



NATIONAL FRATERNAL ORDER OF POLICE®

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13 June 2016

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Harry M. Reid
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Senators McConnell and Reid,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong support for efforts to include in S. 2943, the “National Defense Authorization Act for Fiscal Year 2017,” language which will restore the important equipment programs for State and local law enforcement and roll back the recently imposed limitations on the types of equipment that can be made available to law enforcement.

The FOP has long supported programs like the 1033 program, which is a surplus equipment program administered by the Defense Logistics Agencies (DLA) and the Law Enforcement Support Office (LESO) at the U.S. Department of Defense (DoD). In reaction to unfavorable news coverage of law enforcement response to large demonstrations, the Administration was suddenly concerned about our nation’s police becoming too “militarized.” In an effort to “demilitarize” the police, the Administration and Members of Congress identified this long-established program for elimination or reduction simply because it was administered by the DoD.

By Executive Order, the President established a Law Enforcement Equipment Working Group (LEEWG) and tasked it with improving all existing Federal programs which provide local, State, tribal and Federal law enforcement agencies (LEA) with equipment. The FOP believes that the recommendations, some of which went into immediate effect, do not improve on these programs and reduce the type of equipment available to law enforcement. For example, the .50 caliber round can no longer be procured by LEAs from any Federal equipment program. This is despite their use in stopping an attack on the Dallas Police Headquarters last summer by a gunman in an armored vehicle. The vehicle was disabled by officers firing .50 caliber rounds into the engine block.

More recently, in response to the terrorist attack in Orlando, law enforcement officers set off a controlled explosion to distract the shooter and used an armored vehicle to breach the walls of the nightclub. One of the responding officers was struck in the head, but his life was saved by his anti-ballistic helmet. These types of equipment were once readily available through Federal equipment programs but Executive Order 13688 has placed these explosives, breaching tools and even anti-ballistic helmets on a “controlled” equipment list. The end result is that this equipment is now much more difficult to obtain through Federal programs.

— BUILDING ON A PROUD TRADITION —

No one at the scene of this tragic event in Orlando was troubled by the appearance of the armored vehicle, the use of explosives to effect a hostage rescue or the appearance of the responding officers wearing helmets. This equipment saved lives.

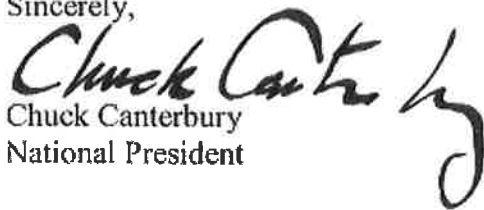
The FOP also finds offensive the central premise which drove the LEEWG to identify what equipment should be prohibited and controlled list:

However, given the potential for misapplication of controlled equipment listed above, LEAs must provide expanded justification for its acquisition, including a description of how the equipment would be deployed, the agency's policies and protocols on deployment, and verification of training provided to LEAs on the appropriate use of such controlled equipment.

Simply put, now standard equipment like an anti-ballistic helmet is controlled for fear that a chief, sheriff or other operational command officer may "misapply" its use. The officer who is alive today because of his gear would disagree. The Justice Department has not produced any data nor conducted any studies to support its theory that State and local law enforcement agencies are misusing equipment obtained through Federal grant programs. The heroic response of law enforcement to the terrorist attack on the Pulse nightclub demonstrated the utility and necessity of the equipment our officers need. It is imperative that S. 2943 incorporate a provision to reverse Executive Order 13688 by including language like that found in H.R. 4880/S. 2694, the "Protecting Lives Using Surplus (PLUS) Equipment Act."

The FOP knows that programs like the 1033 program are very valuable to State and local law enforcement and we saw that equipment in action in Orlando this weekend. On behalf of the more than 330,000 members of the Fraternal Order of Police, we implore you to take immediate action on this issue. If I can provide any additional information on this issue, please feel free to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,


Chuck Canterbury
National President

cc: The Honorable John S. McCain III, Chairman, Committee on Armed Services, United States Senate
The Honorable John F. Reed, Ranking Member, Committee on Armed Services, United States Senate
The Honorable Charles E. Grassley, Chairman, Committee on the Judiciary, United States Senate
The Honorable Patrick J. Leahy, Ranking Member, Committee on the Judiciary, United States Senate