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Police and Law Enforcement: Selected Issues

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Police and Law Enforcement: Selected Issues

SUMMARY

Since the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, discussion among federal, state, and local legislators regarding law enforcement issues has increased substantially. Debate on the issues is stimulated by the many changes that have occurred in federal funding programs for law enforcement and in the number of personnel nationwide, as well as in community policing, police surveillance and technology, officer benefits, and police conduct, among other law enforcement topics.

Among the areas in law enforcement undergoing the greatest change are those concerning federal government participation and personnel growth. The federal government assists federal, state, and local law enforcement entities with day-to-day police operations through various grant programs. Funding for eligible law enforcement agencies is available through the Department of Justice (DOJ). In recent years, federal involvement also has included funding for research on how law enforcement practices can be improved. Numerous published studies provide views of crime and law enforcement and project future trends to determine where federal funding might be the most needed.

Along with increasing federal involvement in law enforcement, the number of employees in law enforcement has nearly tripled since 1966. Between 1966 and 1996 (the most recent year available), the number of persons employed as law enforcement officers at the federal, state, and local levels increased from 371,000 to 664,000. The total number of full-time sworn and civilian law enforcement

personnel amounted to 996,000 in 1996.

Reports show that many of the sworn officers perform traditional law enforcement assignments, such as community policing. In addition, some agencies and departments have developed high-technological law enforcement operations to detect criminal activity. Advances in technology in the telecommunications industry, however, have generated controversy in law enforcement work. In line with state and local police departments, DOJ advocates technological changes that would protect the ability of law enforcement agencies and police departments to use court-approved surveillance equipment despite telecommunications changes.

As officers risk their lives to provide safety to communities in various ways, benefits for employees are of concern to law enforcement personnel and their families. Some benefits available through DOJ provide assistance to officers and their families when officers become disabled because of on-the-job injuries or are killed in the line of duty. Recently, educational benefits for families of deceased federal law enforcement officers have been established to keep pace with similar state programs.

Interest in a police officers' bill of rights, police misconduct and a host of other law enforcement topics led to many legislative proposals in the 106th Congress. Only a small number of them became public law. Renewed discussion and debate on the unenacted proposals are expected to occur in the 107th Congress.

MOST RECENT DEVELOPMENTS

On July 26, 2000, the House passed the Bulletproof Vest Partnership Grant of 2000 (H.R. 4033).

BACKGROUND AND ANALYSIS

Under the federal system in the United States, states and localities traditionally have held the major responsibility for prevention and control of crime and maintenance of order. Although the policing role of the federal government remains limited, federal involvement in law enforcement has increased measurably over the last three decades. First, federal grants to states and local governments for crime control have mushroomed since 1968. Second, the federal government plays a leading role in coordinating nationwide policing efforts, modeling more innovative and effective crime-related programs, and funding research and training for law enforcement.

The federal response to state and local policing needs was triggered in part by a rising crime rate and new questions about police effectiveness in responding to this problem. Professor Lawrence W. Sherman noted a change in the way the public viewed the role and effectiveness of the police:

As recently as the late 1960s, the public tended to respond to rises in crime by calling for more police. Yet crime continued to climb despite rapid increases in police manpower. By the mid-1970s, municipal fiscal crises brought sizeable cutbacks in city police, and doubts about police effectiveness set in. [Lawrence W. Sherman, "Patrol Strategies for Police," in *Crime and Public Policy*, James Q. Wilson, ed. (San Francisco: Institute for Contemporary Studies, 1983), p. 146.]

Another scholar, Professor Samuel Walker of the faculty of the University of Nebraska at Omaha, described this crisis in policing during the 1960s. Like Professor Sherman, Professor Walker emphasized the dramatic rise in the crime rate between 1960 and 1970 (the crime rate per 100,000 persons doubled by the end of the decade, and violent crime rose sharply). He noted other factors that added to the crisis, including new expectations about police performance by the public and the courts (as exemplified by the Supreme Court ruling in the high-profile case of *Miranda v. Arizona*, 1966) and the social turmoil due to civil rights protests, anti-Vietnam war demonstrations, and other domestic unrest. [Samuel Walker, *The Police in America: An Introduction* (New York: McGraw-Hill, Inc., 1983), pp. 19-22.]

In response to growing concerns about this crisis, President Lyndon Johnson created the President's Commission on Law Enforcement and the Administration of Justice in July 1965. The commission's report found that crime was a national issue that might spill across state borders, that some crime-related problems might best be addressed at the national level, and that few local communities were able to fund new and innovative demonstration programs. Thus, the commission recommended federal support for state and local planning, the education and training of criminal justice personnel, and the development of coordinated national information systems, technical assistance, and demonstration programs to improve effectiveness of criminal justice systems nationwide. [President's Commission on Law

Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington: GPO, 1967), pp. 283-285.]

Under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351; 82 Stat. 197), Congress established the Law Enforcement Assistance Administration (LEAA) to make grants to states and local governments for planning, recruiting, and training law enforcement personnel; public education relating to crime prevention; building construction; education and training of special law enforcement units to combat organized crime; and the organization, education, and training of regular law enforcement officers, special units, and law enforcement reserve units for the prevention and detection of riots and other civil disorders.

LEAA provided a financial boost for police jurisdictions throughout the country. Beginning with an annual budget of \$63 million in 1969, LEAA reached a peak budget of \$895 million in 1975. In addition to direct support for law enforcement personnel and equipment, LEAA funded significant new initiatives in police research. It assisted in the development of criminal justice programs at colleges and universities nationwide, sponsored studies on the effectiveness of police patrols, stimulated new thinking on the importance of criminal investigative procedures by officers first to respond to the scene of a crime, and encouraged the employment of female officers. (Walker, *Police in America*, pp. 22-24.)

LEAA's history is controversial. The block grant funding mechanism was criticized because it prevented the agency from exercising tight controls over the money sent to the states. Critics charged that funds were misused and that the program had no visible impact on crime. With the exception of one downturn in crime statistics in 1972, the reported violent crime rate continued to rise throughout the 1970s and 1980s. Although the program had been authorized through FY1983, budget reductions beginning in 1980 resulted in its virtual elimination.

Broad federal assistance was restored when the Reagan Administration requested authority, in 1983, to establish a more modest grant program. Additional expansion of the federal role occurred with congressional passage of five omnibus crime control bills: the Comprehensive Crime Control Act of 1984 (P.L. 98-473; 98 Stat. 2077); the Anti-Drug Abuse Act of 1986 (P.L. 99-570; 100 Stat. 3207); the Anti-Drug Abuse Act of 1988 (P.L. 100-690; 102 Stat. 4181); the Crime Control Act of 1990 (P.L. 101-647; 104 Stat. 4789); and the Violent Crime Control Act of 1994 (P.L. 103-322; 108 Stat. 1796).

In addition to enhancing the federal role in law enforcement in general, two of the measures, the Anti-Drug Abuse Act of 1988 and the Violent Crime Control Act of 1994, contained titles supporting new programs for state and local police. Under the Anti-Drug Abuse Act of 1988, the Edward Byrne Memorial State and Local Law Enforcement Assistance Program was created. The Byrne program funds selected police-related programs that integrate federal, state, and local drug law enforcement efforts and improve the operational effectiveness of law enforcement. [For more information, see CRS Report 97-265, *Crime Control Assistance Through the Byrne Programs*.] The Violent Crime Control Act of 1994 established the Community Oriented Policing Services (COPS) program to provide monies that may be used to hire new police officers, provide police training and overtime pay, and obtain equipment and support systems. [For more information, see CRS

Report 97-196, *The Community Oriented Policing Services (COPS) Program: An Overview.*]

Funding for Law Enforcement Agencies

Federal assistance to state and local governments is usually provided through the Department of Justice (DOJ). Major DOJ programs providing police-related funding are: (1) Byrne programs, (2) “weed and seed” program, (3) COPS program, (4) Local Law Enforcement Block Grants (LLEBG) program, and (5) Bulletproof Vest Partnership Grants. [For more information, see CRS Report 98-622, *Federal Crime Control to State and Local Governments: Department of Justice.*]

The Edward Byrne Memorial State and Local Law Enforcement Assistance Program, named after slain New York City police officer Edward Byrne, is contained in the Anti-Drug Abuse Act of 1988 (P.L. 100-690; 102 Stat. 4181). Eligible activities for which Byrne program funds may be spent include (1) drug demand reduction, (2) law enforcement, (3) court and prosecutorial systems, (4) crime prevention, (5) corrections, and (6) multi-purpose objectives to improve state drug control activities and criminal justice systems. Police-related activities include those that integrate federal, state, and local drug law enforcement efforts and improve the operational effectiveness of law enforcement. The 106th Congress provided FY 2000 Byrne funding of \$552 million, including \$500 million for formula grants and \$52 million for discretionary grants. [For more information, see CRS Report 97-265, *Crime Control Assistance Through the Byrne Programs.*]

The “weed and seed” program is designed, first, to “weed out” crime and drug trafficking in selected neighborhoods experiencing high crime rates. Next, it brings in various crime prevention and human service programs as “seeds” to encourage the growth of strong, healthy, crime-free neighborhoods. Relying on the involvement of federal, state, and local government officials, including the police and business and local organizations, the “weed and seed” program got its start as a national program following the April 1992 Los Angeles riot, the most severe civil disorder in U.S. history. At that time, President Bush took steps to create weed and seed sites across the nation, including Los Angeles. Participating communities must develop a weed and seed strategy in coordination with their U.S. attorney’s office. The 106th Congress provided an FY2000 appropriation of \$33.5 million for the “weed and seed” program. [For more information, see CRS Report 98-414, *Community Anti-Crime Weed and Seed Program: Current Developments.*]

Community Oriented Policing Services (COPS) Program monies may be used to hire new officers (including former members of the armed services), to rehire officers who have been laid off, and to provide police training, equipment, or overtime pay. Congress approved funding to establish the COPS Program in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322; 108 Stat. 1796). The act authorized a total appropriation of \$8.8 billion over a 6-year period, FY1995 through FY2000. As of May 12, 1999, COPS grants have funded a total of 100,000 new or rehired officers. [For more information, see CRS Report 97-196, *The Community Oriented Policing Services (COPS) Program: An Overview.*]

Local Law Enforcement Block Grants (LLEBG) provide funding to state and local governments for selected purposes, including hiring, training, and employing additional law enforcement officers. LLEBG grants were authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134; 110 Stat. 131-12). The 106th

Congress appropriated \$523 million for the LLEBG program in FY 2000. [For more information, see CRS Report 97-87, *Local Law Enforcement Block Grants Program*.]

Law enforcement agencies may also receive assistance for law enforcement personnel through the Bulletproof Vest Partnership Grant Act (P.L. 105-181; 112 Stat. 512-15), which was enacted to aid law enforcement entities in purchasing police body armor. This grant program allows preferential consideration to agencies that demonstrate a financial need, establish a “mandatory wear” policy, experience excessive crime rates, and are not currently receiving LLEBG grants. Appropriations for this program total \$25 million for FY1999 and FY 2000. [For more information, see CRS Report 98-507, *Bulletproof Vest Partnership Grants*.]

[For additional information on funding for law enforcement agencies, see CRS Report 97-153, *Federal Crime Control Assistance to State and Local Governments*.]

Law Enforcement Personnel

In 1966, the President’s Commission on Law Enforcement and Administration of Justice, Task Force on the Police, reported a total of 371,000 full-time law enforcement officers, of whom 23,000 were federal, 40,000 were state, and 308,000 were county and local. Law enforcement services nationwide cost over \$2.5 billion in 1965 dollars, and there was a ratio of 1.7 police officers to every 1,000 persons. [The President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Police* (Washington: GPO, 1967), pp. 8-9.]

DOJ’s Bureau of Justice Statistics (BJS) reported a national 1996 total of 996,478 persons employed in law enforcement agencies and police departments. This total comprised 258,443 civilian personnel and 663,535 full-time sworn law enforcement officers, of whom 54,587 were state, 563,878 were local officers or officers of sheriffs’ departments, 43,082 were special police, and 1,988 were Texas constables. More recent studies show that the number of full-time personnel in local police and sheriffs’ departments totaled 794,823 in 1997. There were 531,496 employees in local police departments nationwide. The sheriffs’ department employed 263,427 sworn and civilian law enforcement personnel in 1997. In addition, according to BJS, federal law enforcement officers authorized to make arrests and carry firearms totaled about 83,000 personnel in 1998. The latest data available show that law enforcement services nationwide cost over \$41.33 billion in 1992 dollars, and there was a ratio of about two officers to every 1,000 persons. [U.S. Department of Justice, Bureau of Justice Statistics, *Census of State and Local Law Enforcement Agencies, 1996* (June 1998), and *Federal Law Enforcement Officers, 1996* (January 1998), at [<http://www.ojp.usdoj.gov/bjs/lawenf.htm>]; U.S. Department of Justice, Bureau of Justice Statistics, *Justice Expenditure and Employment Extracts, 1992*. (Washington: GPO, 1996), p. 3; and Lawrence W. Sherman, “The Police,” in *Crime*, James Q. Wilson and Joan Petersilia, eds. (San Francisco: ICS Press, 1995), p. 327.]

A law enforcement officer’s primary objective is to provide safety in a community. The officer also maintains order, enforces the law, and addresses other matters affecting the welfare of citizens. The role of a law enforcement officer may be divided into two functions: (1) line duties and (2) staff duties. “Line duties” primarily focus on community interaction. These responsibilities might include neighborhood patrol, crime investigation, traffic control,

crime prevention, or juvenile activities. “Staff duties” usually pertain to the overall organization and management of a law enforcement agency. These duties might include personnel (sworn and civilian), planning, finances, and public relations. [Hugh O’Neill, Hy Hammer, and E.P. Steinberg, *Police Officers* (New York: Prentice Hall, 1992), pp.1-8.] In the first session of the 106th Congress, legislation (H.R. 1659/Serrano) was introduced to create a National Police Training Commission to examine and report on police policies and practices governing training, recruitment, and oversight in selected cities (Washington, D.C., New York, NY, Chicago, IL, Los Angeles, CA, and Charlotte, NC).

Recruitment requirements vary in federal, state, and local law enforcement agencies and police departments throughout the country. Some agencies or departments require applicants to pass written exams, fitness tests, and personal interviews in order to become law enforcement officers. While some agencies or departments require applicants to be at least 21 years old, others provide opportunities to start a career in law enforcement as early as age 18, through police auxiliary programs.

Law enforcement recruits who meet entry requirements must participate in physical and educational law enforcement training in programs that usually last six to eight weeks. Federal law enforcement recruits attend a training session at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, or Artesia, New Mexico. The National Center for State, Local, and International Training (NCSLIT) offers selected programs for employees of state and local law enforcement agencies at these two sites and other sites around the country and abroad. Some federal, state, and local law enforcement entities also provide an opportunity for recruits to get specialized training at police academies and other law enforcement training facilities.

Law enforcement positions have various job titles in federal and state jurisdictions. For example, at the Federal Bureau of Investigation (FBI), officers are called special agents. The U.S. Marshal Service law enforcement personnel are called deputy U.S. marshals, and the U.S. Capitol Police and U.S. Park Police are called police officers of various ranks (private, private 1st class, sergeant, lieutenant, captain, chief, etc.). Some agencies have more than one type of law enforcement officer position, such as the U.S. Secret Service, which employs special agents and uniformed police officers.

At the state, local, and county levels, law enforcement officers are usually called police officers (with ranks similar to federal officers), detectives, sheriffs, deputies, and constables. Many of these positions, however, allow officers an opportunity to perform investigative and administrative work, as well as public security. Some law enforcement officers also choose specialized fields to aid in public safety. Such special assignments can range from the bomb squad to community relations, canine handlers, crime prevention, or emergency service. Regardless of their job titles, all law enforcement officers share the common goal of providing public safety in their jurisdictions.

Each day officers risk their lives to provide a public safety service to the general public and government officials. Although most officers complete their service in law enforcement through traditional retirement, others die in the line of duty. From 1986 to 1995, over 700 law enforcement officers died in the line of duty nationwide. According to the National Memorial of Law Enforcement Officers, there have been more than 14,600 police line-of-duty fatalities throughout the United States since 1794. In 1998, there were 91 police deaths; in

1999, 26 officers were killed. The FBI, *Uniform Crime Report, Law Enforcement Officers Killed and Assaulted, 1998*, reported that from 1989 to 1998, most officers were feloniously killed while in arrest situations (239 officers), followed by investigations of suspicious persons/circumstances (112 officers), and disturbance calls (111 officers). Eighty-six officers were killed by ambush during these years. In 1998, the number of officers assaulted while on disturbance calls was 17,769; in arrest situations, 10,997 officers, and during traffic pursuits and stops, 6,242 officers were assaulted. More information about line-of-duty deaths can be accessed through the National Memorial of Law Enforcement Officers Web site [<http://www.nleomf.com/index.html>].

Selected Topics in Law Enforcement

Community Policing. In the 1990s, one of the most common and popular forms of police activity has been community policing. Police departments administer community policing programs to reduce and deter crime in neighborhoods and to help citizens feel safer in their communities. Some examples of community policing include police officers walking in a community; officers on bicycle patrol; more visible police cruisers; police satellite centers (in shopping centers, stores, recreation centers); and residential officer programs in selected communities across the country. The Community Oriented Policing Services (COPS) program, administered by the Department of Justice (DOJ), provides financial assistance to eligible police departments to help improve community policing efforts. According to the COPS office at DOJ, as of May 1999, approximately 101,000 officers are funded by this program to serve on police forces nationwide. Authority to make grants for hiring and rehiring officers expires in FY2000. In both the Senate and House, Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2000 provide reduced amounts for funding, compared to \$1.4 billion provided in previous years. [For more information, see CRS Report 97-196, *The Community Oriented Policing Services (COPS) Program: An Overview*.]

Communications Assistance for Law Enforcement Act (CALEA). Keeping up with sophisticated high-tech telecommunications advancements has generated controversy in law enforcement work. One example of controversy includes the use of court-approved electronic surveillance equipment. The Communications Assistance for Law Enforcement Act of 1994 (CALEA), (P.L. 103-414; 108 Stat. 4279-4298), was established to help law enforcement agencies maintain their ability to conduct court-approved electronic surveillance in the face of advances in technology in the telecommunications industry. On behalf of federal, state, and local law enforcement entities, the Department of Justice filed a petition with the Federal Communications Commission (FCC) on March 27, 1998, requiring telephone companies to preserve the ability of law enforcement agencies and departments to conduct court-approved electronic surveillance. On September 11, 1998, the FCC announced that it would require carriers to upgrade their systems in compliance with CALEA by June 30, 2000. On August 27, 1999, FCC adopted six of the nine electronic surveillance capabilities sought under CALEA. Carriers were required to give law enforcement agencies access to communications capabilities by September 30, 2001. In August 2000, however, a federal appeals court overturned the FCC regulations and restricted the use of some surveillance capabilities until FCC regulations are revised. The court ruled that FCC exceeded its statutory authority by expanding the types of call-identifying capabilities and violated legal requirements to protect communications privacy.

Benefits for Law Enforcement Officers. The Bureau of Justice Assistance of the Department of Justice administers several programs that benefit law enforcement officers and their families at the federal, state, and local levels. These programs include the Public Safety Officers Health Benefits Provision of the Local Law Enforcement Block Grants (LLEBG) program, the Public Safety Officers Benefits (PSOB) program, and the Public Safety Officers' Educational Assistance (PSOEA) program.

Under the LLEBG program, the Public Safety Officers Health Benefits Provision (P.L. 104-208; 110 Stat. 3009) requires health insurance benefits for public safety officers who are retired or separated from service due to on-the-job injuries to be the same benefits as (or better than) those provided to other officers at the time of retirement or separation from service. The Public Safety Officers Health Benefits Provision defines "public safety officer" as a person serving in an official capacity at a public agency as a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew.

The PSOB program (42 U.S.C. 3796, *et seq.*), established in 1976, provides a one-time financial benefit to eligible survivors of public safety officers whose deaths are a result of incidents that occurred while in the line of duty. Public safety officers who have been permanently and totally disabled due to line-of-duty injuries may also obtain benefits from this program.

PSOEA, formerly known as Federal Law Enforcement Dependents Assistance (FLEDA) (42 U.S.C. 3796d) provides financial assistance for higher education to spouses and children of police, fire, and emergency public safety officers killed in the line of duty. The program also provides assistance to families of officers with permanent and totally disabling injuries sustained while in the line of duty. FLEDA was developed in 1996 to emphasize the importance of the service of federal law enforcement officers. In 1998, Congress amended the FLEDA Act to include police, fire, and emergency public safety officers and created PSOEA. Several states provide higher education benefits to survivors of state and local law enforcement officers also. Organizations such as the Concerns of Police Survivors (COPS), Inc., provide scholarships for higher education to spouses and children of law enforcement officers killed in the line of duty at the state and local level. (For additional information on benefits for law enforcement officers, see the Department of Justice Web site [<http://www.ojp.usdoj.gov/BJA>] and the COPS Web site [<http://www.nationalcops.org>].)

Police Officers' Bill of Rights. For many years there have been conflicting views by labor and management in law enforcement on the accountability of law enforcement officers and the treatment of these individuals when under investigation by police offices of internal affairs. Rights of officers, as outlined in proposed legislation in previous Congresses, have included the right of officers under investigation to receive advance notice of charges pending against them; the right to representation of their own choice; and the right to be questioned or interrogated only during normal duty times and in assigned duty stations. Some proposed legislation has also included the right of officers to participate in political activities apart from their official duties. Legislation introduced in the 106th Congress, S. 2256 (Biden) and H.R. 3896 (Ramstad) have provisions that would guarantee the due process rights of law enforcement officers. These measures were referred to the House and Senate Judiciary Committees, respectively. [For more information, see CRS Report 97-460, *Police Officers' Bill of Rights*.]

Police Conduct. Congress addressed the use of excessive force by police officers in the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). Section 210402 of the act (42 U.S.C. 14142) mandates the acquisition of data by the U.S. Attorney General on “the use of excessive force by law enforcement officers.” Heretofore, the federal government did not collect such statistics. In compliance with the act, the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), and the International Association of Chiefs of Police (IACP) coordinated a data collection project on police use of force throughout the United States. The Department of Justice provided startup funding for the project. Although DOJ funding ended in 1997, the IACP continues to fund the project. More attention on police conduct was raised in the 106th Congress. At least four measures were introduced including, H.R. 124 (Davis) a resolution condemning police brutality, H.R. 1443 (Conyers) and S. 821 (Lautenberg), regarding the collection of traffic stops by police statistics. In addition, the Congressional Black Caucus has held numerous press conferences and hearings to address police use of excessive force throughout the country. H.R. 1659 (Serrano) would create a commission to study and report on the policies and practices that govern the training, recruitment, and oversight of police officers.

During 1996, BJS conducted a special survey, based on a sample of 6,421 residents age 12 or older and selected to represent the entire U.S. population, to examine the nature and frequency of police-citizen contacts. Fourteen survey respondents, representing approximately 500,000 residents, or 0.2% of the total population age 12 or older, said police officers either warned them that force would be used or actually used force. Ten of the 14 also reported that some of their own actions, such as threatening the police or resisting being handcuffed, may have provoked the police. Four said they had experienced force or the threat of force from the police and had done nothing to provoke it. Because of the small number of respondents reporting that force was used or threatened, in-depth analysis of the details of use-of-force incidents was not possible. The report concluded that “use of force is rare in police-citizen contacts and it is often accompanied, according to the self-reports of respondents, by some possibly provocative behavior. Larger samples of citizens in the future would help to clarify both the extent and type of provocation in cases of police use of force” The report, *Police Use of Force*, published in late 1997, can be found on the BJS home page at [<http://www.ojp.usdoj.gov/bjs/>].

Domestic Violence and Law Enforcement Officers. The Federal Domestic Violence Gun Ban (Lautenberg amendment) in the Omnibus Consolidated Appropriations Act of 1997, P.L. 104-208, prohibits persons convicted of misdemeanor domestic violence crimes from possessing firearms. The provision, which includes law enforcement personnel, has generated controversy over the effective date to impose the ban. Some agencies and departments that have implemented the ban have fired law enforcement officers convicted of domestic violence crimes following enactment of the law. In the 106th Congress, H.R. 59 (Barr) was introduced on January 6, 1999, providing that the firearms prohibitions applicable by reason of a domestic violence misdemeanor conviction do not apply if the conviction occurred before the prohibitions became law. (For additional information on this issue, see CRS Issue Brief IB10014, *Gun Control*.)

LEGISLATION

H.R. 60 (Barr)

Expedites state reviews of criminal records of applicants for private security officer employment, and for other purposes. Introduced January 6, 1999; referred to Committees on Education and the Workforce and the Judiciary.

H.R. 218 (Cunningham)

Amends Title 18, U.S. Code to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns. Introduced January 6, 1999; referred to Committee on Judiciary.

H.R. 282 (Sweeney)

Correctional Officer Protection Act. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to reduce funding to states that do not enact legislation requiring the death penalty in certain cases. Introduced January 6, 1999; referred to Committee on Judiciary.

H.R. 424 (Traficant)

Amends Title 5, U.S. Code, to provide that the mandatory retirement age for members of the Capitol Police be increased from 57 to 60. Introduced 19, 1999; referred to Committees on House Administration and Government Reform.

H.R. 492 (Stearns)

Amends title 18, U.S. Code, to provide a national standard in accordance with which nonresidents of a state may carry certain concealed firearms in the state, and to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns. Introduced February 2, 1999; referred to Committee on Judiciary.

H.R. 789 (Fossella)

Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide death benefits to retired public safety officers. Introduced February 23, 1999; referred to Committee on Judiciary.

H.R. 809 (Traficant)

Amends the Act of June 1, 1948, to provide for reform of the Federal Protective Services. Introduced February 23, 1999; referred to Committee on Judiciary.

H.R. 1228 (Filner)

Amends the retirement provisions of title 5, U.S. Code, to extend to inspectors of the Immigration and Naturalization Service, revenue officers of the Internal Revenue Service, and certain others, the same treatment as is accorded to law enforcement officers. Introduced March 23, 1999; referred to Committee on Government Reform.

H.R. 1369 (Kilpatrick)

Authorizes the Secretary of Defense to make military helicopters and other equipment available to state and local governments to assist in emergency law enforcement and rescue operations. Introduced April 12, 1999; referred to Committee on Armed Services.

H.R. 1424 (Stupak)

Limits access to body armor by violent felons and to facilitate the donation of federal surplus body armor to state and local law enforcement agencies. Introduced April 14, 1999; referred to Committees on Judiciary and Government Reform.

H.R. 1443 (Conyers)

Provides for the collection of data on traffic stops. Introduced April 15, 1999; referred to Committee on Judiciary.

H.R. 1461 (Rogan)

Amends title 18, United States Code, to exempt qualified law enforcement officers from state laws prohibiting the carrying of concealed firearms. Introduced April 15, 1999; referred to Committee on Judiciary.

H.R. 1531 (Frost)

Ensures safety in public schools by increasing police presence. Introduced April 22, 1999; referred to Committee on Judiciary.

H.R. 1659 (Serrano)

Reinforces police training and reestablishes police and community relations and creates a commission to study and report on the policies and practices that govern the training, recruitment, and oversight of police officers, and for other purposes. Introduced May 4, 1999; referred to Committee on Judiciary.

H.R. 1694 (Frank)

Provides Public Safety and Community Policing Renewal Grants, and for other purposes. Introduced May 5, 1999; referred to Committee on Judiciary.

H.R. 1791 (Weller)

Amends title 18, United States Code, to provide penalties for harming animals used in federal law enforcement. Introduced May 13, 1999; referred to Committee on Judiciary.

H.R. 1792 (Thompson)

Provides crime-fighting scholarships to certain law enforcement officers. Introduced May 13, 1999; referred to Committee on Judiciary.

H.R. 1807 (McInnis)

Establishes a matching grant program to help state and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments. Introduced May 13, 1999; referred to Committee on Judiciary.

H.R. 2371 (Bonior)

Makes schools safer by waiving the local matching requirement under the Community Policing program for the placement of law enforcement officers in local schools. Introduced June 29, 1999; referred to Committee on Judiciary.

H.R. 2625 (Luther)

Amends title 10, United States Code, to temporarily expand the Department of Defense program by which State and local law enforcement agencies may procure certain law

enforcement equipment through the Department. Introduced July 27, 1999; referred to Committee on Armed Services.

H.R. 2633 (Horn)

Amends title 18, United States Code, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes. Introduced July 29, 1999; referred to Committee on Judiciary.

H.R. 3128 (Paul)

Police Security Protection Act, amends the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes. Introduced October 21, 1999, referred to Committee on Ways and Means.

H.R. 3209 (Blagojevich)

Provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties. Introduced November 3, 1999; referred to Committee on Judiciary.

H.R. 3235 (Barrett)

Improves academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during nonschool hours. Introduced November 5, 1999; referred to Committee on Judiciary.

H.R. 3255 (Norton)

Assist local governments in conducting gun buyback programs. Introduced November 8, 1999; referred to Committee on Judiciary.

H.R. 3694 (Sweeney)

Law Enforcement Officers Privacy Protection Act amends rule 26 of the Federal Rules of Civil Procedure to provide for the confidentiality of a personnel record or personal information of a law enforcement officer. Introduced February 16, 2000, referred to Committee on Judiciary.

H.R. 3896 (Ramstad)

Amends title I of the Omnibus Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws. Introduced March 9, 2000, referred to Committee on Judiciary.

S. 9 (Daschle)

Combats violent and gang-related crime in schools and on the streets, reforms the juvenile justice system, targets international crime, promotes effective drug and other crime prevention programs, assists crime victims, and for other purposes. Title II, Subtitle A, refers to more police officers on the beat. Subtitle D refers to assistance to local law

enforcement, and Subtitle E refers to protecting federal, state, and local law enforcement officers and the Judiciary. Introduced January 19, 1999; referred to Committee on Judiciary.

S. 158 (Moynihan)

Amends Title 18, U.S. Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor. Introduced January 19, 1999; referred to Committee on Judiciary.

S. 716 (Kohl)

The 21st Century Safe and Sound Communities Act. Title V reauthorizes the COPS Program and Juvenile Justice Programs. Introduced March 25, 1999; referred to Committee on Judiciary.

S. 718 (Mikulski)

Amends chapters 83 and 84 of title 5, U.S. Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service. Introduced March 25, 1999; referred to Committee on Governmental Affairs.

S. 726 (Campbell)

Establishes a matching grant program to help state and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments. Introduced March 25, 1999; referred to Committee on Judiciary.

S. 783 (Feinstein)

Limits access to body armor by violent felons and to facilitate the donation of federal surplus body armor to state and local law enforcement agencies. Introduced April 13, 1999; referred to Committee on Judiciary.

S. 821 (Lautenberg)

Provides for the collection of data on traffic stops. Introduced April 15, 1999; referred to Committee on Judiciary.

S. 850 (Boxer)

Makes schools safer by waiving the local matching requirement under the Community Policing program for the placement of law enforcement officers in local schools. Introduced April 21, 1999; referred to Committee on Judiciary.

S. 899 (Hatch)

Reduces crime and protects the public in the 21st Century by strengthening federal assistance to state and local law enforcement, and for other purposes. Introduced April 28, 1999; referred to Committee on Judiciary.

S. 1235 (Leahy)

Amends part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training. Introduced June 17, 1999; referred to Committee on Judiciary.

S. 1286 (Boxer)

School Safety Fund Act of 1999 authorizes the Attorney General to make grants to local educational agencies to carry out school violence prevention and school safety activities in secondary schools. In Sec. 6, authorized activities include hiring community police officers. Introduced June 24, 1999; referred to Committee on Judiciary.

S. 1874 (Graham)

Improves academic and social outcomes for youth and reduces both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during nonschool hours. Introduced November 5, 1999; referred to Committee on Judiciary.

S. 2256 (Biden)

Amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws. Introduced March 21, 2000, referred to Committee on Judiciary.

S. 3130 (Hatch)

Provides for post-conviction DNA testing, to facilitate the exchange by law enforcement agencies of DNA identification information relating to felony offenders and for other purposes. Introduced September 28, 2000; referred to Committee on Judiciary.

S. 3192 (Torricelli)

Provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties. Introduced September 22, 2000; referred to Committee on Judiciary.

CONGRESSIONAL HEARINGS, REPORTS, AND DOCUMENTS

U.S. Congress. Senate. Subcommittee on Youth Violence. *The President's Fiscal Year 2000 Office of Justice Programs Budget: Undercutting State and Local Law Enforcement in the 21st Century*. Hearing, 106th Congress, 1st session, March 25, 1999.

U.S. Congress. House. Subcommittee on Crime. *Bulletproof Vest Partnership Grant Act of 1997 (H.R. 2829)*. Hearing, 105th Congress, 2nd session, March 25, 1998.

— *Rural Law Enforcement Assistance Act of 1997 (H.R. 1524)* Hearing, 105th Congress, 2nd session, March 25, 1998.

FOR ADDITIONAL READING

U.S. Department of Justice. *The Clinton Administration's Law Enforcement Strategy: Combating Crime with Community Policing and Community Prosecution* (Washington: March 1999)

U.S. Department of Justice. Bureau of Justice Assistance. Public Safety Officers' Educational Assistance Program (Washington: August 1999).

—— Local Law Enforcement Block Grant Program: Public Safety Officers Health Benefits Provision (Washington: June 1997).

—— Public Safety Officer Benefits Program (Washington: November 1996).

U.S. Department of Justice. Bureau of Justice Statistics. Census of State and Local Law Enforcement Agencies, 1996 (Washington: June 1998).

—— Federal Law Enforcement Officers, 1998 (Washington: March 2000).

----- Traffic Stop Data Collection Policies for State Police, 1999 (Washington: February 2000)

—— Law Enforcement Management and Administrative Statistics, 1997: Data for Individual State and Local Agencies with 100 or More Officers (Washington: April 1999).

U.S. General Accounting Office. Community Policing: Issues Related to the Design, Operation, and Management of the Grant Program (Washington: September 1997).

CRS Products

CRS Report 98-507. *Bulletproof Vest Partnership Grants*, by JoAnne O'Bryant. 2 p.

CRS Report 97-196. *Community Oriented Policing Services*, by David Teasley and JoAnne O'Bryant. 6 p.

CRS Report 94-350. *Community Policing: An Overview*, by David Teasley. 18 p.

CRS Report 97-265. *Crime Control Assistance Through the Byrne Programs*, by Garrine P. Laney. 6 p.

CRS Report 97-153. *Federal Crime Control Assistance to State and Local Governments*, by Suzanne Cavanagh and David Teasley. 6 p.

CRS Report 97-27. *Gun Control Provisions in the Omnibus Consolidated Appropriations Act, 1997*, by James Sayler. 6 p.

CRS Report 97-87. *Local Law Enforcement Block Grants Program*, by David Teasley. 6 p.

CRS Report 97-460. *Police Officers' Bill of Rights*, by JoAnne O'Bryant. 4 p.

CRS Report 96-407. *State Statutes Which Authorize State Law Enforcement Officers to Carry Concealed Weapons*, by Paul L. Morgan. 6 p.