



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

317 South Patrick Street. ~ Alexandria, Virginia ~ 22314-3501
(703) 549-0775 ~ (800) 322-NAPO ~ Fax: (703) 684-0515
www.napo.org ~ Email: info@napo.org

EXECUTIVE OFFICERS

MICHAEL McHALE

President

*Florida Police Benevolent
Association*

CHRIS COLLINS

Vice President

*Las Vegas Police
Protective Association*

KEITH DUNN

Recording Secretary

*New Jersey State Policemen's
Benevolent Association*

SEAN M. SMOOT

Treasurer

*Police Benevolent & Protective
Association of Illinois*

JOHN A. FLYNN

Sergeant-at-Arms

*Patrolmen's Benevolent
Association of New York City*

TODD HARRISON

Executive Secretary

*Combined Law Enforcement
Associations of Texas*

RICHARD WEILER

Parliamentarian

*Police Officers Labor Council
of Michigan*

WILLIAM J. JOHNSON

Executive Director and

General Counsel

April 28, 2015

The Honorable Patti B. Saris
Chair

United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500
Washington, D.C. 20002-8002

Dear Chair Saris:

On behalf of the National Association of Police Organizations (NAPO), I am writing to urge that the United States Sentencing Commission review the application of "firearm enhancement" sentencing guidelines as they relate to law enforcement officers.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

Title 18, United States Code, Section 924 provides in relevant part:

"[A]ny person who, during and in relation to any crime of violence ... for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence . . . —(i) be sentenced to a term of imprisonment of not less than 5 years; (ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and (iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years."

The aforementioned penalties that exist for using or carrying a firearm in relation to a criminal action are not appropriate for law enforcement officers. The application of "firearm enhancement" sentencing guidelines must be clarified to ensure that these enhancements do not automatically apply when a law enforcement officer is prosecuted, as law enforcement officers are required to carry a weapon as part of their official duties.

Officers are required to carry a duty weapon to protect the communities in which they serve. It is unjust for that officer to receive an enhanced sentence due to compliance with departmental policies.

NAPO feels strongly that the application of "firearm enhancement" sentencing guidelines must be reviewed and modified to ensure that law enforcement officers are not subject to harsher penalties for carrying an official duty weapon.

We appreciate your consideration. If we can provide any additional information, please feel free to contact me at: (703) 549-0775.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Johnson", with a long horizontal flourish extending to the right.

William J. Johnson
Executive Director