

# JUSTICE AND PUBLIC SAFETY

## STATEMENT OF BASIC PHILOSOPHY

Only through county partnership with other levels of government can a comprehensive approach to crime and public safety issues be undertaken within the American system of federalism. Counties must increasingly look to the federal government for substantial financial assistance; to the states for coordination of state and local crime and public safety programs as well as 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. There is an evident need for comprehensive planning in order to bring about a more rational approach to problem-solving in all areas of the public safety enterprise. 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.

NACo supports the following policies and principles in criminal justice administration:

- A. Criminal Justice Planning and Coordination:** 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. NACo supports majority representation by officials from general purpose units of local government on federal policy boards.
- B. 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. Counties are encouraged to have written policy that specifies the objectives and priorities that will guide the agency's delivery of police services.
  1. **Diversion:** NACo supports diverting from the criminal and juvenile justice system – including through pretrial release – 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.
  2. **Citation Release:** NACo supports the use of citation release; this form of release should be utilized in misdemeanor cases where allowable by law.
  3. **Quality of Personnel:** The Department of Justice (DOJ) should provide assistance programs to train and educate local law enforcement personnel.
  4. **Assault Penalties:** Adequate penalties for assault upon law enforcement officers in the performance of their duties should be provided.
  5. **Forfeiture:** The assistance of state and local criminal justice agencies is essential to federal efforts to control crime. 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. DOJ should be required by statute to establish equitable procedures for distributing to state and local governments any proceeds generated from forfeited property

6. **Racial Profiling:** NACo strongly opposes racial profiling and supports federal incentive funding for counties to promote best practices to prevent its occurrence.
- C. **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 and civil cases and increased utilization of qualified judges and county court clerks are essential to more effective and efficient administration of justice. To improve federal, state and local courts, NACo supports the following:
1. **Access to Justice:** NACo supports adequate multi-government funding and training to guarantee the continuation of defense counsel for the indigent, which is an essential component of our criminal justice system. Counties, states and the federal government should support adequate funding for civil legal aid and other legal assistance to provide critically needed services to low-income and vulnerable Americans.
  2. **Problem-Solving Courts:** NACo enthusiastically supports the concept of problem-solving courts, such as drug courts and mental health courts.
- D. **Corrections:** NACo supports the following principles and policies regarding correctional facilities at the local, state and federal level:
1. **State-County Partnership Programs for Community Corrections:** NACo supports state-county partnership programs that 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.
  2. **Confinement of Mentally and Developmentally Disabled Individuals:** The federal government should reduce its budgetary emphasis on reimbursement for institutionalized care and provide increased resources for community-based programs. NACo 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.
  3. **Institutional Services:** Correctional institutions in any jurisdiction – whether federal, state, or county – should provide humane living conditions and rehabilitation programs, and should provide services for their offenders’ well-being, i.e., medical care, recreation, counseling, etc.
  4. **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 should be provided by the state and federal government to assist counties in meeting these standards.
  5. **Prison Rape:** NACo supports federal research and financial assistance to protect individuals from prison rape.
  6. **Private Industry in County Correctional Programming:** Congress should, with the support of organized labor, remove restrictions prohibiting inmate-made goods from being sold in interstate commerce.
  7. **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. 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.

8. **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.
9. **Use of Federal Facilities for Correctional and Other Alternative Purposes:** NACo 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 special intensive technical assistance programs to assist counties in utilizing federal facilities for correctional purposes, and also supports the full utilization of federal facilities to reflect the priorities established by Congress and the Executive Branch and local governments in addressing areas of national concern, such as homelessness, drug abuse, education and corrections.
10. **Loss of Federal Entitlement Benefits for Pretrial Defendants:** NACo supports changes in current federal policy that would allow a person receiving federal benefits who has been charged with a crime, but not convicted, to continue to be eligible for entitlements – including, but not limited to Medicare, Medicaid, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans Administration health care and disability insurance, and Children’s Health Insurance Program (CHIP) benefits – until such time as they may be convicted and sentenced to an institution.
11. **Bail Practices and Release Options:** To ease the financial burden of bail on poor defendants, all states should 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.
12. **Federal Incentives to Promote Comprehensive State-County Partnership Programs in Corrections:** Despite the fact that 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 and share Title II funds with counties for certain purposes in accordance with a “comprehensive” state plan certified by the Attorney General of the United States. Consequently, NACo calls on Congress to require a mandatory pass through 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.
13. **Veterans in Jail:** On any given day, veterans account for nine out of every 100 individuals in U.S. jails and prisons. However, veterans or active duty service members are often treated by the corrections system as any other civilian offender would be treated, despite nearly half of post-9/11 service members utilizing VA health services for a myriad of combat related issues, including: Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), depression, and anxiety. Intake assessment forms and the corrections system should work to better identify veterans and any additional services they may need.
14. **Incarceration of Undocumented Immigrants:** NACo supports full federal reimbursement of state and local costs of incarcerating undocumented immigrants through the State Criminal Alien Assistance Program (SCAAP). 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 individuals who violate state or local laws.

**E. Community Crime Prevention:** NACo supports the community policing model, which incorporates members of the community in crime prevention and deterrence. Beyond helping public agencies become more effective, citizens have two additional roles in this model: reducing the opportunities for crime against potential victims through public education and target hardening, and alleviating social and economic

problems associated with crime. Federal and state agencies should aid counties in assisting citizen groups with crime prevention activities.

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. NACo supports state-county partnership programs that 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.

- F. Sentencing Guidelines:** 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 encourages the development and enactment of rational and uniform statewide sentencing guidelines that are 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.

- G. Restorative Justice:** NACo 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.

- H. 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 that are directed at preventing possession of handguns by proscribed groups of people. These provisions 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 U.S. Armed Forces; mental incompetents; former U.S. 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.

- A. Reducing the Supply of Illegal Guns to Criminals and Juveniles:** NACo 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.
- B. National Child Safety Lock Up:** NACo endorses federal legislation that limits children's access to loaded and unlocked firearms.
- C. Safe Ownership of Firearms:** NACo recommends that counties actively promote firearm safety programs of proven effectiveness as part of a comprehensive strategy to deal with the use of firearms.
- I. Federal Support for Forensic Sciences:** NACo supports and strongly encourages the implementation and full funding of federal legislation that would provide grants to existing local and state forensic laboratories to improve productivity, quality measures, and overall operation, and to achieve professional certification based on generally accepted forensic science performance standards, common definitions and protocols. NACo also supports and encourages the implementation and funding for federal legislation to improve the quality and timeliness of forensic science and medical examiner sciences.
- J. Organized Crime:** NACo recognizes that success in combating organized crime will require a greater commitment of resources and imagination at all levels of government. Coordination at the local level, along with the necessary legal tools for gathering evidence and the power to grant witness immunity are essential. Investigations must be carried out with a broader focus than merely the prosecution of individual cases.
  - 1. **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.
  - 2. **Witness Immunity:** Federal and state statutes that grant general witness immunity should be enacted.
  - 3. **Organized Units:** State or regional organized crime intelligence units should be established and their activities coordinated.
- K. Victim/Witness Assistance:** 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.
- L. Victims of Domestic Violence:** NACo supports federal legislation that encourage a comprehensive approach to violence against women that incorporates offender accountability and programs for victims services. 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.
- M. 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.

## **JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

NACo believes that an effective juvenile justice system is one that provides a continuum of services and interventions that combine accountability and sanctions with increasingly intensive treatment and rehabilitation. NACo supports the view that the traditional role of the juvenile and family court is to treat and rehabilitate the dependent or wayward minor, using an individualized approach and tailored response to the particular needs of the child and family, with the goals of responding to the needs of the troubled youth and their families; providing due process while recognizing the rights of the victim; rehabilitating the juvenile offender; and protecting both the juvenile and the public.

Federal justice grant funds for juvenile justice and delinquency prevention should go directly to counties, with the following requirement: leadership from all entities must work together in the preparation of a comprehensive plan that aims to prevent, reduce and control juvenile crime. Elements of such a plan shall include, but not be limited to strategies, programs, services and supports designed to:

- Prevent delinquency through provision of resiliency factors that offset risk factors;
- Intervene early and effectively when delinquent behavior is encountered, utilizing the least restrictive approach; and
- Protect the community, hold offenders accountable to individual victims and the community, and remedy the skill and competency deficits of offenders.

Since 1974, the Juvenile Justice and Delinquency Prevention Act (JJDP) has been a major catalyst in producing positive change in the juvenile justice system and in creating preventive and interventive approaches for at-risk youth. Societal change has heightened concern for communities' 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 should occur at the local level;
- All federal funds coming to local communities should be distributed through the collaborative planning process at adequate and sustained levels of support;
- Core requirements of JJDP – deinstitutionalization of status offenders, jail removal, sight and sound separation and addressing disproportionate minority contact – should be preserved;
- Violent and repeat offenders must be identified in order to provide appropriate interventions; and
- Prevention, education and treatment strategies for juveniles involved with illegal substances should be encouraged.

Additionally, NACo supports the following principles and policies:

- A. 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, in addition to dependent and neglect cases. NACo opposes trying and sentencing youth in adult criminal court, except in the case of a chronic and violent offender. The decision to transfer a juvenile to adult court should be made by a juvenile court judge or jury. 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.
- B. County Strategy for Front End Investment to Prevent Crime:** NACo calls for a National Front End Youth Investment Policy. We urge Congress and the Administration to work with state and local governments to design and fund effective prevention and early intervention strategies that provide a full

continuum of services for families and children, with a special focus on early childhood development.

- C. **Unaddressed Mental Health Needs:** NACo believes that children suffering from mental illnesses require effective assessment, diagnosis, and treatment. NACo advocates for non-institutional, community and family-based treatment for these children. NACo also supports continued eligibility for federally funded health benefits for juveniles arrested and held in pre-trial detention.
- D. **Exploited and Missing Children:** NACo supports public-private partnerships to build a coordinated, national response to the problem of missing and exploited children. NACo also 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, such as satellite tracking. Counties are encouraged adopt a nationally uniform system to prioritize sex offenders according to dangerousness as well as a nationally uniform reporting system. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) should develop crime prevention materials specifically directed at child abduction, abuse and sexual exploitation.
- E. **Gang Violence:** NACo supports federal efforts that strengthen local governments in implementing a comprehensive approach to the prevention and control of gang violence.
- F. **Detention Pending Court Disposition:** Detention pending court disposition shall be based on clearly enunciated standards and reduced to a minimum.
- G. **National Children's Memorial Day:** NACo 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.
- H. **Children with Disabilities:** NACo supports federal legislation and support that assists counties in guaranteeing a free appropriate public education to each child with a disability.

## **SUBSTANCE ABUSE**

A comprehensive local approach is required to combat the problems of alcoholism and, to an even greater extent, that of drug abuse. Programs emphasizing rehabilitation together with punitive measures for certain violators of criminal codes are needed.

- A. **Alcohol Treatment:** Alcohol and drug-dependent persons are recognized as handicapped under Section 504 of the Rehabilitation Act of 1973, as amended, which states that 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. NACo supports federal legislation and programs that assist counties in finding treatment for alcoholism within the criminal justice system.
- B. **Alcohol Abuse Prevention:** Increased federal funding should be provided for adequate alcohol prevention and rehabilitation programs on the state and county level.
- C. **Narcotics and Drug Abuse:** NACo supports federal legislation that addresses the growing problem of narcotics and drug abuse, which requires the strengthening of all approaches – prevention and education, treatment and rehabilitation and law enforcement and public safety.
- D. **Substance Abuse Treatment in Jails:** Drug and alcohol abuse and addiction are factors in the crimes and incarceration of 80 percent of the inmates in local jails, yet most of these inmates do not receive adequate substance abuse treatment and related services. NACo supports the treatment of individuals struggling with

substance abuse in jails and calls on the federal government to provide funds to counties in both urban and rural areas to develop assessment and treatment programs these individuals, including education and literacy programs, vocational training, HIV prevention and medical and mental health services. The federal government should also 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, and 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.

- E. **Federal Responsibility for Drug Control:** NACo believes narcotics and dangerous drug traffic transcend state lines and international borders; therefore, regulation and control should be major federal responsibilities.
- F. **Control of Drug Manufacturers:** The federal government should exercise its legal power to strengthen and enforce regulations and controls over manufacturers and distributors of dangerous drugs and narcotics.
- G. **Unique Needs of Veterans Suffering from PTSD or Traumatic Brain Injuries:** Veterans involved in the criminal justice system may have a mental health condition or have suffered a traumatic brain injury that is connected to or exacerbated by alcohol or drug abuse. Counties should work more closely with the VA to identify veterans who need specialized care.
- H. **Addressing the opioid crisis:** NACo recognizes that the opioid crisis represents a widespread and deadly threat to local communities across the country and supports legislation, like the Comprehensive Addiction and Recovery Act (CARA), that aims to stem the tide of this crisis by providing federal support for local efforts to curb prescription painkiller and heroin abuse. Programs authorized by CARA should be fully funded through the annual appropriations process to provide local communities the resources they need to fight the opioid crisis.

## **COMPREHENSIVE EMERGENCY MANAGEMENT**

The goal of comprehensive emergency management is to develop and coordinate the resources available to meet potential emergencies that might result from all hazards, including, but not limited to natural disasters and acts of terrorism. NACo believes that the resilience of the nation depends on the resilience of counties and our sister municipalities, and the ability of these local government resources to assist in collaboration and coordination with states and the federal government in support of the National Preparedness Goal.

- A. **Building a Sustainable Future:** NACo supports federal policies that recognize that to ensure the safety of people and the livability of communities, significant federal resources for disaster planning, mitigation and recovery should be provided directly to both state and local governments. These resources should provide for coordinated planning and education and should encourage the use of innovative approaches that result in positive changes and adhere to the following principles:
  - **Sustainability:** Disaster preparedness, response, mitigation, and recovery resources should be invested to improve 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 and reduce the impact of repetitive disasters.
  - **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.
- B. **Locally Driven Process:** Emergency management decisions should be driven by a consensus-based, inclusive process that stakeholders use and trust. The process should identify local priorities, leading to the

investment of pre- and post-disaster resources that will meet those needs, emphasizing both the need for local responsibility and self-sufficiency, as well as the role of counties in coping with disasters of statewide and national scope. 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 provided when state and local recommendations are not implemented. The process should support state and local advisory councils, task forces, and other relevant groups.

- C. Emergency Management Coordination:** Counties are encouraged to develop, in cooperation with local, state, and federal governments, comprehensive emergency management systems that include preparedness, response, mitigation, and recovery activities in order to minimize the destructive impact of all types of disasters. NACo supports the use and continued development of recognized voluntary national standards for public sector Emergency Management programs by local governments such as the Emergency Management Accreditation Program.

Federal and state governments should continue to provide leadership in the development of a coordinated emergency management system. Such a system must include a robust, sustained, and consistent process for soliciting local, state, tribal, territorial, and private sector engagement, including un-filtered input to key federal decision makers, on the full breadth of homeland security issues. This process must ensure that 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.

Federal and State governments should recognize the first-line responsibility of county government and the critical role that counties play in the overall national response to, and recovery from, disasters by providing direct financial and technical assistance to counties in the preparation and response to emergencies and expeditious, practical, and substantial aid to individuals, businesses, and public agencies following disasters. Emergency management functions should be firewalled 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 functions.

- D. 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 U.S. Department of Defense in those rare and catastrophic events when assets are needed that only the department can provide. 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.
- E. FEMA Regional Offices and Staffing:** During and after disasters, counties and states often require swift, accurate, and decisive assistance from FEMA. NACo supports the strengthening of FEMA Regional offices 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 to establish trained cadres of personnel to provide surge capacity to state and local governments in large disasters. In order to maximize fiscal responsibility, minimize waste and error, and avoid later deobligation of funds to states and local governments, FEMA staff must be adequately trained and equipped to provide needed services.
- F. Intelligence and Information Sharing:** The U.S. Department of Homeland Security (DHS), DOJ, and other relevant federal agencies must preserve progress to date and continue to expand and implement efforts to ensure timely and effective sharing of information with counties. Information sharing that incorporates local governments should be consistent and constant.

**G. Integrated Emergency Management and Homeland Security:** The interdiction of, response to, and recovery from acts of terrorism are often the responsibility of local government. The impacts of all hazards are often similar no matter the cause. Therefore, preparedness functions must be linked both statutorily and operationally with response and recovery functions within federal emergency management. Relationships must be established and communications networks in place prior to events. DHS should establish a field presence that interacts with state and local partners on a day-to-day basis. FEMA 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. Counties have, and must retain, local control and coordination of response to and recovery from disaster.

The assessment of capabilities and capacity for the preparedness, response, recovery, and mitigation of all hazards must begin with the local government. DHS should ensure that adequate resources are passed through to local government in support of these activities.

**H. National Preparedness Goal, Frameworks, and Incident Command System:** County governments support the Incident Command System (ICS) model for emergency management

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. In 2011, DHS formalized the coordination of all emergency management and homeland security efforts through the National Preparedness Goal. In support of the Goal, over the years, DHS has issued additional National Frameworks for Planning, Prevention, Recovery, and Mitigation. A working group of experienced professionals that includes federal, state and local stakeholders should periodically review the Frameworks and make adjustments based on lessons learned from previous responses to disasters.

NACo supports accelerating the FEMA's NIMS Integration Center's establishment of qualifications and credentialing for people who serve in public safety disciplines.

**I. Stafford Act:** The Stafford Act does not require wholesale change or major refinement. Congress should exercise great care in making changes to the Act and consult closely with state and local stakeholders prior to making major changes

**J. Recovering Emergency Management Costs for Private and Common Carrier Transportation Accidents:** County personnel routinely respond 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.

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. 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.

**K. Fire and Wildfire 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 incidence of fires and the high cost of suppression indicate a need for more fire response, prevention, fire protection planning and public education to respond to and prevent fires from occurring and to mitigate secondary impacts from fires that do occur.

NACo supports federal efforts to increase the hiring of local firefighters through programs like DHS' Assistance to Firefighters Grant Program, and urges the federal government to fully fund this grant program.

NACo also supports federal funding of fire response and prevention activities, with continued assistance to state and local governments for combating the nation's fire problem.

Additionally, federal fire protection programs such as 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 appropriate federal agencies. 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.

- L. Arson:** Federal agencies should coordinate and give high priority to identifying and analyzing factors that contribute to arson and 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.
- M. Civil Disturbances/Acts of Terrorism:** The federal government and the states should provide financial assistance to counties to pay the costs resulting from civil disturbances/acts of terrorism. Regional agreements and working relationships between counties to promote efficiency and economy through existing regional structures in each state, like the Emergency Management Assistance Compact (EMAC), should be encouraged. Congress should adopt an annual \$4 million appropriation for EMAC.
- N. Emergency Management/Homeland Security Funding:** Recognizing that local governments, despite their diversity, perform comparable emergency functions; and that local jurisdictions may face multiple risks including but not limited to natural disasters and acts of terrorism, NACo favors rapid federal response and reimbursement at rates authorized in the original language of the Stafford Act; and encourages DHS to apply all regulations and policies on a consistent basis in all presidentially declared emergencies and disasters throughout 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. Risk-based funding should take into account the unique capabilities and threats to large urban counties. At the same time, programs to support the application of capabilities in less densely populated counties should not be neglected.

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 and develop an automated grant tracking system that would allow for the real time tracking of the distribution and use of homeland security-related funds.

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 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 and other significant hazards. 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.

The federal government must provide adequate funds for local governments to meet federal port security mandates, without impacting traditional funding sources for capacity and other critical projects, including eligibility to use homeland security funds for operational costs.

NACo urges Congress to provide maximum funding for federal programs that support all-hazards emergency management preparedness in support of capacity building at the local level, including the Emergency Management Performance Grant Program (EMPG). 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 policies 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.

NACo urges the Secretary of DHS to take aggressive action to ensure that states pass through a substantial percentage of EMPG funds to local governments and to ensure that maximum flexibility be maintained regarding eligibility, particularly with respect to use of funds for personnel.

Since many states are on bi-annual programming and budget cycles and all states require time to adjust to new or altered funding formulas, NACo urges that a transition period of two full fiscal years be implemented for states to accommodate to agreed changes. During this transition, NACo urges the Secretary of DHS to ensure that states maintain the percentage of EMPG passed through to local governments at no less than the previous level.

NACo 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. NACo urges the Secretary of DHS to not penalize states that establish an

emergency 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.

**O. National Disaster Insurance System:**

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

NACo supports federal incentives to states and local governments to prioritize and 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, their pre-disaster planning and their first responder capabilities with the help of substantial federal assistance. As such, NACo strongly supports full funding for the federal Hazard Mitigation Grant Program.

NACo urges Congress and the federal administration to work with the states, local governments, the insurance industry, and other stakeholders to:

- Develop universal insurance and reinsurance programs that would 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;
- Increase funding for research aimed at improving mitigation measures which, if followed, would reduce damage and loss caused by natural and man-made disasters and emergencies;
- Provide incentives and education to encourage responsible pre- and post-disaster mitigation by states, local governments, and individuals;
- Provide incentives to encourage the public and private sectors to construct new structures according to established technical construction standards and consensus safety codes;
- 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;
- 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
- Authorize FEMA to develop pre-disaster mitigation programs; and to fund pre-disaster mitigation.

**P. National Domestic Preparedness Consortium:** NACo urges Congress to provide maximum funding for the National Domestic Preparedness Consortium (NDPC). The NDPC is a partnership of several nationally recognized organizations whose membership is based on the urgent need to address the counter-terrorism preparedness needs of the nation’s emergency first responders within the context of all hazards, including chemical, biological, radiological, and explosive Weapons of Mass Destruction (WMD).

**Q. National Weather Service (NWS):** 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.

**R. 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. The federal government must also accelerate steps to

fully integrate the full range of federal efforts with the local, state, and private sectors and assure that the actual protection of critical infrastructure systems remains a primary responsibility of local and state governments with the private sector. The federal government must support these requirements with adequate federal resources and policy.

**S. Public Safety Telecommunications:** The objectives of public safety telecommunications are to ensure that:

- The general public has access to public safety emergency resources when needed;
- Public safety employees in high-risk activities have ready access to emergency communications systems in their own communities that are compatible with communications systems in surrounding communities;
- Public safety employees have access to data necessary for the proper discharge of their duties; and
- Sufficient data standards are developed for the emergency response community.

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 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.

**T. Emergency Medical Services:** One of the most basic and vital services local governments can provide to constituents is immediate, lifesaving 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 that 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, and for the integration of private ambulance services that provide public EMS into the coordinated system.

**U. Public Health:** The U.S. 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, and the impact of large-scale disaster. 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.

**V. 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 DHS' 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.

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 communications (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, state, 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.

### **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 and emergency management policies.

NACo calls for the creation of a national research and technical assistance project to create or enhance statewide training and certification programs for coroners and medical examiners. NACo also supports federal funding, programs and training that enhance the capabilities of the local coroner.

## **JUSTICE AND PUBLIC SAFETY RESOLUTIONS**

### **Resolution Supporting the Emergency Management Performance Grant Program**

**Issue:** The Emergency Management Performance Grant (EMPG) is the sole all-hazards grant currently extant, and the most demonstrably successful DHS grant program. However, in light of state funding shortfalls, state Emergency Management Agencies have reduced the amounts of EMPG funding passed through to local government in many places, often with little or no input from or notice to counties.

**Adopted Policy:** The National Association of Counties (NACo) requests that Congress guarantee that the Emergency Management Performance Grant (EMPG) remain a separate program, separately funded from all other grants that specifically address terrorism or other specific issues (remaining, then, a truly all-hazards program), at or above current funding levels, and require that a minimum of 70 percent of EMPG funds be passed through to local government with a 50-50 match requirement.

**Approved | July 25, 2016**

## **Resolution on Fair Restructuring of Homeland Security and Emergency Management Grants**

**Issue:** Consolidation of existing Homeland Security and Emergency Management grants into block grants, particularly if these grants are administered solely by the states, will decrease local resilience and negatively impact national preparedness for disasters and emergencies of all types.

**Adopted Policy:** The National Association of Counties (NACo) continues to oppose the complete consolidation of the existing Homeland Security and Emergency Management grant programs into block grant programs, and requests that Congress mandate that the Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA) actively include county emergency managers in creating alternatives that will better address the needs of all levels of government and that does not discard the advances gained through past grants.

NACo asks that Congress preserves, maintains, and enhances the Emergency Management Performance Grant and other all-hazard grants related to disaster recovery and mitigation as separate, fully funded programs.

NACo asks that Congress works with DHS and FEMA to ensure that Homeland Security and Emergency Management grant programs address realistic risks from all hazards including, but not limited to, terrorism. State Administrative Agencies must make grant related prioritization decisions in transparent consultation and with the consent of local governments, and Congress should continue to require that no less than 80% of these funds be passed to local government in each state based on their realistic risk.

NACo asks Congress to require DHS to maintain the Urban Area Security Initiative (UASI) specific funding to the 35 urban areas at greatest risk of disastrous event from all hazards, including terrorism. In light of the significant populations, density, infrastructure and economic drivers of these areas and the fact that the populations of large urban counties and cities are often least able to financially address these risks without federal assistance. The UASI program should remain jointly administered by the State Administrative Agency and the existing UASI organizational units and continue to require that no less than 80 percent of these funds be passed through to the Urban Areas.

NACo will work with Congress and the other stakeholders to prepare updated legislative language to accomplish these goals.

**Approved | July 25, 2016**

### **Resolution Supporting Funding and Amending Disaster Program Policies for the Management and Mitigation of Post-Wildfire Flooding and Debris Flow Damage**

**Issue:** Funding is either unavailable or inadequate to effectively deal with the newly created or increased flooding and debris flow risks from post-wildfire events.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the Fire Management Assistance Grant Program (FMAGP) and Stafford Act declaration time period to help states, tribes, and local governments respond to floods and debris flows that directly result from a declared fire.

**Approved | July 25, 2016**

### **Resolution Supporting Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires**

**Issue:** Support for Legislation Providing Mitigation Funds for Certain Areas Affected by Wildfires

**Adopted Policy:** The National Association of Counties (NACo) supports legislation that provides dedicated mitigation funds by providing up to 15 percent of the cost of a Fire Mitigation Assistance Grant (FMAG) to support wildfire mitigation projects.

**Approved | July 25, 2016**

### **Resolution on FEMA's Deobligation of Approved Disaster-Relief Funds**

**Issue:** Since 2010, the Federal Emergency Management Agency (FEMA) has aggressively sought to recover and deobligate previously-approved recovery funds distributed to local governments by FEMA through the Robert T. Stafford Disaster Relief Act. The process has created growing uncertainty in counties' ability to accept disaster-relief funds.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation that would establish a 3-year statute of limitation on deobligation of FEMA Public Assistance funds from the date a project is certified complete by the state (grantee).

The National Association of Counties (NACo) also urges the federal government to clarify the process whereby FEMA can declare that funds distributed to local governments and approved by FEMA for disaster relief efforts are deobligated; so as to ensure that:

1. The deobligation process includes a reasonable timeframe for counties to respond to information requests;
2. FEMA makes timely decisions on appeals filed by counties that face the potential rescission of previously appropriated federal funds; and,
3. Precludes FEMA from immediately rescinding previously obligated funds from the grantee, once the subgrantee has stated its intent to appeal, in a timely fashion, FEMA's decision.

**Approved | July 25, 2016**

### **Resolution on Executive Order Establishing a Federal Flood Risk Management Standard**

**Issue:** The President issued an executive order creating a Federal Flood Risk Management Standard (FFRMS) that directs all agencies to use one of three resiliency criteria in their policies, projects, and programs receiving federal funding.

**Adopted Policy:** The National Association of Counties (NACo) urges the President and Congress direct all federal agencies to engage NACo and state and local government agencies prior to implementation of Executive Order 13690.

**Approved | July 25, 2016**

### **Resolution on the 2017 Reauthorization of the National Flood Insurance Program**

**Issue:** County priorities in the reauthorization of the National Flood Insurance Program.

**Adopted Policy:** The National Association of Counties (NACo) urges Congressional committees of jurisdiction to include local and state stakeholders in the process of drafting legislation to craft an affordable and sustainable reauthorization of the National Flood Insurance Program, the current authorization of which is set to expire in 2017.

NACo's positions on the following issues are as follows:

- **Rates:** should be publicly disclosed and affordable. Section 205 (Pre-FIRM) subsidies should be applied to all categories of property;
- **Program Administration:** Write Your Own (WYO) payments must be capped, and risk should be spread by increasing the pool of policyholders;
- **HFIAA:** key provisions from the Homeowner Flood Insurance Affordability Act (P.L. 113-89), namely grandfathering, premium increase caps and the reserve fund set-aside should be retained, and the 1 percent limit on premium to coverage ratio should be changed to a hard cap;
- **Mapping:** should be transparent and fair to local communities, appeal caps must be lifted and a method to pay for elevations should be developed;
- **Mitigation:** funding for mitigation should be increased, and NFIP premiums should be allowed to count as community and homeowner mitigation efforts;
- **Consumer Protection:** a policy review process should be created, Flood Insurance Advocates should be regionalized, and Force-Placing provisions should be amended to keep policyholders in NFIP instead of surplus line

**Approved | July 25, 2016**

#### **Resolution on FEMA Implementation of Biological Opinion Reasonable and Prudent Alternatives**

**Issue:** The Federal Emergency Management Agency (FEMA) operates the National Flood Insurance Program and a recently issued biological opinion (BiOp) from National Marine Fisheries Service (NMFS) proposes that all development in floodplain causes jeopardy to endangered species (salmon).

**Adopted Policy:** The National Association of Counties (NACo) recommends that FEMA's implementation of the Reasonable and Prudent Alternatives (RPAs) be done after extensive input from local and state governments. Local land use laws and ordinances need to be evaluated in order to understand the protections that are already in place. NACo recommends that FEMA does not unnecessarily overreach in its implementation stage.

**Approved | July 25, 2016**

#### **Resolution to Modify the "Individual Assistance" Criteria Used by the Federal Emergency Management Agency (FEMA) to Ensure that Rural Residents are Treated in a Fair and Equitable Manner**

**Issue:** Current FEMA criteria requiring "concentration of damage" for access to Individual Assistance Programs and its impact on rural residents.

**Adopted Policy:** FEMA and/or Congress should take immediate action to modify existing "concentration of damage" criteria for Individual Assistance Programs, so that these criteria do not unjustly deny rural residents critically needed access to Individual Assistance Programs.

**Approved | July 25, 2016**

#### **Resolution on Reauthorization of the Juvenile Justice Delinquency Prevention Act**

**Issue:** The Juvenile Justice Delinquency Prevention Act has not been reauthorized since 2002

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to support the Reauthorization of the Juvenile Justice and Delinquency Prevention Act.

**Approved | July 25, 2016**

## **Resolution Urging Federal, State and Local Adoption of a Presumption against the Use of Indiscriminate and Unnecessary Restraints of Juveniles in Court**

**Issue:** Many youth in custody are forced to appear in court proceedings in restraints that unnecessarily humiliate, stigmatize and traumatize young people. Restraining youth who pose no safety threat is inconsistent with the rehabilitative goals of juvenile justice.

**Adopted Policy:** The National Association of Counties (NACo) urges federal, state and local government adoption of a presumption against the use of unnecessary restraints of juveniles in court and to only allow restraints after an in-person opportunity to be heard and a finding that restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others.

**Approved | July 25, 2016**

## **Resolution Supporting the Stopping Tax Offenders and Prosecuting Identity Theft Act (Stop Identity Theft Act) and Similar Legislation**

**Issue:** Misuse of taxpayer identity.

**Adopted Policy:** NACo supports all legislation in the U.S. House of Representatives and the U.S. Senate that would reduce tax crimes and identity theft and would halt the victimization of millions of U.S. taxpayers through losses due to several billion dollars in fraudulent claims. Such legislation would encourage the U.S. Department of Justice (DOJ) to dedicate additional resources, including the use of investigative task forces, to address tax return identity theft. The legislation would ask DOJ to focus resources in areas with a high rate of tax return identity theft, coordinate investigations with state and local law enforcement agencies, and protect vulnerable victims, including veterans, seniors and minors. The legislation would increase penalties to help deter this type of crime and protect victims.

**Approved | July 25, 2016**

## **Resolution Supporting the Comprehensive Justice and Mental Health Act and Similar Legislation**

**Issue:** Improving access to mental health services for people in the criminal justice system that need treatment.

**Adopted Policy:** NACo supports federal legislation that aims to improve access to mental health treatment for individuals who come into contact with the criminal justice system through services, to provide law enforcement officers the tools they need to identify and respond to mental health issues in the community and to help reduce recidivism among those struggling with mental illness. In 2004, Congress passed the Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA), which supports innovative programs that bring together mental health and criminal justice agencies to address the unique needs of persons with mental health conditions. The Comprehensive Justice and Mental Health Act (CJMHA) reauthorizes and improves MIOTCRA.

The proposed legislation (H.R. 1854/S. 993) also supports mental health courts and crisis intervention teams; uses new grant accountability measures and emphasizes the use of evidence-based practices; authorizes investments in veterans treatment courts; supports state and local efforts to identify people with mental health conditions at each point in the criminal justice system; supports the development of curricula for police academies and orientations; supports the development of programs to train federal law enforcement officers in how to respond appropriately to incidents involving a person with a mental health condition; increases focus on corrections-based programs and gives local officials greater control over program participation eligibility.

**Approved | July 25, 2016**

## **Resolution to Support Programs Preventing Human Trafficking**

**Issue:** Human trafficking is a modern form of slavery that affects every community across our country.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation and programs designed to prevent trafficking, protect victims, prosecute traffickers, and create partnerships across all levels of government, the private sector, and international agencies in order to enhance the collection, use and sharing of data. NACo supports victim centered and trauma informed programs designed to meet the needs of the victim including safe housing, mental health assistance and access to education.

NACo also supports programs that eradicate the root causes of vulnerability among trafficking victims - poverty and discrimination. Furthermore, NACo supports programs that strengthen our legal network and those that provide training opportunities for local government employees and their agents on recognizing the signs of trafficking including government inspectors, law enforcement, criminal justice, health care, transportation and public transit, educational partners, and employees working with vulnerable populations.

**Approved | July 25, 2016**

## **Resolution to Amend the Equal Access to Justice Act**

**Issue:** Resolution on the Equal Access to Justice Act

**Adopted Policy:**

1. Supports legislation that amends the Equal Access to Justice Act and the federal judicial code to require the Chairman of the Administrative Conference of the United States to report to Congress annually on the amount of fees and other expenses awarded to prevailing parties other than the United States in certain administrative proceedings and civil action court cases (excluding tort cases) to which the United States is a party, including settlement agreements.
2. Supports requirements that such reports: (1) describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards; and (2) be made available to the public online.
3. Supports legislation that directs the Chairman of the Administrative Conference of the United States to create and maintain online a searchable database containing specified information with respect to each award including the name of the agency involved, the name of each party to whom the award was made, the amount of the award, and the basis for finding that the position of the agency concerned was not substantially justified.
4. Supports legislation that requires the head of each federal agency (including, with respect to court cases, the Attorney General [DOJ] and the Director of the Administrative Office of the United States Courts) to provide the Chairman all information requested to produce such reports.
5. Supports raising the EAJA reimbursement level to \$200 per hour, reflecting the market rate, so that those in need (i.e. veterans and small business) and those that are “directly and personally harmed” can afford a decent and marketable attorney.
6. Supports the institution of a \$7,000,000 net worth cap regardless of tax exempt status to reduce the number of lawsuits filed by large nationwide fringe groups that profit from habitual lawsuits.

**Approved | July 25, 2016**