

Oversight of Federal Programs for Equipping State and Local Law Enforcement

September 9, 2014

Senator Claire McCaskill

Opening Statement

Thank you Chairman Carper. I want to thank you for the interest that you and Dr. Coburn have shown in the topic of today's hearing. I know that your decision to elevate this hearing from my Subcommittee to the full Committee level is a token of your commitment to oversight of these very important issues.

I first approached Chairman Carper to hold this hearing because of the shock I felt as I saw events unfolding in Ferguson, Missouri, in the weeks following the death of Michael Brown. I heard reports from my constituents about aggressive police actions being used against protesters, well before any violence occurred. Like many of you, I saw armored vehicles with a sniper pointing a rifle at unarmed protesters in the middle of the day. I was shocked to see the way that the police were deploying this military equipment against residents of Missouri who were exercising their first amendment rights.

The federal government has played a significant role in enabling police departments across the country to acquire the military weapons, vehicles, and other types of equipment we saw used in Ferguson.

The Department of Defense's 1033 program, which was authorized in its current form in 1997, gives away DOD's surplus equipment, for free, to state and local law enforcement. Much of the equipment from the program is as mundane as office furniture and microwaves, but DOD is also giving local law enforcement million dollar tactical vehicles, including its Mine-Resistant, Ambush-Protected vehicle, or M-RAP. M-RAPs are heavy armored vehicles built to withstand

roadside bombs and improvised explosive devices. These are vehicles so heavy that they can tear up roads, and DOD knows this. Yet it continues to provide these vehicles to local law enforcement agencies here.

According to information provided by DOD, in just the last three years, DOD has given 624 M-RAPs to state and local law enforcement agencies, seemingly without regard to need or the size of the agency. At least 13 law enforcement agencies with fewer than ten full-time sworn officers received an M-RAP in the last three years.

The number of M-RAPs in the possession of local police and sheriffs' departments is now far higher than the M-RAPs in the possession of the National Guard. In Texas, for example, local law enforcement agencies have 73 M-RAPs; the National Guard has 6. In Florida, local law enforcement agencies have 45 M-RAPs and the National Guard has 0. I would like to ask for unanimous consent that the information provided to me from the Defense Department be included in the hearing record.

I question whether state and local law enforcement agencies need this kind of equipment. One of the key lessons learned throughout the Iraq and Afghanistan wars was the idea that we had to win hearts and minds, and one of the ways the military tried to do that was by acting more like a police force – working with communities, helping to repair broken windows and damaged property and trying to appear less militaristic with their presence in the communities. It is ironic that the Defense Department's policies are now fostering the opposite mentality at home.

I also have questions about why the Defense Department is giving it away. According to the Defense Logistics Agency ("DLA"), approximately 36% of the equipment that is given away to law enforcement agencies is brand new. All of it – the weapons, tactical equipment, and

office supplies – is still usable, and identical or similar items will be needed and bought new by the Defense Department again. It doesn't appear that buying new equipment to give away – and then spending money to replace it – is an effective use of the Department's resources.

Local law enforcement agencies are also acquiring military-type equipment using grants from the Department of Justice and the Department of Homeland Security. In FY 2014, DHS made available over \$400 million under its State Homeland Security Program and another \$587 million under its Urban Area Security Initiative Grant Program. Although these grants can't be used to buy weapons, they can and do fund the purchase of armored vehicles and tactical equipment. And the Department of Justice's Byrne JAG Program, which received \$376 million in appropriations in FY14, gives state and local law enforcement agencies funding that can be used for everything from mobile data terminals and lethal and non-lethal weapons, to office supplies and uniforms.

These grant programs provide important assistance to state and local law enforcement agencies. However, it is impossible to tell how these federal funds are being spent because DHS and DOJ don't track the purchases or keep adequate data. So we can't know, just from asking these agencies, how much military equipment – or anything else – local law enforcement agencies are buying. In fact, it is possible that either or both of these programs are funding police departments to maintain and sustain the same equipment they're getting free from the Defense Department.

I am confident that many police departments are creating policies and providing training to ensure that any use of force is necessary and appropriate. And we must do everything we can

to make sure that our law enforcement officers – those brave men and women who have sworn to protect us – have the equipment they need to maximize their own safety.

But we also have to acknowledge that giving military-grade vehicles and weapons to every police officer and police force in America also comes with costs, both in the way officers are perceived and in the way this equipment is used. Officers dressed in military fatigues will not be viewed as partners in any community. Armored military vehicles, even if they are painted black and used with the utmost discretion are, by definition, intimidating.

And supplying communities with the capacity to acquire military equipment with no requirements that officers are trained on the proper use of the equipment, little visibility into the actual needs or capabilities of local forces, and inadequate guidelines directing their use, may just be asking for the kind of over-militarization that we saw in Ferguson.

I was happy to hear that the White House has launched its own review of the programs and policies that have driven police militarization, and I look forward to the results of that review. However, I understand that many of these issues many only be solved by legislation. I plan to build on what I learn today and work with my fellow senators in the coming weeks on legislation that will address the concerns raised today.

I thank the witnesses for being here today and I look forward to their testimony.