

January 15, 2022

The 1122 Program: An Investigative Analysis

Part 1

Between Transparency and Obscurity:
Drivers of Police Militarization

Table of commonly used acronyms

DA	Department of the Army
DLA	Defense Logistics Agency
DOD	Department of Defense
DOJ	Department of Justice
FOIA	Freedom of Information Act
GAO	Government Accountability Office
GSA	General Services Administration
LEA	Law Enforcement Agency
LESO	Law Enforcement Support Office
MRAP	Mine-Resistant Ambush Protected vehicle
NDAA	National Defense Authorization Act
SPOC	State Point of Contact
WFPP	Wildland Fire Protection Program

Background

Police violence against US residents occupied public attention in the summer of 2020. As people filled the streets to protest the murder of George Floyd, police utilized gear from the military and private suppliers, firing tear gas and rubber bullets, and deploying drones and helicopters to surveil and disperse protests.²

Between May 25 and June 20, 2020, police utilized at least 17 Mine-Resistant Ambush Protected vehicles (MRAPs) through a controversial Pentagon military surplus program established under President Clinton: the Department of Defense 1033 Program.³

The 1033 Program, named for the section that created it in the 1997 National Defense Authorization Act, allows for the transfer of surplus US military equipment to US law enforcement agencies and subsequently allows gross overuse of such equipment against civilians. The DLA states that the 1033 program is “dedicated to providing service to the Law Enforcement community by transferring excess equipment ‘from the Warfighter to the Crimefighter,’” exemplifying this pipeline between the institutions of the US military and US police.⁴

However, the 1033 Program is only one such program that allows local and state agencies to obtain equipment with the help of the federal government. Another program is the 1122 Program, which has been largely overlooked due to its lack of transparent and accurate record keeping. Women for Weapons Trade Transparency has been unable to identify any sustained interest present in academic literature or legal analysis on the 1122 Program, demonstrating the need for investigation.

The 1122 Program, managed by the DLA, DA, and GSA, “allows states and units of local government access to federal sources of supply to purchase equipment to support counter-drug, homeland security, and emergency response activities.”⁵ As described by the DLA, “The 1122 Program enables state and local governments to take advantage of the discounts available to the federal government due to its large-volume purchases... All orders are placed through governor-appointed state points of contact.”⁶

“1122 is not a grant or transfer program, so there is no compliance to monitor.”

- Executive Office of the President, December 2014¹

1 Executive Office of the President, Review: Federal Support for Local Law Enforcement Equipment Acquisition, December 2014.

https://obamawhitehouse.archives.gov/sites/default/files/docs/federal_support_for_local_law_enforcement_equipment_acquisition.pdf.

2 Andrew W. Lehen, et al., “Floyd protests renew debate about police use of armored vehicles, other military gear,” NBC News, June 20, 2020, <https://www.nbcnews.com/news/us-news/floyd-protests-renew-debate-about-police-use-armored-vehicles-other-n1231288>.

3 Ibid.

4 US Defense Logistics Agency, “Defense Logistics Agency Support to the Whole of Government,” last modified March 2019, <https://www.dla.mil/HQ/LogisticsOperations/Services/CustomOutreach/Brochures/WOG.aspx>.

5 US General Services Administration, “1122 Program,” accessed January 2022, <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedule/schedule-buyers/state-and-local-governments/1122-program>.

6 US Defense Logistics Agency, “Federal, State and Local Government Programs,” accessed January 2022, <https://www.dla.mil/CustomSupport/Federal/>.

This report, published in three parts, evaluates the scope and impacts of the 1122 Program on excess defense spending and police militarization in the United States. Part One provides background and comparison on the 1033 and 1122 Programs and outlines issues with record keeping, transparency, and federal budget waste. Part Two details the legal basis by which the program is maintained and managed, before outlining Women for Weapons Trade Transparency's original research on the 1122 program, where we filed Freedom of Information Act (FOIA) requests to help publicize over 42 million dollars worth of equipment transferred through the 1122 program. Part Three details problems with 1122 Program demilitarization and police inventories, and provides infographics on police purchases through the program. We conclude with proposed reforms, including a public call to action for 1122 and 1033 Program abolition, as well as decreased congressional funding to the Department of Defense to reduce excess transfers of equipment to police departments at their source. This is an ongoing investigation, and we may publish subsequent research in the future.

1033 & 1122: A Comparative Analysis

“The blank columns... are columns of information that was not kept/maintained in the earlier years... Unfortunately, the 1122 program records are not maintained in a system like the LESO records.”
- Tamara L. Jessen, Senior FOIA Analyst, Defense Logistics Agency⁷

Although the 1122 Program (“1122”) was established in 1994, three years prior to the creation of the 1033 Program in 1997, it is smaller than the 1033 Program. According to the DLA website, as of 2020, approximately 8,200 federal, state, and local law enforcement agencies from 49 states and 4 US territories participate in the 1033 program.⁸ In contrast, public information on participating agencies for the 1122 program is outdated. As of May 2015, only 31 states and Puerto Rico participated in the 1122 Program.⁹ Due to the lack of transparency surrounding 1122, the current number of agencies participating is not publicly known.

One major distinction between 1033 and 1122 is that 1033 provides excess DOD inventory to procuring agencies free of charge, which only have to pay shipping fees and potential storage costs.¹⁰ Conversely, 1122 allows for the purchase of qualifying new equipment at a discounted rate. For 1033, federal, state, and local law enforcement agencies within the United States and its Territories are responsible for all acquisition and maintenance costs to return the property when it is no longer needed.¹¹

⁷ Tamara L. Jessen, Senior FOIA Analyst, Defense Logistics Agency, email communication, November 9, 2021.

⁸ US Defense Logistics Agency, “1033 Program FAQs,” n.d.,

<https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx>.

⁹ US General Services Administration, 1122 Expansion Program State Contact List, May 13, 2015,

https://www.gsa.gov/cdnstatic/Contact_List_1122_SPOC_as_of_15May15v2_.pdf.

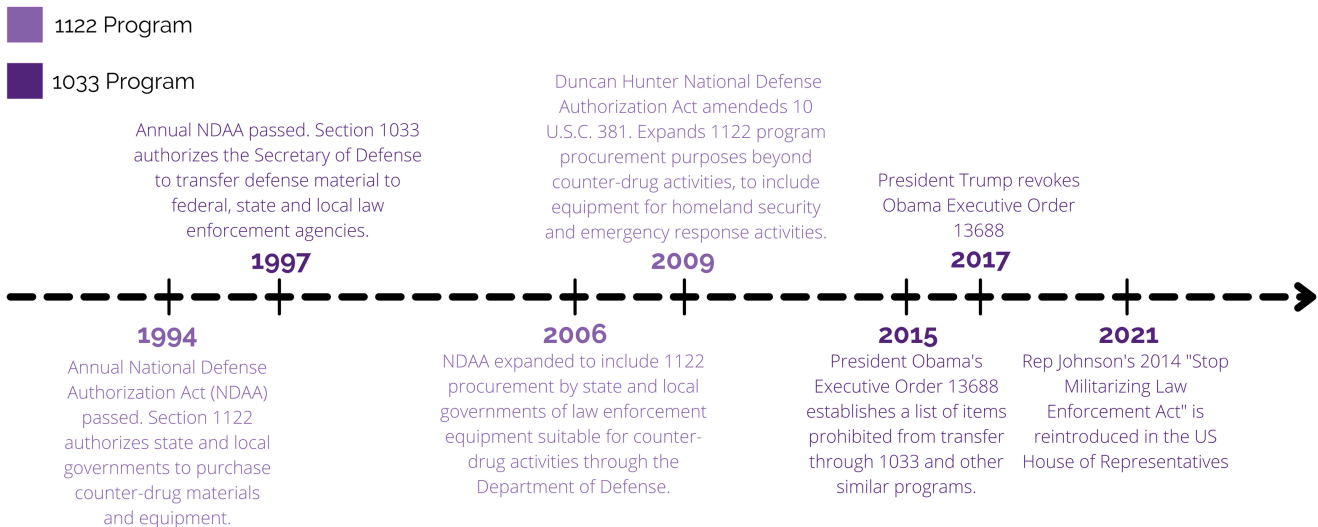
¹⁰ US Defense Logistics Agency, “1033 Program FAQs.”

¹¹ Ibid.

The 1122 Program's legislative authority is "derived from The National Defense Authorization Act (Section 1122) for FY1994 and FY2009 and subsequently became law under Title 10 Section 381 Military Support for Civilian Agencies."¹² In comparison, 1033 authority is derived from section 1033 of the National Defense Authorization Act of Fiscal Year 1997.¹³ A detailed overview of the laws governing 1122 will be provided in Part Two of this report.

1122 and 1033 Programs

Legal Timeline



In terms of usage, law enforcement agencies are authorized to purchase equipment under the 1122 program for "counter drug, homeland security, and emergency response operations."¹⁴ In 10 U.S.C. § 381, which is the provision for the 1122 program, the phrase "equipment suitable for counter-drug, homeland security, and emergency response activities" is defined in regulations prescribed by the Secretary of Defense.¹⁵ In comparison, agencies are authorized to purchase equipment under the 1033 program for purposes "associated with counter-drug and counter-terrorism activities."¹⁶ The difference between the wording of for and associated with suggests that the scope of acceptable procurement purposes of 1033 may be broader than that of 1122. The larger volumes of acquisitions under 1033 as compared to 1122 represent potential evidence for this inference. However, as mentioned above, the primary cause of the larger volume of purchases under 1033 is very likely due to the program's transfer of articles to agencies free of charge.

Another difference between the two programs is 1033's clear distinctions between "controlled" and "uncontrolled" property. Controlled property consists of "military items that are provided via a conditional transfer or 'loan' basis where title remains with DoD/DLA". Uncontrolled items are "common items DLA would sell to the general public, such as office equipment, first aid kits/supplies, hand tools, sleeping bags, computers and digital cameras."¹⁷ Examples of controlled property items

¹² US General Services Administration, 1122 Expansion Program State Contact List.

¹³ US Defense Logistics Agency, "1033 Program FAQs."

¹⁴ US Defense Logistics Agency, "Defense Logistics Agency Support to the Whole of Government."

¹⁵ 10 U.S.C. § 381, https://policy.defense.gov/portals/11/Documents/hdasa/references/10_USC%20381_2.pdf.

¹⁶ US Defense Logistics Agency, "1033 Program FAQs."

¹⁷ Ibid.

include but are not limited to small arms, night vision equipment, demilitarized vehicles, and aircraft.¹⁸ When an agency no longer wants a controlled item, it must be returned to the DLA's LESO, as the property still belongs to and is accountable to the DOD. Importantly, while the DLA does not sell controlled property through the 1122 program, the Department of the Army does.¹⁹ These controlled items "include weapons, ammunition and commercial grade night vision devices."

For all items sold under 1122, the title of ownership is transferred to the purchasing LEA, with the sole exception of weapons, which are tracked by the Army and must eventually be returned to the DOD.²⁰ However, it is unclear how or if this requirement is enforced due to the lack of transparency surrounding 1122. The 1122 Program does not conduct audits, the justification being that it is "not a grant or transfer program" and equipment bought through 1122 directly becomes the property of purchasing agencies.²¹ Yet, controlled items available through the Army are ostensibly loaned to LEAs. Thus, there is reason for concern and perhaps even alarm that there is not an audit process in place for 1122.

The Importance of Transparency

An additional contrast between 1033 and 1122 is the availability of thorough record keeping for the programs. Both the 1122 and 1033 programs require State Point of Contacts (SPOCs) to maintain records across state and local agencies.²³ The fiscal year 2016 NDAA mandated that the Law Enforcement Support Office (LESO) post data on property transferred to participating agencies under the 1033 Program. For this reason, detailed data on 1033 transfers, including information on the receiving agency, equipment transferred, and transfer date, is publicly available.²⁴ Heightened scrutiny of the 1033 Program following law enforcement's suppression of protests in Ferguson, Missouri in the summer of 2014 resulted in greater public demands for transparency over police militarization. Spurred by public interest and mounting FOIA requests in November 2014, the DLA publicly released county-level data on all participating agencies in the 1033 program.²⁵ A centralized database of 1122 program purchases is not available to the public.

**"Record keeping is a huge problem with this [1033] program. From a researcher's point of view, we don't have accurate data prior to 2014."
- Kenneth Lowande, assistant professor of political science at the University of Michigan²²**

18 US Defense Logistics Agency, "1033 Program FAQs."

19 Executive Office of the President, Review: Federal Support for Local Law Enforcement Equipment Acquisition, 9.

20 Ibid.

21 Matthew Jones, New York SPOC, email communication, March 4, 2021.

22 Lehren et al., "Floyd protests renew debate about police use of armored vehicles, other military gear."

23 Jan Janik, Colorado SPOC, email communication, March 9, 2021.

24 US Defense Logistics Agency, "LESO Public Information," last modified September 30, 2021.

<https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/PublicInformation/>.

25 Shawn Musgrave, "How we got the Pentagon to reveal what gear they gave cops: 50 Agencies, 50 States, 13 Rejections, 1 Huge Payoff," Muckrock, December 9, 2014, <https://www.muckrock.com/news/archives/2014/dec/09/how-we-got-pentagon-reveal-what-gear-they-gave-cop/>.

A lack of consistent record keeping is not the only barrier to transparency and accountability within these programs. Obtaining police records through FOIA requests is notoriously difficult due to Exemption 7 restrictions in the Freedom of Information Act, which specifically protects information compiled for law enforcement purposes.²⁶ Various state interpretations of FOIA laws result in different levels of accountability, not only for police departments, but for government agencies across the United States. This poses significant barriers to FOIA requesters, who must navigate multiple legal systems and statutes in order to obtain records. A detailed discussion of FOIA laws will be provided in Part Two.

Throughout Women for Weapons Trade Transparency's efforts to retrieve data on state and local agencies participating in the 1122 program, we encountered a lack of standardization across methods of data collection, storage, and record keeping. Annually required usage forms submitted by agencies varied across states. Few states provided public information on the bureaucratic procedures of the program. A lack of "interagency coordination and uniform standards" made finding adequate data on existing inventory challenging.²⁷ Credible and compelling data and information on 1122 remains sparse due to inconsistent reporting requirements on the state and national levels.

John Riddick, the SPOC for the state of Texas, informed Women for Weapons Trade Transparency that, excluding SPOCs' annual reports to the DOD/DLA, there is "no publicly accessed records database for 1122 purchases or spending." The lack of adequate record keeping on 1122 procurements raises the risk of military equipment being unaccounted for in police inventory. In a display of this risk, Maricopa County Sheriff's Office reported 9 missing firearms acquired through the 1033 program in 2012. The loss of these weapons resulted in their termination from 1033. Eventually, these missing weapons were only accounted for due to required internal audits of the office's existing supply of 1033 materials. When asked if purchases from the 1122 program are audited after procurement, Riddick stated: "Once the items are received, our office does not inventory, account or audit." Making matters worse, the federal government does not require any oversight to monitor an agency's compliance with counter drug, homeland security, and emergency response purposes.²⁹ Without internal auditing, the 1122 Program fails to create safeguards to protect against improper use of equipment obtained through it. Lastly, it may be argued that monitoring the program would be a waste of resources because the risk of improper use is miniscule, but such claims about low risk cannot be proven without adequate data. This is a dangerous assumption and perpetuates the lack of oversight of 1122.

Law enforcement agencies have been granted power to oversee their actions with few checks and balances in place to prevent abuse. As MuckRock FOIA Fellow Jessie Gomez writes, ironically, "records requesters themselves have to take on the task of enforcing the new laws and ensuring police departments are properly applying the law."³⁰ Difficulty accessing police department records with FOIA requests has been a problem for many years. Transparency of state and local law enforcement agencies' procurement patterns is necessary to uncover and rectify systemic issues surrounding police militarization. Yet, Women for Weapons Trade Transparency's experiences during the research process show that existing levels of transparency are not yet sufficient.

26 US Department of Justice, "FOIA GUIDE, 2004 EDITION: EXEMPTION 7," last modified December 3, 2021,

<https://www.justice.gov/archives/oip/foia-guide-2004-edition-exemption-7>.

27 Executive Office of the President, Review: Federal Support for Local Law Enforcement Equipment Acquisition, 4.

28 Matthew Hendley, "MCSO Dropped From Federal Military Equipment Program After Losing Weapons," Phoenix New Times, September 12, 2014, <https://www.phoenixnewtimes.com/news/mcso-dropped-from-federal-military-equipment-program-after-losing-weapons-6655147>.

29 Executive Office of the President, Review: Federal Support for Local Law Enforcement Equipment Acquisition, 9.

30 Jessie Gomez, "Access to police records is an issue all across the country," Muckrock, December 10, 2018, <https://www.muckrock.com/news/archives/2018/dec/10/looking-into-police-records/>.

Lack of public access to police records is a contributing factor to the obscurity of the larger issues of excess defense spending. These multi-dimensional issues include the disproportionately negative impact of police violence on racialized and poor communities; excess pollution from the creation, use, and destruction of equipment; and the misguided allocation of resources in an inherently wasteful system. Part Three will provide further analysis of the cycle of waste that intensifies each of these issues. This report aims to serve as a starting point and as a catalyst for widespread public advocacy against intentionally obfuscated mechanisms of US police militarization: from the 1122 program and beyond.

January 22, 2022

The 1122 Program: An Investigative Analysis

Part 2

Freedom of Information Act: Failing or
Functioning as Intended?

Introduction

Over the span of nearly a year, Women for Weapons Trade Transparency filed dozens of FOIA requests in an attempt to reveal the scope and extent of the 1122 Program's use, the main agencies utilizing the program, and any nefarious or dangerous equipment transferred under the program. We revealed over \$42 million dollars worth of purchase data across local, state, and federal levels. However, the data we obtained was unorganized and maintained inconsistently. This part of our report reveals the disturbing fact that 1122 transfers are largely unaccounted for by participating states and the federal government.

The Legal Backbone of 1122

To understand the opacity around 1122 and the ways negligence has manifested and is growing in the program, we must first look at the law it comes from. In 1994, the National Defense Authorization Act was passed in Congress with a provision that authorized state and local governments to purchase counter-drug materials and equipment through the federal government. The program's initial justification arose from a desire to reduce the federal government's (or more specifically, the US military's) surplus of equipment and minimize the cost of materials for smaller departments. In 2009, Section 1122 of the 1994 NDAA was added to expand the program to include homeland security and emergency response operations.

The actual provision for 1122 is 10 US Code § 281 entitled: "Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities."² It includes four broad sections labeled as follows: Procedures, Reimbursement of Administrative Costs, GSA Catalogue, and Definitions.

The first section lays out that the Department of Defense is the primary facilitator of the 1122 program, that 1122 is optional for state and local agencies to use, and that advanced payments must be made and then verified by the DOD before

"In introducing the predecessor to the originally enacted FOIA, then-Senator Long quoted Madison, who was the chair of the committee that drafted the first amendment to the Constitution: 'Knowledge will forever govern ignorance, and a people who mean to be their own governors, must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy or perhaps both.'"¹

¹ "The Freedom of Information Act," Freeman Law, <https://freemanlaw.com/foia/>.

² 10 U.S.C. § 281, <https://www.law.cornell.edu/uscode/text/10/281>.

equipment can be sent to the buyer. It also states very clearly that the equipment and materials bought shall only be used for the sole purposes of counter-drug, homeland security, and emergency response activities. However, this section leaves us with many questions:

- Who runs this program at the federal level within the DOD? What does oversight on the federal level look like? Does the DoD oversee all purchases? Do they conduct internal audits? Are there local DoD branches that conduct audits on the state level or is this data collected only by officials in Washington?
- Why were these three categories of usage purpose (counter-drug, homeland security, emergency response) chosen for 1122? Is there one that is cited more than the others by agencies purchasing equipment? How does the DOD validate and confirm that the equipment is actually needed and being used for one of these three purposes?
 - Are these categories too loosely enforced (i.e. can cities get bearcats for "homeland security" even without valid concerns/threats that would "require" higher levels of military equipment?)

The second section of the 1122 provision focuses on how the "Secretary of Defense shall require the State or unit of local government to reimburse the Department of Defense for the administrative costs to the Department of such purchase." Or, in other words, this section declares that:

- All 1122 payments have to be made upfront.
- Buyers cannot go into debt with the DOD to acquire material through 1122.
- It is the DOD which makes the purchases from the military or private manufacturer and acts as a middleman to local units.

The third section of the 1122 provision establishes the Administrator of General Services (the GSA) as the creator and maintainer of an 1122 "catalog of equipment suitable for counter-drug, homeland security, and emergency response activities for purchase by States and units of local government under the procedures established by the Secretary under this section." According to the law, the catalogue must be updated regularly and the materials suitable for purchase must pass a litmus test of sorts (easily falling in one of those three categories) to be eligible for purchase.³ Some of the requirements for eligibility include equipment that the Department of Defense does not "procure for its own purposes and any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security." There is no mention, however, about whether or not the purchases have been or need to be demilitarized before their sale. Flaws in demilitarization of equipment transfers under excess DOD programs such as 1033 and 1122 will be discussed further in part 3 of this report.

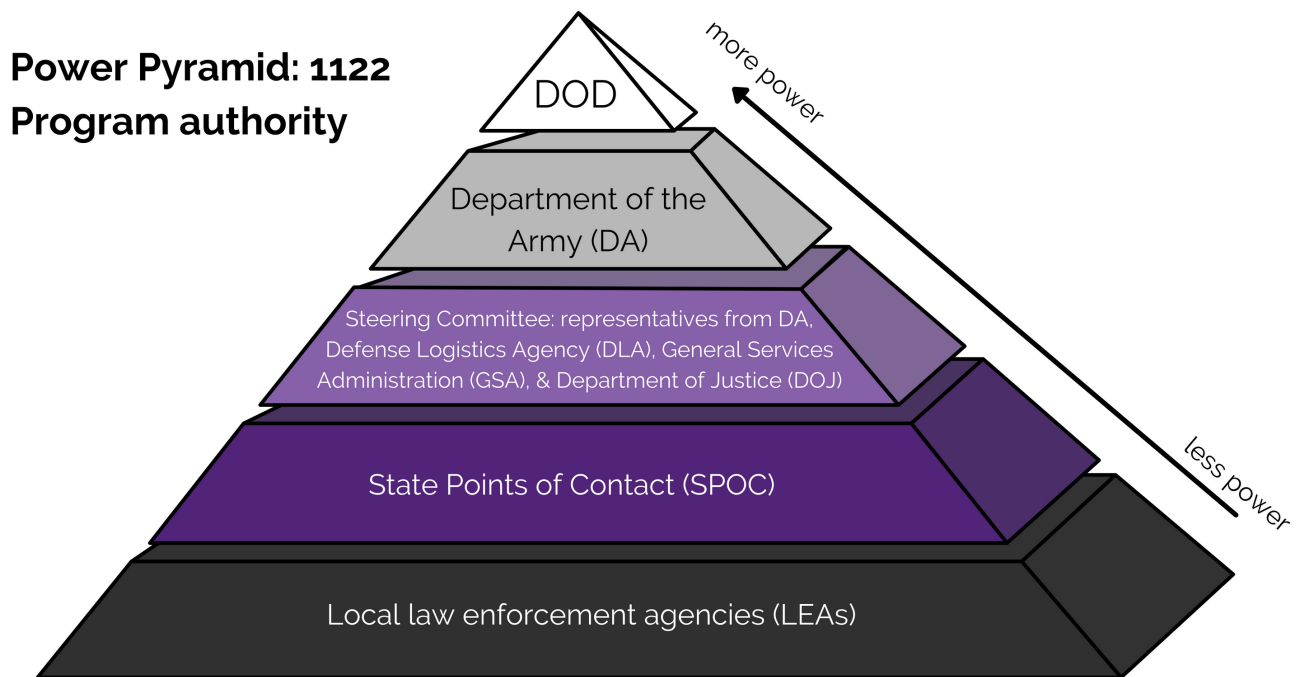
The fourth and last section of the 1122 provision is a compilation of agreed upon definitions of the critical words used within the law. For example, it says that the term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State. This includes Indigenous tribes that perform law enforcement duties, agencies within the District of Columbia, and any territory held by the United States.

³ "Cornell Law's interpretation of that line: "The term "equipment suitable for counter-drug, homeland security, and emergency response activities" has the meaning given in regulations prescribed by the Secretary of Defense. In prescribing the meaning of the term, the Secretary may not include any equipment that the Department of Defense does not procure for its own purposes and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security."

While the law is very specific about certain definitions and bureaucratic structure for this program, it includes no mention of the following:

- Limits (can local entities continue to buy more equipment so long as they have the budget?)
- Budget justification
- Annual review
- An explanation for the three categories
- Requirement for public data collection

These unclarified areas leave the law open for broad interpretation and thus, leave 1122 vulnerable to misuse.



Source: "Information on the Cooperative Purchasing Program Under Section 1122 of the 1994 National Defense Authorization Act", GAO, 2000

FOIA and 1122

“The United States Supreme Court has explained that “[t]he basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”

- Department of Justice Guide to the Freedom of Information Act⁴

The Freedom of Information Act, 5 U.S.C. 552,⁵ is a piece of federal legislation that mandates the complete or partial disclosure of previously unpublished information and records owned by the United States government upon request. It was originally established in 1967. While the primary goal of FOIA is to enlighten the public about federal government operations, the act's authors also wanted to safeguard certain private and governmental interests from the law's disclosure requirements. As a result, FOIA contains nine exemptions and three statutory exclusions from disclosure that allow agencies to withhold a variety of information, including classified national security matters, confidential financial information, law enforcement records, and a variety of materials and types of information exempted by other statutes.⁶

In FOIA, Congress sought to establish a statutory scheme that embodied “a broad philosophy of ‘freedom of information’” and ensured “the availability of Government information necessary to an informed electorate.” It does, however, contain a significant provision that allows each state to establish its own set of public record rules. There are 50 individual state records laws, each with its own set of regulations, exemptions, and limits governing what information may be obtained from state and municipal government organizations. This bureaucratic labyrinth means those seeking information are confronted by data gaps and extensive delays in accessing records. Information is oftentimes disorganized and withheld and is maintained within multiple types of records collection structures. Misinterpretation of imprecise language in each state's FOIA statute, price gouging due to a lack of defined charge structures, and the omission of publicly elected officials from the text completely are all examples of the confusion this chaotic system compounds.⁷ Such flaws in FOIA laws are incompatible with the archives' basic purpose of allowing public access to government material.⁸

4 Department of Justice, Department of Justice Guide to the Freedom of Information Act, July 19, 2013, <https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/intro-july-19-2013.pdf>.

5 US Congressional Research Service, The Freedom of Information Act (FOIA): A Legal Overview, last modified August 24, 2020, <https://crsreports.congress.gov/product/pdf/R/R46238>.

6 Ibid.

7 Ibid. “FOIA does not apply to Congress, the federal courts, or territorial governments.” If the officials allowing, compiling, and sending the FOIA data feel as if a name or set of information is classified or meets one of the exemptions, then it can be omitted without question.

8 See appendix for further reading on additional laws governing transparency and reporting within US governmental agencies.

Over the last decade, there has been a rise in interest in and expectations for government accountability.⁹ Simultaneously, public concern has increased over impediments to lawful access to government records. Specifically, citizens' access to public documents from police agencies has been significantly hindered as a result of exemption rules applied to the Freedom of Information Act. And because these exemptions severely limit the rightful power of citizens to hold law enforcement accountable, it can be argued that FOIA fails to uphold the very purpose for which it was created. In particular, Exemption 7 enables law enforcement authorities to refuse requests without cause if the information "may reasonably be expected to jeopardize the life or bodily safety of any individual."¹⁰ Despite the fact that this information is critical to the public's protection, police misbehavior records are protected from FOIA requests in 23 states. While law enforcement agencies are called to "protect and serve", the main protection extended by the federal judiciary system is that of shielding police departments and their departmental superiors (the DOD and U.S. Military) from accountability.

The Society of American Archivists put it this way: "...The lack of standards and accepted best practices results in discrepancies among states as well as between states and the federal model. This has created an alarming inequality among citizens of various jurisdictions in gaining access to public records. Although the federal Freedom of Information Act (FOIA) applies only to federal agencies and the federal government does not dictate state FOIA laws, the federal model outlines an assumption of openness and a commitment to disclosure that should be followed at the state level."¹¹

Manifestations of FOIA Failure

Navigating unclear record-keeping requirements and uncooperative agencies subject to FOIA made Women for Weapons Trade Transparency's efforts to obtain information on the 1122 program frustrating and disheartening. At the outset of our research, we found little public information on the 1122 program at the national level, and barely any from participating state agencies. It was impossible to answer simple questions like: How many LEAs participate in the program? What state agencies manage the program? What is the total value of purchased equipment?

Initially, to gain greater clarity on the process of procurement and the history of 1122, we contacted SPOCs via email regarding their role managing the program in their respective states. Across the board, SPOCs affirmed that the DOD required data collection on the sales of equipment. Matthew Jones, New York SPOC, told Women for Weapons Trade Transparency that he "collat[es] [data] using

⁹ "The Increase in FOIA Lawsuits Isn't the Problem — It's Agencies Underfunding Their Transparency Obligations - American Oversight," American Oversight, March 17, 2020, <https://www.americanoversight.org/the-increase-in-foia-lawsuits-isnt-the-problem-its-agencies-underfunding-their-transparency-obligations>.

¹⁰ Exemption 7 specifically exempts information compiled for law enforcement purposes that:

- 7(A). Could reasonably be expected to interfere with enforcement proceedings
- 7(B). Would deprive a person of a right to a fair trial or an impartial adjudication
- 7(C). Could reasonably be expected to constitute an unwarranted invasion of personal privacy
- 7(D). Could reasonably be expected to disclose the identity of a confidential source
- 7(E). Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law
- 7(F). Could reasonably be expected to endanger the life or physical safety of any individual

¹¹ "Issue Brief: State Freedom of Information Laws," Society of American Archivists, last modified September 14, 2015, <https://www2.archivists.org/statements/issue-brief-state-freedom-of-information-laws>.

a Department of the Army provided template."¹²

Yet, despite filing FOIA requests with dozens of local and state agencies in states that participate in the 1122 program, we were only able to acquire centralized, organized spreadsheets of purchases from the managing state agencies in Colorado, California, and Massachusetts. The Colorado Department of Public Safety maintained transaction data, including vendor, item, and price, since 2002 — the oldest archive we received.¹³ However, most state agencies denied or ignored our requests. In 8 of the 31 participating states, public records laws do not mandate a response time frame, thus failing to legally obligate FOIA agents to respond to requests.¹⁴ Additionally, 4 other participating states, Delaware, Virginia, Tennessee, and Georgia, only allow current state residents to submit FOIA requests.¹⁵ When FOIA agents responded to our requests, many would misdirect us to other agencies, misinterpret our requests, or reject us without valid explanation.

We were also met with other obstacles to filing FOIA requests, such as physical-mail-only requirements and a lack of basic knowledge from LEAs regarding their own agency's participation in the 1122 program. On the occasions we received data, the records were unorganized and incomplete. For example, the New York's Office of General Services sent us purchase orders and usage reports filled out by individual LEAs, despite Matthew Jones stating that he compiles data for national yearly reports. The vast majority of managing state agencies failed to supply us with spreadsheets of compiled data, citing that they did not have such records. Incomplete data made interpreting and analyzing the information we acquired incredibly difficult.

Our journey to get thorough, accurate data on 1122 transfers remains an uphill battle. After months of FOIA requests and correspondence with the Defense Logistics Agency, State SPOCs, and FOIA agents, we finally acquired [federal level data](#) on 1122 transfers to local law enforcement agencies. Unfortunately, the national data we received from the DLA is incomplete, accounting only for acquisitions after 2017, and moreover, missing item identifications for years prior to 2020. The data we received from the DLA included not only 1122 purchasing data, but also data on purchases made under the Wildland Fire Protection Program (WFPP). The total acquisition value for 1122 equipment and WFPP equipment combined was \$23,314,546.17. However, subtracting WFPP equipment from the national DLA data left \$379,473.71 in total 1122 acquisition value for years 2017–2021.

This number accounts contradicts information we received on the state level. Jan Janik, Colorado SPOC, estimated \$1 million just in annual vehicle sales to the state through the program, a total far greater than what is reported by the DLA.¹⁶ The inconsistent data across local, state, and national level uncovers a disturbing reality that 1122 transfers are largely unaccounted for by participating states and the federal government. Women for Weapons Trade Transparency is in the process of requesting data from the Department of the Army and General Services Administration to continue uncovering information on the program.

12 Matthew Jones, New York SPOC, email communication, March 4, 2021.

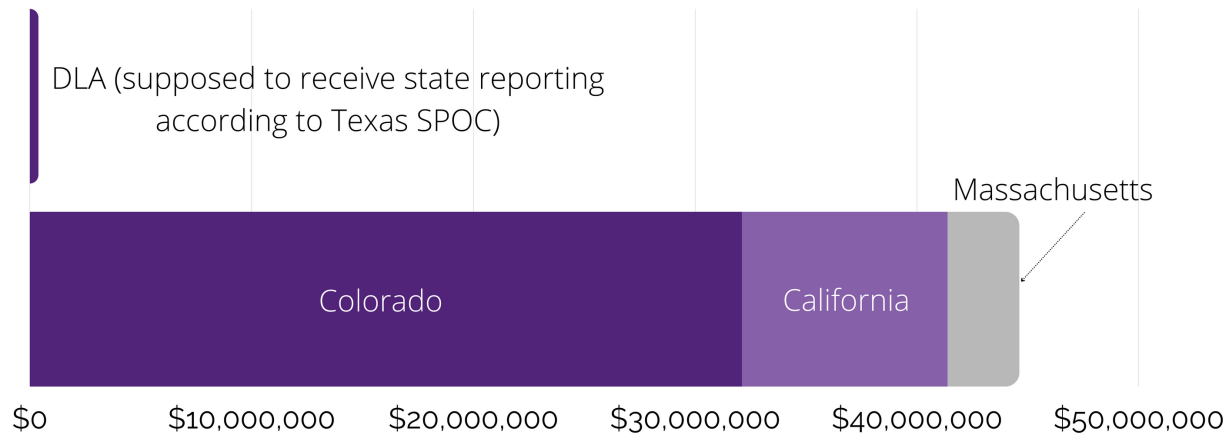
13 Patricia Billinger, Colorado Department of Public Safety FOIA Agent, email communication, March 5, 2021.

14 "FOIA request response times by state," Ballotpedia, https://ballotpedia.org/FOIA_request_response_times_by_stateby_state.

15 "Let's Get Physical: Address Requirements for State FOIA Requests," CogencyGlobal, November 1, 2018, <https://www.cogencyglobal.com/blog/lets-get-physical-address-requirements-for-state-foia-requests>.

16 Jan Janik, Colorado SPOC, email communication, March 9, 2021.

1122 Program data received from various agencies



1122: The Data

This section presents comprehensive access to all records and data received by Women for Weapons Trade Transparency through 1122 FOIA requests filed over the span of nearly a year. It also discusses in detail our communications with and information gained from SPOCs.

The first step we took in our year-long investigation involved contacting SPOCs for all 32 participating agencies of the 1122 program. We obtained this information from the SPOC contact list, available on the GSA website.¹⁷ However, this document has not been updated since 2015, and many of the email addresses we contacted were no longer active. Many times, our communications were forwarded to other individuals to answer our questions. Questions we asked in emails to SPOCs included:

- How long has the 1122 program been operating in your state?
- What is the reach of the program in your state?
 - How many local agencies are enrolled in the program?
 - What is the volume and total dollar value of individual purchases made through the program in a given year?
 - Who are the typical purchasers?
- As an SPOC, what is your relationship to the GSA and to state and local law enforcement agencies/entities? Would you describe yourself as a liaison between these bodies?
- Does the 1122 program have any distinctions of equipment for purchase along the lines of the 1033 program's "controlled" and "uncontrolled" categories?
- To what extent are purchases traced after being received by state and local agencies?

Answers to the first question varied by state, with the earliest beginning participation date being 2002 and the latest 2011. Most states claimed that the number of enrolled agencies in the program

¹⁷ US General Services Administration, 1122 Expansion Program State Contact List, May 13, 2015, https://www.gsa.gov/cdnstatic/Contact_List_1122_SPOC_as_of_15May15v2_.pdf.

was less than 10, although they then provided us with data on dozens, sometimes hundreds, of agencies which had purchased data. SPOCs estimated that their state's participating LEAs purchased anywhere from \$214,000 to \$1 million worth of equipment under 1122 in an average year. Across the board, SPOCs described themselves as liaisons between purchasing agencies and the DLA. Multiple SPOCs also confirmed that the 1122 program does not have any distinctions of "controlled" and "uncontrolled" equipment and does not trace or audit usage of purchased equipment under 1122.

We have compiled a publicly available [spreadsheet](#) of all agencies that we contacted about the 1122 program over the course of our research. The spreadsheet is organized by state and local participating agencies. Furthermore, the agencies are organized into one of 5 categories, listed below.

- Non-Participant Agencies
 - Agencies which we confirmed do not participate in the 1122 program
- Participant Agencies
 - Agencies which we confirmed participate in the 1122 program and that we received records for
- Agencies Non-Responsive to Requests
 - Agencies which did not reply to our FOIA requests. The agencies under this category are not mandated by FOIA laws to reply to FOIA requests under their state laws.
- Agencies Failing to Comply with Public Records Request Law
 - Agencies which did not reply to our FOIA requests. The agencies under this category are mandated by FOIA laws to reply to FOIA requests under their state laws, and therefore broke these laws by not responding to our requests.
- Agencies not providing requests due to other circumstances
 - Explanations are provided in the spreadsheet for these special cases.

We obtained multiple years of centralized data from 3 of the 31 participating states, only a fraction of the program's total purchases. The tables below outline notable items procured through the 1122 program for the data we received from Colorado, California, and Massachusetts.

Notable Colorado 1122 Data Received		
Item(s) name	Item Source Agency	Item(s) Total Cost
Gas Mask (6)	Mine Safety Appliances	\$11,294.08
Surveillance equipment	Securus Inc.	\$11,381.40
Lenco B.E.A.R. (2)	Lenco Armored Vehicles	\$575,096.00
Advanced M26 Taser, batteries, and battery charger	Tactical & Survival Specialties, Inc	\$7998.36
Magazine Cartridge	DLA	\$510.40
Mobile Command Center/Swat Vehicle	LDV	\$102,781.42
Lenco Bearcat (2)	Lenco Armored Vehicles	\$439,335.00
Swat Van (2)	LDV	\$203,964.92
TOTAL COLORADO VALUE: \$32,102,682.17		



Figure 2: Lenco BEAR¹⁸

Notable California 1122 Data Received		
Item(s) name	Item Source Agency	Item(s) Total Cost
Lenco Bearcat Response Vehicle with Accessories (6)	GSA	\$1,646,200.00
Lenco Bearcat	GSA	\$243,205.00
TOTAL CALIFORNIA VALUE: \$9,268,529.39		

Notable Massachusetts Data Received		
Item(s) name	Item Source Agency	Item(s) Total Cost
MILO Range Pro	GSA	\$43,483.75
Northampton PD Range Upgrade	GSA	\$128,826.69
MILO RANGE Recoil Kit - Glock 22 (2)	GSA	\$4,200.00
Bourne PD Range Upgrade	GSA	\$449,811.53
MILO RANGE PRO HD System with 5.1 Audio System	GSA	\$37,800.00
Training Items Replica Recoil Rifle AR-15, Taser, Motion Tracking System, Ceiling Mount Kit	GSA	\$10,665.00
All other items	-	\$2,564,554.27
TOTAL MASSACHUSETTS VALUE: \$3,239,341.24		

¹⁸ "Bear Military and International", Lenco Armored Vehicles, <https://www.lencoarmor.com/model/the-lenco-bear-military-international/>.

As we and many other organizations and activists are attempting to expose the growing militarization happening within the United States, it is important to note that inadequate oversight and organization of these records play an outsized role in concealing the 1122 and 1033 programs from public scrutiny. With this, we ask: if FOIA laws are applied inconsistently and loopholes allow negligent and/or non-cooperative entities to not disclose their records, how valid is the law at all? Can a law be considered reliable and relevant if it is rarely being upheld by the very institutions that created it? We argue that it cannot.

Appendix: Further Reading

- [State sunshine laws](#)
- [New York Consolidated Laws, Public Officers Law - PBO § 87 | FindLaw](#)
- [MuckRock gives a state-by-state look at your public records law](#)
- [States must lift the veil of secrecy over police misconduct - CREW](#)
- [Issue Brief: State Freedom of Information Laws](#)
- [FOIA Guide, 2004 Edition: Exemption 7\(A\)](#)
- [Why Agencies Should Not be Allowed to Lie About FOIA Requests](#)
- [How to Actually Fix America's Police](#)

January 29, 2022

The 1122 Program: An Investigative Analysis

Part 3

Local and Global Context: Consequences
of Militarization

The Problem of “Demilitarization” and the Issue of Waste

Before articles are transferred to LEAs and other agencies participating in the 1122 program, they must first undergo a process called “demilitarization.” According to the DOD, “to demilitarize military equipment is to destroy its inherent military offensive or defense capability. The demilitarization process itself may include scrapping, melting, burning, or alteration of the material to prevent further use of its originally intended military or lethal purpose.”²

However, according to the Government Accountability Office (GAO), “due to failures in [demilitarization] enforcement, potentially harmful weapons and weaponry parts are finding their way into the hands of private U.S. citizens”.³

The DLA states that police departments can also obtain “military-style equipment” from private markets, meaning that this inadequately demilitarized equipment is flowing to police through multiple channels.⁴ Additionally, improper training of DOD employees tasked with demilitarizing high volumes of equipment has resulted in the sale of equipment that should have been completely destroyed. Therefore, any argument claiming that the 1122 Program does not contribute to militarization ignores the overwhelming evidence of frequent failures in the demilitarization process.

Furthermore, items transferred under 1122 are at a proven risk of diversion from their intended recipients. In 2006, the US House of Representatives Subcommittee on National Security, Emerging Threats, and International Relations held a hearing on DOD excess property titled “Inventory Control Breakdowns Present A Security Risk”. This hearing found “chronic, dangerous, and excessive problems in the Department of Defense excess property system run by the Defense Logistics Agency.”⁵ To illustrate this point, GAO investigators posing as private citizens and DOD contractors were able to purchase military equipment from a DOD liquidation contractor and obtain property that was supposed to be demilitarized. The GAO concluded that “the Defense Department

“The amount of waste is extraordinary, and the millions of dollars that are gone could have been put to better use elsewhere. Certainly, an extra \$400 million in the Nation’s coffers could help prevent many of the economic difficulties faced by people in my own District.”
- Representative Dennis Kucinich¹

1 DOD Excess Property: Inventory Control Breakdowns Present a Security Risk: Hearings before the U.S. House of Representatives Committee on Government Reform, 109th Congress, July 25, 2006, <https://www.govinfo.gov/content/pkg/CHRG-109hhrg35341/pdf/CHRG-109hhrg35341.pdf>.

2 Valerie Bailey Grasso, “Demilitarization of Significant Military Equipment.” Congressional Research Service (CRS) Report for Congress, October 30, 2006, <https://sgp.fas.org/crs/weapons/RL31686.pdf>.

3 Ibid.

4 US Defense Logistics Agency, “1033 Program FAQs,” n.d., <https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx>.

5 Government Accountability Office, “DOD Excess Property: Control Breakdowns Present Significant Security Risk and Continuing Waste and Inefficiency,” July 2006, <https://www.gao.gov/assets/gao-06-943.pdf>.

is needlessly selling equipment as excess that it currently buys new" and that "many of these items are classified national security items that were never supposed to be sold to the public."⁶ The DOD failed to provide comment on the GAO's findings.

A GAO report released the following year identified significant progress within the DOD in preventing the sale of property requiring demilitarization, yet "approximately 1,400 items newly designated as controlled property were sold to the public in February 2007" and "DRMS [Defense Reutilization and Marketing Service] had identified these items as parts that could be used on the F-14 fighter aircraft."⁷ Moreover, the GAO only reviewed items "listed for sale on the Government Liquidation Web site and did not investigate items throughout the entire excess property disposal system," and the investigation was limited to a six-month period from September 2006 through March 2007.⁸ Since then, there has been little ongoing inspection of DOD excess property sales. A 2017 report from the GAO found that there were still deficiencies in DOD and DLA administration of the Law Enforcement Support Office (LESO) program, also known as the 1033 program.⁹ The DOD concurred and implemented all four recommendations made in 2017 by the GAO. However, there has been no comparable investigation into the 1122 Program. These findings further demonstrate the tangible risk of diversion of weapons and controlled property from the 1122 Program. This is not surprising, as waste, overfunding, and overspending remains rampant throughout the Department of Defense.

The United States maintains the highest level of military spending in the world, spending more on its military than the next 11 nations combined.¹⁰ The DOD is also the world's largest producer of greenhouse gasses, and further generates environmentally harmful waste through its destruction of excess property.¹¹ But when the DOD transfers or sells equipment to police, it gains a justification for increasing its budget, as police serve as an additional customer. And as the DOD's budget increases, it obtains more excess property to transfer to police through programs such as 1033 and more money to funnel to companies that also sell items through 1122. This cyclical militarization increases the capacities of the US military and US police departments to control and oppress individuals internationally and domestically, all the while emboldening the excesses of military contractors.¹²

6 Government Accountability Office, "DOD Excess Property: Control Breakdowns Present Significant Security Risk and Continuing Waste and Inefficiency,"

7 Government Accountability Office, "Sales of Sensitive Military Property to the Public," July 2007, <https://www.gao.gov/assets/gao-07-929r.pdf>.

8 Ibid.

9 Government Accountability Office, "DOD Excess Property: Enhanced Controls Needed for Access to Excess Controlled Property," July 18, 2017, <https://www.gao.gov/products/gao-17-532>.

10 "US Defense Spending Compared to Other Countries," Peter G. Peterson Foundation, July 9 2021, https://www.pgpf.org/chart-archive/0053_defense-comparison.

11 Brown University Watson Institute for International & Public Affairs, "Pentagon Fuel Use, Climate Change, and the Costs of War," 2021, <https://watson.brown.edu/costsofwar/papers/ClimateChangeandCostofWar>.

12 "Raytheon Technologies (RTX) Q4 2021 Earnings Call Transcript," The Motley Fool, January 25, 2022, <https://www.fool.com/earnings/call-transcripts/2022/01/25/raytheon-technologies-rtx-q4-2021-earnings-call-tr/>
Raytheon CEO Greg Hayes: "And of course, the tensions in Eastern Europe, the tensions in the South China Sea, all of those things are putting pressure on some of the defense spending over there. So I fully expect we're going to see some benefit from it."

Treating Everything Like War: Police Inventory and Oversight

“Injustice thrives in the dark. At minimum, people should know what their local governments are doing, especially when it comes to oversight of something as expensive and harmful as police departments. Too often, the state and local governments obscure even basic information...things as simple as the contracts that those governments have chosen to agree to with police.”

- Dan Barrett, Legal Director, CT ACLU¹³

While the U.S. remains the largest individual arms exporter in the world, the 1122 Program is one of several links between global and local violence.¹⁴ According to the latest SIPRI report on trends in international arms transfers, the US accounted for 37 percent of all weapons exported globally from 2016-20.¹⁵ Commenting on anti-Black police violence in Brazil and its similarities to heightened police repression of racial justice protests in the United States in 2020, anthropologist Christen Smith writes, “If a war logic is structuring our police forces, then what we’re seeing on the streets is exactly what we play out in other countries.”¹⁶ In other words, if the United States’ biggest export is violence, DOD waste accumulating at home necessarily puts people in danger.

We continue to have an incomplete picture of how much and what kinds of equipment have been transferred through the 1033 and 1122 Programs to state and local agencies. Given the challenges of obtaining complete and consistent data on equipment transfers and sales, perhaps an alternative method would be to request records on all controlled property currently held by law enforcement agencies. Generally speaking, LEAs are required to maintain detailed inventory of agency property,¹⁷ but the public does not have access to this information. Police departments may maintain web pages on transparency, but these tend to only describe the agency’s policies and do not contain data.

Unfortunately, not even the Freedom of Information Act is likely to allow the public to access police inventory data. Under FOIA Exemption 7, “Even records generated pursuant to routine agency activities that previously could not be regarded as ‘investigatory’ now should qualify for Exemption 7 protection when those activities involve a law enforcement purpose.”¹⁸ This broad application of the

13 Lisa Backus, “New Website Focuses On Police Contracts,” January 24, 2022, <https://ctnewsjunkie.com/2022/01/24/new-website-focuses-on-police-contracts/>.

14 David Brennan, “U.S. Has Increased Major Arms Exports by 23 Percent in Five Years, Report Says,” Newsweek, March 8, 2020, <https://www.newsweek.com/us-increased-major-arms-exports-23-percent-five-years-report-sipri-1490896>.

15 Pieter D. Wezeman, et al., “Trends in International Arms Transfers, 2020,” SIPRI, March 2021, https://sipri.org/sites/default/files/2021-03/fs_2103_at_2020.pdf.

16 Laura Weiss, “How America Exports Police Violence Around the World,” The New Republic, June 25, 2020, <https://newrepublic.com/article/158297/america-exports-police-violence-around-world>.

17 Baltimore Police Department, “Control, Inventory, and Accountability of Property,” March 25, 1987, <https://www.baltimorepolice.org/transparency/bpd-policies/1506-control-inventory-and-accountability-property>.

18 US Department of Justice, “FOIA GUIDE, 2004 EDITION: EXEMPTION 7,” last modified December 3, 2021, <https://www.justice.gov/archives/oip/foia-guide-2004-edition-exemption-7>.

exemption, established in a 1986 amendment to the Act, means that the regularly-generated, accurate data on controlled property owned by police departments will largely, if not completely, remain hidden. As law professor Hannah Bloch-Wehba puts it, "modern policing is not highly visible to oversight institutions or the public and is becoming even less so."¹⁹

As important as it is to shine "an unflinching light on the perils and failures of twenty-first century policing," however, transparency does not necessarily lead to good governance nor good policing.²⁰ Accordingly, our purpose in calling for greater transparency is not to restore public trust in policing, but rather to enable accurate assessments of the extent of the damage wrought by police upon communities, and of the risk of potential future damage created by increasingly militarized police forces. Beyond the equipment flowing into LEA inventories, programs such as 1122 encourage the militarization of organizational identity. With tactics ranging from resisting public oversight to deploying military-style equipment against protestors all in the name of self-defense, police departments deepen the rift between themselves and the public by deprioritizing the wellbeing of the people they allegedly serve.²¹ And as public scrutiny and hostility grows, police departments feel more threatened and invest in more equipment, furthering the cycle of growing military-police relations at the expense of public safety.

Militarization and Public Safety: Past and Future

The United States government has intrinsically intertwined these two forces – the police and the military – by training one to fight internationally and one to fight domestically. Their existence is not a preventative measure against violence, but rather a reactionary one.

The core purpose of our investigation of militarization in the United States is ultimately to redefine public safety. Policing in this country has been around for roughly 386 years. Historians point to two origins of the US police forces. The first begins in 1636, when municipal "watch brigades" were created in the colonies.²² These have been described as "private for-profit policing" and were considered a dishonorable alternative for young men who did not wish to join the militias/armies of their local colonies. In 1704, "slave patrols" in the Carolina colonies became the region's police forces.

¹⁹ Hannah Bloch-Wehba, "Visible Policing: Technology, Transparency, and Democratic Control," *California Law Review*, Jun 2021 Vol. 109 No. 3, <https://www.californialawreview.org/print/visible-policing-technology-transparency-and-democratic-control/>.

²⁰ Ibid.

²¹ Wayne McElrath and Sarah Turberville, "Poisoning Our Police: How the Militarization Mindset Threatens Constitutional Rights and Public Safety," Project On Government Oversight (POGO), June 9, 2020,

<https://www.pogo.org/analysis/2020/06/poisoning-our-police-how-the-militarization-mindset-threatens-constitutional-rights-and-public-safety/>.

²² Gary Potter, "The History of Policing in the United States, Part 1," June 25, 2013, <https://ekuonline.eku.edu/blog/police-studies/the-history-of-policing-in-the-united-states-part-1/>.

This violent and heinous practice was soon adopted by other colonies. The first official US police force was formed in 1845, with its origins of slave patrolling at the core of its institutional values. The first begins in 1636, when municipal "watch brigades" were created in the colonies. These have been described as "private for-profit policing" and were considered a dishonorable alternative for young men who did not wish to join the militias/armies of their local colonies.²² In 1704, "slave patrols" in the Carolina colonies became the region's police forces.²³ This violent and heinous practice was soon adopted by other colonies. The first official US police force was formed in 1845, with its origins of slave patrolling at the core of its institutional values.

In parallel, the US Military has been in operation since 1775. The United States government has intrinsically intertwined these two forces – the police and the military – by training one to fight internationally and one to fight domestically. Their existence is not a preventative measure against violence, but rather a reactionary one. Police and military personnel are the only US residents who are legally protected, authorized, and hired to use deadly force on behalf of the state – which is no accident. Nor is it coincidental that, since 2014, veterans make up 19% of the US police force²⁴ as opposed to just 7% of the US population; that police have borrowed the hierarchical rank structure, symbols, and uniforms from military traditions; or that between 1980 and 2000, the percentage of police departments that adopted Special Weapons and Tactics (SWAT) teams increased by 1,500%.²⁵

Many scholars, such as Wayne McElrath and Sarah Turberville, argue that this military-police entwining and subsequent militarization of police forces is contradictory to the framing of the Constitution itself.²⁶ In their words: "Surely, the framers did not mean that local law enforcement could simply don military gear, weapons, tactics, and ethos, but survive a constitutional challenge because they call themselves 'police.' The militarization of many police departments now appears to be a means to threaten and menace the public, rather than a tool to protect public safety in exceptional circumstances."

With all of this in mind, we must acknowledge some truths:

1. Police militarization is irretrievably linked to America's exertion of power for racial control, social unrest prevention, and drug prohibition.²⁷
2. We already have the resources and capabilities to prioritize social services and community development over militarizing our police and Homeland Security forces.²⁸
3. If reform is going to happen (on 1122, on 1033, on policing, or military aggression at large), it will have to address core social conditions due to the inextricably linked nature of social stratification and policing in the United States.

²² Gary Potter, "The History of Policing in the United States, Part 1," June 25, 2013, <https://ekuonline.eku.edu/blog/police-studies/the-history-of-policing-in-the-united-states-part-1/>.

²³ Ibid.

²⁴ Gregory B. Lewis and Rahul Pathak, "The Employment of Veterans in State and Local Government Service," Georgia State University Andrew Young School of Policy Studies, PMAP Publications, 11, July 2014, https://scholarworks.gsu.edu/pmap_facpubs/11.

²⁵ Karl Bickel, "Will the Growing Militarization of Our Police Doom Community Policing?" COPS Community Policing Dispatch, Vol. 6 Issue 12, December 2013, https://cops.usdoj.gov/html/dispatch/12-2013/will_the_growing_militarization_of_our_police_doom_community_policing.asp.

²⁶ Wayne McElrath and Sarah Turberville, "Poisoning Our Police."

"The framers of the Constitution enshrined several safeguards in our founding document to ensure the separation of civilians from the military. They gave Congress the power to declare war and to control military spending, they created a civilian commander-in-chief to head the armed forces, and they generally prohibited the quartering of troops in war or in peacetime."

²⁷ "The 1033 Program, Police Militarization, and the War on Drugs," Drug Policy Alliance, March 2021,

https://drugpolicy.org/sites/default/files/1033_factsheet.pdf.

²⁸ "Investing in Evidence-Based Alternatives to Policing," Vera Institute of Justice, August 2021,

<https://www.vera.org/publications/investing-in-evidence-based-alternatives-to-policing>.

In order to reimagine public safety as it currently stands, it is important to formulate criteria by which public safety plans must be measured up against. Women for Weapons Trade Transparency believes that, at a minimum, these plans should be evaluated against assessments of:

1. How they impact people in different levels of social, racial, gender, and class stratification;
2. How coercive and violent the typical incident response is, even if it does not result in death or serious physical injury;
3. To what extent participatory budgeting processes succeed at increasing police accountability ex ante,²⁹ increasing funding for public services, and reducing poverty and crime;
4. Long-term impact [are things getting better? worse?] with democratic accountability and oversight mechanisms.

The United States "has too often relied on coercion and force and failed to ensure accountability for abuse."³⁰ The US government and its residents must acknowledge that programs such as 1122 are working against this reimagined vision of public safety. Programs such as 1122 are increasing and funding the rapid militarization of US police forces. Due to the high levels of bureaucracy, lack of oversight, and misguided funding priorities, the 1122 program is actively harmful to residents of the United States.

Conclusion

Militarization in the United States extends beyond police departments. Law enforcement agencies, such as ICE and CBP, are increasing in size and scope.³¹ According to the DLA, "law enforcement agencies can obtain military-style equipment from multiple [emphasis added] federal government programs that provide support through grants or property transfers."³² Additional research is needed to determine the scope and impacts of these other programs, which only compounds the harm done by the 1122 and 1033 Programs, and we hope that this report will encourage others to conduct this rigorous but important process.

Furthermore, we call on the US federal government to:

- Abolish the 1122 and 1033 Programs and all other programs that allow for the transfer of military equipment to state and local law enforcement.
- Recall all controlled property that has been transferred under 1122 and 1033.
- Until 1122 and 1033 are abolished, require local, state, and federal law enforcement agencies to report all transfers and/or purchases made through 1122 and 1033 to the federal government.
- Publish a yearly public report on all transfers and/or purchases made through 1122 and 1033.

We have created an [1122 Program abolition advocacy toolkit](#) that includes resources to take action against militarization and the bloated defense budget in the United States. Here you will find sample emails to lawmakers, a collective advocacy toolkit, as well as tangential abolition resources. We encourage all readers to utilize these constructive tools to continue organizing against the military-police-industrial complex.

²⁹ Hannah Bloch-Wehba, "Visible Policing."

³⁰ "A Roadmap for Re-imagining Public Safety in the United States," Human Rights Watch, August 12, 2020, <https://www.hrw.org/news/2020/08/12/roadmap-re-imagining-public-safety-united-states>.

³¹ Cynthia Pompa, "President Trump is Accelerating the Militarization of the Southwest Border," ACLU, December 5, 2018, <https://www.aclu.org/blog/immigrants-rights/president-trump-accelerating-militarization-southwest-border>.

³² US Defense Logistics Agency, "1033 Program FAQs," n.d., <https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx>.

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