NATIONAL FRATERNAL ORDER OF POLICE

S. 5214, the "Protect and Serve Act"

Facts and Analysis

This legislation would create a new Federal offense for those who deliberately target law enforcement officers with violence and is a direct response to the increased number of law enforcement officers who have been targeted for attack.

The FACTS

- In October 2015, the U.S. Department of Justice (DOJ) released a report entitled: Ambushes of Police. The report detailed the number of ambush attacks on law enforcement officers from 1990-2013. In 2013 alone, there were between 200 and 300 ambush attacks reported. The Executive Summary states:

  > *…the proportion of fatal attacks on officers attributable to ambushes [is] increasing. Concerns about targeted violence against police are on the rise, while officers must not only be guardians of the public but also be prepared to respond to violence targeting them.*

- In May 2017, the Federal Bureau of Investigation (FBI) released a report entitled: The Assailant Study: Mindset and Behavior. The report identified a disturbing and growing trend of attackers who are motivated by a desire to kill a law enforcement officer. This motivation, the report concludes, is from a "singular narrative that portrays the officer as guilty in traditional and social media and the subject as the victim."

- A December 2017 study by the DOJ's Office of Community Oriented Policing Services (COPS), entitled Making It Safer, examined law enforcement officer fatalities from 2010-2016, including ambush attacks. The study found that 20% of ambushed officers were seated in their patrol cars and that:

  > *56 percent were not on a call or engaged in any enforcement activity. Many of these officers were simply eating, sitting on post, or in five cases, targeted and killed while at their home or on their way home.*

- In 2018, the Criminal Justice Information Services Division within the FBI released a report entitled: Ambushes and Unprovoked Attacks: Assaults on Our Nation's Law Enforcement Officers. This comprehensive report concluded: "While the overall number of officers who were feloniously killed was declining, the percentage of officers feloniously killed during surprise attacks was increasing."

- In 2022, **331** officers were shot in the line of duty, **62** of whom were killed. There were **89** ambush-style attacks on law enforcement officers in which **126** officers were shot and **32** of whom were killed.

- In 2023, a record number of officers—**378—**were shot in the line of duty, **46** of whom were killed. There were **115** ambush-style attacks on law enforcement in which **138** officers were shot and **20** of whom were killed. Of the officers killed by gunfire in 2023, **44%** were ambushed.

- In 2024, **342** officers were shot in the line of duty, **50** of whom were killed. There were **61** ambush-style attacks on law enforcement in which **79** officers were shot, **18** of whom were killed.

- In 2025, **347** officers were shot in the line of duty, **45** of whom were killed. There were **67** ambush-style attacks on law enforcement officers in which **90** officers were shot, **22** of whom were killed.

- As of midnight on 30 September, there have been **241** officers shot in the line of duty in 2026. Of those officers shot **23** of them were killed. There have been **39** ambush-style attacks on law enforcement officers this year. These ambush-style attacks have resulted in **49** officers shot, **10**of whom were killed.

ANALYSIS: Section by Section

Section 1. Short Title.
The short title of the bill is the “Protect and Serve Act.”

Section 2. Crimes targeting law enforcement officers.
This section creates a new Federal offense for anyone who “willfully with intent to kill a law enforcement officer solely because of the officer's status as a law enforcement officer” and would be sentenced to any term of imprisonment or life for murder, or not more than 20 years for attempted murder if the officer suffers serious bodily injury. Before Federal charges can be brought, the U.S. Attorney General must certify that:

- the State has asked the Federal government to assume jurisdiction;
- Federal prosecution is “in the public interest and necessary to secure substantial justice” based on the following standards:
    - the verdict or sentence at the State level;
    - the extent of planning and premeditation;
    - the intended outcome;
    - a disregard for human life; and
    - the benefit to public safety from Federal prosecution.