



Legislation Details (With Text)

File #: R-20-65
Type: Resolution **Status:** Failed
File created: 6/15/2020 **In control:** City Council
Final action: 8/17/2020
Enactment date: **Enactment #:**

Title: Prohibiting The Police Department From Applying For Or Receiving Surplus Military Equipment For Civilian Law Enforcement Use; Requiring The Police Department To Provide An Inventory Of Equipment (Davis, Sena)

Sponsors:

Indexes:

Code sections:

Attachments: 1. R-65

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------------|--|--------|
| 8/17/2020 | 1 | City Council | Amended | Fail |
| 8/17/2020 | 1 | City Council | Amended | Fail |
| 8/17/2020 | 1 | City Council | Passed | Fail |
| 8/3/2020 | 1 | City Council | Accepted with a Recommendation Do Pass | |
| 7/16/2020 | 1 | Public Safety Committee | Sent to Council with a recommendation of Do Pass | Pass |
| 6/15/2020 | 1 | President | Referred | |
| 6/15/2020 | 1 | City Council | Introduced and Referred | |

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-65 ENACTMENT NO. _____

SPONSORED BY: Pat Davis and Lan Sena

RESOLUTION

Prohibiting The Police Department From Applying For Or Receiving Surplus Military Equipment For Civilian Law Enforcement Use; Requiring The Police Department To Provide An Inventory Of Equipment (Davis, Sena)

WHEREAS, the National Defense Authorization Act of Fiscal Year 1997 allows for US

Department of Defense, through the Law Enforcement Support Office in the Defense Logistics Agency (DLA-LESO) to transfer to local law enforcement agencies surplus military equipment for civilian law enforcement use through a program commonly known as the “1033 program”; and

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

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

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

WHEREAS, the accusation of military equipment under the 1033 Program requires our city to use of the military grade equipment within one year or the equipment must be returned and the city must pay for transportation, maintenance, and conversion costs of this equipment as well as fuel, insurance, storage, and training, while these funds could be put to better use funding community based programs that have been shown to successfully build up communities; and

WHEREAS, in 2015, President Barack Obama signed Executive Order 13688 limiting the type of military equipment available for local acquisition through the 1033 program, but in 2017 President Trump issued a new order repealing that prohibition; and

WHEREAS, The Defense Logistics Agency reports that the Albuquerque Police Department received and currently possesses the following DLA-LESO accountable property:

| <u>NSN</u> | <u>Item Name</u> | <u>Quantity</u> | <u>Acquisition Value</u> | <u>Ship Date</u> |
|------------------|--------------------------|-----------------|--------------------------|------------------|
| 1240-01-540-3690 | SIGHT,REFLEX | 39 | \$321.00 | 21-Apr-14 |
| 1240-01-528-8236 | FILTER,LIGHT,TELE INSTRU | 2 | \$524.00 | 29-Dec-15 |
| 1240-01-576-6134 | SIGHT,REFLEX | 1 | \$446.00 | 16-Jun-15 |
| 1240-01-492-5264 | SIGHT,HOLOGRAPHIC | 90 | \$587.61 | 26-Jun-14 |
| 1240-01-411-1265 | SIGHT,REFLEX | 19 | \$321.00 | 28-Jul-15 |
| 1240-01-576-6134 | SIGHT,REFLEX | 1 | \$446.00 | 16-Jun-15 |
| 1240-01-411-1265 | SIGHT,REFLEX | 39 | \$321.00 | 14-Jul-15 |
| 2355-01-590-1660 | MINE RESISTANT VEHICLE | 1 | \$733,000.00 | 13-Feb-14 |

| | | | | |
|------------------|---------------------|----|-------------|-----------|
| 1385-01-574-4707 | UNMANNED VEH,GROUND | 1 | \$10,000.00 | 6-Feb-14 |
| 1240-01-411-1265 | SIGHT,REFLEX | 23 | \$321.00 | 23-Sep-14 |

; and

WHEREAS, while the City of Albuquerque has not received surplus military equipment for law enforcement use since 2015, the City remains eligible for future allocations and the City Council does not desire to use that program now or in the future; and

WHEREAS, the Albuquerque Police Department maintains other equipment which serves dual military and civilian law enforcement, some of which may no longer be needed and should be removed from service.

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

SECTION 1. The Albuquerque Police Department is hereby prohibited from applying for or receiving surplus military property for civilian law enforcement use from the US Department of Defense.