



AB 3131(Gloria & Chiu): Transparency and Accountability in Military Equipment Acquisition

Summary:

This bill will require all law enforcement agencies to obtain approval by its governing body prior to applying to receive military equipment made available under the federal military equipment surplus program.

Background:

Generally, state and local law enforcement agencies have obtained military equipment from two sources – the federal government or private companies.

The U.S. Department of Defense 1033 Program allows surplus U.S. military equipment to be transferred to municipal police departments free of charge. According to the Defense Logistics Agency, which oversees the 1033 Program, over 8,000 federal and state law enforcement agencies from all 50 states and the U.S. territories participate in the program.

Similarly, state and local law enforcement agencies can purchase military equipment from private companies. These purchases are typically made using federal grants, administered by the Department of Homeland Security or the Department of Justice, and may be used for policing programs, training, equipment, personnel, or weapons.

Over the last several decades, the acquisition of military equipment by state and local entities has become a more frequent occurrence. For example, as reported in 2014, Los Angeles School Police Department received 61 M16 assault rifles, three M79 grenade launchers, and one mine-resistant vehicle. Similarly, San Diego Unified School District acquired a mine-resistant ambush protected vehicle but ultimately returned the tank following negative responses from the community.

This bill:

Specifically, this bill:

- Requires all law enforcement agencies, as defined, to receive approval from its governing body before requesting military equipment or seeking funds for military equipment.

- Conditions the approval process on a majority vote of its governing body, by ordinance, at a regularly scheduled hearing held pursuant to the Ralph M. Brown Act.
- Requires approval of the Military Equipment Impact Statement, which, among other things, describes each piece of military equipment and its intended use.
- Requires approval of the Military Equipment Use Policy, which, among other things, addresses the specific purpose each piece of equipment is intended to achieve and the course of training required of those operating the equipment.

Purpose

President Obama recognized the need to improve Federal support for the appropriate use, acquisition, and transfer of controlled equipment by law enforcement agencies. Under his Executive Order #13688, stakeholders convened and developed a number of recommendations to, among other things, harmonize federal acquisition processes.

Yet, last August under the current federal administration, Executive Order #13688 was rescinded along with any semblance of oversight of the 1033 Program.

AB 3131 is necessary because the lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

Support:

ACLU of California (co-sponsor)

Indivisible CA: Statestrong (co-sponsor)

Opposition:

None on file

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