



Legislation Details (With Text)

**File #:** ID18-0384    **Version:** 1    **Name:**

**Type:** Discussion Item    **Status:** Passed

**File created:** 3/9/2018    **In control:** City Council

**On agenda:** 3/22/2018    **Final action:** 3/22/2018

**Title:** Actions pertaining to the acquisition of controlled surplus equipment from the federal government.  
 1. Approve and authorize the Chief of Police or designee to apply for and acquire armored vehicles and controlled equipment including; one MRAP vehicle and/or two up armored HMMWV (Humvee) vehicles from the federal government.  
 2. RESOLUTION - To allow the Fresno Police Department to request and acquire controlled equipment via the Military Surplus 1033 program.

**Sponsors:** Police Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Reso - signed by CAO.pdf

Date	Ver.	Action By	Action	Result
3/22/2018	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**March 22, 2018**

**FROM:** JERRY P. DYER, Chief of Police  
Police Department

**BY:** ANDREW HALL, Deputy Chief  
Support Division

**SUBJECT**

Actions pertaining to the acquisition of controlled surplus equipment from the federal government.

1. Approve and authorize the Chief of Police or designee to apply for and acquire armored vehicles and controlled equipment including; one MRAP vehicle and/or two up armored HMMWV (Humvee) vehicles from the federal government.
2. RESOLUTION - To allow the Fresno Police Department to request and acquire controlled equipment via the Military Surplus 1033 program.

**RECOMMENDATIONS**

Staff recommends City Council approve the attached Resolution to authorize the Chief of Police or designee to apply for and acquire armored vehicles and controlled equipment through the Military Surplus 1033 program from the federal government.

## EXECUTIVE SUMMARY

The Fresno Police Department has the opportunity to acquire surplus federal equipment through the military surplus 1033 program. Armored vehicles are considered “controlled equipment” and require approval from City Council prior to applying for and acquiring them. The application process for such vehicles is competitive with many agencies applying for a limited number of available vehicles. Normally, the applications are accepted on a first come first serve basis where the agency responding first receives approval.

The requested tactical vehicles will be used to provide protection to the community and rescue transportation during critical incidents. The vehicle will also be used to support SWAT operations including: active shooter incidents, barricaded suspects, hostage rescue, counterdrug, counterterrorism and other critical incidents. The Fresno Police Department currently has access to a shared tactical vehicle. The requested tactical vehicles will enhance our current capabilities by allowing SWAT personnel to be safely deployed in multiple locations simultaneously with additional protection.

In order to comply with EO 13688, the Police Department (FPD) is requesting that the Council approve the application to acquire armored vehicles and controlled equipment including; one MRAP vehicle and/or two up armored HMMWV (Humvee) vehicles. These vehicles are armored to provide ballistic protection of the occupants. These vehicles do not have weapons mounted on them. They have the capability to move law enforcement personnel into hazardous areas and to evacuate people while providing protection. If the federal government approves FPD’s application, the Department will notify City Council upon the final acquisition of this vehicle.

## BACKGROUND

The National Defense Authorization Act of Fiscal Year 1997 (FY 97) allows transfer of excess Department of Defense property that might otherwise be destroyed to law enforcement agencies across the United States and its territories. No equipment is purchased for distribution. All items were excess which had been turned in by military units or had been held as part of reserve stocks until no longer needed.

Since its inception, the program has transferred more than \$6 billion worth of property. In 2014, \$980 million worth of property (based on initial acquisition cost) was transferred to law enforcement agencies. Requisitions cover the gamut of items used by America’s military -- clothing and office supplies, tools and rescue equipment, vehicles, rifles and others small arms. Of all the excess equipment provided through the program, only five percent are weapons and less than one percent are tactical vehicles. More than 8,000 law enforcement agencies have enrolled in the program.

On November 1, 2015, Executive Order (EO) 13688, “Federal Support for Local Law Enforcement Equipment Acquisition,” came into effect. EO 13688 amended the rules for the acquisition of surplus federal equipment by law enforcement agencies (LEAs) through various federal programs, including the 1033 Program, a federal initiative that allows LEAs across the country to acquire surplus military equipment. EO 13688 established stricter controls on the types of military equipment that is eligible to be transferred to LEAs, prohibiting the transfer of some types of equipment and placing other equipment in a “controlled equipment” category. As part of the new rules, the federal government now requires that the governing body overseeing a LEA to explicitly approve of the acquisition of any controlled surplus equipment from the federal government prior to the LEA acquiring it.

## ENVIRONMENTAL FINDINGS:

This is not a “project” for the purposes of CEQA, pursuant to CEQA Guidelines Section 15378.

## LOCAL PREFERENCE:

Local Preference was not considered because this item does not include a bid or award of a construction or services contract.

## FISCAL IMPACT

There is no fiscal impact as there is no cost to acquire this equipment. If the Police Department is successful in acquiring this equipment, future operations and maintenance costs will be budgeted appropriately.

Attachment: Resolution