



NATIONAL FRATERNAL ORDER OF POLICE

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The Honorable Krysten L. Sinema
United States Senate
Washington, D.C. 20510

The Honorable William F. Hagerty IV
United States Senate
Washington, D.C. 20510

Dear Senators Sinema and Hagerty,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for S. 4255, the "Law Enforcement Innovate to De-Escalate Act."

Under current law, conducted energy devices—a tool that provides an electric shock aimed at temporarily disrupting muscle functions—and other less-than-lethal devices can be classified as firearms under Federal laws simply due to the propulsion technology they use. However, in practice, these devices are very different in both their use and purpose. Less-than-lethal technology is designed to end a physical threat in lieu of using deadly force—discharging a firearm. Federal law should recognize the difference as well.

The legislation you have introduced will clarify that a device which expels a projectile by the action of the explosive should not be regulated or taxed as a firearm if—and only if—it passes a two-pronged test. First, the device must objectively not be designed or intended to fire a projectile at a velocity exceeding 500 feet per second. Further, the Bureau of Alcohol, Tobacco, Firearms, and Explosives must determine that the device is not designed or intended to be used in a manner that is likely to cause death or serious bodily injury.

Law enforcement officers and the American public know the difference between lethal firearms and less-than-lethal projectiles devices, and the definition of a "Less-Than-Lethal Projectile Device" proposed by S. 4255 captures that understanding well. Law enforcement is investing more and more in training and technology to reduce the number of fatal incidents when apprehending suspects without compromising our ability to serve and protect our communities. Modern less-than-lethal projectile devices are a promising part of these efforts, and we urge the Senate to take action to ensure that officers across the country have access to these tools.

On behalf of the more than 373,000 members of the Fraternal Order of Police, I thank you both for your leadership on this issue. If I can provide any additional information about this bill, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

Patrick Yoes
National President

cc: Paul Sheldon, President and National Trustee, Arizona State Lodge
Scottie Delashmit, President, Tennessee State Lodge
Johnny Crumby, National Trustee, Tennessee State Lodge