END1033
A GUIDE TO DEMILITARIZE LAW ENFORCEMENT FOR STATE LEGISLATORS
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EXECUTIVE SUMMARY

Women’s Action for New Directions and the Women Legislators’ Lobby (WiLL) build women’s political power to advocate for peace and security with justice. We believe that women are central to shifting the militarized, patriarchal culture that pervades our society and leads to endless war and violence—both at home and abroad. **We are proud to collaborate with the Truman National Security Project and Vets for American Ideals (VFAI) in an effort to end the militarization of law enforcement in our local communities and to offer you resources to help end transfers of military equipment to law enforcement through the Department of Defense’s (DoD) 1033 program.**

The line between law enforcement and the military has deteriorated in recent decades, bringing military-grade weapons to our streets and a war-like mentality into law enforcement. Families and communities have suffered as a result. Unsurprisingly, given the history of law enforcement in the U.S., it is the most vulnerable and marginalized communities that bear the brunt of militarized law enforcement. Not only does public trust in the police fall as weapons of war become more common in local law enforcement, but militarization also fails to enhance police safety or reduce crime rates. Community members are killed. American values are violated. The promise to serve and protect is broken.

As we work to enact federal legislation to end these military transfers, we recognize that real reform requires the efforts of leaders closest to our communities. Enacting state legislation is vital to protect our communities and show federal legislators that, with or without their support, we will not back down when it comes to our constituents’ well-being.

This guide provides information on the 1033 program, which facilitates the transfer of military weapons from the Pentagon to federal, state, and local law enforcement. As you’ll see, a number of city and state governments have made incredible progress on blocking this harmful program. Because every community has different needs and political realities, we are ready to support whatever you believe is the right first step in your state.

It’s up to us to start the conversation on the militarization of law enforcement because, if we do not, it will be our community members, especially in communities of color, who will be arbitrarily targeted, injured, and killed. Police should not maintain a war-like posture against the communities they are to protect, and law enforcement should not treat those they encounter as enemy combatants.

**We invite you to join us in advocating to bring an end to the militarization of law enforcement in our local communities.** Thank you for your attention to this important issue.

Women’s Action for New Directions (WAND)
Women Legislators’ Lobby (WiLL)
WHAT IS MILITARIZED LAW ENFORCEMENT?

Despite there being a historical separation between military operations and domestic policing, this line has become blurred with increasing cooperation between the U.S. military and U.S. civilian police. This cooperation comes in the form of technology transfers, military weapons transfers, information sharing between the military and police in the name of domestic security, a close operational relationship in drug-related crime and terrorism control efforts, and a high level of cross-training in the area of special weapons and tactics team (SWAT) and counter-civil disturbance, counterinsurgency, and antiterrorism exercises. We have also seen a growing trend in policing to rely on the use of force as the first step to solving problems, leading to a propensity towards violence.

While a militarized approach is not necessarily new to U.S. law enforcement, in recent years military-grade equipment, including bayonets, rifles, and armored vehicles have increasingly been used for domestic law enforcement purposes. As the U.S. completes its drawdown from Afghanistan, there is added risk that weapons we used on the battlefield will make their way into our local communities, effectively ending the war but bringing it back home to our streets.

U.S. foreign and domestic policy are inextricably intertwined, and violent approaches in one area lead to violent approaches in the other. Violence, and the threat of violence, have been at the heart of U.S. military and policing strategy since their inception. But it doesn’t have to be this way. Women have long recognized that building a peaceful world is impossible without challenging violent approaches to societal challenges. We all lose when violence is the rule, rather than the exception.

THE 1033 PROGRAM

The Department of Defense’s (DoD) 1033 program transfers military equipment to federal, state, local, and tribal law enforcement. The Defense Logistics Agency’s (DLA) Law Enforcement Support Office (LESO) oversees the process and reports over $7.4 billion of property transfers to more than 8,000 law enforcement agencies across the country since the program’s inception. Military gear including ammunition, guns, armored vehicles, and grenade launchers are sent to police departments at little to no cost to local police forces. Law enforcement agencies are given equipment for free, paying only for shipping and storage costs. In addition, as all excess DoD property is shipped “as is,” law enforcement agencies pay costs associated with acquisition, maintenance and costs to return the property when it is no longer needed.

The 1033 program was created in the 1990 and 1991 National Defense Authorization Acts (NDAA) for use in counter-drug activities, or the “War on Drugs.” In the 1997 NDAA, the criteria was expanded to include purposes that assist in the arrest and apprehension missions, with preference given to counter-drug and counter-terrorism requests. In recent years, Immigra-
tion and Customs Enforcement (ICE) and Customs and Border Protection (CBP) have also received enormous amounts of excess military equipment as part of the militarization of our border.

The program is part of a suite of programs that allow local law enforcement agencies to secure military equipment. Law enforcement agencies can acquire military equipment through various programs administered by the Departments of Justice (DOJ), DOD, Homeland Security (DHS), and Treasury, and each program employs different oversight and auditing procedures.

WAND and WiLL focus on the 1033 program as a first step towards reversing the trend of militarizing law enforcement and ending the practice of transferring U.S. military weapons to both domestic law enforcement and to foreign governments under U.S. foreign military assistance programs.

CONSEQUENCES & THE CASE FOR REFORM

Research on the harm caused by militarizing policing is overwhelming. Militarized law enforcement not only “fails to enhance officer safety or reduce local crime” but also “may diminish police reputation in the mass public.” There is “a positive and strategically significant relationship between transfers [of military-grade weapons to law enforcement] and fatalities from officer-involved shootings.” The reasons for reform are plentiful:

• It perpetuates toxic masculinity and patriarchy. The toxic culture of police departments to be macho and hyper-masculine only intensifies as law enforcement agencies move to a more militarized approach to policing. The hierarchy established by masculinity principles of men over women, of white men over men of color, or of straight cisgender men over gay, bisexual, and transgender individuals adds to the risk of violence.

A study currently underway by a team of researchers at the University of Tampa suggests that sexism is a key predictor for support of military equipment in police departments, underscoring the argument that militarized law enforcement can be a serious threat to women and minorities.

By The Numbers

From 2006-2016, 1,5 million pieces of equipment were disbursed including:

- **1,385** Riot 12-gauge shotguns ($137,265)
- **8,198** Pistols (.38 and .45 caliber) ($491,769)
- **83,122** M16/M14 Rifles ($31.2 million)
- **5,638** Bayonets ($307,769)
- **57** Grenade launchers ($40,000+)
- **471** Helicopters ($158.3 million)
- **329** Armored trucks & cars ($21.3 million)
- **56** Airplanes ($271.5 million)
- **625** Mine resistant vehicles ($421.1 million)
THE GAO WAS ABLE TO CREATE A FAKE POLICE DEPARTMENT AND RECEIVE $1.2 MILLION IN CONTROLLED MILITARY ITEMS.

- It disproportionately impacts African-Americans. A 2018 study found that militarized law enforcement is more often deployed to communities with larger African-American populations. Every 10% increase in the number of African-Americans living in an area corresponded with a 10% increase in SWAT deployments per 100,000 residents.

- It increases civilian deaths. A 2017 study found that as law enforcement agencies received more military equipment, the expected number of civilians killed by police also increased. “In other words, moving from the minimum to the maximum expenditure values, on average, increases civilian deaths by roughly 129%” the study stated.

- It incentivizes militarization. The federal government requires agencies that receive 1033 equipment to use it within one year of receipt, so there can be no doubt that participation in this program creates an incentive for law enforcement agencies to use military equipment.

The militarization of law enforcement threatens human rights and erodes democratic norms. Police should not maintain a war-like posture against the communities they are sworn to serve and protect, and law enforcement should not treat those they encounter as enemy combatants. This behavior is reminiscent of authoritarian countries that often draw rebuke from the United States on human rights issues, and it undermines the country’s high public trust in the armed forces.

The trend of militarized policing increases the number of individuals killed by police and undermines public safety, while failing in its intent to protect officers.

RECORDED PROGRAM FAILURES

In addition to the recorded harms of militarized policing, there have been numerous recorded security issues with the 1033 program over the years:

- A 2017 Government Accountability Office (GAO) study found that the DLA was “not routinely requesting and verifying identification of individuals picking up controlled property or verifying the quantity of approved items prior to transfer.” This study also found that the DLA lacked reasonable assurance that it has the ability to prevent, detect, and respond to potential fraud and minimize associated security risks. The GAO was able to create a fake police department and receive approximately $1.2 million in controlled military items.

- States can be suspended and terminated from inclusion in the 1033 program over lost, stolen or missing items. According to a 2018 RAND Report, of 267 suspensions at the state level between 2014 and 2016, 23 percent were in North Carolina and 10 percent were in Montana. Eight states/territories—Alabama, Alaska, North Carolina, New Jersey, Minnesota, Ohio, Rhode Island, and the U.S. Virgin Islands—were entirely suspended.

- All 1033 equipment coming into Arizona goes through the Payson Police Department and makes its way to state and local law enforcement agencies. A two-year investigation by the Arizona Republic revealed that one local agency, the Pinal County Sheriff’s Office, doled out millions of dollars’ worth of military equipment to non-law enforcement agencies and planned to auction off some of its arsenal to raise revenue for itself.
LEGISLATIVE ACTION

FEDERAL LEVEL

In 2017, the Trump administration rescinded the Obama administration’s executive order aimed at restricting certain types of equipment that could be transferred under 1033 and increasing federal oversight, supervision, and training related to the program. To date, President Biden has not taken executive action on this issue.

There has been significant action in Congress in recent years to rein in or abolish the 1033 program. Most recently, in May 2021, Congresswoman Nydia Velázquez reintroduced H.R. 3227, the Demilitarizing Local Law Enforcement Act, which would fully repeal the 1033 program. A similar bipartisan bill, the “Stop Militarizing Law Enforcement Act,” led by Rep. Hank Johnson (GA-04), was reintroduced in March 2021 and would demilitarize our communities by severely curtailing the 1033 program. Rep. Johnson’s language was incorporated into the George Floyd Justice in Policing Act, which passed in the House of Representatives in both 2020 and 2021.

In the Senate, Senator Brian Schatz (D-HI) has led efforts to reform the 1033 program, securing a bipartisan majority on his amendment to the annual defense authorization bill that would have halted the transfer of certain military equipment under the 1033 Program. Unfortunately, the 60-vote threshold requirement of the filibuster rule prevented his amendment from passing.

As efforts continue to limit, and eventually end, the 1033 program at the federal level, building state and local support is vital to address transfers to individual police departments and protect our communities.

WHAT CAN WE DO?

State legislators play an important role in influencing legislation at the federal level. As elected officials, you represent both your constituents and their interests. However, as a state representative, you have unique insight as to how the 1033 program militarizes law enforcement agencies, and the effect this militarization has on marginalized communities and people of color. State elected officials are encouraged to tell their federal representatives to pass legislation to end or severely limit the DoD 1033 program, citing its abuses and harmful impacts on local communities.

Legislators can also make their voices and policy ideas heard through LTEs and op-eds. We’re available to help brainstorm and pitch ideas, if interested, as well as help you prepare for interviews and on-camera media opportunities.

STATE-LEVEL

States such as New Jersey and Illinois have passed legislation prohibiting the transfer of certain weapons and vehicles from the 1033 program. Additional states have added clauses which require public notification and/or hearings in order to inform the public of exactly what materials law enforcement is requesting and for what purposes. There are also various local and state requirements that enforce trans-
Breonna Taylor

Breonna Taylor, a 26-year old EMT, was shot eight times in her bed during a botched execution of a no-knock search warrant. The warrant was not meant for Breonna, and the SWAT raid that killed her used a battering ram, forcibly entering her residence without announcing who they were. This wanton killing of innocent people in their homes is a result of militarized domestic policing. Law enforcement agencies have become equipped to carry out these SWAT raids by the 1033 federal excess property program that provides local forces with military-grade weaponry, which needlessly escalates situations to become violent and deadly.

STATEWIDE EXAMPLES

- **Connecticut** passed a state bill that bans the use of controlled equipment, and requires law enforcement to notify the Legislature of all controlled equipment it possesses.

- **Illinois** passed a bill that bans state law enforcement agencies from participating and receiving equipment through federal programs.

- **Montana** passed a state bill in 2015 limiting the type of equipment law enforcement agencies can receive as well as prohibiting them from using federal funds to purchase equipment, effectively banning DOJ and DHS grant programs from providing equipment.

- **New Jersey** passed a state bill in 2015 requiring the approval of the local municipal authority for any law enforcement agency to participate or receive equipment from DoD.

- **Virginia** passed a state bill limiting the type of equipment local law enforcement agencies can use.

- **Washington** passed limitations on transfers of militarized equipment.

- **Washington, DC** passed a temporary ordinance banning the use of certain equipment and requiring public notification of police requesting equipment through a federal program.

WHAT CAN YOU DO?

State legislatures can enact stricter limits on how local law enforcement can apply and qualify for these federal programs, and they can place restrictions on the types of equipment law enforcement can obtain. State elected officials are encouraged to pass legislation to end or severely limit the DoD 1033 program, citing its abuses and harmful impacts on local communities.

LOCAL-LEVEL

Local elected officials can address the militarization of local law enforcement by enacting legislation that gives local elected officials greater oversight and authority over the transfer of military-grade equipment to local law enforcement agencies. Some cities, such as Seattle, have prohibited their police departments from participating in some of these programs altogether through municipal ordinance.

LOCAL EXAMPLES

- **Pima, AZ**: County Sheriff’s department an-
nounced it would be discontinuing its participation in the 1033 program.

- **Aurora, CO:** City Council is considering two 1033 proposals: 1) to end its police department’s participation in the 1033 program, as well as require it to give away all equipment obtained through the program, which was tabled, and 2) to require the Council’s approval for all equipment obtained through 1033.

- **Waterloo, IA:** City Council member proposed a resolution prohibiting the police department from applying for or receiving any equipment through 1033.

- **Albuquerque, NM:** City Council introduced legislation to end the 1033 program and provide an inventory of all military equipment.

- **Salt Lake City, UT:** Considering an ordinance prohibiting the use of city funds to buy certain equipment, requires city notification and/or approval for the purchase or transfer of any equipment, and requires at least one public hearing detailing all police requests for federal equipment.

- **Burlington, VT:** Opted out in 2015.

- **Seattle, WA:** Passed city ordinance 3.28.140 to ban the Seattle Police Department’s participation in the 1033 program.

- **Madison, WI:** Common Council recently considered a proposal to prohibit its police department from using any item valued over $50,000 without prior council approval. The police department is also required to submit a bi-annual report on all 1033 equipment it receives, and prohibits specific equipment like bayonets, grenade launchers, explosives, armor-piercing firearms, tracked combat vehicles and weaponized drones.

**WHAT CAN YOU DO?**

Local Progress, a national network for progressive elected officials from cities and counties around the country, has a wonderful toolkit for demilitarizing local law enforcement that includes policy ideas for the local level. As our focus is on the federal and state level, we encourage interested partners to visit their website and download their toolkit.

**WHO DOES IT IMPACT?**

- All 50 states and three territories

- The “War on Drugs” disproportionately impacts minority — particularly Black — communities.

- 54% of people impacted by SWAT deployments to execute search warrants were Black or Latino, and 61% of all the people impacted by SWAT raids in drug cases were minorities.

- Immigration enforcement and school discipline authorities are also eligible for weapons transfers.
MEDIA RESOURCES

Whether it is to advance legislation you introduce in your state or to educate your constituents about the harm the 1033 program causes, getting your voice out in the media is crucial. The WAND team is available to support you in creating a media plan to elevate your leadership on demilitarizing the police. We can help brainstorm, draft, and pitch letters to the editor and op-eds, create a social media campaign, and help you prepare for interviews and on-camera media opportunities.

WiLL members have access to on-demand training through our Will Members Portal. Head there to learn about:

- Mechanics of a Media Interview
- Op-ed Writing and Pitching
- The Power of Speechwriting and Storytelling
- Social Media 101
- Twitter 202
- Facebook

TALKING POINTS

Here are some important points to highlight throughout your public engagements and online presence:

There is poor government oversight of the program.

- The Government Accountability Office was able to create a fake police department and receive approximately $1.2 million in controlled military items. The Pentagon did not verify the identity of individuals picking up military weapons through 1033, nor did they verify the quantity of military weapons transferred.

- From FY14-FY16, nearly 300 Law Enforcement Agencies were suspended or terminated from the 1033 program. The most frequent justification was “lost, missing, or stolen weapons.”

- The DoD does not provide training for law enforcement agencies that receive controlled property.

The 1033 Program militarizes our police force and our communities.

- The distribution of controlled items actually increases police violence.

- Research suggests that officers with military hardware and mindsets will resort to violence more quickly and often.

- Police tactics have also trended towards militarism along with the equipment and spending. For example, SWAT teams were originally developed for emergency responses but have increasingly become a tool for home searches for drugs. Today, 89% of police departments have a SWAT team, a huge increase since the 1960s.

- Communities peacefully protesting racial injustice are coming face to face with militarized police forces, like in Ferguson, Missouri,
and actual military police battalions, as seen in Washington, DC.

The 1033 Program does not work as intended

• The government requirement to use equipment within a year of receipt incentivizes the police forces to use the equipment unnecessarily.

• Special weapons and tactics teams are deployed more often in communities of color but they do not provide detectable benefits in increasing officer safety or reducing violent crime. Military grade weapons transfers do not actually reduce crime.

OPINION PIECES AND LETTERS TO THE EDITOR

Opinion/op-ed pieces and letters to the editors (LTEs) are important tools you can use to spread your message. They are widely read, can illuminate a perspective not being covered by reporters, spur community action, and influence other elected officials and leaders. Read a published piece by Representative Carol Ammons on the following page and watch our Op-Ed 101 training here.

External resources:

• Senator Warren’s How to Write an LTE
• ReThink Media’s A Millennial Guide Companion: Where to Pitch Your Op-ed
• OpEd Project Tips and Tricks
• OpEd Project Submission Information

SOCIAL MEDIA

If you would like a custom graphic with state-specific data please reach out to sblake@wand.org.

Social media posts:

• Law enforcement officers are civil servants, not an occupying military force. A police force that uses military tactics and equipment meant to fight a foreign enemy only escalates hostility and violence. We must end the police militarization in the U.S. #End1033

• Studies show the militarization of U.S. police increases the likelihood of deaths, especially for people of color. We must stop the transfer of military equipment to police officers and demilitarize our law enforcement agencies. #End1033

• Reforming the 1033 program will save the lives of both civilians and law enforcement. Tell your Members of Congress to support reining in the 1033 program today. #End1033

• American cities are not battlefields, and no local law enforcement needs to be equipped with weapons designed for war. Demilitarizing our police force will make our communities safer. #End1033

• Transferring military equipment to local police departments encourages excessive military spending. It is time to end this fiscally irresponsible program. #End1033

• The GAO created a fake police department and received approximately $1.2 million in controlled military items. If the 1033 program can’t prevent fraud and misuse of military grade materials, it has no business distributing those materials. #End1033 https://www.wired.com/story/gao-sting-defense-department-weapons/

• The Pinal County Sheriff’s Office in AZ doled out millions in military equipment to non-law enforcement agencies, and planned to auction 1033 equipment to raise its own revenue. Distributing military grade items into local communities is unnecessary and unsafe. #End1033

• Agencies that receive military equipment through the 1033 program are required to use it within one year, motivating militarization and excessive force. #End1033 https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police

• The more military equipment a law enforcement agency receives, the higher the number of civilians killed by police. #End1033

• “Moving from the minimum to the maximum expenditure values, on average, increases civilian deaths by roughly 129%” the study stated. https://journals.sagepub.com/doi/pdf/10.1177/2053168017712885
Op-Ed: Pentagon budget tied to failed COVID-19 response and police militarization

by Rep. Carol Ammons

We are currently living through two life-altering crises: the COVID-19 pandemic and the long-overdue uprising against racial injustice within our communities. While these may seem like two separate issues, what binds them is how our government has responded. We failed to have the necessary resources to respond to COVID-19 and we responded to police brutality and peaceful protests for racial equality with an uncalled for show of force, equipping our local law enforcement with military-grade weapons.

It’s clear that our priorities are out of whack.

The excess weapons, technology and gear generated by the Pentagon make their way down to our local law enforcement agencies through avenues like the Pentagon’s 1033 program. Under this program, the Defense Department sends high quality but slightly dated equipment to municipal police departments, opening up room for Pentagon officials to justify maintaining, or even increasing, their already obscene three-quarters-of-a-trillion-dollar budgets. This is both unnecessary and counterproductive, as it only serves to militarize our local police forces and line the pockets of multi-billion dollar defense corporations.

Our communities do not need, nor did they ask for, military equipment. Instead, the government could be spending these taxpayer dollars on essential resources like supplies for health care workers or stimulus money for small businesses. Under the guise of security, this misallocation of funds is harming Americans both physically and fiscally.

The Pentagon can’t solve all of our problems. To confront a global pandemic, health care workers and disease experts are the best people for that job, not the military. Increasing the Pentagon’s budget to support pandemic response would only continue the misuse of our resources. I recently joined dozens of state legislators from around the country to urge Washington to use its power of the purse to prioritize people in states like ours over nuclear weapons, bureaucratic waste and endless war. We need to start putting money into other agencies that are better equipped to confront the challenges we face.

Now, as our nation looks ahead to economic recovery, government officials have the opportunity to reallocate resources to more effectively help everyday Americans. Last year, taxpayers in Illinois sent $33.7 billion to Washington for the Pentagon’s coffers. For each taxpayer in our state, that’s $3,735.35, the equivalent of three to four months of mortgage payments. And half of that money went to private weapons contractors, including $2.2 billion (or $248.07 per taxpayer) to one Maryland-based defense corporation alone.

The excessive military budget can be put toward initiatives at the state and local level that will address the everyday needs of real Americans.

The inflated Pentagon budget affects each and every American. Experts from across the ideological spectrum have warned that spending too much on endless wars and the Pentagon makes us less, not more safe. Money spent on excess military equipment could be used to buy our health care heroes personal protective equipment (PPE) and medical tools as they work on the front lines of this pandemic.
The excessive military and nuclear weapons can be put towards initiatives at the state and local level that will address the everyday needs of Americans. Congress has a unique opportunity right now to include an amendment to the National Defense Authorization Act (NDAA) that would cut the topline Pentagon budget by ten percent, or $74 billion dollars. Considering that the Pentagon has returned $80 billion in recent years because it could not spend it, this seems like a reasonable proposition. Meanwhile, in Illinois, a $74 billion investment could fund any number of public programs, but the important thing to remember is that everything is connected.

In the midst of a pandemic, $74 billion could have been used to send 5.07 million monthly relief payments of $1,200 for one year or 2.03 billion Coronavirus tests in the same amount of time. How we use our money matters. One of the most disturbing parts of this program is how it normalizes militarization in underserved communities. For a country that seems concerned with human rights violations across the world, we’re particularly negligent when it comes to protecting our most vulnerable populations. Over militarizing communities can damage the collective psychology of a neighborhood. Funding the programs that would actually help us through this pandemic isn’t just cost-effective, it’s the humane solution.

I urge our representatives in Washington – especially U.S. Reps. Danny Davis, Rodney Davis, Robin Kelly, Mike Quigley, Bobby Rush and Jan Schakowsky and Sens. Tammy Duckworth and Dick Durbin – to advocate for a reduced Pentagon budget, because our communities need leaders who will fight for them, not for the Washington bureaucracy. For anyone who prefers not to live in a world where U.S. military assets can be swiftly mobilized for domestic affairs but we are unprepared with even the most basic supplies and personnel against a virus that has killed more Americans than in World War I, we need to demand more of our federal leaders and budgets. This starts with urging their support now for proposals to redirect a fraction of Pentagon spending to support human needs, along with other efforts to curtail or end the 1033 program’s transfer of military equipment to local police.

Resolving the current threats to our country will not be solved by building more tanks, armored vehicles or buying more military equipment. They will be solved by rethinking our priorities and giving resources back to our communities.

Read the article online.

[THE 1033 PROGRAM] IS BOTH UNNECESSARY AND COUNTERPRODUCTIVE, AS IT ONLY SERVES TO MILITARIZE OUR LOCAL POLICE FORCES AND LINE THE POCKETS OF MULTI-BILLION DOLLAR DEFENSE CORPORATIONS.

- REPRESENTATIVE CAROL AMMONS
SAMPLE LEGISLATION

Use this sample language as a starting point to draft your own legislation to demilitarize law enforcement agencies in your state.

INTRODUCTORY TEXT

The militarization of local law enforcement in the United States contributes to the abuse of power by police and undermines public safety;

Militarized policing escalates hostility and erodes the trust between officers and the communities they are sworn to protect and serve;

Research has shown that people of color tend to disproportionately bear the harmful impacts of a militarized police force;

The federal government and the state of [STATE NAME] have failed to provide reasonable restrictions and oversight on the use of military grade weapons by law enforcement; and

POLICY ANGLES

STATE APPROVAL AND REVIEW OF 1033 PARTICIPATION:

A. An application for the enrollment of a county or municipal law enforcement agency in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit prior to the transmittal of any such application to the State Coordinator of any such program.

B. The acquisition of any property by a county or municipal law enforcement agency enrolled in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit.

C. As used in this section, “county or municipal law enforcement agency” means and includes, but is not limited to, a county or municipal police department or force, a county corrections department, and a
ATTORNEY GENERAL APPROVAL AND OVERSIGHT

A. The Attorney General shall direct the Office of Emergency Management to review the transfer of military equipment made available to law enforcement agencies in this State pursuant to the provisions of [insert number] The review shall include, but not be limited to, a historical overview of the operation of this federal program in this State and an analysis of the current policies on the distribution of equipment and whether this distribution correlates to the needs of the requesting law enforcement agency. Based on the findings of this review, the Attorney General, in consultation with the Superintendent of State Police, the Director of the Division of Criminal Justice, and the county prosecutors, shall determine if applicable policies, procedures, and guidelines currently governing the program should be revised.

B. Approval of a transfer shall be based on criteria developed by the Attorney General which shall include, but not be limited to: (1) a showing of a demonstrated need for the equipment by the local law enforcement agency; (2) a determination of whether specialized training is necessary for safe usage of the equipment; and (3) equipment storage and maintenance requirements.

LIMITATIONS ON FEDERAL PROPERTY TRANSFERRED

Limitations on excess property provided to local law enforcement -- definitions. (1) A law enforcement agency may not receive the following property from a military equipment surplus program operated by the federal government:

A. Drones that are armored, weaponized, or both.
B. Aircraft that are configured for combat or are combat-coded and have no established commercial flight application.
C. Tear Gas.
D. Bayonets.
E. Grenades or similar explosives, or grenade launchers.
F. “Kinetic impact munitions,” including impact rounds and baton rounds, such as rubber batons, bean bag rounds, foam baton rounds, and plastic, wax, wood, or rubber-coated projectiles.
G. Armor-piercing firearms and ammunition.
H. Weapons designed to primarily have a military purpose including machine guns, mortars, rocket-propelled grenades, flamethrowers, grenade launchers, anti-tank weapons, recoilless rifles, and crew-served weapons.
I. Armored multi-wheeled vehicles that are mine-resistant, ambush-protected, and configured for combat from a surplus program operated by the federal government.

If a law enforcement agency purchases property from a military equipment surplus program operated by the federal government, the law enforcement agency may only use state or local funds for the purchase. Funds obtained from the federal government may not be used to purchase property from a military equipment surplus program. (3) For purposes of this section, “law enforcement agency” means a law enforcement service provided by a local government as authorized in [STATE CODE]

Another option:

The [State] [State Police/Police Department/Sheriff’s Department] shall not request or receive from any military
equipment surplus program nor purchase or otherwise utilize the following equipment: (1) tracked armored vehicles; (2) weaponized aircraft, vessels, or vehicles; (3) firearms of .50-caliber or higher; (4) ammunition of .50-caliber or higher; (5) grenade launchers; or (6) bayonets.

**LANGUAGE RESOLUTION TO END PARTICIPATION IN THE 1033 PROGRAM**

A sheriff’s department/state police/police department may not enroll in or receive any property from any program established by the United States Department of Defense under 10 U.S.C. 2576a.

A. The regulation of enrollment in or receipt of property from any program established by the United States Department of Defense under 10 U.S.C. 2576a are exclusive powers and functions of the State. A home rule county may not regulate the enrollment in or receipt of property from any program established by the United States Department of Defense under 10 U.S.C. 2576a. This section is a denial and limitation of home rule powers and functions under Article XXX of the [STATE] Constitution.

B. A police department may not enroll in or receive any property from any program established by the United States Department of Defense under 10 U.S.C. 2576a.

C. The regulation of enrollment in or receipt of property from any program established by the United States Department of Defense under 10 U.S.C. 2576a are exclusive powers and functions of the State. A home rule municipality may not regulate the enrollment in or receipt of property from any program established by the United States Department of Defense under 10 U.S.C. 2576a. This section is a denial and limitation of home rule powers and functions under Article XXX of the [STATE] Constitution.

**PUBLIC NOTIFICATION OF LAW ENFORCEMENT PARTICIPATION:**

If [State] [State Police/Police Department/Sheriff’s Department] requests other [or any] property not prohibited by this Section from a military equipment surplus program, the [State] [State Police/Police Department/Sheriff’s Department] shall publish notice of the request on a publicly accessible website maintained by the [state] [police department] within 14 days after the request.
ADDITIONAL RESOURCES

EDUCATIONAL ARTICLES

A. The Marshall Project: See What Your Local Agency Received from the Department of Defense
B. ACLU: Police Militarization
C. Campaign Zero: Demilitarization
E. Congressional Research Service: The “1033 Program,” Department of Defense Support to Law Enforcement
F. Brown University: The Wars Are Here: How the Post-9/11 Wars Helped Militarize U.S. Police

RESEARCH

A. Militarization and policing – its relevance to 21st century police, by Peter B. Kraska.
B. War Comes Home: The Excessive Militarization of American Policing, by the ACLU.
C. The role of masculinity in reforming police departments, by Ronald F. Levant and Shana Pryor.
D. Militarization and police violence: The case of the 1033 program, by Casey Delehanty, Jack Mewhirter, Ryan Welch and Jason Wilks.
F. UT Team Researches How Officer Attitudes Toward Gender Affect Police Militarization.
G. Police Militarization and the War on Citizens, by Jeff Adachi.