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**STATEMENT FOR THE RECORD**

**from**

**Chuck Canterbury**

**National President,**

**Grand Lodge, Fraternal Order of Police**

**on**

**“Oversight of Federal Programs for Equipping State and  
Local Law Enforcement”**

**before the**

**Committee on Homeland Security and Governmental Affairs  
United States Senate**

I would like to begin my statement by thanking Chairman Carper, Senator Coburn and Senator McCaskill for the opportunity to offer this statement for the record.

The FOP strongly supports the 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). The surplus equipment program was originally launched in the 1970s to transfer surplus DoD equipment to other Federal entities. In 1991, Congress expanded the program to allow this surplus equipment to be donated to Federal and State law enforcement agencies engaged in counter-drug and counter-terrorism operations. In reference to the section of the National Defense Reauthorization Act (NDAA), it was referred to as the 1208 program. In 1997, the program was expanded to include local law enforcement agencies and, while counter-drug and counter-terrorism activities were the priority, the surplus equipment was no longer limited to just those types of operations. It became known after 1997 as the 1033 program, again in reference to the NDAA.

As recently as this June, the House of Representatives considered an amendment, H. Amdt. 918, which would have effectively gutted the program and rejected it on a 62-355 vote.

The 1033 program was established by Congress and it has been a very effective. Since 1997, more than 8,000 local, State and Federal jurisdictions have participated in the program and \$5.1 billion worth of equipment—from boots and file cabinets to armored vehicles and aircraft—has been transferred to local, State and Federal law enforcement agencies. The expansion of this equipment program was prompted by a growing realization that local and State law enforcement were often outgunned and ill-equipped to respond to certain high-powered threats.

The 1997 North Hollywood shootout was a lethal and graphic demonstration of just how unprepared law enforcement was to an organized attack or assault by well-equipped criminals. Two gunmen with body armor and automatic weapons robbed a bank and were able to flee the scene while engaged in a running gun battle with law enforcement officers. The responding officers' firearms were not able to penetrate their body armor or stop the robbers' escape. It took 18 minutes for the Special Weapons And Tactics Team (SWAT) to respond to the incident. By this time, one gunman had killed himself while the other continued to fire at officers and civilians. The SWAT officers were forced to commandeer an armored car to extract the eleven law enforcement officers and seven civilians who were injured by gunfire. Ultimately, the SWAT officers were able to disable the second gunman by shooting him in his unprotected legs as he crouched behind a parked car. He later died of his wounds.

This incident showed the nation that their local law enforcement agencies needed better equipment and firearms to respond to such incidents. Obviously, a bank robbery by two heavily armored criminals and automatic weapons is not a common occurrence. But criminals—especially the larger and more organized criminals—can and do obtain body armor and high-powered weapons. It did demonstrate—the commandeering of the armored car to evacuate the wounded in particular—that our local and State law enforcement agencies needed help if they were to be better prepared to respond to incidents threatening the safety of the public.

The 1997 North Hollywood shootout also led to Congress passing the James Guelff and Chris McCurley Body Armor Act. Police Officer James Guelff of the San Francisco Police Department (SFPD) was gunned down in 1994 by a carjacker wearing soft body armor and wearing a ballistic helmet. Officer Guelff had emptied his service weapon at the carjacker and was reloading when fatally struck. None of his rounds got through the body armor or helmet. Ultimately, the SFPD SWAT team responded and killed the gunman, but not before he shot another officer, a paramedic and a civilian bystander.

In October 1997, Captain Peter Chris McCurley of the Etowah County Sheriff's Department, who had recently been selected to be chief of the drug task force, was serving a search warrant. Once through the door, Captain McCurley and the other officers found themselves facing a couple in body armor and AK-47s. The police captain was struck 18 times and died. Three other officers were injured before the two were taken into custody.

The James Guelff and Chris McCurley Body Armor Act increased penalties for the use of body armor in the commission of certain crimes and prohibits felons from purchasing body armor and other ballistic resistant equipment.

One year after the North Hollywood shooting Congress passed the Bulletproof Vest Partnership (BVP) Grant Act, which assisted local and State law enforcement agencies on equipping their officers with this vital, life-saving equipment. The program has a very simple goal--to increase the number of law enforcement officers wearing soft body armor. It has been a fantastic success. More than one million vests have been purchased as a result of the program, the percentage of officers wearing vests has risen dramatically and we can document more than 3,100 instances where a vest prevented a lethal injury to a police officer.

The BVP program, once noncontroversial and broadly bipartisan, is currently unauthorized. Ranking Member Coburn personally blocked floor action on the reauthorization measure—once during National Police Week—citing that the Federal government has no obligation to help keep its local and State law enforcement officers safe. Perhaps he believes body armor makes police officers appear too “militarized.”

Once upon a time, Members of Congress worked in a bipartisan way to improve the safety of our nation's law enforcement officers and provide them with the best possible equipment to carry out their difficult and dangerous jobs. But today we find ourselves in the position of having to defend and justify the use of certain equipment because it looks too scary or “militarized.” In particular, the media's coverage of the deployment of certain assets in response to the situation in Ferguson, Missouri last month has made “police militarization” the latest media buzzword. I dispute this strongly.

The decisions of law enforcement commanders in Ferguson are, and certainly should be, reviewed and examined. But the focus of the scrutiny should be on the decisions and the decision-making process about how the equipment was deployed. We should not accept that

because certain assets may have been deployed inappropriately, we should throw the baby out with the bath water and prohibit law enforcement agencies from having access to these tools.

I will also note for the record that none of the equipment deployed in Ferguson in response to the demonstrations and looting were obtained through the 1033 program. All of the equipment was budgeted for and paid for by the local government. It is also ironic, with all the criticism of police “militarization” that Governor Nixon called upon the National Guard to assist in restoring law and order. Since the 1960s, relying on the National Guard to restore order has become far less common. This is in part because local and State law enforcement agencies are better prepared and better equipped to respond to large scale events and incidents. It is curious that critics who bemoan that local and State law enforcement have become “too militarized” would want to return to a time when governors would be forced to call upon the National Guard—the actual military, albeit with limited domestic enforcement authority and without training or expertise—to assist law enforcement agencies until they are able to maintain the peace in their communities.

I also want to emphasize that the 1033 program deals in *surplus* equipment identified by the DoD as being no longer needed. All of the equipment available through this program has been paid for by the American taxpayer. While there is no cost to the local, State or Federal agencies receiving the equipment, the receiving agency picks up all transfer costs and future maintenance cost, saving the Federal government the storage and maintenance costs as well as ensuring equipment is used to benefit public safety.

It is important for the Committee to understand that equipment received through the 1033 program is *demilitarized and repurposed for public safety use*. Simply because a piece of equipment was originally purchased—with our tax dollars—by the DoD does not make it military equipment. A tool is defined by its use. The equipment is used to defend and protect officers and civilians from threats, not to inflict damage on enemy targets. The fact is that 96% of the equipment transferred to local and State law enforcement agencies is “non-controlled,” meaning that it has no intrinsic military use.

For example, firearms are *demilitarized* and converted from fully automatic to semi-automatic weapons. Armored vehicles like Mine Resistant Ambush Protected (MRAP) vehicles are *demilitarized* and stripped of their weapons and electronic warfare gear and then are refurbished to carry out law enforcement and public safety objectives. Similarly, assault watercraft are *demilitarized* and converted for use as patrol and rescue craft on lakes and rivers.

It should also be noted that some of the armored vehicles like MRAPs, and unlike most other police vehicles, are constructed so as to protect its passengers from chemical, biological, radiological, nuclear or explosive (CBRNE) threats, be they liquid or airborne. Such vehicles would allow public safety personnel to enter an industrial park contaminated by a large chemical spill or respond to the detonation (or threat of detonation) of a “dirty bomb.”

The practical uses of this equipment can be found in every region of the country. In July, the Sheriff's Department in Sangamon County, Illinois deployed their MRAP vehicle obtained from the 1033 program for the first time to end an armed standoff. Officers used the vehicle to approach the home where an armed man was holed up to toss him a telephone. Subsequent negotiations ended with the suspect's surrender without injury or loss of life.

As of this July, the Las Vegas Metropolitan Police Department (LVMPD) has utilized robots obtained through the 1033 program on 58 occasions. The robots were used on hostage barricade incidents and suspicious packages as well as bomb threat incidents. The robots provide standoff capability so that officers are not needlessly put in harm's way.

For just June and July of 2014, the LVMPD Air Support/Search & Rescue Section has utilized rescue helicopters obtained through the 1033 program 11 times during search and rescue missions where the helicopters were utilized to rescue folks from mountainous terrain. In addition, they used watercraft obtained through the 1033 program six times for diving/rescue missions at Lake Mead.

In August, a pair of armored vehicles were used to evacuate captives released by two gunmen whose robbery attempt led to their taking hostages. Two officers responding to the initial robbery were wounded by gunfire. Negotiations with the gunmen resulted in the release of four hostages—two women and children—but then reached a stalemate, leaving four captives in the barricaded home. Because the armored vehicles allowed officers to approach the home in safety, they were able to get close enough to breach the home in force, freeing the hostages who were quickly conveyed to the armored vehicle and driven from the scene.

Passaic County, New Jersey recently received five armored Humvees from the 1033 program. They have been demilitarized and repurposed as water rescue vehicles, able to operate in high standing water to respond to emergencies. Hurricane Irene and Superstorm Sandy demonstrated that during large scale weather events which resulted in flooding, no other emergency vehicles were able to operate. Vehicles obtained through the 1033 program were deployed during Sandy and effected the rescue of 64 people at the storm's height.

These vehicles can also affect rescues in standing snow or during snow storms. An MRAP from the 1033 program enabled the Adams County, Ohio Sheriff's Office to reach a home and rescue a bed-ridden man from a house fire. The home was inaccessible to most vehicles because of snow but the MRAP made it possible to rescue the man and bring him to safety.

Currently, law enforcement officers in the Commonwealth of Pennsylvania are engaged in a widespread manhunt for the suspect who ambushed a State Police barracks, killing one officer and injuring another. The State Troopers' Tactical Response Unit (TRU) have deployed MRAPs, in certain areas of the search, as the suspect is thought to be heavily armed and very motivated to attack law enforcement officers.

I am confident there are many, many more examples of equipment received through the 1033

program being used to protect and serve our local communities. Once demilitarized and repurposed, this equipment is a real boon to public safety. Obviously, local chiefs and sheriffs need to exercise good judgement when deciding when and how to deploy this, or for that matter, any equipment. These agencies should also be certain that officers are properly trained on how the equipment is to be used and handled in a deployment.

You would not, for example, have an armored Humvee on a regular beat patrol any more than you would deploy a bicycle officer to a busy interstate.

Chiefs and Sheriffs can do a better job of working with their rank-and-file officers and, just as important, the communities they serve. Citizens must be able to trust and respect the officers who keep their homes and neighborhoods safe and the best way to do that is by engaging them. This is the central tenet of the community-orienting policing strategy that has formed the basis of our nation's public safety strategy for a generation. More community interaction, not less, is the key to safer communities. If residents know that Officers Jones and Smith are their regular beat officers and come to know them as they do their jobs, there will be much greater confidence in the actions of not only those officers but the agencies as a whole.

With that said, response to critical incidents often require very quick decisions and swift action. The more tools available to these agencies, the more precise and specific the response. An officer responding to an active shooter has only the tools on his belt and in his squad car. Other options and assets may take much longer to deploy, if they are available at all. By restricting the tools available to the individual officer or the law enforcement agency, you also reduce their ability to respond effectively.

We ought not to be distracted by thinking the problem is with the types of equipment or how the equipment is procured. Instead, we need to focus on better decision-making at the local and State level with respect to how the equipment is deployed in the field. This, and of course appropriate training for the officers who are directed to use the equipment, is critical.

In conclusion, I would like to reiterate the FOP's support for the 1033 program and the benefits it provides to local, State and Federal law enforcement. I appreciate the Committee's interest in the program and other similar programs that help our State and local law enforcement agencies obtain the equipment and training they need to keep our homes and communities safe. If I can provide any other information about any of these programs, I am happy to provide it.

Thank you.