
Police Militarization

**An examination of the acquisition and deployment
of military equipment by local police in Nevada**

**A Report of the Nevada Advisory Committee
to the United States Commission on Civil Rights**

June 2015

State Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

Nevada Advisory Committee to the U.S. Commission on Civil Rights*

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Letter of Transmittal

Nevada Advisory Committee to the U.S. Commission on Civil Rights

The Nevada Advisory Committee to the U.S. Commission on Civil Rights submits this report, *Police Militarization: An examination of the acquisition and deployment of military equipment by local police in Nevada*, as part of its responsibility to examine and report on civil rights issues in the state under the jurisdiction of the Commission. This report was approved by the members of the Nevada Advisory Committee by a vote of 6 yes and 0 no at a meeting of the Committee on June 19, 2015, in Las Vegas, NV.

In 1990, Congress authorized the 1033 Program that allows the Pentagon to give and sell surplus military equipment to local police agencies. The Nevada Advisory Committee formally began its examination of the issue following a briefing to the Committee on August 21, 2014, in Las Vegas, NV. As set out in this report, the Committee conducted fact-finding activity on the acquisition and use of military equipment by eight selected urban, county, and rural police agencies. The Committee also heard from individuals with relevant experience as well as members of the public.

The Nevada Advisory Committee found that local police agencies in Nevada appear not to have excessively armed themselves with military assault weapons; and that the received equipment seems appropriate for what the communities need. In addition, the transfer of surplus military equipment to local police agencies in Nevada has not resulted in any observed excessive use or mis-use of the equipment; and the 1033 Program has provided cost savings to the taxpayer by allowing for the re-use of previously purchased equipment.

That notwithstanding, Americans have long been accustomed to the principle that its police forces have the job of protecting the public from each other while the military protects the country from outside enemies. Undue and unnecessary militarization of police brings the danger that the police may begin to see the public as enemies, and vice versa.

As such, the Nevada Advisory Committee recommends to the Commission that it vigilantly monitor this issue. When police appear to the community to be an occupying force, or un-necessarily brandish military equipment, or make poor operational choices with such equipment, these programs erect visible barriers between police and the communities they secure to the peril of civil rights.

In addition, the Nevada Advisory Committee remains concerned about police training with military weaponry acquired under the 1033 Program. Combat weapons by their very nature have different uses and capabilities than equipment used in normal policing activities. If police officers have combat weapons, the level of training with that equipment must be adequate to ensure citizen and community safety.

Respectfully,



Wendell C. Blaylock, Vice-Chair
Nevada Advisory Committee

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I. Introduction

In 1981, the U.S. Commission on Civil Rights (Commission) issued a seminal report on police practices in America, *Who is Guarding the Guardians?*¹ Twenty years later the Commission issued a follow-up report, *Revisiting Who is Guarding the Guardians?* Both reports raised troubling concerns about insular police practices that undermine equal protection under the law. Now more than 30 years after the issuance of the Commission's first report on police practices, the increasing militarization of the police has come into the public limelight as a civil rights concern.

In 1990, Congress first authorized the Pentagon to provide surplus military equipment to police to help fight drugs, which then gave way to the fight against terrorism.² As the country continues its longest wartime period, the military has turned over thousands of surplus weapons and armored trucks to local police who at times train alongside the military.

As the trend toward police militarization continues, little seems to be known about the extent to which police departments in Nevada have military weapons, the employment of such equipment in policing operations, and the training afforded police officers in the use of military weapons. As one police expert commented, "Every police force of any size in this country has access to (military) weapons now. This access all by itself makes it more likely for (such weaponry) to be used."³

As set out in the Commission's 1981 report on insular police practices, an understanding of the historical development of modern police departments helps put this recent development in context. In the United States, the appearance of local police departments as arms of civil authority paralleled the emergence of large urban centers. With its rough frontiersmen and throngs of newly arrived immigrants, throughout the 19th Century law enforcement officials in this country often had to maintain order by applying summary justice on the spot. As a result, throughout the 19th century actual fighting was often the main job of American law enforcement.⁴

In Nevada, it was not until the early 20th century that Clark County and the City of Las Vegas formed local law enforcement units. The Clark County Sheriff's Office was created in 1909 to handle the rural areas of Clark County, while the Las Vegas Police Department was created in 1911 and had within its boundaries the infamous "Block 16", which was notorious for its prostitution, gambling, liquor and as a draw for unsavory, rowdy-type characters.⁵

This report of the Nevada Advisory Committee to the Commission examines police militarization in the state. In the course of its examination, the Committee gathered information on military equipment obtained from eight selected local law enforcement agencies and held a public meeting on the issue. The Committee's findings and recommendations are set out in a separate section at the end of the report.

¹ U.S. Commission on Civil Rights, *Who Is Guarding the Guardians—A Report on Police Practices*, October 1981 (hereafter *Who Is Guarding the Guardians*).

² See Section III of this report, DoD's Surplus Military Equipment 1033 Program.

³ Tami Abdollah and Eric Tucker, Houston Chronicle, *US rethinks giving excess military gear to police*, at <http://www.houstonchronicle.com/news/texas/article/US-rethinks-giving-excess-military-gear-to-police-5692662.php> (last accessed August 19, 2014).

⁴ *Who Is Guarding the Guardians*, p. 1.

⁵ Geocities Archive, at <http://www.oocities.org/soho/museum/9837/lvmpd.html> (last accessed Jan. 9, 2015).

II. Design and Scope

The purpose of this study by the Nevada Advisory Committee was to assess the acquisition and employment of military equipment by local police forces to the extent it may affect the equal administration of justice. The study included both data collection and solicitation of opinions and perspectives.

The scope of this study was limited to an examination of local police departments in Nevada, their acquisition of military equipment and its use by officers interacting with the public. It does not extend to an examination of federal agencies operating in the state nor to any other specific government entities at the local level, such as school districts. In addition, the study does not purport to be an evaluation of the oversight and administration of the program by state and/or local federal agencies.

Data collection was conducted with eight purposely selected police agencies in Nevada. The selected police agencies deliberately included three urban police forces, two county sheriffs with a large urban area, and three county sheriffs in rural counties. The three metropolitan police forces were: (1) the City of Elko, (2) the City of Las Vegas and Clark County, and (3) the City of Reno. The two sheriff departments from counties that encompassed a large urban area were (1) Elko County Sheriff, and (2) Washoe County Sheriff. Finally, the three sheriff departments of rural counties included a county in the far northern part of the state, a county in the far eastern part of the state, and the county with the largest geographic area: (1) Humboldt County Sheriff, (2) Nye County Sheriff, and (3) White Pine County Sheriff.

Data collection by the Nevada Advisory Committee requested the following information from the selected law enforcement agencies:

- military equipment obtained under the 1033 Program,
- reason for the equipment acquisition,
- employment of military equipment, and
- race and ethnicity impact employment rates.

To the solicitation of opinions and perspectives, the Nevada Advisory Committee held a public meeting on the issue in Las Vegas, NV, on August 21, 2014. As part of the meeting, comments from both local law enforcement agencies as well as from the public were solicited. In addition, the Committee received un-solicited public comment and accessed research and opinion in the public domain.

Following data collection, the Nevada Advisory Committee solicited information from the selected police agencies regarding the training of police officers in the use of military weapons. This was done through interviews with police department officials. Evaluation and assessment of the information collected and solicited during the fact-finding activity were conducted by the Committee in meetings open to the public.⁶

⁶ Records generated from this project may be inspected and reproduced at the Western Regional Office, US Commission on Civil Rights.

III. Background

DoD's Surplus Military Equipment 1033 Program

Americans have long been accustomed to the principle that its police forces have the job of protecting the public from each other, while the military protect them from external enemies. The civil rights concern regarding the militarization of the police is that it harbors the danger that the police may begin to see the public as enemies, and vice versa.

Over the last 25 years, America has seen an increasing militarization of its civilian law enforcement. Television newscasts now routinely depict police officers attired and armed in a manner similar to combat soldiers. This image coincides with the rise in the use of paramilitary police units (commonly called Special Weapons and Tactics, or SWAT) for operations that in the past had been considered routine police work. The most common use of SWAT teams armed as para-military units today is to serve narcotics warrants, usually with forced, unannounced entry into the home.⁷

In 1990, Congress authorized the 1033 Program, which allows the Department of Defense (DoD) to give and sell surplus military equipment to local police agencies. DoD administers the program through the Defense Logistics Agency's (DLA) Law Enforcement Support Office (LESO).

According to LESO, the 1033 Program has transferred \$4.3 billion worth of property through to local police forces nationwide. The 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess DoD personal property (supplies and equipment) to state and local law enforcement agencies (LEAs).⁸

As the country continues through the longest wartime period of its history, the military has turned over thousands of surplus weapons, armored vehicles, and other military hardware to local police forces. The 1033 Program has allowed law enforcement agencies to acquire land, air, and sea vehicles, automatic weapons, computers, night vision equipment, radios, first aid supplies, tents, sleeping bags, photographic equipment and other military supplies.

Rules and restrictions for police agencies to obtain military equipment under Program 1033 include the following:⁹

- The requesting agency must be a government agency that has a primary function of enforcing laws and with officers who are compensated and have powers of arrest;
- The property must be drawn from existing DoD stocks;
- The receiving agency is responsible for all costs associated with the property after it is transferred, as well as for all shipping or federal re-possession costs;
- The recipient must accept the property on an as-is, where-is basis; and
- Property may not be sold, leased, rented, exchanged, bartered, used to secure a loan, used to supplement the agency's budget, or stockpiled for possible future use.

⁷ *Overkill: The Rise of Paramilitary Police Raids in America*, Cato Institute, at <https://www.cato.org> (last accessed January 18, 2014).

⁸ U.S. Government Defense Logistics Agency, *The 1033 Program*, available at <http://www.dispositionservices.dla.mil/leso/Pages/1033ProgramFAQs.aspx> (last accessed August 19, 2014).

⁹ National Law Enforcement and Correction Technology Center, Justnet, available at https://www.justnet.org/other/1033_program.html (last accessed Oct. 15, 2014).

Specific to Nevada, the Nevada Advisory Committee heard testimony that the 1033 Program has allowed law enforcement agencies in Nevada to acquire aircraft, armored land vehicles, automatic rifles, laser rifle sights, electronic equipment, fingerprint paraphernalia, night vision gear, radios, emergency rescue kits, and other military supplies. The Committee was told that some of this equipment has been used by local Nevada police agencies in rescue missions, while other military equipment is in safe storage in case of future need. These acquisitions by state law enforcement agencies have eased financial burdens on local communities in the outfitting and equipping of local police departments.¹⁰

Concerns Regarding Police Use of Military Equipment

The 1033 Program is not without merit. As stated by President Obama in issuing as Executive Order to examine the program:

Federal equipment programs provide for the reuse of military equipment and contribute to the protection of the public and reduce operational risk to peace officers, who put their lives on the line every day to keep the American people safe. At the same time, when police lack adequate training, make poor operational choices, or improperly use equipment, these programs can facilitate excessive uses of force and serve as a highly visible barrier between police and the communities they secure. When officers misuse equipment, the partnership, problem-solving and crime prevention collaboration with citizens that is at the heart of effective policing can be eroded. With significantly improved coordination and oversight, these programs can provide more effective and efficient contributions to public safety.¹¹

To the Nevada Advisory Committee, after a decade of sending military equipment to civilian police departments across the country there are civil rights concerns to consider in light of the recent violence in Ferguson, MO, and Baltimore, MD. The public has absorbed images of heavily armed police, snipers trained on protesters and tear gas plumes. Against that backdrop, former Attorney General Eric Holder expressed a concern that “the deployment of military equipment and vehicles sends a conflicting message (to the community).”¹²

In August 2014, President Obama ordered a review of federal funding and programs that help equip local LEAs. The expressed intent of the review is to examine whether existing federal programs: (1) provide LEAs with equipment that is appropriate for what their communities need, (2) ensure that LEAs have adequate policies in place for use of the equipment, and that their personnel are trained and certified on how to use this equipment, and (3) encourage LEAs to employ practices and standards that prevent misuse or abuse of this equipment.¹³

¹⁰ Nevada Advisory Committee, record of proceedings, Las Vegas, NV, Aug. 21, 2014, Western Regional Office, USCCR, files.

¹¹ Executive Office of the President, *Federal Support for Local Law Enforcement Equipment Acquisition*, December 2014, p. 6.

¹² Tami Abdollah and Eric Tucker, Houston Chronicle, *US rethinks giving excess military gear to police*, at <http://www.houstonchronicle.com/news/texas/article/US-rethinks-giving-excess-military-gear-to-police-5692662.php> (last accessed August 19, 2014).

¹³ White House, *Building trust between communities and local police*, Press Release, Dec. 1, 2014, at <http://www.whitehouse.gov/blog/2014/12/01/building-trust-between-communities-and-local-police> (last accessed Dec. 10, 2014)(hereafter *Building Trust* press release).

The review resulted in a report released in December 2014 that found inconsistencies in how federal programs that provide surplus military equipment are structured, implemented, and audited. The report identified four areas of further focus that could help ensure that federal programs providing military equipment be revised in a manner to maximize the safety and security of both police officers and their communities. These strategies include:¹⁴

- Local community engagement,
- Federal coordination and oversight,
- Training requirements,
- The community-policing model.

In light of this review, President Obama issued Executive Order 13688 on January 16, 2015,¹⁵ directing relevant agencies to work together and with law enforcement and civil rights and civil liberties organizations to develop specific recommendations on federal support for local law enforcement acquisition.¹⁶ As part of the Executive Order, the President directed the Working Group to provide specific recommendations regarding actions that can be taken to improve the provision of Federal support for the acquisition of controlled equipment by LEAs. Within 60 days of the date of the order, the Working Group was to provide the President with any recommendations and implementation plans it may have had.

On May 19, 2015, President Obama announced new efforts to demilitarize America's police departments, telling an audience in Camden, New Jersey that heavily-armed police forces have left many local residents feeling alienated and intimidated. The ban includes the transfer of military weapons and gear, including armored vehicles, bayonets, grenade launchers and .50-caliber ammunition, the kind ubiquitous on foreign battlefields and increasingly in recent years, have landed in the hands of local police officers. The new restrictions are being rolled out as a policing task force.¹⁷

In addition, The President's Task Force on 21st Century Policing is initiating a public engagement process. The first public meeting was held on Tuesday, January 13, 2015 in Washington, DC. The Task Force seeks to identify best practices and make recommendations to the President on how policing practices can promote effective crime reduction while building public trust and examine, among other issues, how to foster strong, collaborative relationships between local law enforcement and the communities they protect.¹⁸

Potentially exacerbating this concern is the possible phenomena of cultural bias by the police, albeit unconscious bias, that along with increasing militarization imprints on police officers an "us versus them" mentality. The work of researchers such as UCLA's Phil Goff and other researchers provides evidence that it is often the case that police officers bring subconscious biases to their work that they themselves are not even aware they have. These subconscious preconceptions can impede effective policing with the diverse cultures.¹⁹

¹⁴ *Building Trust* press release.

¹⁵ E. O. 13688, Federal Support for Local Law Enforcement Equipment Acquisition, Jan. 16, 2015, Appendix 1.

¹⁶ *Ibid.*

¹⁷ Trymaine Lee, MSNBC, Obama to ban military weapons sent to local police departments, May 19, 2015, accessible at <http://www.msnbc.com/msnbc/obama-ban-military-weapons-sent-local-police-departments>.

¹⁸ U.S. Department of Justice, Community Oriented Policing Services, President's Task Force on 21st Century Policing at <http://www.cops.usdoj.gov/policingtaskforce> (last accessed Jan. 23, 2015).

¹⁹ See *inter alia*, Center for Policing Equity, UCLA, at <http://gofflab.psych.ucla.edu>.

Table 1: SWAT impact rates per 100,000 for selected law enforcement agencies

	White	African American	Times more likely Af-Amer. Impacted	Percent White	Percent African American
City of Allentown, PA	12	281	23.5	58.5	12.5
Bay County, FL, Sheriff	6	39	6.6	82.6	11.2
City of Burlington, NC	9	414	47.1	57.6	28.0
Caldwell County, NC, Sheriff	54	215	4.0	92.2	5.1
Chatham County, NC, Sheriff	74	1,146	15.5	82.3	13.3
City of Concord, NC	44	485	11.1	70.4	17.8
City of Fort Worth, TX	12	154	12.9	61.1	18.9
Gwinnett County, GA, Sheriff	1	7	5.5	59.1	26.3
City of Huntington, WV	11	415	37.1	86.9	8.6
City of Little Rock, AR	3	40	14.1	48.9	42.3
City of North Little Rock, AR	6	200	34.6	54.0	39.7
City of Ogden, UT	8	300	39.6	75.2	2.2
City of Salt Lake City, UT	5	36	7.3	75.1	2.7
Spokane County, WA, Sheriff	57	588	10.4	90.0	1.9
Wilson County, NC, Sheriff	16	98	6.0	53.7	39.6

Source: ACLU, *War Comes Home: The Excessive Militarization of American Policing* (June 2014) p. 36; percent white and percent African American, Nevada Advisory Committee, from Census.

In addition, law enforcement is enhanced when police officers generally reflect and are responsive to the communities they serve. As reported by the Nevada Advisory Committee in its 2012 report, police departments in the state have realized the importance of deliberately addressing police and minority community relations. In recent years there have been deliberate efforts to address past issues of concern affecting minority communities. Such efforts have encompassed changing the police culture, ensuring diversity at sub-stations in areas with distinct minority communities, as well as an ongoing focus on diversity in hires and promotions.²⁰

A 2013 report by the American Civil Liberties Union argues that police agencies have become excessively militarized, with officers using training and equipment on city streets that are designed for the battlefield.²¹ Federal funding in the billions of dollars has allowed state and local police departments to gain access to weapons and tactics created for overseas combat theaters.²² The ACLU report also asserts a disproportionate impact on the basis of race and color as a result of police militarization.²³ As reported by the ACLU, when the number of people impacted by a para-military police group was known, 42 percent of the persons impacted were African American and 12 percent were Latino.²⁴

²⁰ Nevada Advisory Committee to the U.S. Commission on Civil Rights, *Civil Rights in Nevada--Issues and Concerns Moving into the 21st Century*, p. 7, January 2012.

²¹ ACLU, *War Comes Home: The Excessive Militarization of American Policing* (June 2014) at <https://www.aclu.org/militarization> (last accessed Jan. 18, 2014)(hereafter ACLU Militarization report).

²² *Ibid.*

²³ Table 1.

²⁴ ACLU Militarization report, p. 39.

A 2014 editorial by USA TODAY expressed similar concerns to those expressed in the ACLU report.

When you have a hammer, every problem begins to look like a nail. And thanks to federal largesse, local police across the USA are accumulating an arsenal of law enforcement hammers, including assault rifles, armored vehicles, grenade launchers and even military aircraft. The inevitable outcome is the sort of spectacle that occurred in Ferguson, MO, before the protests there turned violent: heavily armed police in battle gear more suitable for Iraq than a small American city.

Police militarization fosters an “us vs. them” mentality that can alienate the very communities that officers are supposed to serve. Unquestionably, police sometimes need military gear. A case in point is the 1997 incident in Los Angeles when two bank robbers, outfitted with body armor and automatic assault rifles, terrorized civilians and out-gunned police for almost 45 minutes until officers obtained heavier weapons from a nearby gun store. But incidents like that are rare, and there’s growing resentment of police employing heavy-handed tactics in situations that call for a lighter touch. Trust and respect go a long way toward making police officers’ job easier, something that can get lost when law enforcement seems more like an occupying force than cops on the beat.²⁵

Rudolph Brewington, Executive Board Member of the Nevada Chapter of the National Association for Black Veterans expressed his concern about the use of military weapons by the local police in speaking to the Nevada Advisory Committee at a public meeting on the issue. Brewington told the Committee:

The predominant feature of these military weapons is to kill enemies of this Nation in the defense of the country. These military weapons are not designed to wound or to disable, but to kill in war. Their place is on the battlefield, by US military forces, not to be used against American citizens by police agencies. Simply stated, police officers are not soldiers, and soldiers are not police officers.

The police have sufficient weaponry to protect themselves, citizens, and property. They have issued 9mm pistols, shotguns, AR-15 semiautomatic rifles, non-lethal tasers, pepper spray, and batons. Plus they have radios to call for quick backup. Select specialized SWAT teams have, and should have, additional weaponry and tactics for isolated situations. In other words, except for rare circumstances, law enforcement should not be heavily-armed military forces.

When Congress enacted legislation sending surplus military equipment to civilian police departments, it was for use in fighting terrorism or drug lords, not everyday use. Is this equipment is being used the way it was intended. Clearly the answer is no.²⁶

Lonnie Feemster, former chapter president of the NAACP, also expressed reservations about the routine use by the police of military equipment. Feemster told the Committee that images of the police on the news remind of harsh repression for civil rights in the 1960s.

²⁵ USA Today, *Do local police really need MRAPs? Our view*, editorial, Aug. 20, 2014.

²⁶ Rudolph Brewington, record of proceedings before the Nevada Advisory Committee to the U.S. Commission on Civil Rights, Las Vegas, NV, Aug. 21, 2014 (Western Regional Office, USCCR, files). (Hereafter cited as Nevada Meeting on police militarization).

Once again I am seeing images of the police on the television as a quasi-military force. It reminds me of policing back in the 1960s when the police took vicious measures to quell de-segregation efforts. Where I grew up in Harlem, New York, in the 1950s and 1960s it was the usual practice for the police to aim and shoot at members of the community.

Given the history of police violence from that period, I think there should be a candid dialogue on the need and use of military equipment. There is the perception that if a white guy enters a restaurant with an AK-47 it is okay. But if an African American male enters a restaurant with an AK-47 or with a knife, it is a dangerous situation and a great deal of force is needed to subdue him.²⁷

Views of Law Enforcement on the 1033 Program

Countering the USA Today editorial, Chuck Canterbury president of the Fraternal Order of Police, argued for giving the police all the tools and weapons they need.

The foremost responsibility of government is to protect its citizens. We rely on law enforcement officers to keep our schools, streets and neighborhoods safe. These brave officers put themselves in harm's way every day, and we owe it to them to see that they can do their jobs and still go home to their families.

Threats to public safety can take many forms, and law enforcement agencies should have access to all the tools they need. A patrol officer on traffic duty needs different equipment than a tactical officer serving a high-risk warrant as part of a drug trafficking task force. A bicycle officer needs different equipment than officers on crowd control or providing security for large public events.

Access to equipment that assists law enforcement in carrying out their mission does not "militarize" them. Most of the equipment is transferred to law enforcement through the partnership program administered by the Defense Department. It is equipment already bought and paid for by American taxpayers and repurposed for public safety use.

The equipment is primarily defensive in nature — soft body armor, armored vehicles, aircraft — and is used to protect officers. Armored vehicles are used for rescue operations, to protect officers securing the perimeter of a hostage situation. These tools not only provide protection for officers, but also serve as a deterrent by demonstrating that law enforcement is ready and able to respond to any dangerous situation or critical incident.

More than 8,000 law enforcement agencies have benefited from (DoD's 1033) program, which was created specifically to increase the public safety capabilities of local law enforcement. With everything we ask law enforcement to do, how can we limit the tools that let them do their jobs? ... State and local law enforcement agencies are not militarizing. They are protecting the communities with every available resource.²⁸

²⁷ Lonnie Feemster, testimony, Nevada Meeting on police militarization.

²⁸ Chuck Canterbury, USA Today, *Give police all the tools they need*, opinion, Aug. 20, 2014.

Speaking to the Nevada Advisory Committee representatives from both the Reno Police Department and the Las Vegas Police Department expressed similar sentiments that local police departments and the communities they serve have benefited from DoD's 1033 Program. Surplus military equipment obtained has been used in an effective and prudent manner, which has enhanced public safety and protected police officers.

Tom Robinson, deputy superintendent, Reno Police Department, told the Nevada Advisory Committee that the Reno Police Department is aware of the concern regarding police militarization. The Reno Police Department is a strong believer in community-oriented policing (COPs), and the idea of police militarization runs counter to that belief.

If the 1033 Program did not exist, the Reno Police Department would still purchase gas masks on the open market and probably an armored vehicle. The reason for the armored vehicle is there have been sniper shootings in the past during which the police could circle a house but could not approach without extreme personal danger. And with respect to using an armored vehicle, the department has specific policies in place for using this type of equipment as well as for using all specialized equipment.

Each patrol officer of the Reno Police Department carries a sidearm pistol as well as two other less serious options of his/her choosing, i.e., a baton, pepper spray, or a taser. In addition, there is a shotgun and/or a AR-15 rifle in the squad car.

SWAT team members in the Reno Police Department are part-time personnel, and have other full-time duties. Each member has a fire retardant jump suit, a heavy bullet proof vest, a rifle with a silencer, and a 40mm grenade launcher to deliver gas.²⁹

Robinson said the Reno Police Department addresses possible officer sub-conscious bias directly as part of its community policing strategy. Robinson told the Nevada Advisory Committee that the policing strategy for the Reno Police Department is a community-oriented policing approach, and an integral part of that strategy is an acknowledgement of individual prejudices among its police officers.

Community Oriented Policing (COPs) is still the policing strategy for the Reno Police Department because the department thinks it effective.³⁰ But other police departments have gone to other strategies because that they believe have caused the drop in crime rates. The benefit of COPs is hard to quantify. So it is difficult to support a concept with direct evidence of its value.

However, it needs to be realized that all police officers are given initial training and that first training occurs at the police academy. At the police academy, police officers first learn how to defend themselves. Once that first training has been imparted to the officer, it can be difficult for a police department to mesh the warrior training of the academy with a community oriented policing culture.

²⁹ Tom Robinson, testimony, Nevada Meeting on police militarization.

³⁰ Community policing is a law enforcement philosophy that focuses on community partnerships, problem-solving and organizational transformation. The premise of community policing is that when police and communities work together, they more effectively address underlining issues, change negative patterns, and focus resources.

In addition, police officers come to police departments with all the prejudices and stereotypes that are commonly held in American society. So it is difficult for any police department to change those personal biases, but the Reno Police Department does have in place mandatory training and cultural awareness programs for its officers.³¹

Jack Clements, lieutenant with the Las Vegas Metropolitan Police Department (LVMPD), told the Nevada Advisory Committee that through DoD's 1033 Program the military disposes of surplus equipment. The surplus equipment must be at least seven years old, and federal agencies are allowed first access to the equipment. At the state level there is the LESO office, and that LESO agent can access the database of available surplus equipment. The database is a closed system in that the public does not have access to it. In addition to obtaining equipment, local police agencies can also obtain parts.

As an example of the value of the program, the Las Vegas Police Department has obtained two rescue helicopters at no charge to the community. On the open market, these rescue helicopters would have cost about \$9 million each. The taxpayer has already paid once for this equipment. If it can be used locally at no cost to the taxpayer it seems that it is a benefit to the community. Another example of the value of the program is the Department's acquisition of rescue boats that have been used locally to save dozens of lives on adjoining lakes.

There is accountability for all equipment acquired under the Program. In addition, there is a D-MIL code. For equipment that has a D-MIL-A code, the police department owns the equipment after one year. If the code is Q-6, immediately after purchase the police department owns the equipment. For all other codes, the equipment remains federal property.

The equipment obtained by the police department under the 1033 Program are not based on any single incident. Rather they are based on strategic goals for the department. Law enforcement has changed since the 1960s. But society has also changed. And today, more is asked of law enforcement than was asked in the 1960s.³²

Addressing the safety value of the 1033 Program, Clements told the Nevada Advisory Committee that LVMPD has encountered resisters to arrest armed with 50mm caliber weapons and other sophisticated military weaponry. Safety for police officers compels there be allowance for local police to be similarly armed. To that, the LVMPD's SWAT team is issued helmets, heavy armor, and rifles. However, in all situations, there are rules of engagement that govern police conduct.³³

Further, as Clements told the Nevada Advisory Committee, unlike the military there is accountability for a police officer. When a police officer shoots, he/she owns that bullet. And research has shown that in life-threatening situations automatic physical responses occur to include auditory exclusion, the loss of fine motor skills, and tunnel vision.³⁴

³¹ Ibid. (Note, according to Robin Toma, executive director of the Los Angeles County Commission on Human Rights, heartening news is that effective training can help police officers understand unconscious biases, and provide them with strategies to deal more effectively with the citizens and communities they serve.)

³² Jack Clements, testimony, Nevada Meeting on police militarization.

³³ Ibid.

³⁴ Ibid.

Regarding policing strategy, Clements said that the LVMPD began to implement community oriented policing (COPs) in the 1990s and it is still the policing strategy of the department today. In Las Vegas there have been marches and demonstrations on numerous occasions, and there were no shields on the police officers and no police-public incidents. Moreover, with military troops now engaged in urban settings overseas, the military has come to local police agencies to learn how to operate effectively in an urban environment.

Public Comment on the 1033 Program

In concert with the Committee's briefing on the issue of militarization of police, comments were received from six individuals. Three commenters spoke in favor of the police having and using military equipment. Three commenters expressed reservations over the police having military equipment.

Bruce Blough from North Las Vegas, NV, commented in part that the decision to equip police is a local issue, and that elected officials at the local level are the persons with the best vantage to decide on the appropriate outfitting and conduct of local law enforcement.³⁵

Local police agencies are much more in tune with their communities than state and federal agencies. They are more accountable to their communities through hiring and electoral processes. If elected leaders and police representation do not match community demographics, it is up to the voters to rectify that situation.

People who for whatever reason decide to riot, loot, and burn their communities are criminals, no matter what their ideology or reasons. Police have an obligation to protect innocent lives at all costs. This is their overriding responsibility.

Police agencies need to be as safe as humanly possible when facing incendiary devices, improvised explosive devices (IEDs), and firearms while attempting to quell riots or other criminal acts. Only with the proper armament, protective gear and vehicles and training can they provide the necessary response. Local police can quickly be severely outnumbered by angry rioters, and need all the protection that citizens can provide to keep them safe and operational....

Yes, we need to ensure that our police follow all laws and do not overstep their authority. They need to be held accountable if they do. That being said, we are looking at the problem of militarization of local police forces through the wrong prism. City leaders are elected and should represent the entire community, and hold police agencies accountable to serve the public interest without undue force....

David Smith from Henderson, NV, wrote against the militarization of police. In his opinion, the militarization of police creates an unnecessary divide between the police and the citizenry.³⁶

³⁵ Bruce Blough, letter to the Nevada Advisory Committee, Aug. 22, 2014, Western Regional Office files.

³⁶ David Smith, letter to the Nevada Advisory Committee, Sept. 19, 2014, Western Regional Office files.

Regarding the militarization of local police forces, the choice is simple: DON'T. There is a growing divide between the man in the street citizen and the police forces in America. Don't contribute to that divide. Do not permit militarization of any American Police Force. If anything, de-militarize existing police forces.

The police should carry fewer weapons and more cameras. For those situations where the police may be out-weaponed, encourage the police forces to have a few sharp shooters, whose weapons are locked up until a situation calls for them and the appropriate management authorized the release of those weapons. Haste makes waste.

With today's (and especially future) technologies, it is easy to track down those where it is necessary to track them down.

Jerry Fink from Las Vegas, NV, wrote in support of military equipment for the police. He reminded the Nevada Advisory Committee that when the police are out-gunned by criminals, public safety is imperiled.³⁷

It seems like yesterday when the Los Angeles police force was out-gunned by two bank robbers, who—clad in armor protection and armed with automatic rifles—waged war for about an hour before law enforcement managed to get comparable weapons to defend themselves and innocent citizens beset by the criminals.

If I were a police officer I would want all the gadgets and weapons necessary for me to defeat criminals determined to kill or injure me.

To have this silly argument about how heavily armed law enforcement personnel can or cannot be does a disservice to all who defend us and sets a dangerous precedent. Just whose side are we supposed to on? The rioters, looters, bank robbers, muggers or murderers or the "good" guys putting their lives and safety on the line every day they don a uniform?

Robert and Sally Shackleford from Boulder City, NV, countered that it is simply wrong for local police to have and use military-grade equipment when dealing with the public.³⁸

It is absolutely unacceptable for the police to use military-grade equipment against civilians. It is the role of the police to protect the public, not use military-type force against them. Citizens are not using 50-caliber machine guns or rocket propelled grenade launchers against the local police force and the police force should not be responding in kind.

Robert Day of Henderson commented that the issue of police militarization has the wrong focus. Instead of putting a spotlight on the police carrying out their duties, elected officials should concentrate on ending black-on-black crime.³⁹

³⁷ Jerry Fink, letter to the Nevada Advisory Committee, Aug. 23, 2014, Western Regional Office files.

³⁸ Robert K. Shackleford and Sally J. Shackleford, letter to the Nevada Advisory Committee, Aug. 21, 2014, Western Regional Office files.

³⁹ Robert K. Day, letter to the Nevada Advisory Committee, Aug. 25, 2014, Western Regional Office files.

In regards to the Ferguson, MO, case, stemming from the fatal shooting (by police) of an 18-year old, (the victim) was connected to the report of a strong arm robbery that the (police officer) heard minutes earlier on his radio.

By all means investigate the Ferguson shooting, but where is the perspective? Murder statistics for 2012 show that 6,454 blacks were murdered, and almost all were killed by other blacks. The Attorney General should by using his valuable time investigating (these) physical attacks fueled by blacks from coast to coast.

Christine Reiter of Las Vegas criticized the militarization of the police. She claimed that not only does it create an “us versus them” mentality among police officers, but it also has created a policing mentality that demands absolute un-questioning obedience.⁴⁰

I am 65 years old and have never been arrested. I have always been a law abiding citizen. The direction this country is going in is extremely terrifying. We already have SWAT teams available to our police force which have overextended their mission to include countless incidents of raids on innocent people. Far too often citizens are being arrested and even killed for minor infractions. Unarmed citizens being killed, dogs murdered for no reason, babies deformed because of careless police tactics.

No-knock raids which are totally unconstitutional have increased exponentially over the years....These are not uncommon occurrences, unfortunately they are becoming very common.... Just go to <http://www.cato.org/raidmap> to see all of the botched raids that took place in the USA. The majority of them are raids on innocent suspects! No-knock raids are unconstitutional and exacerbate the problem. If my front door was bashed in at 3:00 am I would be scared to death and would not be unarmed. How are people to know this is not a home invasion by criminals? Because either way, it is a home invasion.

Today with the unrest in Ferguson, MO, the police have made matters worse. Granted the officer involved was very likely justified in shooting Michael Brown, however, the protests did not get out of hand until the police showed up with dogs, tear gas and riot gear. Then, when the looting started the police stood down and let store owners fend for themselves. Something is very wrong with this picture....

I am sure there are still good police officers out there, but it is no longer “Protect and Serve.” Militarization (of the police) has provoked an “Us against Them” mentality.

⁴⁰ Christine Reiter, letter to the Nevada Advisory Committee, Aug. 22, 2014, Western Regional Office files.

IV. Analysis of Military Equipment Provided to Police Agencies

Methodology

Data collection was conducted with eight selected urban police agencies in Nevada. The selected police agencies deliberately included three urban police forces, two county sheriffs with a large urban area, and three county sheriffs in rural counties. The three metropolitan police forces were: (1) the City of Elko, (2) the City of Las Vegas and Clark County, and (3) the City of Reno. The two sheriff departments from counties that encompassed a large urban area were (1) Elko County Sheriff, and (2) Washoe County. Finally, the three sheriff departments of rural counties included a county in the far northern part of the state, a county in the far eastern part of the state, and a county with the largest geographic area will be examined, which were: (1) the Humboldt County Sheriff, (2) the Nye County Sheriff, and (3) the White Pine County Sheriff.

Data requested by the Nevada Advisory Committee sought to learn the amount of military equipment acquired over the most recent 10-year period. The specific data collection request solicited the following information:

- military equipment obtained under the 1033 Program,
- reason for the equipment acquisition,
- employment of military equipment, and
- race and ethnicity impact employment rates.

In addition, the Nevada Advisory Committee accessed database information operated by the Defense Logistics Agency's Law Enforcement Support Office. That information provided the Committee with police agencies in the state that had received equipment under the 1033 Program in the most recent 3-year period, to include (a) item name, (b) quantity, and (c) value of each item.

The Nevada Advisory Committee also attempted to assess state and federal monitoring over the acquisition and use of surplus military equipment by local police forces. The information solicited from state and federal oversight agencies requested any required reporting on the use of acquired military equipment by local law enforcement agencies.

The collected data is set out in four sections. The first section presents the data collected from the two large urban police departments that were part of the survey. The second section presents the data collected from the three surveyed county sheriff departments with a large urban area. The third section presents data collected from the three surveyed rural county sheriff departments. As a preface to the presentation of the data, a composite table lists the population, white-alone population percent, land area, and persons per square mile for selected local police departments. Following for each section is a table that lists the military equipment obtained by the surveyed police agencies.

A fourth section follows, which presents data and summary information for all police departments that received military equipment under the 1033 Program for the most 3-year period. A table in that section details all of the equipment received. As part of the data collection the Nevada Advisory Committee tried to evaluate the extent to which military weaponry and tactical equipment was used in a manner that has a disparate impact on minority communities.

Table 2: Population, white-alone population percent, land area, and persons per square mile for selected local police departments

<i>Urban Police Departments</i>				
	Las Vegas Metropolitan PD	City of Reno	City of Elko	State of Nevada
Population	2,027,868	233,294	20,074	2,790,135
White population percent	72.7%	74.2%	78.9%	76.7%
Land area in square miles	136*	103	17.6	109,781
Persons per square mile	4298.2*	2,186.4	1,037.3	24.6
Uniform Police Officers	2,555	302	39	
<i>Urban County Sheriff Departments</i>				
	Elko County	Washoe County		State of Nevada
Population	52,384	433,731		2,790,135
White population percent	89.0%	85.7%		76.7%
Land area in square miles	17,169	6,302		109,781
Persons per square mile	2.8	66.9		24.6
Uniform Police Officers	59	420		
<i>Rural County Sheriff Departments</i>				
	Humboldt County	Nye County	White Pine County	State of Nevada
Population	17,363	42,297	10,057	2,790,135
White population percent	90.1%	90.1%	87.2%	76.7%
Land area in square miles	9,640	18,181	8,875	109,781
Persons per square mile	1.7	2.4	1.1	24.6
Uniform Police Officers	27	91	32	

Source: Nevada Advisory Committee from Census data, and police annual reports.

* Indicates demographic information for the City of Las Vegas

Data Collection

Urban Police Departments

The Nevada Advisory Committee sought to survey major police departments in the state from different counties. Las Vegas in Clark County and Reno in Washoe County are the two most populous cities, and the two were surveyed by the Committee. The City of Elko was also selected.

In 1973, the Las Vegas Police Department and the Clark County Sheriff's Department were deactivated and the Las Vegas Metropolitan Police Department was activated to take their place. The new agency (Las Vegas Metropolitan Police Department) became responsible for all police services within the City limits of the City of Las Vegas and the unincorporated areas of the County of Clark.

The City of Las Vegas has a population of approximately 583,000 residents, and the Las Vegas Metropolitan Police Department (LVMPD) also serves the unincorporated sections of Clark County. Reno has about half the population of Las Vegas, numbering about 233,000 persons. Elko City is substantially smaller than both Las Vegas and Reno, with a population of about 20,000.⁴¹

Among the three surveyed police departments, the LVMPD has acquired considerably more military equipment in recent years than the other two surveyed departments. Major equipment acquisitions have included two rescue helicopters, one armored personnel carrier, and one armored robot. In recent years, both rescue helicopters have been utilized for rescue missions, with a vast majority of rescues in federal conservation or wilderness areas.⁴²

LVMPD also reported that the department's SWAT team has one armored personnel carrier, which has not been used during the last two years. In addition, the department's All Hazards Regional Multi-Operations and Response (ARMOR) unit received a remote MK 3MOD robot, which provides explosive ordinance disposal (EOD) teams with a peacetime/wartime remote, standoff capability to perform EOD missions. It provides EOD team members with the ability to perform reconnaissance, access to site, remote render-safe procedures, "pick-up and carry away," and disposal tasks in a high-risk and/or contaminated environment. However, according to the department, the robot required a significant amount of work to make it operational, and so it was not used.⁴³

According to the department the 1033 Program has been critical in allowing the agency to operate and maintain the rescue helicopters as more than \$1.3 million in surplus parts have been received by the department in recent years—parts that would cost many times more if the agency had to purchase new.⁴⁴ Along with the rescue helicopters, extensive amounts of rescue gear have been acquired by the department. Such equipment has included night vision sights, life preservers, rescue wraps, binoculars, tourniquets, diver boots, and marine life saving equipment.⁴⁵

⁴¹ Nevada Advisory Committee from Census data.

⁴² Liesl Freedman, General Counsel, Las Vegas Metropolitan Police Department, letter to Angelica Trevino, Nov. 25, 2014, Western Regional Office files (hereafter referred to as LVMPD response).

⁴³ Ibid.

⁴⁴ Jack Clements, testimony, Nevada Briefing.

⁴⁵ LVMPD response, attachment C.

Table 3: Weapons and auxiliary weapon equipment acquired by Elko Police Department, Las Vegas Metropolitan Police Department, and Reno Police Department

	Las Vegas Metro PD	Reno PD	Elko PD
Weapons			
Automatic rifles	0	0	0
Semi-automatic pistols	0	0	0
Military vehicles	1	1	2
Auxiliary weapon equipment			
Image intensifiers/converters	0	0	8
Night vision--sights & goggles	0	0	15
Reflex and weapon sights	0	6*	38

Source: Nevada Advisory Committee

* Equipment returned at request of DoD.

LVMPD is one of several police agencies in Clark County.⁴⁶ While LVMPD has not acquired military weapons, LESO data shows other city police agencies in Clark County have acquired military weaponry, to include more than 60 automatic rifles as well as other tactical equipment such as image intensifiers, night vision goggles, reflex sights, and laser viewing sets.⁴⁷

The Reno Police Department obtained a “REVA” armored personnel carrier from the 1033 Program in March 2011. This is a four wheel drive armored vehicle designed to protect the occupants from gunfire. Due to the poor condition in which it was received it has not been in use and is in the process of being restored by a local vendor.⁴⁸

In January 2012 the Reno Police Department obtained six Elcan telescopic rifle sights. These were put into use immediately by the SWAT team. In July of 2013, the DoD requested the sights be returned so they could be re-issued to a military unit who had a need for them. The sights were returned per the DoD request on August 1, 2013.⁴⁹

The Elko Police Department reported to the Nevada Advisory Committee that in the past 10 years the department had acquired two military vehicles, 38 weapon sights, and night vision equipment. The Department had also obtained miscellaneous clothing items and an impact wrench set.⁵⁰ According to the Department, the obtained equipment has only been used in recent years by the Elko Special Response Team (SWAT) in training exercises and active duty situations.⁵¹

⁴⁶ Other municipal police agencies in Clark County include the Boulder City Police Department, Henderson Police Department, Mesquite Police Department, and North Las Vegas Police Department as well as several tribal law enforcement agencies.

⁴⁷ LESO report at www.dispositionservices.dla.mil/leso/Pages/default.aspx.

⁴⁸ Robert Bony, Deputy City Attorney, City of Reno, letter to Peter Minarik, Nov. 18, 2014, Western Regional Office files.

⁴⁹ Ibid.

⁵⁰ Ben Reed, Jr., Police Chief, Elko Police Department, letter to Angelica Trevino, Jan. 26, 2015, Western Regional Office files.

⁵¹ Ibid.

Urban County Sheriff Departments

The Nevada Advisory Committee sought to survey the sheriff departments of three most populous counties in Nevada regarding the acquisition of military equipment. In Nevada, the three most populous counties (population) are: (1) Clark (2,027,000), (2) Washoe (433,800), and Elko (52,400).

As previously reported, in 1973 the Las Vegas Police Department and the Clark County Sheriff's Department were deactivated and LVMPD was activated to take their place. The unified law enforcement agency is responsible for all police services within the City limits of Las Vegas and the unincorporated areas of the County of Clark. With Clark County, therefore, under the auspices of LVMPD the Nevada Advisory Committee solicited information from the two remaining largest counties, the Washoe County Sheriff Department and the Elko Sheriff Department.

The Elko Sheriff Department reported that the department has not obtained nor used any equipment under the 1033 Program in the past 10 years.⁵² However, information examined by the Nevada Advisory Committee shows other police agencies in Elko County acquiring weapons and other tactical equipment under the 1033 Program. Between 2006 and 2010, six automatic rifles and 16 semi-automatic pistols were obtained as well as an MRV (mine resistant vehicle) along with other tactical equipment.⁵³ DoD reports also show local police agencies in the county have outdoor clothing to include mittens, scarfs, and cold weather parkas, overalls, shirts, and boots as well as tools that include a wrench set, pickaxes, and jack scissors; and 30 trauma kits were acquired by the department.⁵⁴

The Washoe Sheriff Department, in contrast to the Elko County Sheriff has availed the 1033 Program for numerous items. The obtained equipment includes weapons, auxiliary weapon equipment, transportation replacement items, clothing, outdoor gear, communication and navigation equipment, first aid kits and survival gear, tools and electronics, and storage materials.⁵⁵ As stated in the department's Standard Operating Procedure (SOP) for acquiring and using federal excess military equipment, the purpose is to enhance the overall effectiveness of tactical units, community programs, projects and specialty teams.⁵⁶ Military weapons acquired by the Washoe Sheriff Department include 83 M-16 automatic rifles and one explosive robot. Auxiliary weapon equipment includes silhouette targets, weapon slings, illuminators, rifle magazines, an artillery tool kit, a sniper tripod, weapon sights, and sight reflexes. The value of the obtained equipment is approximately \$140,000.⁵⁷

Washoe County is very mountainous terrain, with elevations ranging up to 3,255 meters. The Washoe County Sheriff Department has availed the 1033 Program to acquire a great deal of outdoor gear. Items acquired include: tents, space heaters, ground cloths, tarps, folding chairs, ICS shelters,⁵⁸ modular sleep systems, field packs, sleeping mats, and lanterns.⁵⁹

⁵² Kevin McKinney, Elko County Sheriff's Department, letter to Angelica Trevino, Dec. 11, 2014, Western Regional Office files.

⁵³ LESO report at www.dispositionservices.dla.mil/leso/Pages/default.aspx and for the period 2012-14. See Table 3.

⁵⁴ Ibid.

⁵⁵ Tim Kuzanek, Washoe County Sheriff's Department, letter to Peter Minarik, Nov. 21, 2014, Western Regional Office files.

⁵⁶ Washoe County Sheriff, SOP No.: 7.000, Mar. 01, 2013.

⁵⁷ Nevada Advisory Committee from Washoe County Sheriff Department data.

⁵⁸ ICS, an improved combat shelter, is a single-storage vestibule, one-person size, double-walled, free-standing tent that strikes easily.

Table 4: Weapons and auxiliary weapon equipment acquired by Washoe County Sheriff Department, 2005-14

Weapons	Weapon	Number
	M-16 rifle	83
	Explosive robot	2
	Bayonet	1
Auxiliary weapon equipment	Equipment	Number
	Silhouette target	3
	Weapon sling	5
	Illuminator	22
	Rifle magazine	65
	Artillery tool kit	1
	Sniper tripod	5
	Reflex sights	20
	Weapon sights	5
	Viewing set	22

Source: Nevada Advisory Committee from Washoe County Sheriff Department data.

Note: The other surveyed County Sheriff Department, Elko, received no surplus military equipment under the 1033 Program.

The department has also obtained first aid equipment as well as survival gear, such as safety rescue equipment, a hospital bed, and first aid kits.⁶⁰ The value of the non-weapon surplus equipment the department has received under the program in the past 10 years is approximately \$560,000.⁶¹

Finally, the Washoe Sheriff Department has used the 1033 Program to obtain communication and navigation equipment. Such items include:⁶²

- ♦ Headsets with microphones
- ♦ Night vision goggles
- ♦ Searchlights
- ♦ Compasses
- ♦ Binocular laser finders
- ♦ Spotlights
- ♦ Helmets and helmet liners
- ♦ Meteorological kit

⁵⁹ Nevada Advisory Committee from Washoe County Sheriff's Department data, provided to the Committee on Nov. 21, 2014, Western Regional Office files.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

Table 5: Military equipment obtained by selected rural counties under 1033 program

	Humboldt County	Nye County	White Pine County
Weapons	M-16 (4)	M-16 (22) M-14 (10)	0
Equipment	0	night goggles	night vision intensifiers
Vehicles	0	APC (1)*	0
Aircraft	0	0	0

Source: Nevada Advisory Committee

* The APC was returned due to high maintenance costs and low usage.

Rural county sheriff departments

Three rural county sheriff departments were examined regarding their acquisition and use of military equipment. The Humboldt County Sheriff's Office reported the acquisition of four M-16 automatic rifles. According to the department, the weapons are in one central location and have not been issued. An accounting of the weapons is reported on an annual basis to the State of Nevada.⁶³ In addition to the report from the department LESO records indicate that in 2013 the department acquired one Mine Resistant Vehicle, valued at \$658,000.⁶⁴

The Nye County Sheriff's Office reported receiving the following equipment: one personnel carrier, 10 M-14 rifles, 22 M-16 rifles, and 30 night vision goggles. According to a department official, with the exception of the night vision goggles none of the equipment has been used in any incidents.⁶⁵ An official with the Nye County Sheriff's Office said that the M-14 rifles were used for color guard ceremonies and parades. The armored personnel carrier was obtained in the expectation that it could assist the department negotiating difficult mountainous terrain. However, the high costs of maintenance and realized low usage prompted the department to return the vehicle.⁶⁶

The White Pine Sheriff's Office reported to the Committee that it had not requested or received any surplus military equipment.⁶⁷ LESO records examined by the Nevada Advisory Committee show that in 2008 the department obtained two image night vision intensifiers, each with a value of \$6,656.⁶⁸

With respect to any disparate impact on minority communities, interviews with police officials and information examined suggest that military weapons and tactical equipment has not been used directly by officers in their dealings with the public.

⁶³ Damen Kuskie, Humboldt County Sheriff's Office, letter to Peter Minarik, Dec. 30, 2014, Western Regional Office files.

⁶⁴ LESO report at www.dispositionservices.dla.mil/leso/Pages/default.aspx and for the period 2012-14.

⁶⁵ Richard Marshall, Nye County Sheriff's Department, letter to Peter Minarik, Dec. 11, 2014, Western Regional Office files.

⁶⁶ Richard Marshall, telephone interview, Jan. 6, 2015.

⁶⁷ Ray Sawyer, White Pine County Sheriff's Department, letter to Peter Minarik, Jan. 8, 2015, Western Regional Office files.

⁶⁸ LESO report at www.dispositionservices.dla.mil/leso/Pages/default.aspx and for the period 2012-14.

Military equipment recently supplied to non-surveyed police departments

In addition to the eight selected surveyed police agencies, the Nevada Advisory Committee acquired a listing of military equipment provided to local law enforcement agencies in the state during the past three years, i.e., 2012, 2013, and 2014. The information was obtained from the Law Enforcement Support Office (LESO) as administered through the Defense Logistics Agency (DLA).

According to LESO, five additional police agencies in the state received or acquired military equipment through the 1033 Program in the most recent 3-year period, 2012-14. They include the Carson City Sheriff Office, Douglas County Sheriff Department, Fallon Police Department, Lyon County Sheriff Department, and the Yerington Police Department. None of the equipment acquired by any of the five police agencies included actual military weaponry.

As set out in Table 6, all of the equipment reported to have been acquired by the Carson City Sheriff Department is essentially non-weapons equipment. It includes such items as a cargo trailer, compressors, generators, lamps, duffel bags and sleeping bags. All of the equipment was obtained in 2014, and the monetary value of the items is \$17,011.⁶⁹

Among the five non-surveyed police departments reportedly acquiring military equipment under the 1033 Program, the Lyon County Sheriff Department was reported to have received the most military equipment both in terms of the number of items acquired as well as the value of the equipment. As with the other four non-surveyed departments, however, none of the received equipment was military weaponry although the department did obtain complementary weapon equipment. Reportedly, the complementary military equipment included items such as rifle sights, grip covers, and cleaning equipment. The majority of the equipment obtained was field equipment and navigation instruments. This included gloves, goggles, parkas, photography equipment, and hydration systems. The value of the reported acquired equipment is \$81,513.⁷⁰

In the most recent 3-year period, the Douglas County Sheriff Department, Fallon Police Department, and Yerington Police Department also each were reported to have received items under the 1033 Program. Again, though, none of the three departments received any military weapons.

The Douglas County Sheriff Department was reported to have acquired 40 field packs, each valued at \$787 for a total value of \$31,480. The Fallon Police Department received no military weapons, although it was reported to have acquired one trailer cargo, valued at \$8,945.⁷¹ In the military, cargo trailers are regularly fitted to military vehicles to increase cargo capacity or for hauling specialized equipment or weapons. Similar to the Douglas Sheriff Department, the Yerington Police Department was also reported has having obtained field packs under the 1033 Program. The department acquired seven field packs, each valued at \$787 for a total value of \$5,509.⁷²

⁶⁹ Law Enforcement Support Office, Defense Logistics Agency's, 1033 Program report, 2012-14 at www.dispositionsservices.dla.mil/leso/Pages/default.aspx and for the period 2012-14 (last accessed Jan. 5, 2014).

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

Table 6: Military equipment acquired under 1033 Program 2012-14 for non-surveyed local enforcement agencies in Nevada

Agency Name	Equipment	Qty	Year
Carson City Sheriff Dept	SUPPORT,CAMOUFLAGE SCREENING SYSTEM	5	2014
Carson City Sheriff Dept	TRAILER,CARGO	1	2014
Carson City Sheriff Dept	EYEWASH EQUIPMENT	1	2014
Carson City Sheriff Dept	COMPRESSORS AND VACUUM PUMPS	1	2014
Carson City Sheriff Dept	GENERATORS AND GENERATOR SETS	2	2014
Carson City Sheriff Dept	LAMP,LIGHT EMITTING DIODE	10	2014
Carson City Sheriff Dept	BAG,DUFFEL	27	2014
Carson City Sheriff Dept	SLEEPING BAG,COOL WEATHER	3	2014
Douglas County Sheriff Dept	FIELD PACK	40	2013
Fallon Police Dept	TRAILER,CARGO	1	2014
Lyon County Sheriff Dept	SWAB,SMALL ARMS CLEANING	10	2013
Lyon County Sheriff Dept	BIPOD,FOLDING	4	2012
Lyon County Sheriff Dept	SIGHT,REAR	15	2012
Lyon County Sheriff Dept	SIGHT,REAR	15	2013
Lyon County Sheriff Dept	SWIVEL,SLING,SMALL ARMS	20	2013
Lyon County Sheriff Dept	CLEANING KIT,GUN	50	2013
Lyon County Sheriff Dept	KIT,TACTICAL TRIPOD	4	2013
Lyon County Sheriff Dept	SLING,SMALL ARMS	60	2012
Lyon County Sheriff Dept	LEVEL(1),WEAPON UNIT	20	2014
Lyon County Sheriff Dept	COVER,GRIP BUILDING GROUP,WEAPON CONTROL	30	2014
Lyon County Sheriff Dept	PRISON WORN STUN DEVICE REMOTE CONTROL	3	2013
Lyon County Sheriff Dept	NO DESCRIPTION PROVIDED	2	2013
Lyon County Sheriff Dept	GOGGLES,INDUSTRIAL	4	2012
Lyon County Sheriff Dept	GOGGLES,BALLISTIC	60	2014
Lyon County Sheriff Dept	GLOBAL POSITIONING SYSTEM RECEIVER	1	2012
Lyon County Sheriff Dept	RECEIVER,RADIO NAVIGATION	1	2012
Lyon County Sheriff Dept	NAVIGATION SET,SATELLITE SIGNALS	1	2012
Lyon County Sheriff Dept	NAVIGATION SET,SATELLITE SIGNALS	1	2012
Lyon County Sheriff Dept	ADAPTER,GOGGLES,NIGHT VISION	2	2014
Lyon County Sheriff Dept	BORELIGHT SYSTEM	1	2012
Lyon County Sheriff Dept	BANDAGE,GAUZE,IMPREGNATED	75	2013
Lyon County Sheriff Dept	POUCH,MEDICAL AID	4	2014
Lyon County Sheriff Dept	RESCUE AND TRANSPORT SYSTEM,PATIENT	2	2013
Lyon County Sheriff Dept	LITTER CARRIER,BREAK-AWAY	6	2014
Lyon County Sheriff Dept	FIRST AID KIT,UNIVERSAL	70	2013
Lyon County Sheriff Dept	ANTI-REFLECTION DEVICE,OPTICAL INSTRUMENT	10	2014
Lyon County Sheriff Dept	CASE,PHOTOGRAPHIC EQUIPMENT	1	2014
Lyon County Sheriff Dept	CASE,PHOTOGRAPHIC EQUIPMENT	5	2014

Lyon County Sheriff Dept	SHIPPING AND STORAGE CONTAINER, SMALL ARM	2	2014
Lyon County Sheriff Dept	SHIPPING AND STORAGE CONTAINER	1	2014
Lyon County Sheriff Dept	SHIPPING AND STORAGE CONTAINERS	2	2014
Lyon County Sheriff Dept	PARKA, SNOW CAMOUFLAGE	10	2014
Lyon County Sheriff Dept	TROUSERS, SNOW CAMOUFLAGE	10	2014
Lyon County Sheriff Dept	SHIRT, COLD WEATHER	15	2013
Lyon County Sheriff Dept	MASK, FACE, IMPACT PROTECTIVE	20	2013
Lyon County Sheriff Dept	PAD, STRIKING SHIELD	5	2014
Lyon County Sheriff Dept	THROAT PROTECTOR	20	2013
Lyon County Sheriff Dept	GLOVES, COLD WEATHER	10	2013
Lyon County Sheriff Dept	GLOVES, COLD WEATHER	10	2013
Lyon County Sheriff Dept	GLOVES, COLD WEATHER	2	2013
Lyon County Sheriff Dept	SUSPENDERS, INDIVIDUAL EQUIPMENT BELT	10	2013
Lyon County Sheriff Dept	CASE, SHOTGUN AMMUNITION	10	2013
Lyon County Sheriff Dept	CASE, FIELD FIRST AID DRESSING	15	2013
Lyon County Sheriff Dept	BIVY COVER	15	2014
Lyon County Sheriff Dept	POUCH, RADIO, MOLLE	15	2013
Lyon County Sheriff Dept	POUCH, 40MM PYROTECHNIC, DOUBLE	2	2014
Lyon County Sheriff Dept	POUCH, UTILITY, 100 ROUND	20	2014
Lyon County Sheriff Dept	HYDRATION SYSTEM	30	2012
Lyon County Sheriff Dept	POUCH, 40MM HE, SINGLE	6	2014
Lyon County Sheriff Dept	FIELD PACK	20	2012
Lyon County Sheriff Dept	FIELD PACK, LARGE, SET	5	2013
Lyon County Sheriff Dept	POUCH, FLASH BANG GRENADE	3	2013
Lyon County Sheriff Dept	POCKET, MAGAZINE	40	2013
Lyon County Sheriff Dept	BAG, AMMUNITION	5	2013
Lyon County Sheriff Dept	POUCH, SINGLE MAGAZINE	20	2013
Lyon County Sheriff Dept	SUSPENDERS, INDIVIDUAL EQUIPMENT BELT	15	2013
Lyon County Sheriff Dept	PAD SET, SUSPENSION SYSTEM	30	2012
Lyon County Sheriff Dept	PAD, HELMET, ADVANCED COMBAT	16	2012
Yerington Police Dept	SAFE	2	2012
Yerington Police Dept	FIELD PACK	7	2012

Source: Department of Defense Logistics Agency, Law Enforcement Support Office.

Police Officer Training

Combat weapons by their very nature have different uses and capabilities than equipment used in normal policing activities. Concerned about adequate police training with acquired military weaponry acquired under the 1033 Program, the Nevada Advisory Committee did follow-up inquiries with the selected law enforcement agencies to learn about the level of training.

A representative for the LVMPD reported to the Committee that no weapons had been acquired under the 1033 Program, so there was no training provided. Transport equipment to include two rescue helicopters and one personnel had been obtained, in addition to the acquisition of one armored robot. According to the representative, training is conducted by the agency's Air Support Unit personnel on the two rescue helicopters.⁷³

An official with the Reno Police Department told the Committee that all police officers receive training in use of the acquired M-16 rifles. The training that is provided is identical to the training that is given to police officers for the department issued AR-15 rifle. The representative also told the Committee that the bolt carriers on the acquired M-16 rifles have been disengaged by the department so that the rifles can only fire in semi-automatic mode, similar to the AR-15 rifles.⁷⁴

Training of military obtained equipment with respect to the three examined rural county sheriff departments was not determined to be an issue. Humboldt County Sheriff's Department reported the acquisition of four M-16 automatic rifles, and the weapons are in one central location and have not been issued. The Nye County Sheriff's Department reported receiving the following equipment: one personnel carrier, 10 M-14 rifles, 22 M-16 rifles, and 30 night vision goggles. According to a department official, the armored personnel carrier was obtained in the expectation that it could assist the department negotiating difficult mountainous terrain, however high costs of maintenance and low usage prompted the department to return the vehicle.⁷⁵ Officers receive 3-day training with the automatic rifles at the department's gun range under the supervision of the department's range master.⁷⁶

The White Pine Sheriff's Department reported to the Committee that it had not requested or received any surplus military equipment.⁷⁷ LESO records examined by the Nevada Advisory Committee reportedly shows that in 2008 the department obtained two image night vision intensifiers, each with a value of \$6,656.⁷⁸

⁷³ Telephone discussion, Liesl Freedman, General Counsel, Las Vegas Metropolitan Police Department, per letter of Joseph Lombardo, Sheriff, LVMPD, May 12, 2015.

⁷⁴ Interview, Charlie de St. Maurice, Reno Police Department, Feb., 5, 2015.

⁷⁵ Richard Marshall, telephone interview, Jan. 6, 2015.

⁷⁶ The range master is certified through formal school training conducted either by the State of Nevada or the Federal Bureau of Investigation.

⁷⁷ Ray Sawyer, White Pine County Sheriff's Department, letter to Peter Minarik, Jan. 8, 2015, Western Regional Office files.

⁷⁸ LESO report at www.dispositionservices.dla.mil/leso/Pages/default.aspx and for the period 2012-14.

V. Findings

In 1990, Congress authorized the 1033 Program that authorizes the Department of Defense to give and sell surplus military equipment to local police agencies. Under the program more than \$4.3 billion worth of surplus military equipment has been transferred without cost to state and local law enforcement agencies. The purpose of the 1033 Program is to provide for the re-use of military equipment in a manner that contributes to the protection of the public while reducing operational risk to peace officers.

Upon examination of the 1033 Program of selected urban, county, and rural police agencies regarding their acquisition and use of military equipment under the 1033 Program, the Nevada Advisory Committee finds:

- local police agencies in Nevada appear not to have excessively armed themselves with military assault weapons;
- the received equipment seems generally appropriate for what the communities need;
- the transfer of military equipment to local police agencies in Nevada has not resulted in any observed excessive use or mis-use of the equipment; and
- the 1033 Program has provided cost savings to the taxpayer by allowing for the re-use of previously purchased equipment.

The Nevada Advisory Committee also finds disparity among state law enforcement agencies regarding the acquisition of military equipment.

Among urban police districts, the two major city urban police agencies reported significant military equipment acquisitions, to include rifles and transport vehicles. But the urban police districts also reported the receipt of rescue helicopters and protective gear for police officers.

Between the two county police agencies examined, one Sheriff Department reported that the department had not obtained nor used any equipment under the 1033 Program. The other examined Sheriff Department availed the 1033 Program for numerous items to include weapons and auxiliary weapon equipment, as well as outdoor gear, communication and navigation equipment, and first aid equipment.

Among the three rural county Sheriff Departments examined, one department acquired four automatic rifles that have never been issued. A second Sheriff Department also received automatic rifles that have never been used. And the third examined Sheriff Department had not requested or received any surplus military equipment.

As part of this project, the Nevada Advisory Committee wanted to know about police officer training with received military equipment. While some limited information was obtained by the Committee on this aspect of the 1033 Program, not enough credible information was obtained to allow for the Committee to make a finding. Nevertheless, two themes emerged:

- No national or state across-the-board standards for the training of police officers with military weapons appear to be in place.
- The training of police officers with military weapons is not formally monitored and coordinated by agents of the Department of Defense.

VI. Recommendations

The Nevada Advisory Committee embarked on its examination of police militarization because Americans have long been accustomed to the principle that its police forces have the job of protecting the public from each other, while the military protect them from external enemies. The civil rights concern regarding the militarization of the police is that it harbors the danger that the police may begin to see the public as enemies, and vice versa.

In May 2015, President Obama announced a ban on the transfer of certain military weapons and gear to include armored vehicles, bayonets, grenade launchers and .50-caliber ammunition guns. The Executive Orders of the President notwithstanding, the Nevada Advisory Committee recommends continued vigilance on this issue. To the Committee, when police appear to the community to be an occupying force, or un-necessarily brandish military equipment, or make poor operational choices with such equipment, these programs erect visible barriers between police and the communities to the peril of civil rights.

The Nevada Advisory Committee makes the following recommendations.⁷⁹

1. The U.S. Commission on Civil Rights needs to engage in active monitoring of this issue. The Commission's seminal report on policing issues, *Who is Guarding the Guardians?*, raised troubling concerns about insular police practices that undermine equal protection under the law. Now more than 30 years after the issuance of the Commission's first report on police practices, the increasing militarization of the police has come into the public limelight as a civil rights concern.

2. One visible barrier that could be eliminated is any lack of diversity. Community oriented policing as a concept embraces diversity as an effective tool of policing. The Nevada Advisory Committee believes that police forces should reflect the communities they serve, and encourages local police departments in Nevada to continue their efforts to have diverse police forces.

3. The Nevada Advisory Committee remains concerned about police training with military weaponry acquired under the 1033 Program. Combat weapons by their very nature have different uses and capabilities than equipment used in normal policing activities. If police officers have combat weapons, the level of training with that equipment must be adequate to ensure citizen and community safety. The Nevada Advisory Committee recommends going forward two points of emphasis regarding officer training with respect to obtained military weaponry by local police departments.

- There should be in place established and required board standards for the training of police officers with military weapons, and
- Such training should be monitored by designated federal officials responsible for the transfer of military equipment to local police agencies.

⁷⁹ The recommendations in this report are made through the U.S. Commission on Civil Rights and are submitted in accordance with the provisions of Section 703.2(e) of the Commission's regulations calling upon Advisory Committees to initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied.

Appendix 1: Executive Order 13688—Federal Support for Local Law Enforcement Equipment Acquisition

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to better coordinate Federal support for the acquisition of certain Federal equipment by State, local, and tribal law enforcement agencies, I hereby order as follows:

Section 1. Policy. For decades, the Federal Government has provided equipment to State, local, and tribal law enforcement agencies (LEAs) through excess equipment transfers (including GSA donations), asset forfeiture programs, and Federal grants. These programs have assisted LEAs as they carry out their critical missions to keep the American people safe. The equipment acquired by LEAs through these programs includes administrative equipment, such as office furniture and computers. But it also includes military and military-styled equipment, firearms, and tactical vehicles provided by the Federal Government, including property covered under 22 CFR Part 121 and 15 CFR Part 774 (collectively, “controlled equipment”).

The Federal Government must ensure that careful attention is paid to standardizing procedures governing its provision of controlled equipment and funds for controlled equipment to LEAs. Moreover, more must be done to ensure that LEAs have proper training regarding the appropriate use of controlled equipment, including training on the protection of civil rights and civil liberties, and are aware of their obligations under Federal nondiscrimination laws when accepting such equipment. To this end, executive departments and agencies (agencies) must better coordinate their efforts to operate and oversee these programs.

Sec. 2. Law Enforcement Equipment Working Group. (a) There is established an interagency Law Enforcement Equipment Working Group (Working Group) to identify agency actions that can improve Federal support for the acquisition of controlled equipment by LEAs, including by providing LEAs with controlled equipment that is appropriate to the needs of their community; ensuring that LEAs are properly trained to employ the controlled equipment they acquire; ensuring that LEAs adopt organizational and operational practices and standards that prevent the misuse or abuse of controlled equipment; and ensuring LEA compliance with civil rights requirements resulting from receipt of Federal financial assistance. The Working Group shall be co-chaired by the Secretary of Defense, Attorney General, and Secretary of Homeland Security. In addition to the Co-Chairs, the Working Group shall consist of the following members:

- (i) the Secretary of the Treasury;
- (ii) the Secretary of the Interior;
- (iii) the Secretary of Education;
- (iv) the Administrator of General Services;
- (v) the Director of the Domestic Policy Council;
- (vi) the Director of the Office of National Drug Control Policy;
- (vii) the Director of the Office of Management and Budget;
- (viii) the Assistant to the President for Intergovernmental Affairs and Public Engagement;

- (ix) the Assistant to the President for Homeland Security and Counterterrorism;
- (x) the Assistant to the President and Chief of Staff of the Office of the Vice President;
- and
- (xi) the heads of such other agencies and offices as the Co-Chairs may, from time to time, designate.

(b) A member of the Working Group may designate a senior-level official who is from the member's agency or office and is a full-time officer or employee of the Federal Government to perform the day-to-day Working Group functions of the member. At the direction of the Co-Chairs, the Working Group may establish subgroups consisting exclusively of Working Group members or their designees under this subsection, as appropriate.

(c) There shall be an Executive Director of the Working Group, to be appointed by the Attorney General. The Executive Director shall determine the Working Group's agenda, convene regular meetings, and supervise its work under the direction of the Co-Chairs. The Department of Justice shall provide funding and administrative support for the Working Group to the extent permitted by law and within existing appropriations. Each agency shall bear its own expenses for participating in the Working Group.

Sec. 3. Mission and Function of the Working Group. (a) The Working Group shall provide specific recommendations to the President regarding actions that can be taken to improve the provision of Federal support for the acquisition of controlled equipment by LEAs, which may include, to the extent permitted by law:

- (i) developing a consistent, Government-wide list of controlled equipment allowable for acquisition by LEAs, as well as a list of those items that can only be transferred with special authorization and use limitations;
- (ii) establishing a process to review and approve proposed additions or deletions to the list of controlled equipment developed pursuant to paragraph (i) of this subsection;
- (iii) harmonizing Federal programs so that they have consistent and transparent policies with respect to the acquisition of controlled equipment by LEAs;
- (iv) requiring after-action analysis reports for significant incidents involving federally provided or federally funded controlled equipment;
- (v) developing policies to ensure that LEAs abide by any limitations or affirmative obligations imposed on the acquisition of controlled equipment or receipt of funds to purchase controlled equipment from the Federal Government and the obligations resulting from receipt of Federal financial assistance;
- (vi) planning the creation of a database that includes information about controlled equipment purchased or acquired through Federal programs;
- (vii) ensuring a process for returning specified controlled equipment that was acquired from the Federal Government when no longer needed by an LEA; or of the Office of National Drug Control Policy;
- (viii) requiring local civilian government (non-police) review of and authorization for LEAs' request for or acquisition of controlled equipment;

(ix) requiring that LEAs participating in Federal controlled equipment programs receive necessary training regarding appropriate use of controlled equipment and the implementation of obligations resulting from receipt of Federal financial assistance, including training on the protection of civil rights and civil liberties;

(x) providing uniform standards for suspending LEAs from Federal controlled equipment programs for specified violations of law, including civil rights laws, and ensuring those standards are implemented consistently across agencies; and

(xi) creating a process to monitor the sale or transfer of controlled equipment from the Federal Government or controlled equipment purchased with funds from the Federal Government by LEAs to third parties.

(b) The Working Group shall engage with external stakeholders, including appropriate State officials, law enforcement organizations, civil rights and civil liberties organizations, and academics, in developing the recommendations required by subsection (a) of this section.

(c) The Working Group shall provide the President with an implementation plan for each of its recommendations, which shall include concrete milestones with specific timetables and outcomes to be achieved.

Sec. 4. Report. Within 60 days of the date of this order, the Working Group shall provide the President with any recommendations and implementation plans it may have regarding the actions set forth in section 3(a)(i) and (ii) of this order. Within 120 days of the date of this order, the Working Group shall provide the President with any additional recommendations and implementation plans as set forth in section 3 of this order.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA
The White House,
January 16, 2015.

Appendix 2: Law Enforcement Agencies in Nevada

	Police Agency
State Police Agencies	Nevada Highway Patrol Nevada Department of Public Safety Nevada Capitol Police Nevada Investigation Division Nevada Gaming Control Nevada Division of State Parks Nevada Department of Corrections Nevada Legislative Police Nevada Parole and Probation Nevada State Fire Marshall Nevada Department of Wildlife Game Wardens
County Police Agencies	Carson City Sheriff Churchill County Sheriff Clark County Park Police Douglas County Sheriff Elko County Sheriff Esmeralda County Sheriff Eureka County Sheriff Humboldt County Sheriff Mineral County Sheriff Lander County Sheriff Lincoln County Sheriff Lyon County Sheriff Nye County Sheriff Pershing County Sheriff Storey County Sheriff Washoe County Sheriff White Pine County Sheriff
Education Police Agencies	Clark County School District Police Department College of Southern Nevada Police Department Truckee Meadows Community College Police Department University of Nevada, Las Vegas, Police Department University of Nevada, Reno, Police Department Washoe County School District Police Department
City/County Police Agencies	Las Vegas Metropolitan Police Department

Municipal Police Agencies	Boulder City Police Department Carlin Police Department Elko Police Department Ely Police Department Fallon Police Department Fernley Police Department Henderson Police Department City of Las Vegas Court Marshalls City of Las Vegas Deputy City Marshalls Lovelock Police Department Mesquite Police Department North Las Vegas Police Department Reno Police Department Sparks Police Department Tonopah Police Department West Wendover Police Department Winnemucca Police Department Yerington Police Department
Township Police Agencies	Boulder Township Constable Bunkerville Township Constable Goodsprings Township Constable Henderson Township Constable Laughlin Township Constable Mesquite Township Constable Moapa Township Constable North Las Vegas Township Constable Searchlight Township Constable
Tribal Police Agencies	Paiute Tribal Police Wells Tribal Law Enforcement Pyramid Lake Tribal Police Reno Sparks Indian Colony Tribal Police

Source: Nevada Advisory Committee

Appendix 3: Law Enforcement Agency Comment

Under U.S. Commission on Civil Rights procedures, government agencies whose policies and operations are being assessed or evaluated by the Commission or its state advisory committees are to be afforded an opportunity to review and comment on the factual accuracy of portions of the report. The eight affected law enforcement agencies were each afforded to comment on a preliminary draft of the report.

Comment from Las Vegas Metropolitan Police Department

May 12, 2015

Dear Dr. Minarik:

Your correspondence addressed to Sheriff Joseph Lombardo dated April 29, 2015, has been forwarded to my attention for response.

Thank for the opportunity for reviewing your report entitled: "Police Militarization—An examination of the acquisition and deployment of military equipment by local police in Nevada." Please note the following corrections/additions we would request to be made:

1. Page 10, Line 12 – sergeant should be *lieutenant*
2. Page 10, Line 12 – should read: Las Vegas Metropolitan Police Department
3. Page 10, Line 21—should read: two *rescue* helicopters
4. Page 10, Line 28 – D-ML, should be D-MIL
5. Page 10, Line 28 – D-MI-A, should be D-MIL-A
6. Page 10, Line 32 – should read: The *equipment obtained*
7. Page 10, Line 32 – should read: Las Vegas Metropolitan Police Department
8. Page 10, Line 41 – should read: Las Vegas Metropolitan Police Department
9. Page 11, Line 1 – should read: Las Vegas Metropolitan Police Department
10. Page 15, Header – should read: Las Vegas Metropolitan Police Department
11. Page 23, Line 16 – should read: two rescue helicopters
12. Page 23, Line 16 – should read: personnel carrier had
13. Page 23, Line 18 – should read: two rescue helicopters
14. Page 23, Footnote – This was a discussion with Liesl Freedman, General Counsel, not an interview with Kathy Hawkins.

If I can be of any further assistance to you, please do not hesitate to contact my office.

Sincerely,
JOSEPH LOMBARDO, SHERIFF

< signed >

By: Liesl Freedman
General Counsel

Comment from Humboldt County Sheriff's Office

June 11, 2015

Dear Peter Minarik, Ph.D.

.... As indicated in (the Nevada Advisory Committee) report (the Humboldt County Sheriff Office) does have (4) M-16 Rifles that have not been used. (Officers of the Humboldt County Sheriff's Office) do receive training on similar types of rifles as most of our sworn law enforcement officers carry their own. We will be returning the rifles as specified by the 1033 agreement as they will not be used.

(The Nevada Advisory Committee) report strongly suggests that due to law enforcement agencies having military type equipment, that is very rarely necessary, it fosters an "us vs. them" environment. (The report) cites one shootout that occurred in the Los Angeles, California, area where different weaponry was needed to gain the upper hand by law enforcement. One can also look at a Utah shooting where six officers were wounded and one officer died by one assailant. This shooting occurred in January 2012.

The purpose of the "swat attire" is that law enforcement officers are readily identified as police officers. There have been numerous incidents when officers are not readily identified that the perpetrators spin the lack of identification back on the police and stated they thought they were going to be robbed as they did not know they were the police.

...I can cite numerous incidents where law enforcement needed superior weaponry than the criminals we protect the public from. In Humboldt County, Nevada, during a drug investigation on Interstate 80, a criminal began firing a high powered rifle on our local law enforcement officers. Fortunately no law enforcement officers were injured during the shootout. The law enforcement officers involved had the rifles and training necessary to gain the upper hand.

In another incident in a different county, a deputy was shot during a standoff. The only way to get the deputy out of harm's way was to ask the National Guard for an armored personnel carrier. The carrier was provided to the law enforcement agency and the deputy was picked up; however it was too late, as he had died from his injuries. This shooting occurred in the 1980s and was prior to the 1033 program.

I am sure one can see how an armored vehicle on scene could save valuable time in a life and death situation to help extract and protect any wounded. I am confident that every law enforcement agency can cite numerous incidents they have experienced firsthand. We do not know when tragedy is going to strike or what type of equipment is necessary to protect all those involved.

There are numerous "You Tube" videos one can watch where criminals begin firing guns and murdering law enforcement officers. Unfortunately, law enforcement cannot predict when someone is going to endanger them, themselves, or the public and the steps or weapons they choose to use against them.

Since 9/11 the tables have turned and keep getting worse for protecting the public from a different type of criminal; a criminal that has no time line (and) whose main goal is to terrorize all the people they come across. Law enforcement agencies across the country need to maintain a tactical advantage over the criminals or we will have a lawless society and a nation that is not fully protected from our enemies.

The 1033 program has provided law enforcement agencies with some equipment necessary to ensure we protect the public from dangerous criminals. Just recently it was reported that one assailant wanted to behead a police officer. I also agree with the Reno Police department's statement that if the 1033 program did not exist, we would purchase the equipment.

I also want to cite that minorities are not all the criminals and all the criminals are not minorities. We cannot control who the next suspect or criminal is going to be, but we can be prepared for the next person who wants to do us harm.

I am not suggesting that we take a "paranoid" approach to law enforcement. We take all steps necessary to ensure public peace and order with only the reasonable amount of force necessary. We do partner with the different cultures and backgrounds within our community to create an approachable balance with our citizens and visitors. We maintain a highly professional law enforcement agency and we take community policing into consideration during our daily responsibilities. We work on building the public's trust and confidence with our agency. This is accomplished through fair and consistent law enforcement practices. If we do see the need to escalate our tactics we do so with extreme caution and discretion.

If (members of the Nevada Advisory Committee) have not done so, I suggest that (they) do ride-a-longs with law enforcement agencies to see firsthand the split second decisions we have to make and how quickly situations can spin out of control if you do not have the proper training, tactics, and/or equipment.

Feel free to contact me at 775-623-6419, if you have any other questions.

Thank you,
Mike Allen
Sheriff Mike Allen
Humboldt County Sheriff's Office

**Nevada Advisory Committee to the
United States Commission on Civil Rights**



U.S. Commission Contact

USCCR Contact

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