



# NATIONAL FRATERNAL ORDER OF POLICE®

328 MASSACHUSETTS AVE., N.E.  
WASHINGTON, DC 20002  
PHONE 202-547-8189 • FAX 202-547-8190

CHUCK CANTERBURY  
NATIONAL PRESIDENT

JAMES O. PASCO, JR.  
EXECUTIVE DIRECTOR

30 August 2016

The Honorable Ted Poe  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Poe,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong support for legislation you have introduced, H.R. 5809, the "Back the Blue Act." The FOP has been pushing for Congress and this Administration to do more to support and protect our men and women in law enforcement and your bill contains a number of provisions which do just that.

Our fellow Americans who choose to be law enforcement officers, who choose to serve their communities and put their lives on the line for their fellow citizens, put themselves in harm's way every day. In recent years, however, they find themselves hunted and targeted just because of the uniform that they wear. Data has shown that 57,000 officers are assaulted every year on the job. This year 161 officers have been shot in the line of duty and 37 were killed. Use of firearms and ambush related deaths against law enforcement officers are also on the rise, up 72%. We saw 8 officers from Dallas and Baton Rouge cowardly gunned down by people who wanted to do just one thing: kill as many cops as they could before dying themselves.

It is our job to protect others but it should not be "part of the job" to be a target of a hate-fueled assassin who is looking simply to kill a cop. We do not accept that our uniforms alone make us targets because someone was driven to rage over a perceived injustice or desires to strike a blow against our civil government. To address this, we have suggested expanding Federal hate crimes law to protect police officers. This has become a priority for the FOP and we urge you to consider supporting this effort.

Your legislation does, however, offer increased protection for law enforcement by increasing the penalties for the killing of or assaults against law enforcement officers, judges, and other public safety officers. The FOP is particularly supportive of the bill's provision with respect to making the murder or attempted murder of a law enforcement officer employed by an agency that receives Federal funds a capital offense. Your bill would close a loophole in current law under which the murder of a State or local law enforcement officer is a capital offense only if that officer was actively serving on a Federal task force, was directly involved in a Federal

investigation, or came to the aid of a Federal law enforcement officer.

The legislation would also impose time and other substantive limits on Federal courts' review of *habeas corpus* petitions challenging a State court conviction for killing a law enforcement officer, judge, or other public safety officer.

Your bill also limits the amount of damages that a criminal defendant could recover as a result of injuries that the criminal incurred in the course of committing or being apprehended for a felony or a crime of violence. The bill would allow only for the recovery of actual losses--medical expenses, lost wages, property damage, or other tangible loss--and be prohibited from suing a law enforcement officer for punitive damages, emotional harm, other intangible damages, and attorney's fees. We believe that this will help reduce the increasing number of frivolous lawsuits filed against individual officers by criminals who allege injury during their apprehension.

The legislation also amends the existing Law Enforcement Officers Safety Act (LEOSA), which provides off-duty and retired law enforcement officers an exemption to State and local prohibition on the carriage of concealed firearms by closing the magazine capacity school zone loopholes. The LEOSA exemption, as currently interpreted, does not apply to magazine capacity, creating a confusing patchwork of regulations and potentially placing an officer in legal jeopardy. In addition, the Gun-Free Schools Zones Act (GFSZA) is a Federal statute so the LEOSA exemption does not attach. This means an off-duty or retired officer could not attend a school function with their child without violating Federal firearms law. The FOP has been advocating for these amendments for years and we thank you for your support on this issue.

Finally, the bill would provide \$20 million in new grants to improve police-community relations, law enforcement training as well as officer safety and wellness.

This legislation offers strong support for our nation's police officers by providing them with increased protections across the board. On behalf of the more than 330,000 members of the Fraternal Order of Police, I am proud to be able to work with you to get this legislation passed. Thank you for your tireless support for law enforcement officers throughout our country. If I can be of any further assistance, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

  
Chuck Canterbury  
National President