



## 1033 Program & Police Militarization

The 1033 program enables the Department of Defense to transfer surplus military equipment to federal, state, local, and tribal law enforcement—even school systems or homeless assistance providers.<sup>i</sup> **Militarization has permeated our society. The Pentagon has transferred \$6 billion in equipment since the program’s creation in 1991**, when transfers were originally designated for counter-drug activities and the vast majority went to border states.<sup>ii</sup> The 1997 National Defense Authorization Act (NDAA) created the 1033 program as we know it today.<sup>iii</sup> A reported 79,288 assault rifles, 205 grenade launchers, and 11,959 bayonets transferred through the 1033 program between 2006 and 2014.<sup>iv</sup>

**The 1033 program is one piece of a larger trend towards militarized policing in the United States.** The Department of Homeland Security gave over \$34 billion in grants to police forces since September 11<sup>th</sup>, 2001. Police can use these funds to purchase drones and Mine-Resistant Ambush Protected vehicles (MRAPs).<sup>v</sup> 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.<sup>vi</sup> Today 89% of police departments have a SWAT team, a huge increase since the 1960s.<sup>vii</sup>

### Breaking Communities

Militarized policing particularly affects black and immigrant communities. In a 2011 and 2012 analysis of SWAT deployments to execute search warrants, 54% of people impacted were black or Latino. This analysis was aptly titled “War Comes Home.”<sup>viii</sup> The police response to nonviolent protests in Ferguson, Missouri after Officer George Wilson killed Michael Brown was just one snapshot of the military appearance and caliber of weaponry that further alienates communities of color, instead of providing safety. Images from the unrest might lead one to think it was a warzone not a suburb.



Police in riot gear confront a man in Ferguson, Missouri, on August 11, 2014. (Jeff Roberson/AP)

**Beyond police departments, immigration enforcement and school discipline authorities are also eligible for weapons transfers.** The 1033 program has supplied Department of Homeland Security agencies on the southern border with military equipment since its early stages.<sup>x</sup> School districts from Georgia to Utah have also acquired automatic rifles under the 1033 program.<sup>x</sup>

## Poor Oversight

Especially over the last 10 years, mismanagement has plagued the 1033 program. Military grade weapons have been sent with little or no accountability to local communities. **Reports of missing equipment and inappropriate transfers prompted a moratorium on the program from May 2012 through October 2013.** Missing weapons and a failure to comply with guidelines also led to the **suspension of three entire states and 146 individual law enforcement agencies** from the 1033 program by 2014.<sup>xi</sup>

A Government Accountability Office (GAO) report from July 2017 reveals an ongoing lack of accountability.<sup>xii</sup> **The GAO created a mock police department, using the address of a vacant parking lot, and received approximately \$1.2 million in controlled military items.** The materials received, including simulated rifles and pipe bombs, were able to be modified into lethal weapons with commercially available products. Recipients routinely did not even have to show identification to receive the materials.

## Stop Militarizing Law Enforcement Act (S. 1856 and H.R. 1556)

Senators Paul (R-KY) and Schatz (D-HI) and Rep. Hank Johnson (D-GA-4) have introduced the bipartisan Stop Militarizing Law Enforcement Act (SMLA) in both chambers to set limits and standards on the 1033 program. The legislation would:

- Prohibit transfers of certain types of weapons, vehicles and tactical equipment;
- Introduce oversight and accountability measures for local jurisdictions to continue receiving equipment; and
- Mandate new training for law enforcement.

**The spillover of weapons of war into our local communities and borders foments an adversarial relationship with law enforcement and may lead to more violence in communities.** As a Quaker body, we seek a world free of war and the threat of war. Our massive spending to wage endless war abroad creates surplus reserves of excess materials. Those reserves become weapons with 18,000 destinations back here at home.

**We support the Stop Militarizing Law Enforcement Act and urge members of Congress to join in support.** When we decrease high-powered weapons and vehicles entering communities, we help prevent tragedies in communities.

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- <sup>i</sup> Congressional Research Service: Defense Surplus Equipment Disposal, Including the Law Enforcement 1033 Program <https://fas.org/sgp/crs/natsec/RS20549.pdf>
- <sup>ii</sup> U.S. News and World Report: Border War: Pentagon Program Sends Military Gear South <https://www.usnews.com/news/articles/2014/09/17/pentagon-1033-program-sends-surplus-military-gear-to-us-borders>
- <sup>iii</sup> National Defense Authorization Act for Fiscal Year 1997 <https://www.congress.gov/bill/104th-congress/house-bill/3230/text>
- <sup>iv</sup> NPR: MRAPS and Bayonets: What We Know About the Pentagon's 1033 Program <https://www.npr.org/2014/09/02/342494225/mraps-and-bayonets-what-we-know-about-the-pentagons-1033-program>
- <sup>v</sup> CBS: Militarized Police Forces Come Under Congressional Scrutiny <https://www.cbsnews.com/news/militarized-police-forces-come-under-congressional-scrutiny/>
- <sup>vi</sup> ACLU: War Comes Home: The Excessive Militarization of American Police <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police>
- <sup>vii</sup> Oxford University Press: Militarization and Policing—Its Relevance to 21st Century Police <http://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf>
- <sup>viii</sup> Ibid vii
- <sup>ix</sup> Ibid ii
- <sup>x</sup> NAACP-LDF and Texas Appleseed letter to Defense Logistics Agency Director Harnitchek [http://www.naacpldf.org/files/case\\_issue/LDF-Texas%20Appleseed-1033%20Letter.pdf](http://www.naacpldf.org/files/case_issue/LDF-Texas%20Appleseed-1033%20Letter.pdf)
- <sup>xi</sup> ABC/Fusion: Military Guns Missing From Police Agencies <http://abcnews.go.com/Politics/abcfusion-investigation-military-guns-missing-police-agencies/story?id=25185891>
- <sup>xii</sup> DOD Excess Property: Enhanced Controls Needed for Access to Excess Controlled Property <https://www.gao.gov/products/GAO-17-532>