



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Section 2576a of title 10, United States Code
Stop Militarizing Law Enforcement Act of 2014

Sponsor: Rep. Johnson, Henry C. "Hank," Jr. (D-GA-4)

Introduced: 9/16/2014

Latest Action: 9/16/2014 Referred to the House Committee on Armed Services

Section 2 Findings: Section 2576a of title 10, U.S. Code permits the Department of Defense to provide surplus property to local law enforcement agencies. The Defense Logistics Agency administers this by operating the Law Enforcement Support Office program.

- Vehicles and weapons (from Iraq and Afghanistan) are transferred through the program and are presumed to be used in normal operations,
- About 12,000 police organizations were able to procure \$500,000,000 worth of equipment during 2011 fiscal year,
- \$4,000,000 worth of weapons have been used in all 50 states and 4 territories,
- Reports of inappropriate weapon transfer and missing equipment led to a temporary ban by the Defense Logistics Agency in May 2012. In October 2013 it was lifted. There is concern that these types of military-grade weapons and equipment could be used inappropriately by state and local law enforcement.
- Property obtained through the program must be placed into use within one year of receipt. It is thought that this requirement places an incentive on state and local law enforcement to use the weapons and equipment received through the program unnecessarily.

Section 3 Limitation on Department of Defense Transfer of Personal Property to Local Law Enforcement

Agencies: Modifies Section 2576a of title 10 United States Code to provide that:

- Eliminates the use of such equipment for counter-drug activities;
- Eliminates the requirement that the Secretary of Defense consult with the Director of National Drug Control Policy for carrying out the transfer of equipment;
- Recipients must undergo training in operating the property; and
- If the recipient determines that the property is unnecessary, it shall return it to the Department of Defense .
- Every fiscal year The Secretary of Defense shall do an annual accounting of what's been transferred, by whom and to whom to prevent military items from being auctioned or sold.
- Before transferring property, Department of Defense must submit a description to Congress with a certification in order to ensure that violations aren't occurring.
- The Secretary cannot transfer:
 - automatic weapons not suitable for law enforcement agencies (includes those .50 caliber or more)
 - tactical vehicles, high mobile multi-wheeled vehicles, armored vehicles, mine-resistant ambush-protected vehicles
 - armored drones
 - aircraft
 - flash-bang or stun grenades
 - silencers

- Conditions For Extension of Program
 - Property cannot be transferred beyond that one fiscal year unless Secretary submits to Congress certification for that preceding fiscal year:
 - Each federal or state agency that receives property is entirely responsible
 - State coordinator responsible of agency has conducted an in-person inventory of the property
 - 100% of the property is accounted for in the inventory
 - If 100% of inventory is not accounted for, the agency isn't eligible to receive property
 - The agency must comply with the requirements

Pentagon's 1033 Program

- Department of Defense program that transfers surplus military equipment to local law enforcement departments for free.
- Mine-Resistant Ambush Protected vehicles (MRAPs), Humvees, automatic weapons from Iraq/Afghanistan warzones.
- Only 5 percent of all equipment given to departments through the program are weapons.
- By passing down this equipment, the department benefits because now they can ask for more funding.
- Since the start of the program in the 1990's the Department of Defense has given "\$5.1 billion worth of the excess military gear to local law enforcement agencies" (Wilson).
- Equipment must be used within a year.
- Application Process
- Any agency (chief or sheriff) can apply for this program.
- After application is approved, Dept of Defense Law Enforcement Support Office will issue a screening authorization letter to local Drug Law Enforcement Agency (DLEA) to screen excess property.
- Once property is transferred, chief/sheriff is accountable for the property.