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Experts Urge Obama to Tighten Curbs on Transfer of Military Gear to Local Cops

WASHINGTON, D.C. -- President Obama should tighten restrictions on the transfer of military equipment to state and local police departments and require greater public disclosure of its use, a bipartisan group of former law enforcement officers and criminal justice experts said in a report released today.

In the aftermath of the public outcry over local police using tank-like vehicles and assault rifles to quell protests in Ferguson, Missouri last year, the Obama administration placed a modest ban on the transfer of some military-grade equipment -- including tracked armored vehicles, .50 caliber firearms and grenade launchers -- from the Pentagon to state and local police.

In July, the heads of eight national law enforcement organizations met with the president and the vice president to ask them to relax the ban. Obama promised to have his White House counsel look at the issue.

"We believe this would be precisely the wrong approach to civilian policing," said James Trainum, one of the co-chairs of The Constitution Project [Committee on Policing Reform](#), a group comprising former law enforcement and military officers, prosecutors, judges, and experts in criminal law. The group released its report, [Demilitarizing America's Police: A Constitutional Analysis](#), today. Trainum served 27 years as a detective with the Metropolitan Police Department of D.C.

The report calls on the president to place additional tactical and military equipment, such as flash bang grenades and long range acoustical devices, on the list of prohibited items, and to require law enforcement agencies seeking to acquire other military gear to demonstrate it would be used only in limited circumstances.

The group is not calling for a categorical ban on the transfer of military equipment to civilian law enforcement, emphasizes Jeffrey Vagle, another of the committee's co-chairs. The committee recognizes that there are limited situations in which the use of such equipment may be necessary, he said.

"However, those circumstances are truly exceptional and should be narrowly defined, such as the use of tracked vehicles in conducting emergency rescues and responding to humanitarian

disasters," Vagle said. He is the executive director of the Center for Technology, Innovation and Competition at the University of Pennsylvania Law School.

The [White House estimates](#) that federal programs directly or indirectly provided \$18 billion in military equipment to state, local and tribal police between 2009 and 2014, much of it with little oversight on who was receiving the gear or follow-up on how it was being used.

That must change, said the third of the group's three co-chairs, Kami Chavis, a law professor and director of the Criminal Justice Program at Wake Forest University School of Law. "There must be greater transparency and accountability in the transfer of military equipment to civilian law enforcement," she said.

Among its 25 recommendations, the group urged to Obama administration to adopt a requirement that any police force wanting to receive items on the controlled equipment list should first have to show evidence of approval of its acquisition from the appropriate civilian governing body, such as a governor or a city council. In addition, the group urged the administration to require the collection and public disclosure of detailed data on the use of military equipment for tactical purposes, as well as the deployment of SWAT teams, for any state or local police force seeking to acquire military equipment.

The report details the ways in which the increased use of military equipment and tactics undercuts the duty to protect the constitutional rights and values that law enforcement officers have sworn to uphold -- specifically those guaranteed by the First, Fourth and Fourteenth Amendments. It notes, for example, [one recent study](#) of 25 states that found nearly 80% of SWAT deployments were to execute a routine search warrant.

The report, with a complete listing of the 29 committee members endorsing it, is available at www.constitutionproject.org.

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Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.