



NATIONAL FRATERNAL ORDER OF POLICE®

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PATRICK YOES
NATIONAL PRESIDENT

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23 September 2024

The Honorable J. Michael Johnson
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Hakeem S. Jeffries
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Mr. Speaker, Representative Jeffries, and Senators Schumer and McConnell,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our continued support for H.R. 3269/S. 4255, the “Law Enforcement Innovate to De-Escalate Act.” The legislation, which embraces wider use of less-than-lethal technologies, was favorably reported by the House Committee on Ways and Means earlier this month, and we urge the House to swiftly consider and pass this bill.

Under current law, a conducted energy device—a tool that provides an electric shock aimed at temporarily disrupting muscle functions—and other less-than-lethal devices are categorized as firearms. However, in practice, these devices are very different in both their use and purpose. Firearms are designed to be lethal and used only in the most serious of circumstances, while less-than-lethal technology is designed as a non-lethal threat mitigation tool, which is a much safer alternative. Federal law should recognize the stark differences between less-than-lethal devices and firearms.

We believe that Congress must better account for innovative less-than-lethal technologies used by law enforcement officers nationwide in Federal law. Congress can do this by establishing a definition of a “less-than-lethal projectile device” as a device which is designed or intended to be used in a manner that is not likely to cause death or serious bodily injury and is not designed or intended to fire a projectile at a velocity exceeding 500 feet per second. A device which expels a projectile by the action of an explosive should not be regulated or taxed as a firearm if—and only if—it meets both of these requirements.

Over the past several decades, less-than-lethal projectile devices have become essential tools for law enforcement to de-escalate violent encounters without substantial risk of death or serious bodily injury to the officer, the subject of an encounter, or the

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general public. Less-than-lethal projectile devices are not a new technology, but they are newly being regulated as firearms due to minor engineering changes to their propulsion technologies that have no impact on their less-than-lethal capability. These modern less-than-lethal projectile devices offer law enforcement more opportunities to de-escalate a dangerous situation using intermediate force and greater effective ranges, but now may be classified as firearms under Federal firearms laws simply due to the propulsion technology they use.

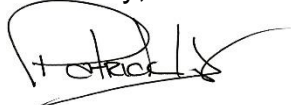
This classification creates a cascading series of legal and regulatory obstacles which cause these modern less-than-lethal projectile devices to be more difficult for manufacturers to research and develop. It also makes these devices more expensive and more difficult for law enforcement agencies to acquire. Congress must act to ensure that law enforcement agencies and public safety partners are not precluded from adopting safer and more innovative less-than-lethal tools to help make encounters safer for everyone involved.

Minimizing the use of lethal force in interactions between law enforcement officers and civilians is a truly bipartisan objective, as evidenced by strong support from Democrats and Republicans for H.R. 3269/S. 4255 in both the House and the Senate. Law enforcement is investing more and more in training and technology which enables them to better protect and serve their communities. Modern less-than-lethal projectile devices are a promising part of these efforts.

Law enforcement officers and the American public know the difference between lethal firearms and less-than-lethal projectile devices, and it is time Congress acts to codify this difference and decrease the use of deadly force during law enforcement encounters by passing the "Law Enforcement Innovate to De-Escalate Act."

On behalf of the more than 377,000 members of the Fraternal Order of Police, I thank you for considering our views on this important legislation. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,



Patrick Yoes
National President

cc: Darrell Basco, President, Louisiana State Lodge
Kelly Gibson, National Trustee, Louisiana State Lodge
Mike Essig, President, New York State Lodge
Joseph Battaglia, National Trustee, New York State Lodge
Berl Perdue, President, Kentucky State Lodge
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