



July 20, 2020

Dear Senators,

We write to urge you to support Amendment #2252 to the National Defense Authorization Act, which would bring much-needed reform and oversight to the Department of Defense's 1033 program. ***As current and former law enforcement officials and experts in policing***, we are quite familiar with the need for police agencies to have equipment available to manage emergency situations. But we firmly believe that the risks posed by the 1033 program to public safety and constitutional rights far outweigh the ostensible benefits that the current program provides. Congress must act to rein in the program's corrosive effect on policing.

We recognize that there may be exceptional circumstances when the use of military equipment and tactics are legitimately needed to protect the public, such as in response to an active shooter. But the facts on the ground reveal that "[military tactics and equipment have permeated everyday police work to an alarming degree](#)." They are used for routine search warrants and to police First Amendment-protected activity, sometimes with needless and deadly consequences.

There are also important constitutional concerns presented by the use of military-grade equipment by domestic police. We believe that the limits Amendment #2252 places on the use of any transferred equipment are essential to ensuring that First Amendment-protected activity is not chilled by law enforcement's use of such equipment. Indeed, a core function of law enforcement is to *ensure* that people are able to exercise these rights without fear of violence. Amendment #2252 would also help limit paramilitary-style raids of homes to execute search warrants, which undermine public safety and have proliferated since the 1033 program began.

The equipment that would be prohibited by the amendment is not vital to the functioning of police or the safety of the officers in their ranks. And to the extent that

agencies may need prohibited equipment for the rare occasions necessitating a truly emergent response, this amendment does not prohibit the purchase of such equipment through a police department's normal budgeting and appropriations process, providing the needed community input and oversight that procurement of such equipment ought to engender.

If law enforcement agencies want to build trust in the communities they police - and on whose cooperation the prevention and solving of crime depends - it is vital that stronger limits be placed on this program.

We support the long-overdue limits and oversight that Amendment #2252 would place on the 1033 program and strongly urge you to support its adoption.

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