



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

Summary:

This bill will require all law enforcement agencies to obtain approval by their governing bodies 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:

American Civil Liberties Union of California [co-sponsor]
Friends Committee on Legislation of California [co-sponsor]
Indivisible CA: StateStrong [co-sponsor]
Alliance San Diego
American Friends Service Committee
American Solidarity Movement
A New PATH
Anti Police-Terror Project
Burbank Indivisible Against Hate
California Council of Churches IMPACT
California Immigrant Policy Center

California Immigrant Youth Justice Alliance
Californians United for a Responsible Budget
Campaign Zero
CD4 Indivisible Network
Change Begins With Me, Indivisible in California Assembly District
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Cloverdale Indivisible
Council on American-Islamic Relations, California
Courage Campaign
Defending Our Future, Indivisible in CA 52nd District
Ella Baker Center for Human Rights
Fair Chance Project
Indivisible Auburn CA
Indivisible Blossom Manor Los Gatos
Indivisible CA-25 Simi Valley Porter Ranch
Indivisible California District 33
Indivisible CA 39
Indivisible Los Angeles, CA-43
Indivisible 49
Indivisible CA 50
Indivisible Central Contra Costa County
Indivisible Colusa County
Indivisible East Bay
Indivisible Healdsburg
Indivisible Marin
Indivisible Sacramento
Indivisible: San Diego Central
Indivisible San Diego Districts 52/53
Indivisible Sausalito
Indivisible Ventura
Indivisible Watu
Justice Teams Network
LA Resisters Indivisible
Legal Services for Prisoners with Children
Lockwood perSisters
MALDEF
Media Alliance
Oakland Privacy
Orange County Congregation Community Organization
Orinda Progressive Action Alliance
PICO California
Root & Rebound
San Diego Indivisible Downtown
San Diego Organizing Project
Santa Cruz Indivisible
Southeast Asia Resource Action Center
TGI Justice Project
The Indivisibles of Sherman Oaks
The Resistance – Northridge, Indivisible
Together We Will – Los Gatos
United Farm Workers
Voices for Progress

Los Angeles County Professional Peace Officers Association
Peace Officers Research Association of California
Sacramento County Deputy Sheriffs' Association

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Opposition:

Association of Orange County Deputy Sheriffs
California Police Chiefs Association
California State Sheriffs' Association
Fraternal Order of Police
Long Beach Police Officers Association