

CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-95 ENACTMENT NO. _____

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1 **RESOLUTION**

2 **PROHIBITING THE POLICE DEPARTMENT FROM APPLYING FOR OR**
3 **RECEIVING CERTAIN SURPLUS MILITARY EQUIPMENT FOR CIVILIAN LAW**
4 **ENFORCEMENT USE**

5 WHEREAS, the National Defense Authorization Act of Fiscal Year 1997
6 allows for US Department of Defense, through the Law Enforcement Support
7 Office in the Defense Logistics Agency (DLA-LESO) to transfer to local law
8 enforcement agencies surplus military equipment for civilian law enforcement
9 use through a program commonly known as the “1033 program”; and

10 WHEREAS, the DLA-LESO reports that since the program’s inception more
11 than \$7.8 billion in military equipment has been provided to local law
12 enforcement agencies, including the Albuquerque Police Department; and

13 WHEREAS, In 2014, US Attorney General Eric Holder announced a review
14 of the 1033 program stating, “displays of force in response to mostly peaceful
15 demonstrations can be counterproductive,...it makes sense to take a look at
16 whether military-style equipment is being acquired for the right purposes and
17 whether there is proper training on when and how to deploy it;” and

18 WHEREAS, studies have shown and diverse groups from the Charles Koch
19 Institute and the American Civil Liberties Union have concluded that the
20 militarization of police erodes public trust and leads to increased police
21 violence, while the use of military grade weapons has not been show to
22 significantly reduce crime; and

23 WHEREAS, although the 1033 program offers military grade weaponry,
24 armored vehicles, and other lethal equipment not appropriate for use by a
25 municipal police force, the program also offers non-lethal resources such as

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1 construction and training supplies and equipment such as first aid kits,
2 cameras and computers; and

3 WHEREAS, the City of Albuquerque should no longer acquire military
4 equipment designed specifically for warfare associated with national defense,
5 which has no justifiable use in a local law enforcement department like APD,
6 but should not limit its ability to acquire equipment that serves other helpful
7 purposes consistent with APD's mission and growth toward constitutional
8 community policing; and

9 WHEREAS, in 2015, President Barack Obama signed Executive Order 13688
10 limiting the type of military equipment available for local acquisition through
11 the 1033 program, but which was eliminated in 2017; and

12 WHEREAS, The City should continue to limit its acquisitions under the
13 1033 program to those items identified as appropriate under Executive Order
14 13688.

15 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
16 ALBUQUERQUE:

17 SECTION 1. The Albuquerque Police Department is hereby prohibited from
18 applying for or receiving any surplus military property listed on the 'Prohibited
19 Equipment List' (Recommendation 1.1) or the 'Controlled Equipment List'
20 (Recommendation 1.2) of Presidential Executive Order 13688 for civilian law
21 enforcement use from the US Department of Defense, as identified in Section 2
22 below.

23 SECTION 2. Recommendation 1.1 and 1.2 equipment lists:

24 RECOMMENDATION 1.1 LIST:

25 • Tracked Armored Vehicles: Vehicles that provide ballistic protection to
26 their occupants and utilize a tracked system instead of wheels for forward
27 motion.
28 • Weaponized Aircraft, Vessels, and Vehicles of Any Kind: These items will
29 be prohibited from purchase or transfer with weapons installed.

30 • Firearms of .50-Caliber or Higher

31 • Ammunition of .50-Caliber or Higher

32 • Grenade Launchers: Firearm or firearm accessory designed to launch
33 small

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1 • Bayonets: Large knives designed to be attached to the muzzle of a
2 rifle/shotgun/long gun for the purposes of hand-to-hand combat.

3 • Camouflage Uniforms: Does not include woodland or desert patterns or
4 solid color uniforms.

5 **RECOMMENDATION 1.2 LIST:**

6 • Manned Aircraft, Fixed Wing: Powered aircraft with a crew aboard, such
7 as airplanes, that use a fixed wing for lift.

8 • Manned Aircraft, Rotary Wing: Powered aircraft with a crew aboard, such
9 as helicopters, that use a rotary wing for lift.

10 • Unmanned Aerial Vehicles: A remotely piloted, powered aircraft without a
11 crew aboard.

12 • Armored Vehicles, Wheeled: Any wheeled vehicle either purpose-built or
13 modified to provide ballistic protection to its occupants, such as a Mine-
14 Resistant Ambush Protected (MRAP) vehicle or an Armored Personnel Carrier.
15 These vehicles are sometimes used by law enforcement personnel involved in
16 dangerous operating conditions, including active shooter or similar high-
17 threat situations. These vehicles often have weapon-firing ports.

18 • Tactical Vehicles, Wheeled: A vehicle purpose-built to operate on- and off-
19 road in support of military operations, such as a HMMWV (“Humvee”), 2.5-ton
20 truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached.
21 These vehicles are sometimes used by law enforcement in rough terrain or
22 inclement weather for search and rescue operations, as well as other law
23 enforcement functions.

24 • Command and Control Vehicles: Any wheeled vehicle either purpose-built
25 or modified to facilitate the operational control and direction of public safety
26 units responding to an incident. Command and Control vehicles provide a
27 variety of capabilities to the incident Commander, including, but not limited to,
28 the provision for enhanced communications and other situational awareness
29 capabilities.

30 • Specialized Firearms and Ammunition Under .50-Caliber (excludes
31 firearms and ammunition for service-issued weapons): Weapons and
32 corresponding ammunition for specialized operations or assignment. This
33 excludes service issued handguns, rifles, or shotguns that are issued or

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1 approved by the agency to be used during the course of regularly assigned
2 duties.

3 • **Explosives and Pyrotechnics:** Includes “flash bangs” as well as explosive
4 breaching tools often used by special operations units.

5 • **Breaching Apparatus (e.g. battering ram or similar entry device):** Tools
6 designed to provide law enforcement rapid entry into a building or through a
7 secured doorway. These tools may be mechanical in nature (a battering ram),
8 ballistic (slugs), or explosive.

9 • **Riot Batons (excluding service-issued telescopic or fixed-length straight**
10 **batons):** Non-expandable baton of greater length (generally in excess of 24
11 inches) than service-issued types and are intended to protect its wielder
12 during melees by providing distance from assailants.

13 • **Riot Helmets:** Helmets designed to protect the wearer’s face and head
14 from injury during melees from projectiles including rocks, bricks, liquids, etc.
15 Riot helmets include a visor which protects the face.

16 • **Riot Shields:** Shields intended to protect wielders from their head to their
17 knees in melees. Most are designed for the protection of the user from
18 projectiles including rocks, bricks, and liquids. Some afford limited ballistic
19 protection as well. Riot shields may also be used as an offensive weapon to
20 push opponents.

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