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United States Senate

WASHINGTON, DC 20510-4402

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Utah Chiefs of Police Association
665 N. Meadow Creek Way
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Dear Chief Ross:

These are challenging times for law enforcement. Crime is up across much of the country. Violent crime in particular has risen in many of our towns and cities.

At the same time, government officials in Washington and in some cities have adopted an antagonistic tone toward law enforcement. Rather than praising our brave men and women in uniform for their courage and dedication, these officials play up charges of injustice and insensitivity. They fault officers for alleged infractions before all the facts are even known and strain mightily to find bias and prejudice in long-accepted police practices. The federal Department of Justice in particular has adopted an adversarial stance toward state and local law enforcement, driven by the apparent belief that in all things, Washington knows best.

The tone that these officials have set has trickled down into many of our communities. To an extent not seen for decades, individuals are feeling emboldened to resist law enforcement. Officers called to address domestic violence disputes, or home burglaries, find themselves arriving to hostile crowds of onlookers with cell phones primed to record any potential misstep.

Some cities have even seen mass demonstrations against law enforcement, usually predicated on erroneous claims that an officer used excessive force in defending him or herself or in apprehending a suspect. Activists and media types across the country have become all too willing to believe the worst about a particular incident and to convict officers in the court of public opinion before all the facts are disclosed.

I write today to express my deep and continuing support for law enforcement and to let you know that not everyone in our nation's capital has fallen prey to the trumped-up anti-police narrative so prevalent in today's media. Throughout my time in the Senate, I have been privileged to meet thousands of honorable law enforcement professionals—men and women who risk their lives every day to protect our homes and communities. I've heard stories of heartache from family members who lost a loved one in the line of duty. I've met sheriffs and police chiefs who have shared extraordinary stories of bravery by the men and women who serve under them. And I've seen firsthand the professionalism and courtesy law enforcement officers bring to their jobs as they've protected me and my family on Senate assignments.

I reject emphatically the narrative that police officers are undermining community cohesion and treating citizens unfairly. Undoubtedly mistakes happen, but to condemn an entire profession on the basis of a few individuals—almost all of whom have turned out to be justified in their actions once the facts have become known—is shortsighted and wrong. Rather than looking to criticize law enforcement, we should be seeking to strengthen officials and to ensure that police departments and sheriff’s offices have the tools they need to fight crime and protect the innocent.

To that end, I’ve been heavily involved this Congress in multiple efforts to help law enforcement and to ensure that our brave officers have the necessary training, support, and resources to keep our communities safe. Allow me to highlight some of the most important initiatives I’ve been pushing this Congress.

Rapid DNA

DNA technology has made tremendous strides in recent years. Creating a DNA profile from a cheek swab or other sample used to be a cumbersome, time-consuming process that required significant laboratory technician involvement. Recent advances, however, have streamlined the process so that many samples can now be analyzed by self-contained, fully automated “Rapid DNA” devices in less than two hours. These devices, which can be placed in booking stations, can enable an officer to know almost immediately whether an individual in custody is wanted for an outstanding crime or has a connection to evidence from a crime scene.

Unfortunately, federal law has not kept pace with technological advances. In particular, federal law requires that any DNA profile uploaded to the FBI’s CODIS database be processed at an accredited crime lab. This requirement may have made sense back when even simple DNA analysis required significant direct involvement by a laboratory technician, but it no longer makes sense today. Rapid DNA machines process samples the same way whether they are in a crime lab or a booking station. At the same time, limiting CODIS access to profiles generated at accredited crime labs slows down considerably the process of creating and comparing DNA profiles.

Accordingly, this Congress I introduced the bipartisan *Rapid DNA Act* to permit properly trained law enforcement officials to upload DNA profiles generated via Rapid DNA devices to the FBI’s CODIS database and perform database comparisons. Expediting entry of DNA samples into CODIS in this way will help law enforcement more quickly solve crimes, link suspects to other investigations, and exonerate the innocent. The bill has already passed the Senate. I’m working with my House colleagues on House passage so that the bill can become law.

Fighting Prescription Drug Abuse

Our nation is in the midst of a prescription drug epidemic. Utah has been one of the states hardest hit. According to data from the Utah Department of Health, 24 individuals die each month in our state from prescription drug overdose. Utah ranked fourth in the nation for drug poisoning deaths between 2012 and 2014.

This Congress I’ve played a central role in two major initiatives to fight prescription drug abuse. Both are now law.

First is the *Ensuring Patient Access and Effective Drug Enforcement Act*, which I sponsored in the Senate. This law facilitates closer collaboration between law enforcement and prescription drug distributors by incentivizing distributors to self-report Controlled Substances Act violations to law enforcement. Under the new law, if a distributor self-reports a violation, the distributor is given 30 days to correct the violation before its license is suspended. Increased self-reporting will give law enforcement better information about potential sources of abuse so that they can limit or cut off such sources before tragedy strikes. The law also clarifies law enforcement's ability to immediately suspend a distributor's license when public safety so requires.

The second initiative is the *Comprehensive Addiction and Recovery Act (CARA)*, which I negotiated with my House and Senate counterparts. CARA was the first effort at the national level to address the prescription drug crisis in a comprehensive manner. The law creates or improves a number of crucial programs to fight prescription drug abuse. Among these are programs to teach parents and children about the dangers of such abuse, to create disposal sites for unwanted prescription medications, to provide medication-assisted treatment for offenders with substance abuse problems, and to track dispensing of controlled substances. The law also provides funding for naloxone, a drug used to counteract opioid overdoses. CARA is the first step in a coordinated national effort to reduce prescription drug abuse and root out individuals who dispense these substances outside proper channels.

Improving Officer Safety

Law enforcement officers put their lives on the line every day to protect our homes and communities. We have an obligation, I believe, to ensure they have the tools they need to defend themselves as they defend us. Accordingly, I've been working hard this Congress on two bills that will improve officer safety. One is now law. The other I'm planning to begin moving through Congress in the near future.

The first bill, which the President signed into law earlier this year, ensures continued funding for bulletproof vests for state and local law enforcement. These vests save many lives each year. Unfortunately, they are also quite costly and often beyond the budget of state and local offices. For this reason, for a number of years the federal government has provided matching funds to police departments and sheriff's offices to purchase vests. I cosponsored legislation this Congress to continue this program for another five years. The *Bulletproof Vest Partnership Grant Program Reauthorization Act*, which is now law, provides \$25 million in matching funds for each of the next five years to ensure that state and local law enforcement have the vests they need to protect themselves.

The second bill, the *Probation Officer Protection Act*, would provide federal probation officers expanded arrest authority when they encounter dangerous situations. Although the bill directly impacts only federal officers, it will have beneficial effects for state and local law enforcement as well.

Under current law, a federal probation officer may arrest a probationer without a warrant if the probationer becomes violent or hostile, but may not arrest a third party. This means that if, in the course of a visit, a third party such as a friend or family member becomes hostile, the probation

officer must retreat. This in turn exposes the officer to greater risk of harm and allows the third party—along with any evidence of criminal activity the third party is attempting to shield—to elude capture.

Federal probation officers' lack of third-party arrest authority affects local law enforcement in a number of ways. First, because federal probation officers lack such authority, they must rely on local law enforcement to respond to uncooperative or violent third parties. This burdens local departments and diverts police resources from other uses. Second, because federal probation officers cannot arrest third parties, they face limitations on their ability to lawfully assist local law enforcement if an officer is accosted by a non-probationer. Lastly, third parties who elude capture because a probation officer lacked authority to arrest them remain at large in the community, where they may commit additional crimes. The *Probation Officer Protection Act* will remedy these problems by giving federal probation officers authority to arrest a third party who forcibly assaults, resists, opposes, or interferes with the officer in the course of the officer's official duties. I am currently in the process of building support for this bill and plan to begin moving it through Congress next year.

Active Shooter Training

Recent tragedies in Orlando, San Bernardino, and other cities have highlighted the importance of training officers to respond to active shooter situations. Accordingly, I cosponsored legislation earlier this year to authorize grants through the Department of Justice's Office of Community Oriented Policing Services (COPS) to state and local law enforcement for training to counter active shooter threats and acts of terrorism. The bill, the *Protecting Our Lives by Initiating COPS Expansion (POLICE) Act*, was signed into law this summer.

Recognizing the Contributions of Law Enforcement

Law Enforcement officials give so much to our nation that it's only appropriate that we recognize them for their dedication and service. Each year, Congress designates a week in May as "National Police Week" and officially recognizes the officers who have given their lives in the line of duty over the past year. I have been honored to cosponsor this resolution each year and intend to continue doing so as long as I serve in the Senate. Although the resolution may be largely symbolic, it signifies to the law enforcement community our deep gratitude for their service and sacrifice.

Ensuring Justice for Fallen Officers and Their Families

When officers make the ultimate sacrifice, we have a responsibility to bring justice to their attackers and to ensure the officers' families are taken care of. I've cosponsored two important pieces of legislation this Congress to help meet these responsibilities.

First is the *Thin Blue Line Act*. This bill would add, as an aggravating factor in determining whether the federal death penalty is warranted, that the defendant killed a law enforcement officer while the officer was engaged in the performance of official duties, or killed the officer because of something the officer did while engaged in the performance of official duties. The bill

would send a powerful signal both to criminals and to the law enforcement community that the act of killing an officer merits the strongest punishment the state can exact.

Second is the *Public Safety Officers' Benefits (PSOB) Improvement Act*. This legislation would bring much-needed reforms to the PSOB program, which provides death benefits to the families of law enforcement officers who die in the line of duty. In particular, the bill would require the Department of Justice (DOJ) to make every reasonable effort to investigate a claim before denying it for lack of information, provide education benefits to family members who age out of eligibility because of DOJ delays in processing claims, and require DOJ to meet a higher standard of proof before denying benefits on the ground that an officer was negligent or engaged in misconduct at the time of his or her death. The bill would also allow DOJ to give substantial weight to the findings of state, local, or other federal agencies in order to speed processing of claims.

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These are just some of the ways I've been working this Congress to support law enforcement and to ensure that officers have the tools they need to keep themselves and our communities safe. I am eager to work with you and your colleagues to implement these proposals and to learn what else I can do to assist your efforts. To that end, I encourage you to reach out to me and my staff to let us know what issues we should be focusing on and what needs you have.

Our brave law enforcement professionals deserve our gratitude and respect. They put their lives on the line every day to protect our families and to bring criminals to justice. I want you to know how thankful I am for the work you and your officers do to make our state—and our nation—a better place.

I am honored to represent you in the United States Senate.

Sincerely,



Orrin Hatch

United States Senator