime labs in their efforts to support public safety. These problem areas vary from region to region and include backlogs in narcotics cases, fingerprint examinations, firearms evidence, forensic toxicology evidence and trace evidence. In order to fully realize the tremendous potential that crime labs offer to the criminal justice system to identify the guilty and free the innocent, federal funds for forensic science support are better invested through the Paul Coverdell National Forensic Science Improvement Act. This act permits local agencies to define their particular priority, whether it is DNA or any other forensic science area, including the medical examiner-coroner office.

#### **FEDERAL REIMBURSEMENT PROGRAMS**

SCAAP - NACo supports full federal reimbursement of state and local costs of incarcerating undocumented criminal aliens. SCAAP provides partial reimbursement to states and counties for the costs associated with the detention and incarceration of undocumented criminal aliens. Although it is the federal government's responsibility to protect and secure our nation's borders, counties incur millions of dollars in un-reimbursed expenses each year as a result of housing undocumented immigrants that violate state or local laws. Additionally, it should be noted that counties are responsible for processing and prosecuting illegal aliens,

and, in many cases, must provide medical care and other services to these individuals. Counties bear a disproportionate share of the criminal justice-related costs associated with illegal immigration. As a result of having to house pre-trial and convicted aliens, our counties are forced to divert funds from other important local programs in areas such as healthcare, social services, and key public safety-related programs. Counties are concerned that while SCAAP-related costs to local jurisdictions have been rising, the level of reimbursement provided by the federal government remains grossly inadequate.

## **ORGANIZED CRIME**

NACo recognizes that any success in combating organized crime will require a greater commitment of resources and imagination at all levels of government. Coordination at the local level is essential, with the necessary legal tools for gathering evidence and the power to grant witness immunity. Investigations must be carried out with a broader focus than merely the prosecution of individual cases.

**Investigation**—Special grand juries should be impaneled by the appropriate U. S. District Court for the sole purpose of investigating organized crime within its jurisdiction.

**Witness Immunity**—Federal and state statutes should be enacted which grant general witness immunity.

**Organized Units**—State or regional organized crime intelligence units should be established and their activities coordinated.

## **JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

**1. General Recommendations**—Federal justice grant funds should go directly to counties, with the following requirement: leadership from all entities working to prevent, reduce and control juvenile crime must collaborate in the preparation of a comprehensive plan. Elements of such a plan shall include, but not be limited to (1) strategies, programs, services and supports designed to prevent delinquency through provision of resiliency factors which offset risk factors; (2) strategies, programs, services and supports designed to intervene early and effectively when delinquent behavior

is encountered utilizing the least restrictive approach; (3) strategies, programs, services and supports which protect the community, hold offenders accountable to individual victims and the community, and which remedy the skill and competency deficits of offenders.

Since 1974, the Juvenile Justice and Delinquency Prevention Act has been a major catalyst in producing positive change in the juvenile justice system and in creating preventive and interventive approaches for youth. Societal change has heightened concern for a community's ability to address the rise in violent juvenile crime at increasingly younger ages. In light of this trend, NACo proposes that the Juvenile Justice and Delinquency Prevention Act promote the following essential principles:

- collaborative planning and authority at the local level;
- all federal monies coming to local communities shall be distributed through the collaborative planning process at adequate and sustaining levels of support;
- core requirements in the Act shall be preserved;
- violent and repeat offenders need to be identified in order to provide appropriate interventions; and
- encouragement of prevention, education and treatment strategies for juveniles involved with illegal substances.

**2. Countywide Collaboration**—The primary responsibility for ensuring the comprehensive delivery of services to control and prevent juvenile delinquency resides with local government. The unique role of county government in this process—as the primary provider at the local level in health, social services, juvenile corrections—provides the organizational framework for constructing a comprehensive strategy to provide for community protection, offender accountability to victims, and the supports and services necessary to positively change offender behavior. Programs and services must seek to combine early problem identification and assessment with appropriate and timely interventions.

Program planning, development and implementation should involve a wide variety of organizations and individuals, including public, private and voluntary sectors to achieve the goals of a comprehensive plan, and to ensure access by youth to available services. The Juvenile Justice and Delinquency Prevention Act

of 1974 and, especially, its 1992 Title V Amendment funding prevention at the local government level provides vital financial and technical assistance to state and local governments to strengthen the juvenile justice system through collaborative efforts to prevent and control delinquent behavior. The funds and processes of the Act, when combined with other federal state, and resources and mechanisms, can assist in the development of programs and services to assist troubled youth.

**Government Responsibility for Juvenile Programs**—The executive and legislative branches of local government share primary responsibility for the overall planning, regulation, and administration of juvenile programs, delinquency prevention, and youth development services for the community.

**Organizational and Planning Capacity**—Counties should develop an organizational planning capacity to develop and coordinate a full spectrum of youth development and delinquency prevention services and to ensure accountability for service delivery in their communities. Whole communities including a wide variety of public, private and volunteer organizations and individuals should be mobilized to be involved in planning and implementing national strategies to prevent delinquency and to ensure access to services.

Counties should take the lead in structuring interagency partnerships, involving all strata of government, business, education, and the community, to develop comprehensive community based services for at-risk children and families. Counties should use their budgetary powers to leverage cooperation and collaboration.

The organizational structure should accommodate strong local control and should reflect the unique characteristics of each community. The organizational structure should provide flexibility to local units of government and service providers to plan and prioritize services based on the needs of the individual or family.

**Planning and Implementing a Comprehensive Strategy**—The process of planning and implementing a comprehensive strategy is crucial to the prevention and control of juvenile delinquency. Counties should take a leadership role in assuring that the following essential elements are included:

- A. Take a community-wide approach.
- B. Create ownership.

- C. Reach the diverse groups in the community.
- D. Include key elected officials and grassroots community leaders.
- E. Give priority to protective factors that are most promising in addressing risk.
- F. Gain the commitment of all stakeholders to a long term, sustained effort of rebuilding the community's social infrastructure.

The most effective approach is one that increases resiliency by protecting youth from health and future jeopardizing risks in all areas that affect youths' lives from the time of birth, including the family, school peer group and community.

**Juvenile Justice System**—The traditional role of the juvenile and family court is to treat and rehabilitate the dependent or wayward minor, using an individualized approach and tailoring its response to the particular needs of the child and family, with goals of (1) responding to the needs of the troubled youth and their families; (2) providing due process while recognizing the rights of the victim; (3) rehabilitating the juvenile offender; (4) protecting both the juvenile and the public. Juvenile justice systems must develop a better balance among individual treatment, accountability to victims and community protections if they are to effectively address serious, violent and chronic juvenile crime; and keeping youth from deeper penetration into the juvenile justice system where appropriate.

**Juvenile Court Jurisdiction**—The jurisdiction of the juvenile court should be limited to those acts which if committed by an adult would constitute a crime and to dependent and neglect cases.

**Continuum of Interventions**—An effective juvenile justice system is one that provides a continuum of services and interventions combining accountability and sanctions with increasingly intensive treatment and rehabilitation. This continuum must be wide-ranging to fit the offense and include both intervention and a secure corrections component. The intervention components include the use of immediate response, intermediate sanctions such as victim-offender mediation and victim restitution, community service, intensive supervision, probation and competency development within the least restrictive environment. The secure corrections components may include but not be limited to community confinement, state training schools, ranches and camps.

**A. County Strategy for Front End Investment to Prevent Crime**—A decade of cuts in domestic spending has reduced or eliminated many of the services that have traditionally protected America’s at-risk children and families.

A decade of massive increases in the construction of jails and prisons at the state and local level has not resulted in any significant decrease in the level of crime. In fact, during this same time, we have witnessed a dramatic increase in the incidence of violent juvenile crime.

A number of quantitative studies document the theory that front-end investment in youth development is the most effective means to prevent crime.

The National Association of Counties, therefore, calls for a National Front-End Youth Investment Policy. We urge Congress and the Administration to work with state and local government in designing and funding effective prevention and early intervention strategies for children and families. These include health, shelter, education and employment.

Counties must develop partnerships with business and industry, education, private sector volunteer and human services agencies, and all strata of governments to plan and deliver a broad range of support supports and services for at-risk children and families that address the needs of the whole person.

Relevant research on human brain development and its linkage to the growing threat of violence perpetuated by children shows that through abuse, neglect, and a general lack of nurturing, many youthful offenders have sustained lasting neurological damage that interferes with their ability to reason, to feel and to regulate their emotions and behavior.

Moreover, the factors that put children at risk for developing violent personalities also often relate to prenatal care and development (including malnutrition, parental addictions and physical and psychological trauma) and the lack of “bonding” and development with strong, positive adult models.

This research has caused a number of counties to reassess their strategies for preventing crime.

NACo recommends flexibility and federally funded programs, including crime prevention, Temporary Assistance for Needy Families (TANF), education and others to allow counties to design and implement comprehensive countywide strategies to provide a full continuum of services for families and children with

special focus on early prevention prenatal to age three.

**Exploited and Missing Children**—No one determinant of juvenile crime can be identified, however research does point to a relationship between child physical and sexual abuse and neglect and future emotional and behavioral problems, including criminal involvement.

NACo supports the Missing Children Act as amended which established the National Center for Missing & Exploited Children® (NCMEC).

NCMEC operates a toll-free, 24-hour telephone hotline for reporting cases of missing children; maintains the CyberTipline®, a resource for the public to report occurrences of child sexual exploitation; and provides assistance to law-enforcement and the public in the location, recovery, and prevention of missing and sexually exploited children. NCMEC has developed programs designed to reach into communities to prevent occurrences of child abduction and sexual exploitation. Counties are urged to make use of its resources.

NACo supports sex offender laws requiring convicted sex offenders to register their addresses with law enforcement. Recognizing the ambiguity in sex offender registration and community notification laws and increased mobility between jurisdictions, NACo further supports county and statewide efforts for increased funding of sophisticated measures of tracking sex offenders, specifically the satellite tracking of convicted sex offenders. Counties should adopt a nationally uniform system to prioritize sex offenders according to dangerousness as well as a nationally uniform reporting system.

**Juvenile Court Jurisdiction**—The jurisdiction of the juvenile court should be limited to those acts which if committed by an adult would constitute a crime and to dependent and neglect cases.

**Transfer of Juveniles to Adult Court**—Current research confirms that the portion of the brain that controls and suppresses impulses, and is critical to good judgment and decision-making, is not fully developed in youth under age 18. Youth have difficulty thinking of consequences under stress and managing powerful impulses without adult help. Therefore, they should not be viewed as acting with the level of moral culpability that characterizes adult criminal conduct. Further, 75 percent of youth under the age of 18 sent to adult facilities will be released by the age of 22. They likely will have not been held fully accountable for their actions.

These youth will have been denied adequate education, mental health, drug treatment and employment skills training. In light of these facts, NACo opposes trying and sentencing youth in adult criminal court, except in the case of a chronic and violent offender, and then only at the discretion of a juvenile court judge.

It is harmful to public safety, as well as young offenders, to confine youth in adult jails, where they are eight times more likely to commit suicide, five times more likely to be sexually assaulted, and, upon release, much more likely to re-offend than youth in juvenile detention. NACo supports the reform of state laws that inappropriately send far too many youth under the age of 18, including first-time and non-violent offenders into the adult criminal justice system.

NACo supports that the decision to transfer a juvenile to adult court should be made by a juvenile court judge or jury.

**Unaddressed Mental Health Needs**—NACo believes that children suffering from mental disease require effective assessment, diagnosis and treatment. NACo advocates for non-institutional, community and family-based treatment for children with mental illnesses. The juvenile court system is largely ineffective at identifying—much less treating—mental health problems. Yet, fifty to seventy-five percent of kids in juvenile detention facilities have diagnosable mental illnesses. Juvenile court professionals must use culturally sensitive and comprehensive assessments, and, whenever viable, family and community-based treatment interventions to recognize and treat symptoms of mental illnesses. NACo also supports continued eligibility of federally funded health benefits of juveniles arrested and held in pre-trial detention.

**Sexual Abuse and Domestic Violence**—Research indicates that sexual abuse of a child is a risk factor for later offending by that child. NACo supports efforts to eliminate both physical and psychological abuse of children. Juvenile crime places an enormous financial and social burden on counties. Efforts must be placed on the prevention of child abuse and neglect, interrupting the cycle of violence. Elected county officials should use their budgetary powers to leverage inter-agency cooperation and coordination. Criminal justice, juvenile justice, public health and social service agencies should be encouraged to design and implement programs that will better protect children. Coordinated responses are also necessary to improve measures to

deal with children who have already been victimized.

**Gang Violence**—The prevention and control of crime, including gang violence, is at its roots a community issue. While social disorganization and the presence of crime and drugs in the neighborhood pose a small risk of violence when measured on an individual level, both of these risk factors have a substantially greater effect on the neighborhood (and community) level<sup>[1]</sup>. Therefore, NACo supports efforts that strengthen local governments in implementing a comprehensive approach to the prevention and control of gang violence.

<sup>[1]</sup>Youth Violence—A Report of the Surgeon General (2001)

**Racial Disparities:** From the point of arrest to sentencing and confinement, minority youth receive harsher sanctions than their white counterparts. African American youth are six times more likely to be sentenced to a juvenile facility and nine times more likely to be sentenced to an adult facility for violent offenses, as compared with white youth charged with the same crimes. Latinos are also over represented of the youth population sentenced to adult prisons.

- Clearly no single policy will result in the eradication of racism, poverty, and other powerful forces that contribute to the current racial composition of detention centers. Detention reform, however, should seek to eliminate systemic bias so that the juvenile justice system does not exacerbate or contribute to the impact of those forces. Detention reform that effectively addresses over-representation of minorities in secure facilities should accomplish at least two measurable changes: (1) the rate at which minority youth are detained should decline and (2) the number of minority youth in detention should decline over time. In order to achieve these changes juvenile justice professionals should consider the following strategies:
- Develop objective admission screening instruments;
- Create new or enhanced alternatives-to-detention programs;
- Expedite case processing to reduce lengths of stay;
- Develop new policies and practices for probation violations, warrants and “awaiting placement” cases.

Financial assistance to develop these programs and policies may be available from state juvenile justice advisory committee formula grant funds. NACo be-

lieves that children deserve to be treated fairly, regardless of race and/or ethnicity. NACo urges policy makers to craft solutions that educate police, officers of the court and correctional/rehabilitative service providers to remove racial inequalities from the juvenile justice system.

**Limit Use of Secure Detention:** Despite a continual decline in juvenile offending over the past decade, the population of youth confined in pre-trial secure detention has steadily grown. Today, an alarmingly high number of youth with serious emotional, behavioral and substance abuse issues, and a disproportionately high number of youth of color, are behind locked doors awaiting court hearings.

On an average day, more than 27,000 youth are estimated to reside in locked detention centers—a number that has grown 72 percent since the early 1990s. It is also estimated that 300,000-600,000 children and teens cycle through secure detention facilities each year in the United States. These numbers are especially poignant when you realize that most are young, nonviolent, relatively minor offenders—some of whom will be acquitted of all charges—most of whom do not need to be there at all. NACo calls upon state and local policy makers, through funding and legislation, to support the philosophy that youth should be placed in the least restrictive, appropriate environment and be removed from secure detention as quickly as possible, taking public safety into account. NACo also supports continued eligibility of federally funded health benefits of juveniles arrested and held in pre-trial detention.

**Prevention of Victimization**—Programs should be developed which identify victims and potential victims; educate parents about the importance of maintaining up-to-date records of their children; teach children the difference between nurturing contact and exploitative contact and ways to protect themselves; teach parents about the threat of exploitation; and education children about the skills they need as a future parent to create an environment to protect their own children.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) should develop crime prevention materials specifically directed at child abduction, abuse and sexual exploitation.

**Juvenile Detention Facilities and Community Confinement**—Juvenile offenders whose presenting offense is sufficiently serious or who fail or respond to intermediate sanctions as evidenced by continued

re-offending may be appropriate for community confinement in a juvenile detention facility. Offenders at this level represent the more serious and violent offenders among the juvenile justice system correctional population.

The concept of community confinement provides secure confinement in small community-based facilities that offer intensive treatment and rehabilitation services. These services include individual and group counseling, educational programs, medical services, and intensive staff supervision.

Proximity to the community enables direct and regular family involvement with the treatment process as well as a phased reentry into the community that draws upon community resources and services. Counties are urged to remove juveniles from correctional facilities which detain accused or adjudicated adults.

**Detention Pending Court Disposition**—Detention pending court disposition shall be based on clearly enunciated standards compatible with this section of the platform and reduced to a minimum.

**Law Enforcement Training**—County law enforcement agencies should provide intensive specialized preparation and training for their personnel in working with juveniles, as far as possible.

**State Subsidies**—States should establish subsidy programs to assist counties in establishing a broad range of community-based youth development and diversion programs. Such subsidy programs should be developed jointly by counties and states.

**Education**—Education is a vital part of any youth's attempt to develop as a contributing member of society. The education system has a responsibility to assist the community in the prevention and control of juvenile delinquency and to provide educational opportunities for young people who become involved in the juvenile justice system. These approaches include:

**A. Community Education**—School authorities, in collaboration with local government, should make school facilities available year-round as well as during and after regular hours, to provide a central location for youth development activities, the delivery of health and social services by local agencies, as well as opportunities for recreational and cultural activities.

**B. Education During Detention**—Continued educational services should be provided for juveniles during detention. Local school districts should assume

financial responsibility for the education of the youth detained or otherwise under the authority of the juvenile justice system.

**C. Education of the Handicapped**—Consistent with PL 94—142, the juvenile justice system and programs, services, and facilities which provide assistance to the youth under the authority of the juvenile justice system should develop and implement procedures which meet the individual needs of the handicapped.

**D. Alternative Education**—School agencies and districts are encouraged to develop and implement policies and programs which keep delinquents and other youth in elementary or secondary schools or in alternative training situations. School agencies and districts should promote policies which avoid dropouts and unwarranted and arbitrary suspensions and expulsions, and develop in-house suspension systems.

**Adult Responsibility**—In so far as adults are responsible for the actions of juveniles, adults will be held answerable for the illegal actions of for juveniles.

**Intergenerational Programs**—Working with youth, the elderly have an opportunity to remain vital and productive, to mentor, to share their knowledge and wisdom, to expose hidden talents and to overcome limitations. Participation in cost effective inter-generational service programs allows our youth to learn confidence, decision making skills, a sense of history, and a sense of understanding change, and respect.

Intergenerational service programs promote mutual support across generations and meet essential individual and community needs that are increasingly lacking. Intergenerational programs are successful prevention devices for fostering the independence of the elderly and the positive development of youth.

The National Association of Counties recognizes the importance of incorporating intergenerational programming in human services planning and recommends that the concept of intergenerational programming be woven into all appropriate federal, state and local initiatives that provide services to children, youth and the elderly.

**National Children's Memorial Day**—The National Association of Counties urges Congress to support the goals and ideas of National Children's Memorial Day as a way of remembering children who die by violence and committing to end preventable deaths of children. America has lost too many children in violent and

preventable deaths. We as a nation need to heighten awareness, acknowledge needless violence, and do whatever we can to end preventable deaths of children.

## **ALCOHOL AND DRUG ABUSE**

A broadly based attack must be carried out by counties to combat the problems of alcoholism and, to an even greater extent, that of drug abuse, both of which are mounting at an alarming rate. Programs emphasizing rehabilitation together with punitive measures for violators of the criminal codes are needed.

**Alcohol Treatment**—Counties should increase present efforts to find alternatives to the treatment of alcoholism within the criminal justice system. Criminal treatment of drunkenness when not accompanied by unlawful conduct should be eliminated. Counties should investigate the possibility of conducting detoxification therapy for short-term detention. Aftercare services, including psychiatric care and halfway houses, should be established, to which referral could be made after diagnosis at a detoxification center.

Since alcohol and drug-dependent persons are recognized as handicapped under Section 504 of the Rehabilitation Act of 1973, as amended, no such person should be denied admission to, or treatment by, any program or service, such as emergency medical treatment, when under the influence of alcohol or drugs.

**Alcohol Abuse Prevention**—Increased federal funding shall be provided for adequate alcohol prevention and rehabilitation programs on the state and county level.

**State Legislation**—States are encouraged to adopt uniform alcoholic treatment legislation to remove alcoholics from the criminal justice system and place them in the social and mental health care system of state and local governments.

**Narcotics and Drug Abuse**—The growing problem of narcotics and drug abuse must be attacked by strengthening all approaches—law enforcement, rehabilitation and treatment of users, and public education of the dangers involved.

**Federal Assistance**—The federal government shall give special assistance to counties for the purpose of halting the flow of dangerous drugs and for programs dealing with drug and narcotic addiction, prevention,

treatment, and crimes related to the use of drugs and narcotics.

**Federal Responsibility for Drug Control**—Narcotics and dangerous drug traffic transcend state lines and international borders; therefore, regulation and control are major federal responsibilities.

**Control of Drug Manufacturers**—The federal government is encouraged to exercise its legal power to strengthen and enforce regulations and controls over manufacturers and distributors of dangerous drugs and narcotics.

**Manpower for Drug Abuse Control**—The federal government is hereby petitioned to provide sufficient manpower to control the traffic in narcotics and dangerous drugs, particularly at international border crossings.

**Substance Abuse and Treatment in Jail**—A recent report issued by the National Center on Addiction and Substance Abuse at Columbia University (CASA), entitled *Behind Bars: Substance Abuse and America's Prison Population*, found that drug and alcohol abuse and addiction are implicated in the crimes and incarceration of 80 percent of the inmates in local jails.

According to the CASA report, most substance abuse involved offenders in county jails do not receive adequate substance abuse treatment and related services. Treatment has been demonstrated to be a cost-effective intervention for substance involved offenders:

- The National Association of Counties calls on the federal government to provide funds to counties in both urban and rural areas to develop assessment and treatment programs for offenders whose substance use and abuse is linked to their criminal offense.
- The federal government should provide funds to encourage counties to develop and implement treatment-based alternatives to local incarceration for nonviolent offenders whose core problem is substance abuse and addiction.
- The federal government should provide funds to encourage counties to develop and provide a range of services to substance-involved inmates, including education and literacy, vocational training, HIV prevention, medical and mental health services, and aftercare services.

- The federal government should provide funds to encourage counties to develop training programs for judges, prosecutors, probation officers, corrections officers, and other county criminal justice personnel to educate them about substance abuse, addiction and treatment.

## **METHAMPHETAMINE EPIDEMIC**

NACo supports adequate funding for the fight against the devastating methamphetamine epidemic. NACo supports increased funding for methamphetamine research, enforcement, treatment and education of users and their families, and cleanup of contaminated sites.

Over the last decade, a devastating and highly-addictive drug has spread across the country, especially in rural counties. Methamphetamine, commonly called "meth", is a homemade amphetamine made from common, easily accessible materials: antifreeze, white gas, ether, starting fluids, Freon, lye, paint thinner, acetone, and ephedrine or cold pills. Mixing these chemicals to make meth can occur in a variety of locations from homes to inside vehicles. The harmful long-term effects of meth include bone loss, malnutrition, liver, kidney and lung damage and psychiatric problems. Yet, the effects of meth not only exist for users. Individuals, especially children, who are exposed to the toxic chemicals, can also develop severe respiratory, neural and other health problems.

Investigating and busting meth labs, corrections, court costs, treatment and clean-up are all direct costs to county governments as a result of the skyrocketing use and manufacturing of meth. However, there are many societal effects that also must be considered. National statistics suggest that in at least 70 percent of all meth arrests, there is a child living in the home. These children many times suffer from neglect and abuse.

Meth labs also pose a significant danger in the community as they contain highly flammable and explosive materials. Additionally, for each pound of meth produced, five to seven pounds of toxic waste remain, which is often introduced into the environment via streams, septic systems and surface water run-off. NACo urges Congress and the administration to commit more resources to fight this harmful epidemic.

Specifically, NACo supports implementation of H.R. 365, the Methamphetamine Remediation Research Act of 2007, which became public law in December 2007 and provides a research program for remediation of closed

methamphetamine production laboratories. NACo also supports S. 1276, the Methamphetamine Production Prevention Act of 2007, which would establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

## **COMPREHENSIVE EMERGENCY MANAGEMENT**

The goal of comprehensive emergency management is to coordinate all of the resources available to meet all potential emergencies.

**Building a Sustainable Future**—The National Association of Counties recognizes that to ensure the safety of people and the livability of communities, significant resources for disaster planning, mitigation and recovery should be provided. These resources should provide for education and encourage the use of innovative approaches that result in positive changes and adhere to the following principles:

**Sustainability**—Disaster mitigation and recovery resources should be invested to improve the quality of life in the areas of public health and safety, environmental stewardship, and social and economic security.

**Planning and Incentives**—Plans designed to reduce the impact of disasters and to encourage recovery should provide incentives to individuals, the private sector, and government to pursue sustainable development and redevelopment.

**Partnerships**—Individual citizens, the private sector, local, state, and the federal government should act as partners with shared goals and values to further the capacity of our communities to be self-sufficient.

**Locally Driven Process**—Decisions should be driven by a consensus based, inclusive process that stakeholders use and trust. The process should identify local sustainability priorities, leading to the investment of pre- and post-disaster resources that will meet those needs, emphasizing the need for local responsibility and self-sufficiency. State and local governments should be consulted in policy decisions and initiatives related to preparedness, response, recovery and mitigation early in the process and rationale should be given when suggestions are not included. Process should support state and local advisory councils, task forces, and other relevant groups.

Comprehensive emergency management enables a county to meet its responsibility in emergencies and disasters by coordinating public and private programs not only through preparedness planning and immediate response, but also through prevention and long-term recovery activities. Emergencies can be categorized into five basic types:

- A. Technological and Human**—caused nuclear accidents, hazardous materials accidents, utility failures, epidemics, crashes, explosions, and structural fires;
- B. Natural Disasters**—earthquakes, floods, tornadoes, major storms, drought, range infestations, and forest and brush fires;
- C. Internal Disturbances/Terrorism**—civil disorders, violent demonstrations, strikes leading to violence, and acts of terrorism (as defined by the applicable Presidential Directive.)
- D. Energy and Material Shortages**—natural resource shortages or human-caused shortages resulting from price wars or labor disputes; and
- E. Attacks**—nuclear, conventional, chemical, or biological warfare.

**Emergency Management Coordination**—Emergencies arising from man-made or natural disasters can provide drastic psychological, social and economic consequences at all levels of government. County government is often the first line of public responsibility in the local, state, federal system of emergency management. Counties should develop, in cooperation with local, state, and federal governments, comprehensive emergency management systems that include preparedness, response, mitigation, and long-term recovery activities in order to minimize the destructive impact of all types of disasters.

Federal and state governments should continue to provide leadership in the development of a local, state, federal coordinated system. Federal and state governments should recognize the first-line responsibility of county government by providing aid to counties in the preparation and response to emergencies and more expeditious, practical, and substantial aid to citizens who suffer from disasters. Emergency management functions should be fire-walled and protected in legislation similar to the Secret Service and Coast Guard treatment in the Homeland Security Act of 2002. A

firewall will prevent funding, personnel and resources from being used for other function.

The creation of the Department of Homeland Security (DHS) was intended to better coordinate our nation's preparedness/readiness and response to all hazards regardless of the cause, yet there are significant concerns over changes that have occurred to the Federal Emergency Management Agency (FEMA) as a result of inclusion in the DHS. While debate has focused on whether federal emergency management should or should not be a part of DHS, the nation's emergency response system must continue to be repaired and strengthened to ensure all levels of government have the ability to appropriately address the multitude of hazards that threaten states no matter where federal emergency management resides. The functions that must be part of our national emergency management system are more critical than the organizational charts. Our nation must return to the crisis and consequence management model that clearly delineates between law enforcement's unique role in crisis prevention and protection, and the role of all emergency responders in preparedness, mitigation, response, and recovery from all hazards.

**FEMA Leadership**—Regardless of where located in the federal government, the FEMA Administrator must have a direct reporting relationship to the President during periods of Presidential disaster and emergency declarations, similar to the Joint Chiefs of Staff relationship in military engagement. Congress should require that criteria be developed for the FEMA Administrator to ensure competent leadership and provide for a direct reporting relationship with the President. Congress should allow stakeholders to have input in the vetting process for nominees. Reductions should be made to the number of political appointments within federal emergency management functions and fill positions of authority with individuals who have requisite experience. Federal emergency management leadership should be the lead for the National Response Plan (NRP) as outlined in the Homeland Security Act of 2002.

**Role of the Military**—The role of the military should continue to be in support of civilian authorities. Procedures should be refined for requesting assistance from the Department of Defense (DoD) in those rare and catastrophic events when assets are needed that only DoD can provide.

**FEMA Regional Offices and Staffing**—FEMA Regional offices should be strengthened through adequate staffing and resources. FEMA must be fully staffed and have the capability to establish and maintain stockpiles and pre-position resources and equipment, as well as establish trained cadres of personnel to provide surge capacity in large disasters.

**Integrated Emergency Management**—Preparedness functions must be linked both statutorily and operationally with response and recovery functions within federal emergency management. Integrated planning, training and exercise are a requirement for effective disaster response. Preparedness cannot be a separate function from disaster readiness, response and recovery. Unity of effort is a pre-requisite for effective disaster response. Relationships must be established and communications networks in place prior to events. The Department of Homeland Security should establish a field presence that interacts with state and local partners on a day-to-day basis. Federal emergency management must provide additional focus on its ability to effectively implement recovery programs for local governments, individuals, families, and businesses. Governors must remain the lead in disaster response within their states in support of and in consultations with local officials.

**National Response Plan/Incident Command System**—County governments support the Incident Command System model for emergency management. The Incident Command System (ICS) provides a management structure and system for conducting on-site operations. It is applicable to small scale daily operational activities as well as major mobilizations. ICS provides command center and operational staff with a standardized operational structure and common terminology. Because of this, ICS provides a useful and flexible management system that is particularly adaptable to incidents involving multi-jurisdictional or multidisciplinary responses. ICS provides the flexibility needed to rapidly activate and establish an organizational format around the functions that need to be performed. This model should be adopted by all county emergency management and public safety agencies.

Building on the model of the ICS system, DHS unveiled the National Response Framework (NRF) in late 2007. The NRF presents the guiding principles that enable all response partners to prepare for and provide

a unified national response to disasters and emergencies. It establishes a comprehensive, national, all-hazards approach to domestic incident response. The National Response Plan was replaced by the National Response Framework effective March 22, 2008. A federal/state/local working group of experienced professionals should be convened to periodically review the National Response Plan (NRF) and make adjustments based on lessons learned from previous responses to disasters. A periodic review of the NRF is necessary and must include state and local stakeholders. Furthermore, the "Incident of National Significance" should be clarified, and the Principal Federal Official (PFO) position is not needed and repetitive, as the Stafford Act gives the Federal Coordinating Officers those responsibilities. Federal Coordinating Officers (FCOs) should be given decision-making authority and access to all Department of Homeland Security assets to respond to and recover from disasters.

The development of a national credentialing system is a fundamental component of the National Incident Management System (NIMS). The NIMS states that "credentialing involves providing documentation that can authenticate and verify the certification and identity of designated incident managers and emergency responders" to ensure that response personnel "possess a minimum common level of training, currency, experience, physical and medical fitness, and capability" for the respective role that they are tasked to fill. NACo supports accelerating the Federal Emergency Management Agency (FEMA) National Incident Management System (NIMS) Integration Center's establishment of qualifications and credentialing for people who serve in public safety disciplines. Past catastrophic events in 2005 demonstrated that qualified and credentialed field, supervisory, and management personnel would have ensured greater competence in responding to and recovering from past events. There must be qualified people in field, supervisory, and management positions that are qualified and competent to order, use, and manage resources.

**Catastrophic Disasters**—Major changes are not needed to refine the Stafford Act. The law served Congress well with flexibility in response to Hurricane Katrina and a separate system should not be developed for catastrophic disasters, as Congress has the ability to consider each disaster's needs on a case by case basis. Any changes to the Stafford Act must fix some

issues related to the last overhaul in 2000, and must be fully vetted with state and local governments. The Catastrophic Disaster Preparedness Program should be authorized and appropriately funded to include planning, training, exercise, and action plans to implement lessons learned. State and local governments must be partners in catastrophic disaster planning.

**Recovering Emergency Management Costs for Private and Common Carrier Transportation Accidents**—County emergency response personnel routinely responds to airline, railway and other private and common carrier transportation accidents.

Fire, police, road crews, medical and mental health personnel, medical examiner/coroner, environmental, emergency medical service personnel, emergency management personnel and a host of private businesses frequently join together in massive recovery and cleanup operations.

The cost of recovery and cleanup operations are substantial, but the refusal for reimbursement from private insurance carriers may require counties to prepare itself for a legal battle that could cost hundred of thousands of dollars and years to resolve.

Past history demonstrates that in addition to the personal loss of families, local governments have suffered financial losses regarding recovery and cleanup operations; including airline accidents which resulted in financial loss to local governments in Dade County, Florida (Value Jet), Suffolk County, New York (TWA 800) and Monroe County, Michigan (COMAIR Flight 3272).

The National Association of Counties (NACo) maintains that the ultimate financial responsibility for recovery and cleanup should be placed on the transportation carrier and/or its insurance provider, not that of local, state or federal government and that it could be in itself disastrous to the financial stability of local governments.

NACo supports federal legislation that would provide financial relief from transportation carriers for all costs incurred by local government during and after a private and common carrier transportation accident.

**Fire Prevention and Control**—The fact that U. S. casualties and losses per fire are below average compared to other countries is a tribute to the capability of our local fire suppression services. However, the high incidence of fires and the high cost of suppression indicate a need for more fire prevention programs, fire

protection planning, and public education to prevent this large number of fires from occurring.

NACo strongly opposes federal efforts to decrease funding to the DHS' Assistance to Firefighters Grant Program, and urges the federal government to fully fund this grant program.

The National Commission of Fire Prevention and Control has indicated that fire prevention could have an impact on reducing fire losses and recommended that national leadership be provided to assist local governments in reallocating resources to fire prevention activities. The Fire Prevention and Control Act of 1974 created the U. S. Fire Administration to provide public education on fire prevention, technology development, and fire protection planning assistance, and to establish a National Academy for Fire Prevention and Control and a National Fire Data Center. Congress should continue to appropriate funds to the Department of Homeland Security (DHS) for these activities, with continued assistance to state and local governments for combating the nation's fire problem.

**County Government's Responsibilities**—Municipal governments traditionally have had the major responsibility at the local level for fire suppression efforts. With the growth of suburban areas and the increasing need for fire prevention through fire code enforcement, early detection and suppression, education, and fire protection planning, the role of counties has greatly increased. Considering the limited revenues of local communities, it is important that county governments help identify both the acceptable level of risk and the level of service that are commensurate with the needs and resources of the responsible community. The level of service must include not only suppression activities, but prevention, education, inspection, and administrative activities as well.

Most county governments support fire suppression activities and related support services, such as communications, emergency medical services, investigation, code enforcement, and training. However, the fragmentation of fire prevention and control and related functions among many fire services and districts within the county creates severe problems in financing and administering the fire services that are needed to reduce fire losses to an acceptable risk level for all areas of the county.

Local governments should enter into mutual aid and other intergovernmental agreements with counties to

consolidate and coordinate fire services whenever feasible. Rural communities are especially in need of multi-jurisdictional agreements to provide adequate training, purchase and maintenance of equipment, code adoption and review, public education, communications, and emergency medical services. The Rural Communities Fire Protection Program in the U. S. Department of Agriculture should be expanded to assist rural areas.

Research and development and technology transfer can improve public fire protection and should be supported by the U. S. Fire Administration in coordination with the Department of Homeland Security's Science and Technology Division, the President's Office of Science and Technology Policy, the National Science Foundation, the National Academy of Sciences, and other research organizations. County officials should have input into the development of federally supported technology research and development priorities, and they should participate in the dissemination of fire protection and control information.

**Arson**—Arson is a serious criminal problem that can involve networks of fraud and conspiracy that cuts across insurance, housing, banking, and commercial industries and penetrates local public and private organizations. It is essential that a comprehensive strategy be devised to combat this crime.

Federal agencies should coordinate and give high priority to identifying and analyzing factors that contribute to arson and then identify, encourage, and fund programs that will help counties reduce arson. Training in arson prevention, investigation, and prosecution should be provided, and national arson criminal files should be established for use by state and local investigators, fire marshals, prosecutors, and law enforcement officials. County governments should adopt policies that encourage local public and private organizations to cooperate in the investigation, prosecution, and prevention of arson.

**Civil Disturbances/Acts of Terrorism**—County programs should be developed in advance for the effective handling of civil disturbances and acts of terrorism, recognizing that law and order must be preserved and also balanced with individual constitutional rights of speech and assembly.

To accomplish this, counties are encouraged to establish appropriate training programs, appropriate emergency laws, and mutual aid pacts with surrounding jurisdictions. The federal government and the states

should provide financial assistance to counties to pay the costs resulting from such disturbances. Regional agreements and working relationships between counties to promote efficiency and economy through existing regional structures in each state should be encouraged.

**Emergency Management Funding**—Recognizing that local governments, despite their diversity, perform comparable emergency functions; and that local jurisdictions may face multiple risks:

- Recent disasters have proven that effective local emergency management is a key element in a viable disaster response and recovery.
- Local jurisdictions have resource shortfalls in personnel, equipment, training and funding for emergency management, emergency services, disaster response and recovery.
- The vast majority of disasters in the United States are not federally declared, but are the sole responsibility of the state and local governments.
- Effective emergency management results directly in fewer human fatalities and injuries, reduced property damages and more rapid restoration of public services.

The National Association of Counties favors rapid federal response and reimbursement at rates authorized in the original language of the Stafford Act; and encourages The Department of Homeland Security (DHS) to apply all regulations and policies on a consistent basis in all presidential declared emergencies and disasters around the country. NACo encourages DHS to apply all regulations and/or policy changes on a prospective basis based on the declaration date of the emergency or disaster; and supports DHS' leadership in reducing excessive paperwork and overly restrictive and bureaucratic regulations.

NACo supports federal legislation or requirements that would improve homeland security grant programs by streamlining application and planning requirements, promote flexibility and provide first responders and county governments with additional resources in an expedited fashion. Priority funding decisions should be based on a regional and/or a multi-jurisdictional planning and collaborative effort between state and all levels of local governments.

Congress should exempt Office of Grants and Training homeland security grants from the Cash Manage-

ment Act of 1990 to allow funds to be provided to state and local governments in advance of expenditure for up to 120 days. Concurrently, states and communities should revise appropriate regulations to allow notice of federal grant awards under these programs to serve as the basis for procurement and spending commitments absent the "cash in the bank" and to institute a process for by-passing some administrative processed in matters relating to national security and the expenditure of these funds.

State governments, in coordination with county, municipal and tribal governments, should establish equipment acquisition services and/or purchase critical homeland security related equipment in bulk and distribute same to county, municipal and tribal communities in a manner consistent with the State and Urban Area Homeland Security Strategies.

DHS, in coordination with state, county, municipal and tribal governments should establish national standards for the management of grant funding.

DHS, in coordination with state, county, municipal and tribal governments should develop an automated grant tracking system that would allow for the real time tracking of the distribution and use of homeland security-related funds."

DHS, in coordination with state, county, municipal and tribal governments should identify, collect and distribute [homeland security] best practices.

Recognizing that state, county, municipal and tribal governments of all sizes and resource levels are eligible to receive funding, DHS in coordination with representatives of state, county, municipal and tribal governments, should develop minimum staffing recommendations for grant and program management personnel -- this may require increasing the DHS' Office of Grants and Training three percent allocation cap on management and administrative expenses.

DHS should continue to expand and enhance the level of training and technical assistance provided to state, county, municipal and tribal officials involved in the management of homeland security-related grants."

Congress should establish deadlines for the obligating of grants, when applicable from one level of local government to another level of local government.

Congress should expand the approval of State Homeland Security Grant Program (SHSGP) funds so as to allow state, county, municipal and tribal entities to better address short term issues attributed to terrorist threats." For instance, counties "should be able to use

funds provided through SHSGP to offset incremental operational cost including overtime and other personnel costs incurred as a result of threat specific security operations of pre-defined duration.

DHS should work closely with all levels of government to establish a comprehensive risk assessment methodology to support the identification of high-risk, high consequence critical infrastructure and major events.

NACo urges Congress to provide maximum funding for the Emergency Management Performance Grant Program (EMPG) and to maintain the programs all-hazards focus. EMPG is the only federal all-hazards emergency management preparedness program in support of capacity building at the local level. As a result, NACo urges Congress to maintain EMPG as a separate account in the DHS budget, and to maintain the current 50- 50 match structure of the EMPG formula for all-hazards preparedness. The EMPG formula should not be linked to any other homeland security grant reform package, and all permitted use polices and the flexibility of the program must be retained. Voluntary performance metrics based systems (such as the Emergency Management Accreditation Program) should be used to measure the capacity being built by EMPG, rather than homeland security-specific measurables.

Since many of the states are on bi-annual program and budget cycles and all states require time to adjust to change funding formulas if they are determined to be appropriate, the National Association of Counties urges that a transition period of not less than two full fiscal years be provided for the states to accommodate to agreed changes. The National Association of Counties urges the Secretary of DHS to take aggressive action to ensure states maintain, at previous levels, the percentage of EMPG funds which are passed through to local governments and to ensure that maximum flexibility be maintained regarding eligibility, particularly with respect to use of funds for personnel.

The National Association of Counties supports the establishment in every state of an Emergency Preparedness, Mitigation Preparedness, Mitigation Response and Recovery Trust Fund. Proceeds from such trust funds in each state could represent significant funding at the local level for a wide range of emergency management and emergency services projects.

The National Association of Counties encourages the Secretary of DHS to recommend to the President that the federal government reward states that take the

initiative to pass such trust funds to improve their emergency management capabilities and infrastructure. Such measures could include adjusting the cost share ratio in disaster assistance for response and recovery when disasters strike. The National Association of Counties urges the Secretary of DHS to not penalize states which establish a trust fund by counting the trust fund balance against the state in the recommendation to the President concerning a presidential declaration of emergency or disaster.

**National Disaster Insurance System**—The costs related to damages from natural disasters and emergencies such as hurricanes, earthquakes, volcanic eruptions, windstorms fires and floods have cost federal, state and local treasuries tens of billions of dollars in recent years. In some natural disaster-prone, high risk areas in the United States, insurance companies have established restrictions on or have ceased selling homeowners and fire insurance coverage because of their financial inability to absorb additional losses. As a result, this has limited or stopped property transfers in some real estate markets. Implementing effective pre-disaster risk reduction measures to both new buildings and existing buildings that will reduce losses from natural hazards is a major county priority. A system to reduce complete reliance on federally subsidized disaster relief by augmenting with a new private insurance system must be carefully analyzed.

NACo calls on the United States Congress to support sustained funding for the Flood Map Modernization Fund and urge Congress to support FEMA's efforts to modernize flood plain mapping through digitalization; support FEMA's efforts to promote community involvement and ownership in the mapping process; support FEMA's efforts to enter into a relationship with "Cooperating Technical Communities" as a new partnered approach to flood plain mapping; and direct FEMA to share digitized flood plain mapping data with counties for GIS purposes.

NACo supports incentives to states and local governments to prioritize and to undertake pre- and post-disaster hazard mitigation to diminish future losses. NACo recognizes that state and local governments need to improve their emergency management planning and their predisaster planning and their first responder capabilities with the help of substantial federal assistance.

In addition, NACo strongly opposes federal efforts to

eliminate the Hazard Mitigation Grant Program and urges the federal government to restore the current program formula for HMGP back to 15 percent from the current 7.5 percent of disaster costs as changed in the FY2003 Omnibus Appropriations Bill.

State and local governments need to adopt and implement risk reduction or mitigation measures related to actual natural disaster risks.

Most states and local governments recognize their responsibility to adopt and implement responsible land use decisions to reduce future property damage and loss from natural disasters and emergencies.

The National Association of Counties urges the Congress and the federal administration to work with the states, local governments and the insurance industry and other stakeholders:

- to develop universal insurance and reinsurance programs which will make it possible for private insurers and re-insurers to make available affordable natural disaster insurance to cover damage and loss caused by natural and man made disasters and emergencies;
- to increase funding for research aimed at improving mitigation measures, which if followed, will reduce damage and loss caused by natural and man made disasters and emergencies;
- to provide incentives and education to encourage responsible pre and post disaster mitigation by states, local governments and individuals;
- to provide incentives to encourage the public and private sectors to construct new structures according to established technical construction standards and consensus safety codes;
- to provide incentives to encourage the public and private sectors to construct and/or retrofit existing structures to reduce future losses from natural and man made disasters and emergencies;
- to provide financial incentives to encourage state and local government and private property owners to locate new construction outside of high risk areas such as flood plains, coastal areas or on or near earthquake faults; and
- to authorize the Federal Emergency Management Agency to develop pre-disaster mitigation programs; and to fund pre-disaster mitigation.

## **COUNTY COORDINATION OF PRIVATE AGENCY PROGRAMS**

Federal and state financial assistance for such programs as drug abuse and juvenile delinquency prevention to private agencies should be channeled through county governments in order to avoid duplication and to achieve better coordination of local governmental and private programs.

## **ROLE OF THE COUNTY CORONER/MEDICAL EXAMINER**

The county coroner/medical examiner, where appropriate, aside from determining the cause and manner of death has responsibility for protecting the living through the performance of medical-legal investigations and by sharing information and research in traffic safety, environmental health, product safety, occupational safety, and public health.

The county coroner/medical examiner, therefore, should be an integral partner in the community planning process and in the development of public health policies.

Recognizing that in a number of states and counties death investigations are being performed by individuals who lack sufficient training and expertise to determine the cause and manner of death, NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs.

NACo recommends that the American Bar Association, working in close cooperation with coroners, medical examiners and organizations representing state and local governments undertake a major national study of medico-legal death investigation in the U. S.

## **VICTIM/WITNESS ASSISTANCE**

NACo recognizes that victims of crime have long been the forgotten element in the criminal justice system. The victims/witnesses, upon whom the criminal justice process depends for its effectiveness, often find their problems and needs ignored in the administration of justice. Reform of the criminal justice system must include recognition of the rights, problems, and needs of the victims as well as the offenders.

The victims of domestic violence are as much ignored by the justice system as are victims of other violent

crimes. Domestic violence is a widespread problem that concerns not only the families involved but also the community as a whole.

Solutions to this complex problem must involve criminal justice agencies and a variety of governmental and other agencies in a comprehensive approach to assist victims. As providers of a broad range of criminal justice, health, and social services, counties have a unique opportunity to coordinate these existing services to aid the victims of crime. Providing such basic services as counseling, emergency housing, transportation, medical services, and financial assistance, as well as information on court procedures, will ensure both a sense of wellbeing and a belief in justice for the victim. NACo urges federal and state governments to develop programs of assistance that will help counties create a cooperative network between social service providers and criminal justice agencies to meet the needs of victims/witnesses of crime.

### **RESTORATIVE JUSTICE**

The National Association of Counties supports the immediate, incremental and eventual systemic shift toward a restorative community justice philosophy that:

- Encourages the utilization of conflict resolution skills to affected citizens and creates conflict resolution mechanisms in its institutions;
- Directly links the offender to the harm caused, holding said offender accountable to right the wrong through restitution, community service, and other appropriate means;
- Provides options, choices, and opportunities for involvement for victims, allowing them to get questions answered and confront the offender in a mediated setting, if they so choose; and
- Offers options for community involvement in the sanction setting and supervision process.

### **VICTIMS OF DOMESTIC VIOLENCE**

The unique role of county government, as the primary provider of criminal justice, health care, mental health and other social services, enables local elected officials to promote the coordination of services to best meet the needs of victims of domestic violence.

County governments are urged to develop a broad-based system of response to domestic violence

including financial support for shelters, crisis lines, and other programs offering advocacy, support and counseling, public education and prevention activities, and emergency medical services.

County officials are also urged to examine the response of various criminal justice agencies to cases of domestic violence. Law enforcement and prosecutorial policies and practices should ensure the protection of the victim and reflect the serious criminal nature of acts of domestic violence.

In conjunction with direct intervention services and prevention activities, county governments are encouraged to provide safe, affordable housing, child care and employment training and job placement for victims of domestic violence.

County officials are also encouraged to develop and ensure access to these programs and services through cooperation with existing programs for victims of domestic violence such as shelters and safe home networks.

### **NATIONAL WEATHER SERVICE**

Any proposed degradation of NWS services represents a threat to the well-being of county governments, and presents immeasurable challenges to county emergency management and public safety personnel and operations.

Therefore, NACo urges Congress and the Administration to ensure that funds budgeted for NWS operations in support of local communities are protected from reallocation and that the operating hours of local NWS forecast offices which warn and advise county emergency managers regarding severe weather threats are maintained at current hours of operation.

### **EMERGENCY MEDICAL SERVICES**

One of the most basic and vital services local governments can provide to its constituents is immediate, life saving care for victims of singular or widespread emergency medical incidents. Federal programs that help develop comprehensive emergency medical service (EMS) systems are administered by the U. S. Department of Health and Human Services, the U. S. Department of Transportation, and the U. S. Fire Administration.

These programs call for countywide or multi-county systems of emergency medical care which address the

needs of specific geographical population groups. County governments generally provide the most efficient government format for the delivery of such comprehensive care systems.

Counties should examine their current roles regarding federal, state, and local efforts to develop EMS systems and should utilize existing resources to plan for and implement comprehensive countywide and multi-county EMS systems.

NACo urges Congress to continue its support and appropriations for implementation and development of countywide and multi-county EMS systems.

## **PANDEMIC INFLUENZA**

Public health experts predict the occurrence of an influenza pandemic. This may arise if the current avian influenza virus acquires an ability to be transmitted from human to human, or it may arise from another new virus. It cannot be predicted when such an event will occur, but it is important that counties anticipate and prepare for the enormous demands that a pandemic will place on both public and private sectors to respond.

The federal funds now available are insufficient to enable counties to complete all the necessary tasks of preparedness. Moreover, the Department of Health and Human Services and the Department of Homeland Security have not coordinated their pandemic influenza response activities in a way that reflects and supports the strong coordination among first responders, including public health departments, that already occurs at the county level. Federal direction now includes redundancy and contradictions in requirements for planning, exercising of plans, and reporting, and does not uniformly recognize that pandemic influenza response is an element of overall local emergency management planning and cannot occur in isolation from other county emergency and public health preparedness work.

As a result, NACo urges the Administration and Congress to recognize that pandemic influenza response is primarily local in nature, and to provide adequate funding, sound guidance, and support that will enable counties to prepare effectively for pandemic influenza in a manner that is consistent with local emergency management plans and that permits optimally efficient use of local resources. Eighty percent of federal funds granted to states for pandemic influenza preparedness should be designated for use at the local level.

## **PUBLIC SAFETY TELECOMMUNICATIONS**

The objectives of public safety telecommunications are:

- A.** The general public should have access to public safety emergency resources when needed.
- B.** Public safety employees in high-risk activities should have ready access to emergency communications systems in their own communities that are compatible with communications systems in surrounding communities.
- C.** Public safety employees should have access to data necessary for the proper discharge of their duties.

Counties should develop comprehensive telecommunications policies that incorporate these objectives for available media, such as radio and microwave frequencies, cable television, emergency telephone such as 911, and computerized systems.

These policies should also seek to coordinate telecommunications among localities at a county or other appropriate multi-jurisdictional level. States should assist counties in developing comprehensive telecommunications programs through enabling authorities and financial and technical assistance.

The federal government should provide technical and financial assistance to counties for comprehensive programs and provide adequate communications frequencies and channels for public safety at the local level.

### **D. Interoperability**

The development of data standards for the emergency response community will save lives and reduce property damage by decreasing the time it takes our Nation's responders to respond to incidents of all sizes, including man-made or natural disaster. As a result, NACo supports the Department of Homeland Security's Office for Interoperability and Compatibility in its effort to carry out its statutory authority to support the creation of national voluntary consensus standards for interoperable communications. In particular, NACo supports the Office's development of data messaging standards in coordination with state and local representatives. NACo encourages Congress and the Department of Homeland Security to adequately fund this critical initiative in order to meet the needs of emergency responders across the nation.

## JUSTICE AND PUBLIC SAFETY RESOLUTIONS

### Resolution to Support DHS' Homeland Security Grant Programs

**Issue:** Support for the Department of Homeland Security's (DHS) key state and local assistance programs.

**Adopted policy:** NACo urges Congress to restore funding to DHS' key state and local assistance programs. These programs are vital components for protecting our communities from terrorist threats and other hazards.

**Background:** Since September 11, all communities of all sizes have had to enhance their level of preparedness to deal with potential nuclear, chemical, biological attacks, and other hazards. This has required a great deal of local planning, coordination and investment for counties across the nation. To alleviate some of the burdens local governments face in enhancing their communities, the Department of Homeland Security (DHS) provides financial and technical assistance primarily through their Office of Grants and Training (OGT).

The Office of Grants and Training continues to provide state and local governments with billions in financial assistance for first responders. Most of this funding is provided for the purchase of specialized equipment to enhance the capability of state and local government's efforts to prepare, prevent and respond to incidents of terrorism involving the use of chemical, biological, radiological, nuclear or explosive weapons. Also, funding is provided for technical assistance, the development of statewide and local emergency plans, and conducting exercises for state and local first responders.

Since 2005, the amount of funding Congress has appropriated for DHS' key state and local programs has been significantly reduced. These key programs include: the State Homeland Security Grant Program; the Urban Area Security Initiative Grant Program; the Law Enforcement Terrorism Prevention Grant Program; the FIRE Grant Program; the Emergency Management Performance Grant Program; DHS' Training, Exercise, and Assistance Programs; DHS' Citizen Corps Program and DHS' Metropolitan Medical Response System.

Congress provided around \$2.8 billion for these programs in 2007. This figure is \$906 million less than

Congress appropriated for these programs in FY2006 and is a reduction of more than \$2 billion compared to the program speak in FY04. As state and local governments continue in their efforts to prepare, prevent, respond and recover from terrorist threats and future hazards, NACo continues to strongly oppose these reductions.

**Fiscal/Urban/Rural Impacts:** These programs continue to assist county governments in their effort to prepare, prevent, respond and recover from future terrorist attacks, and all hazards.

Adopted July 15, 2008

### Resolution Supporting Increased Mutual Aid Agreements

**Issue:** Support for increased mutual aid.

**Adopted policy:** NACo urges counties to become familiar with the Emergency Management Assistance Compact (EMAC). In addition, we urge Congress and the Administration to work with states to improve and strengthen EMAC as the primary vehicle for delivering interstate mutual aid.

Furthermore, we urge states to establish formal and effective mechanisms for identifying and deploying local assets as an integral part of the EMAC process; and urge Congress to adopt an annual \$4 million authorization of the program for the administrator of the EMAC compact.

**Background:** The history of emergency management mutual aid can be traced back to a perceived threat of nuclear attack in 1949, when the Soviet Union exploded its first nuclear device and the North Koreans invaded South Korea. President Truman established the Federal Civil Defense Administration to safeguard American citizens. Congress quickly followed suit and passed three acts in 1950: The Federal Civil Defense Act, the Defense Production Act, and the Disaster Relief Act. The Disaster Relief Act was established for natural and man-caused disasters.

President Carter later used an Executive Order to develop the "Federal Emergency Management Agency" (FEMA) as was suggested by the National Governors' Association to assist in responding to disasters, both nuclear and natural.

In 1992, when Hurricane Andrew devastated Florida, it became apparent that even with federal resources, states would need to call upon one another in times of emergencies. As a result, the Southern Governor's Association (SGA) coordinated with Virginia's Depart-

ment of Emergency Services (DES) to develop a state-to-state mutual aid agreement: the Southern Regional Emergency Management Assistance Compact (SREMAC) which was adopted in 1993.

In January 1995, the southern governors voted to open membership to any state or territory in the Union that wished to join. The broadened agreement was called the Emergency Management Assistance Compact (EMAC).

EMAC is an agreement among the 49 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, to provide assistance across state lines when a disaster occurs. The Governor of the affected area must first declare a state of emergency, and then that state must request the help it needs. It is this request that triggers the response from other EMAC-member states and sets the EMAC operations system of coordination and deployment in motion. Protocols established in EMAC allow reimbursement to all assisting states. EMAC also has the procedures in place to resolve liability issues.

The United States Congress ratified EMAC in 1996 and it became Public Law 104-321. EMAC is the first national disaster-relief compact since the Civil Defense Compact of 1950 to be ratified by Congress.

In 2004, EMAC displayed its worth in what was the largest deployment of state-to-state mutual aid in history during the sustained over 85 days of response to Hurricanes Charley, Frances, Ivan & Jeanne.

EMAC deployed more than 800 state and local personnel from 38 states (including one non-member state, California), the National Coordination Group, National Coordinating Teams and A-Teams.

In 2005, in response to Hurricanes Katrina and Rita, EMAC managed the largest deployment of personnel and resources in the compact's history. Forty-eight States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia sent more than 60,000 people to Louisiana, Mississippi, and Florida, to assist in the response and recovery efforts. This assistance is continuing today.

**Fiscal/Urban/Rural Impacts:** EMAC offers a responsive and straightforward system for states to send personnel and equipment to help disaster relief efforts in other states. When resources are overwhelmed, EMAC helps to fill the shortfalls and assists state and local governments nationwide.

Adopted July 15, 2008

### **Resolution in Support of Federal Funding to Local Governments to meet Federal Security Mandates at U. S. Ports**

**Issue:** Ensure proper federal funding is provided to local governments to adequately meet federal homeland security mandates at US Ports.

**Adopted policy:** NACo urges Congress to pass legislation that assures that the federal government provides adequate funds for local governments to meet federal seaport security mandates, without impacting traditional seaport funding sources for capacity and other critical projects, including eligibility to use homeland security funds for operational costs.

**Background:** Since 9/11, the nation's ports have faced unprecedented security costs due to the costs of complying with federal security mandates, principally the Maritime Transportation Security Act of 2002 and subsequent revisions. While all land, air and sea borders are facing similar challenges nationwide, the problems are underscored at our nation's seaports. Annual operating security costs at numerous seaports have quadrupled since 2001, with up to 90 percent of the total operating costs comprising staff salaries. The absence of a funding source for recurring operational needs is a critical concern to the nation's ports, and since 9/11 various US ports have been forced to divert essential capital program development funds to cover operational security costs.

In addition to several other security mandates through MTSA, the United States Coast Guard advised the nation's ports that they are now responsible for waterborne surveillance, which was once the exclusive responsibility of the US Coast Guard. The nation's ports have implemented security measures, including "waterborne patrols," to monitor these federally designated ports of entry from dockside surveillance to monitoring all ships that approach on water. This represents to the ports another unfunded security costs that formerly was a Coast Guard responsibility.

Additional funding is required to maintain the present and future heightened security levels that will be required to assure that passengers and cargo are efficiently processed and to assist with the landside and waterside security requirements currently demanded of ports. Funds should also be provided to local governments who may perform searches prior to vessel docking at seaports.

**Fiscal/Urban/Rural Impacts:** Counties would

benefit from these additional funds.

Adopted July 15, 2008

### **Resolution on Changes to the National Flood Insurance Program**

**Issue:** Need for greater flexibility in federal post-disaster housing assistance programs.

**Adopted policy:** The Federal Emergency Management Agency should extend the grant performance period issued under the National Flood Insurance Program's Increased Cost of Compliance coverage from two years to five years so that policyholders may have an adequate period of time in which to bring their homes and real properties up to local zoning laws and codes associated with damage from federally-recognized floods and other natural disasters. The grant performance period shall commence with the settlement of disaster-related litigation or mediation with a policyholder's primary property insurance carrier.

**Background:** The U.S. suffered tremendous losses to persons and real property as a result of the 2004 and 2005 hurricane seasons. Many of those individuals, families, households, and homeowners who live in parts of the U.S. directly affected by Hurricanes Katrina, Rita, and Wilma found their homes devastated and/or destroyed as a direct result of wind, water, and debris damage caused by hurricanes.

The combined estimated damage to property as a result of Hurricanes Katrina, Rita, and Wilma in 2006 totaled more than \$145 billion. Consequently, hundreds of impacted persons and families are still without financial means to pay for repairs to their homes and other real property since the 2005 hurricane season. Increased demand for contractor services, limited availability of repair supplies, and continued negotiations with private and primary property insurers have left these people unable to find contractors that can make suitable and appropriate repairs to their real property and homes.

Many of these victims have petitioned the Federal Emergency Management Agency (FEMA) for help under the National Flood Insurance Program. As part of its initial funding award to these people, FEMA requires that grantees make improvements to their homes in compliance with new zoning laws and standards designed to mitigate natural disasters. Homes must be repaired beyond their pre-disaster condition to withstand a host of natural disasters.

More importantly, all work must be completed within two years of the grant award. Given the extent of

destruction in the 2004 and 2005 hurricane seasons, grant recipients have found it difficult, if not impossible, to comply with this timeline mandate. They continue to face unexpectedly long construction delays.

Because FEMA caps the program's grant awards at \$30,000 per household, homeowners must rely on private insurance to fund repairs beyond that level. Insurance providers are reluctant to adequately reimburse these victims for the full repair or replacement costs for their damaged properties. Consequently, far too many victims still face unresolved litigation with their primary insurance carriers over what constitutes covered damages. FEMA requires program beneficiaries to settle any and all outstanding claims with their insurers before the agency will close out a grant claim under the National Flood Insurance Program. Due to circumstances beyond their control, these victims face dead ends, whether aid comes from the federal government or the private sector.

FEMA currently has a two year performance period for claims under the program and that is set to end for most program beneficiaries. That two year period was established under FEMA's regulatory authority and not by federal statute. Possible federal assistance is set to expire due to problems beyond the control of the victims of the 2005 hurricane season. FEMA has the authority to extend the grant performance period to five years under its authority to set regulations in compliance with federal law.

**Fiscal/Urban/Rural Impacts:** The costs of decreased property values, unemployed and homeless (temporary or permanent) residents has already led to increased demand on County and Parish services. It has the potential to lead to decreased property values and decreased ad valorem taxes as Counties and Parishes conduct reassessments.

Adopted July 15, 2008

### **Resolution Supporting Task Force to Study the Need for Functional and Medical Registries Nationwide**

**Issue:** Special needs registries.

**Adopted policy:** NACo urges Congress to pass legislation that creates regional task forces that would study and provide recommendations for funding the development of functional and medical registries nationwide.

**Background:** One of the principal lessons learned from recent hurricane seasons was that no matter how dire the warnings are to evacuate, many of the most

vulnerable residents who have special medical or physical needs are afraid to leave the security of their homes. These persons should all be a part of a comprehensive special needs registry that allows local government to act to prevent death or injury prior, during and after emergencies. Not having an updated, comprehensive special needs registry that crosses county and state lines may lead to some of the most vulnerable residents at risk of being left alone, afraid, and susceptible to trauma or even death.

The best disaster plans mandate that each county maintain a functional and medical registry. These are databases of homebound seniors who may need assistance with daily living, persons requiring skilled nursing care, or needing life-saving medical equipment dependent upon electricity such as the developmentally disabled and physically challenged; and individuals with no access to transportation. Realizing that many residents, in particular seniors, will not evacuate without assistance, such registries are vital when trying to prepare for evacuations prior to or immediately after disasters occur.

Currently, many of these data bases and registries are not comprehensive, and do not help when persons are moved across state or county lines, times when the special needs information of each person is most needed. Ensuring that nationwide, the special needs of our most vulnerable citizens are met prior to, during, and following a major disaster or emergency may save countless lives in the future and a study of regions across the nation is the best way to assess the unique needs of each geographic area.

**Fiscal/Urban/Rural Impacts:** To be determined.  
Adopted July 15, 2008

#### **Resolution in Support for the Provisions Included in the Improved Hurricane Tracking and Forecasting Act of 2007 (H.R.2531/S.1509)**

**Issue:** Action is needed immediately for the federal government to replace its aging hurricane tracking/forecasting satellite which has outlived its original expected life.

**Adopted policy:** NACo urges Congress to pass the Improved Hurricane Tracking and Forecasting Act of 2007 H.R. 2531 and S. 1509 to better protect property, lives, and the environment.

**Background:** More than 50 percent of residents of the United States live within 50 miles of the coast and residents of these states as well as regions across the

nation that can be affected by hurricanes and related flooding deserve the best technology available to track impending hurricanes.

As the 2007 Atlantic Hurricane season began with an unprecedented two named storms, it is more important than ever to ensure the safety of our nation's residents by improving our storm and hurricane-tracking systems. NASA launched its aging -uikSCAT satellite in 1999, and it was expected to remain in service until 2002. The current satellite is five years past its projected lifespan, making it vulnerable to failure and more advanced warning of storms is needed.

Bill Proenza, Director of the National Hurricane Center, has indicated to NACo that without QuikSCAT satellite technology, hurricane forecasting would be 16 percent less accurate 72 hours before a hurricane's landfall and 10 percent less accurate 48 hours before a hurricane's landfall. Accurate storm predictions and tracking are critical to the safety and well being of millions of Americans.

The devastation caused by Hurricane Katrina has reawakened the nation regarding the need to ensure for the safety and well being of our citizens. In the wake of more frequent and stronger storms, better technology to forecast storms and predict storm tracks and strength will help Americans prepare and will save lives.

**Fiscal/Urban/Rural Impacts:** To be determined.  
Adopted July 15, 2008

#### **Resolution on the Edward Byrne Memorial Justice Assistance Grant Program (JAG)**

**Issue:** The Administration's budget request to eliminate the Justice Assistance Grant Program.

**Adopted policy:** NACo strongly supports full funding of the JAG program at the authorized level of \$1.1 billion. NACo long-term policy also supports perfecting the block grant formula by basing it more substantially on criminal justice expenditure data. NACo policy also supports the expansion of intergovernmental programs in rural America. Counties call on Congress to restore FY08 funding to the Byrne/JAG program through a supplemental appropriation.

**Background:** The Justice Assistance Grant (JAG) Program was enacted into law as part of the Department of Justice Appropriations Authorization Act for FY2006-2009. It consolidated the Edward Byrne Block Grant Program with the Local Law Enforcement Block Grant Program (LLEBG).

The elimination of the Justice Assistance Grant pro-

gram was perhaps the most surprising of all the justice cuts, since it was developed by the George W. Bush Administration as a systematic "good government" approach to crime. A major purpose of JAG is to comprehensively address crime through broad funding categories that address the entire justice system and linked to related health and social services.

Under the JAG funds can be spent on:

- Law enforcement programs;
- Prosecution and court programs;
- Prevention and education programs;
- Corrections and community corrections programs;
- Drugs treatment programs; and
- Planning, evaluation and technology improvements.

Virtually all aspects of drug and alcohol abuse can be addressed by the JAG program as well as funding for planning and management. A growing number of counties have used JAG to combat the methamphetamine epidemic through multi-jurisdictional drug task forces. The program allows states and local governments to engage in a broad range of activities to prevent and control crime. It provides counties wide flexibility to prioritize at the local level and place justice funds where they are most needed. Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is also eligible for JAG funding.

The President's budget request claims that the Byrne JAG program is not able to demonstrate "an impact on reducing crime." This is disputed by state and county studies and by data compiled by the National Criminal Justice Association. Based just on information submitted by individual state agencies for multi-jurisdictional task forces for the 2004 grant year it was found that they were responsible for:

- 54,050 weapons seized;
- 5,646 methamphetamine labs seized; and
- Massive quantities of narcotics removed from America's streets and \$250 million in seized cash and personal property (not including the value of narcotics seized).

The Performance Assessment Rating Tool (PART) that is used by OMB to evaluate effectiveness of federal programs including JAG does not effectively take into account the goals and objectives of local governments.

JAG is only a small fraction of the massive resources state and local governments commit to criminal justice.

According to the Bureau of Justice Statistics, in 2003 local governments alone spent over \$93 billion annually on criminal justice.

JAG funding clearly does not supplant funding by state and local governments for justice and law enforcement programs. Rather, the minimal but essential funding it provides leverages state and local investment in justice programs to enhance cooperation and implement best practices at the state and local level. The new JAG legislation greatly expanded the number of "disparate" counties under the Act. As a consequence, a large number of cities and counties are now required to work together to divide grant funds in a more systematic manner.

For FY2008 the House Appropriations Subcommittee marked Byrne JAG at \$600 million and the Senate Committee marked the legislation at \$660 million. However, the FY08 omnibus appropriations bill provided only \$170 million for the JAG formula program. This cut came despite a record of increasing support by the 110th Congress. Furthermore, the FY08 bills provided substantial increases before being amended into the omnibus appropriations bill during conference negotiations.

**Fiscal/Urban/Rural Impacts:** The legislation is authorized at \$1.1 billion to prevent and control crime.

Adopted July 15, 2008

### **Resolution on the Mentally Ill Offender Treatment and Crime Reduction Act**

**Issue:** An appropriation to effectively implement the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (P.L. 108-414).

**Adopted policy:** NACo fully supports the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (P.L. 108-414) and an appropriation of at least \$75 million in FY2009.

**Background:** The nation's local jails are increasingly becoming the dumping grounds for the mentally ill. Of the 10 million people entering county jails each year, it is estimated that 24 percent are displaying a pattern of symptoms that are indicative of psychotic behavior. Most of these individuals have committed only minor infractions, more often the manifestation of their illness than the result of criminal intent.

Implementing a wide range of community-based services is infinitely more preferable to jail in terms of addressing the multiple issues facing this population. By keeping the mentally ill within the health and human services system, counties are better able to monitor their

condition, provide treatment and to dispense medication if needed. The public safety is better served.

Jail, on the other hand, has the opposite effect. It traumatizes persons with mental illness and makes them worse. For the county health department psychiatrist, it often means working twice as hard to get them back to where they were when they entered the jail. For the sheriff, it may mean assigning a deputy to carefully monitor the individual in jail. The legislation has the support of NACo, the National Sheriffs' Association, the Council of State Governments and a wide array of other national organizations.

The bill creates planning and implementation grants for communities to offer treatment and other services (such as housing, education or job placement) to mentally ill offenders. Programs receiving grant funds must be operated collaboratively by both a criminal justice agency and a mental health agency.

Grants may be used by communities for a variety of purposes, including establishing jail diversion programs, mental health courts, creating or expanding community-based treatment programs, or providing in-jail treatment and transitional services. In addition, grant funds may be used to enhance training for criminal justice system and mental health system personnel who must know how to respond appropriately to this population.

The legislation, the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 contains language advanced by NACo to dedicate up to five percent of the planning funds for intergovernmental collaboration among municipal, county and state governments.

The legislation is authorized at \$50 million for FY2005 and "such sums" as are necessary for FY2006 through FY2008. The bill establishes two discretionary grant programs: planning grants and implementation grants. The implementation grants are non-renewable and may extend over as much as five years. Both state and local governments are eligible to apply for a grant. Applications must be for collaborative programs; that is, the applicant must certify collaboration among a criminal justice agency or a juvenile justice agency, and a mental health agency. In FY2006 only \$5 million was appropriated to support the new legislation. In FY2007 Congress approved \$5 million for the program. But in FY2008 the House appropriations subcommittee approved an appropriation of \$10 million.

**Fiscal/Urban/Rural Impacts:** Promoting demonstration programs will in the long-term reduce the financial

burden on both rural and urban counties.

Adopted July 15, 2008

**Resolution Urging the Attorney General of the United States to Appoint a National Commission to Study and Make Recommendations on the Jailing of the Non-Violent Mentally Ill in County Jails and State Prisons**

**Issue:** The appointment of a national commission to study and make recommendations on an escalating national crisis: the jailing of non-violent persons with mental illness in county jails and state prisons.

**Adopted policy:** The National Association of Counties urges the Attorney General of the United States to promptly appoint a national commission to study and make recommendations on the jailing of non-violent persons with serious mental illness in our nation's jails and prisons.

NACo further recommends that such a commission should be representative of organizations representing general purpose government at the county, city and state level (i.e., NACo, USCM, NGA, NCSL, NLC, CSG and ICMA) and that it includes:

- Federal agencies with criminal justice, health, housing, employment and social service responsibilities including SAMHSA, HUD, BJA, BJS, NIJ, DOL and NIC.
- National organizations representing key constituencies at the local and state level should also be represented.

**Background:** The nation's local jails are increasingly becoming the dumping grounds for the mentally ill. According to the Bureau of Justice Statistics, it is estimated that 24 percent of the nine million different people entering county jails each year are displaying a pattern of symptoms that is consistent with psychotic behavior. Most of these individuals have committed only minor infractions, more often the manifestation of their illness than the result of criminal intent.

Implementing a wide range of community-based services is infinitely more preferable to jail in terms of addressing the multiple issues facing this population. By keeping the mentally ill within the health and human services system, counties are better able to monitor their condition, provide treatment and to dispense medication if needed. The public safety is better served.

Multnomah County, Oregon found that the mentally ill defendants were staying in jail one-third longer than those who were not mentally ill. Lengthy incarceration

not only worsens their condition, it almost guarantees difficulties after their release.

In the vast majority of states, even a short stay in the county jail is enough to disenroll a mentally ill person from such entitlements as Social Security, Medicaid and/or Medicare. Once an individual is released from jail, he or she is eligible to receive such benefits but it may take weeks or months for these programs to be restored.

The need for collaboration between criminal justice, health and human service agencies at the local level in dealing with the mentally ill cannot be overemphasized. The challenge is to create a seamless web of comprehensive services.

County jails and state prisons have become the de facto mental institutions of their communities. Jails are designed to be short term incarceration facilities; prisons are designed to be long term incarceration facilities. Neither is designed to be a mental hospital.

Jail and prison staffs are trained to be correctional officers, not mental health professionals. But most importantly, it is not appropriate to punish people for being mentally ill.

Key constituencies such as the National Sheriffs' Association, the National District Attorneys Association, the National Association of County Health Officials, the National Association of County Behavioral Health and Developmental Disability Directors, the National GAINS Center, the National Commission on Correctional Health Care, the National Association of Drug Court Professionals, National Mental Health Association, the National Alliance on Mental Illness, the American Psychological Association, American Psychiatric Association, the International Association of Chiefs of Police, the Police Executive Research Forum, the American Probation and Parole Association, the American Bar Association the American Jail Association, the National Association of State Alcohol and Drug Abuse Directors, the Judge David Bazelon Center for Mental Health Law, Partners in Crisis of America and the American Correctional Association should be represented on the national commission.

**Fiscal/Urban/Rural Impacts:** The Commission's work in promoting evidence-based and intergovernmental solutions to divert non-violent persons with mental illness will save counties many millions of dollars.

Adopted July 15, 2008

### **Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 as Amended**

**Issue:** Support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP) as amended.

**Adopted policy:** NACo supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 which authorizes states and local programs to serve at risk youth. In reauthorizing the legislation, NACo urges Congress to maintain the four core provisions of the Act: sight and sound separation; deinstitutionalization of status offenders; jail removal; and language addressing the disproportionate representation of minorities in the juvenile justice system and further strongly urges Congress to authorize \$500 million to fund Title V of the Act in FY 2009.

Congress is urged to significantly increase funding for JJDP and to consider ways to ensure prioritizing evidence-based practices and strengthening gang prevention provisions.

**Background:** The JJDP, originally created in 1974, has been very successful in preventing and diverting youth from crime and violence. NACo was a strong supporter of the Act at its creation in 1974 and was a major supporter of the 1980 amendment requiring the removal of juveniles from adult jails.

NACo also took a major leadership role in 1992 in helping to create Title V of the Act that emphasizes locally planned and implemented youth development and delinquency prevention programs.

**Fiscal/Urban/Rural Impacts:** Additional \$500 million to fund primary prevention initiatives.

Adopted July 15, 2008

### **Resolution on International Production and Smuggling of Meth**

**Issue:** International production and smuggling of methamphetamine.

**Adopted policy:** To immediately implement the Patriot Act's meth provisions engage the President of Mexico and other top-ranking officials in the Mexican government regarding Mexican meth trafficking, using all reasonable means to convince Mexico to partner with the United States in an aggressive effort to stop the illegal flow of methamphetamine into the United States; and request Congress to initiate an analysis by the General Accountability Office to determine the adequacy of the federal government's diplomatic, law enforcement, and border control efforts as they pertain to

methamphetamine trafficking from Mexico.

**Background:** Counties across the nation are dealing with the ever-increasing burden of Methamphetamine abuse and working with state and local officials to address it. Thanks to strong lobbying efforts of counties, including leaders with NACo, Congress is realizing that the impact the abuse of Meth is having on communities can no longer be ignored!

Recently the Combat Meth Act was added as an amendment to the Patriot Act and passed. The Combat Meth Act covered many necessary issues related to the fight against meth including national and international regulation of precursor chemicals such as pseudoephedrine and ephedrine and enhanced criminal penalties for meth production and trafficking. It also includes enhanced sentences for the manufacturing or distribution of meth in the presence of children.

Additionally the Combat Meth Act authorized \$99 million per year for five years for grants to States to address the manufacturing, distribution and use of meth in Hot Spot areas. The Combat Meth Act also authorized \$20 million for two years for programs for Drug Endangered Children and funding for competitive grants to provide addiction treatment for pregnant or parenting women who are addicted to meth.

One area remains: stronger enforcement of our borders. Although this issue is briefly mentioned to require the Secretary of State to "improve bilateral efforts at the US-Mexico border to prevent smuggling" the plan of attack is simply not strong enough. Recent estimates by the Federal Drug Enforcement Agency indicate that between seventy and eighty percent of methamphetamine in the nation is illegally trafficked from Mexico.

According to one account in 2004, the country of Mexico received 240 tons of pseudoephedrine, the necessary base ingredient in methamphetamine, but only needed and used 100 tons for legitimate and legal needs of the Mexican population. This surplus pseudoephedrine in Mexico is responsible for the explosive growth in Mexico's illicit methamphetamine industry. The United States simply cannot make meaningful headway against the massive proliferation of methamphetamine activity and all its myriad harmful consequences until we successfully reduce trafficking of methamphetamine from Mexico. Drug interdiction, and specifically border control, must be addressed in an international context and must be considered a crucial element of foreign policy.

**Fiscal/Urban/Rural Impacts:** The costs of enforce-

ment, interdiction, incarceration, clean-up, medical treatment, prevention, and social services for family members are a primary cause of dramatic county budget increases.

Adopted July 15, 2008

### **Resolution Urging FEMA to Grant Counties Short-Term Authority to Remove and Process Storm Debris from State and Federal Roadway Systems**

**Issue:** Storm Debris Authority for Counties.

**Adopted policy:** NACo supports FEMA's continued funding for the removal and processing of debris on public road right-of-ways following a natural disaster and is requesting Congressional and White House support providing disaster-specific legal responsibility to county governments for the sole purpose of removal and processing of storm debris from public right-of-ways along non-system roads in order to expedite recovery, health, safety and welfare of local communities following a declared emergency.

**Background:** Counties are the government's first responders. Currently, there are long delays to counties seeking authorization from FEMA to remove and process debris from public, non-system road right-of-ways following an emergency. This policy places counties in the awkward position of delaying community recovery efforts or proceeding with clean-up efforts that risk forfeiting FEMA reimbursements. This role is hampered by long delays in funding authorization granting counties approval to clear and process storm debris from non-system roads after a catastrophic event. As experienced locally in the State of North Carolina, following the Ice Storm in 2002 and Hurricane Fran in 1996, local governments waited months to obtain authorization from FEMA to pre-approve funding of these debris removal activities for non-system road infrastructure.

The FEMA, Public Assistance Debris Management Guide (FEMA-325), July 2007, defines eligible debris removal work that qualifies for reimbursement under the Public Assistance Program as meeting the following criteria:

- The debris was generated by a major disaster event;
- The debris is located within a designated disaster area on an eligible applicant's improved property or right-of-way; and
- The debris removed is the legal responsibility of the applicant.

There are two phases to a debris removal operation:

a) FEMA reimburses state and local governments for initial debris clearance activities necessary to eliminate threats to life and safety; this involves pushing the debris to the right-of-way to clear emergency access routes. These activities are reimbursed on a time and material basis for the first 70 working hours following an event.

b) FEMA reimburses state and local governments for debris removal activities as a means of recovery. Debris is removed from the public right-of-way which includes debris accumulated from the emergency access clearance activities, and that which is gathered and piled by residents clearing debris from their property. FEMA will only reimburse debris removal activities from the public right-of-ways only if the applicant (the state or local government) has the legal responsibility to maintain the right-of-way.

In North Carolina there are 3 types of roads:

1. System Roads: municipal, state or federally-maintained roads. Legal responsibility for debris removal along these roads is defined.
2. Non-system Private Roads (Private): Owned and maintained as non-public roads (i.e., gated communities).
3. Non-system Public Roads (Orphans): Roads open to the public with intended ownership transferring to state once residency occupancy levels reach minimum thresholds. These roads are referred to as "orphan roads" because they have not yet been adopted by a government entity.

In Wake County, North Carolina, over 580 miles which is over 10 percent of the public roads, are non-system infrastructure with legal responsibility not defined by FEMA.

Since counties in some states, like North Carolina, do not "own" roads or the corresponding right of way, any debris removal activity undertaken by the counties along a public right-of-way is counter to our legal responsibility.

Following an event, the local government must petition to the FEMA Federal Coordinating Officer requesting approval to remove debris on specific non-system roads where the accumulated debris poses a threat to the public health and safety. Typically every mile of public non-system roadway is visually inspected and approved on a road-by-road basis. This is only done on public, non-system roads and the process is laborious and not expedient.

Following the Ice Storm in 2002 and Hurricane Fran in 1996, the health and safety problems that ensued from the accumulated debris and the public outcry from federal delays caused Wake County to clear the debris from these public non-system road right-of-ways at the risk of not receiving FEMA reimbursement.

The final impact to Wake County following these two events was:

- Ice Storm in 2002
  - o Over 100,000 cubic yards of debris
  - o Total debris clearance and removal cost of \$1,392,453
  - o Wake County incurred \$659,092 of the expenses not reimbursed by FEMA, FEMA and the State funded \$733,361 of the total cost. This cost was attributable to debris removal from non-system roads.
  - o Debris removal operations ran from December 2002 until September 2003
- Hurricane Fran in 1996
  - o Over 580,000 cubic yards of debris
  - o Total debris clearance and removal cost of \$4,691,719
  - o Wake County incurred \$471,741 of the expenses not reimbursed by FEMA, FEMA and the State funded \$4,219,978 of the total cost.

Passage of this resolution would encourage a more responsive partnership between counties and FEMA which would positively effect community a community's recovery efforts and avoid additional health risks to our citizens.

**Fiscal/Funding Impacts:** This policy clarifies FEMA's funding responsibility and would not require new resources. The impact would be to streamline local recovery efforts that are currently supported by FEMA.

Adopted July 15, 2008

#### **Resolution Supporting National Homeland Security Consortium White Paper on Homeland Security**

**Issue:** Support for National Homeland Security Consortium White Paper on Homeland Security.

**Adopted policy:** NACo urges Congress and the other relevant federal agencies to support the policy positions illustrated in the National Homeland Security Consortium White Paper on Homeland Security adopted in December 2007.

**Background:** The National Homeland Security Con-

sortium is a forum for public and private sector disciplines committed to coalescing efforts and perspectives to best protect America in the 21st Century. The Consortium consists of 21 national organizations (including NACo) who are major stakeholders in the nation's public safety system. Collectively, the organizations represents the array of professions that deliver services daily and which are vital to safety and security of the United States. Since its inception, the Consortium independent organizations have embraced the concept of expanded national, local, state and private coordination - one necessitated by growing national demands.

In December 2007, The National Homeland Security Consortium adopted a set of wide-ranging policy recommendations that are highlighted in the Consortium's White Paper on Homeland Security. The document recommended the following:

*Communication and Collaboration:* The Federal Government must establish a robust, sustained and consistent process for soliciting local, state, tribal, territorial and private sector engagement, including unfiltered input to key federal decision makers, on the full breadth of homeland security issues. This process must ensure stakeholders are included in all aspects of national policy development as successful collaboration requires a partnership with state and local governments, the private sector and non-governmental organizations. This process must improve the capability for federal agencies and legislative committees to communicate and work together to ensure a coordinated and unified national approach to homeland security, and consistent messages to non-federal stakeholders. The process must establish clear cross-cutting direction to federal agencies and requires that their individual implementation of homeland security initiatives be fully coordinated within the federal inter-agency in a manner that promotes a unified national effort. The process must ensure that federal agency offices responsible for maintaining on-going policy-level liaison with non-federal government officials and private sector executive leaders, report directly to the head of their respective federal agency. This system should also convene a broad ranging discussion with relevant stakeholder organizations to formally establish consistent processes and expectations about how collaboration will occur in the future and improve coordination of legislatively directed deadlines imposed on federal agencies that subsequently create corresponding requirements for state, local, tribal, territorial and/or private sector input,

to minimize redundant and conflicting demands for information from non-federal stakeholders.

*Intelligence and Information Sharing:* The Department of Homeland Security (DHS) and the Department of Justice (DOJ) and other relevant Federal agencies must preserve progress to date and continue to expand/implement efforts to ensure timely and effective sharing of information. Recent national information sharing strategies affirm the importance of these principles, but implementation remains inconsistent. The appropriate Federal agency and/or Congress must fix federal guidelines that inhibit the granting of security clearances to local, state and private sector partners and address the continuing inconsistency of recognizing clearances granted by different federal agencies; promote through policy and resources the inclusion of the private sector and non-governmental organizations with local, state and federal information sharing; sustain federal funding for state and local information sharing and make it predictable and not limited to a single threat or hazard; actively engage non-federal stakeholders in the development of federal program guidance and related budget creation, essential tools for implementing national information sharing policies; integrate national databases and ensure the capability for local, state, tribal, territorial and private access where needed; and regularly assess the capability and progress for fusing and sharing information vertically and horizontally within government and between the public and private sectors to ensure that vital information is constantly provided to those responsible for protecting the homeland.

*Use of Military:* Congress must protect the Constitutional role of states with regard to control of their National Guard forces and clarify the circumstances as well as the command, control and coordination procedures under which federal active duty forces are to be employed in operations within the homeland. Congress is also encouraged to ensure that the National Guard remains under the command and control of the nation's Governors for all homeland security operations purposes. The appropriate Federal entity is also encouraged to develop an on-going monitoring process to ensure, that during periods when the National Guard are called to federal service, Governors will retain sufficient manpower and resources in their states for homeland security, disaster and emergency response missions; establish clear joint force command protocols to assure federal active duty forces engaged in domestic operations within states can be placed under the super-

vision or the command and control of the Governor and the State Adjutant General; adequately define and resource the National Guard for its domestic support/protection and war-fighting missions; and create clear policy for the Chief of the National Guard Bureau in consultation with Adjutants General to set National Guard operational requirements for inter-state domestic disaster relief and homeland security missions, without requiring Combatant Commander approvals.

*Health and Medical:* The Department of Health and Human Services (HHS), DHS, Congress and other relevant Federal agencies must improve efforts to enhance the full range of health and medical readiness to address trauma and exposure related injury and disease. The Department of Health and Human Services (HHS), DHS, Congress and other relevant Federal agencies must also sustain funding that supports ongoing public health, medical and EMS preparedness to build and enhance medical surge capacity, promote training and workforce development, enhance technology for disease prevention, detection, and production of medical countermeasures and mass prophylaxis; review the nation's health care system to assess the impact of hospital diversion, medical and public health surge capacity (including workforce issues) and alternate standards of care on our ability to provide adequate medical care during times of national crisis; focus more federal preparedness activities on pre-hospital care and the role of public, private, career and volunteer EMS providers; integrate any new disease surveillance systems into existing state, local and federal systems; support the registration, credentialing, organization and deployment of volunteer health professionals through existing state and local systems such as ESAR-VHP, NIMS-EMS credentialing project, Medical Reserve Corps and EMAC; develop with input from non-federal stakeholders, an over-arching national policy regarding Standards of Care for use under extremis conditions such as with a federal declaration of National Emergency and clarify the roles of federal agencies for leading national efforts to enhance health and medical readiness for disasters and acts of terrorism and specifically assure health and medical information sharing as part of broader information sharing initiatives.

*Interoperability:* DHS, the Department of Commerce, Congress and other relevant Federal agencies must continue to promote coordinated development of governance, technology and protocols necessary to enhance minimal capabilities for interoperable communi-

cations (voice, video and data) among all levels of government and the private sector. DHS, the Department of Commerce, Congress and other relevant Federal agencies must establish incentives for private sector organizations to work with government to develop and maintain public safety communications systems at the local, regional, statewide and national levels; continue to promote, through policy and resources, efforts that create local, regional, statewide and nationwide operability and interoperability; allocate additional radio spectrum for public safety activities to ensure sufficient capacity exists to meet growing voice and data communications needs; clarify the conditions and protocols under which private entities will be required to vacate radio spectrum under their control during federally declared National Emergencies; develop a clear shared definition, vision and implementation strategy for nationwide communications interoperability.

*Critical Infrastructure:* DHS, Congress and other relevant Federal agencies must strengthen efforts to provide funding to state and local governments to protect and make more resilient our national critical infrastructure and subsequently our national economy, as well as accelerate steps to fully integrate the full range of federal efforts with the local, state and private sectors; assure that the actual protection of critical infrastructure systems remains a primary responsibility of local and state governments with the private sector and support these requirements with adequate federal resources and policy; improve collaboration between state and local, private sector and federal agencies working across all the sectors to enhance the planning, protection, and recovery efforts needed to address the inter-dependent nature of critical infrastructure systems; begin transitioning from the current tactical approach to critical infrastructure protection that favors physical site protection, response and recovery to one of strategic continuum-based resilient critical infrastructure systems assurance against all threats and natural and man-caused hazards; include all stakeholders as equal partners in all aspects of creating national critical infrastructure protection policy and guidance; and strengthen information sharing initiatives to ensure timely sharing of critical infrastructure protection guidance/intelligence with those who need to have it.

*Surge Capacity and Unified National Capabilities Approach:* DHS, the Department of Defense, Congress and other relevant Federal agencies must reassess our total national homeland security effort to ensure strat-

egy and execution are targeted to provide for the highest return on investment and provides the broadest set of capabilities to address the full range of national risk - natural, human-caused and technological; review and update the Defense Production Act to improve its usefulness in supporting national efforts to address 21st Century asymmetric threats, including how it can transition to support non-military government organizations that provide critical direct services for defending and protecting the homeland; ensure an immediate collaborative baseline review of target capabilities to identify needed adjustments based on lessons from actual events, advancements in capabilities or changes to our understanding of threats and establish a firm timetable to provide the necessary resources to support advancement; rapidly implement a nationwide credentialing process involving all relevant federal, state and local government, and private sector organizations to enhance the ability for inter-state mutual aid, and where possible, to reduce reliance on direct federal personnel support in some areas; provide technical and financial support to identify, resource type and package local, state, non-profit and private sector assets for rapid and sustained deployment (e.g. nationally credentialed recovery teams that include expertise in fields such as public works, local government management, law enforcement, EMS, fire, health and information technology); and establish a cross cutting logistics and surge management capability that unites local, state, federal and private sector coordination and support to impacted local communities.

*Sustained Resources and Capabilities:* DHS, the Office of Management and Budget, Congress and other relevant Federal agencies must implement and share or make available to all stakeholders, multi-year federal homeland security strategic budget projections to support federal and non-federal asset and budget planning and ensure consolidated annual expenditure reporting of state and local funds supporting homeland security activities. These federal entities must also provide predictable and sustained federal technical and financial assets that are imperative to supporting the work of non-federal stakeholders in their efforts to build and sustain capabilities that protect the homeland; refine current homeland security funding approaches to ensure a national capacity to address the range and constantly changing nature of risk - from daily emergencies to natural disasters to acts of terrorism; examine the full range of missions where current direct federal assis-

tance (personnel, equipment and programs) might be more efficiently delivered by local, state, private or non-governmental organizations and transition responsibilities and resources to establish these capabilities; and ensures program flexibility for including all relevant disciplines in all levels of development including training, education and funding.

*Immigration and Border Security:* DHS, Congress and other relevant Federal agencies must implement comprehensive national reforms to address the challenges immigration and border security issues create for local, state and private sector organizations; Congress and the Administration must actively engage with the full spectrum of stakeholders to develop policy and implementation programs to address immigration and border impacts on public safety, public health and welfare, education and business, and ensure state and local governments and the private sector are provided the resources needed to address immigration and border security related issues pending federal resolution of a broader national immigration and border security policy.

**Fiscal/Urban/Rural Impacts:** The Adopted policy recommendations will improve the services that county governments nationwide provide to their residents, and provide better safeguards to the nation in the event of future disasters - including terrorism.

Adopted July 15, 2008

### **Resolution in Support of the Youth Promise Act**

**Issue:** Support for the Youth Promise Act.

**Adopted policy:** NACo supports the broad concepts and principles embodied in the Youth Promise Act and urges Congress and the President to promptly approve the legislation.

**Background:** The Youth Promise Act is based upon evidence based methods proven to work to reduce youth violence and delinquency: investing resources in youth. Specifically, the Youth Promise Act targets resources towards communities encountering increased youth gang and crime risk to enable those communities to begin to address their significant unmet needs for evidenced-based prevention and intervention investments. Under the Youth Promise Act, each community facing youth gang and crime challenges will come together - via a local council that includes law enforcement, community-based organizations, schools, faith organizations, health, social service, and mental health providers - to develop and implement a comprehensive

plan for evidence-based prevention and intervention strategies targeted at young people and their families to make our communities safer, reduce victimization, and help at-risk young people to lead law-abiding and healthy lives, free from gang and criminal involvement.

The youth prevention strategies under the Youth Promise Act include a broad array of programs proven to reduce the likelihood of a young person joining a gang and/or committing a delinquent act (e.g., early childhood education, home visiting for parent training, youth development including after-school efforts, mentoring, mental health services, substance abuse prevention services, effective approaches to keeping youth in school, etc.) Meanwhile, the youth intervention strategies include strategic funding based upon each community's needs assessment and subsequent strategic youth crime and gang intervention plan from a broad array of programs proven to reduce the likelihood of a young offender's recidivism (e.g., evidence-based risk-analysis-focused assessments, as well as proven-effective individual and family therapeutic interventions, community re-entry activities, witness protection, youth victim witness assistance, and other services).

**Fiscal/Urban/Rural Impacts:** This legislation is designed to save counties money by focusing on evidence-based prevention and intervention programs.

Adopted July 15, 2008

### **Resolution to Support the National Urban Search and Rescue Response System**

Issue: Action is needed to support legislation to codify the Federal Emergency Management Agency's (FEMA) Urban Search and Rescue Program.

**Adopted policy:** NACo urges Congress to support the National Urban Search and Rescue Response System to formally authorize the program.

**Background:** US&R is a classic all hazards disaster program that evolved in the aftermath of structural collapses from natural hazards such as earthquakes and hurricanes such as the Mexico City earthquake of 1985 and the Loma Prieta (California) earthquake in 1989.

Managed by FEMA within the Department of Homeland Security (DHS), the National US&R System consists of 28 task forces comprised of state and local first responders who work together to respond to both local incidents and major disasters and emergencies and oversee the maintenance, training and day to day operations of these federally sponsored teams via cooperative agreements with FEMA. The task forces have responded to hurricanes, earthquakes and the September 11 attacks on the World Trade Center and the Pentagon. Under the agreement between local agencies, States and FEMA, the task forces were intended to be cost neutral in their impact to local resources. However, that has not been the case in most years, resulting in the expenditure of funds at the local level to support this Federal program. The US&R program also has never been formally authorized by Congress.

Legislation introduced in 2007 (H.R. 4158/H.R. 4183) would formalize the US&R program while addressing important funding, liability, workers compensation issues which would provide funding for training and emergency response exercises and provide coverage to local governments when their personnel are deployed to an emergency outside their own jurisdiction.

**Fiscal/Urban/Rural Impacts:** The DHS/FEMA US&R Program is unique in that the benefit of the cooperative agreements is for the Federal Government and not the recipient or Sponsoring Agencies. Current cooperative agreements state that the vehicles and equipment are "for the exclusive use of the US&R Program and shall not be used for normal day-to-day operations of the Sponsoring or a Participating Agency." Clearly, Sponsoring Agencies underwrite the Federal Government's response to national disasters, acts of terrorism and national security events using local taxes, and lose interest on these funds until they are reimbursed. If this national program is to continue, legislation must be enacted to increase funding from the Federal government for US&R activities and reduce the burden on local governments and the Sponsoring Agencies.

Adopted July 15, 2008