

AP: Little Restraint Seen In Military Giveaways

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Associated Press

MORVEN, Ga. — Small-town police departments across the country have been gobbling up tons of equipment discarded by a downsizing military — bicycles, bed sheets, bowling pins, French horns, dog collars, even a colonoscopy machine — regardless of whether the items are needed or will ever be used.

In the tiny farming community of Morven, Ga., the police chief has grabbed three boats, scuba gear, rescue rafts and a couple of dozen life preservers. The town's deepest body of water: an ankle-deep creek.

An Associated Press investigation of the Defense Department program, originally aimed at helping local law enforcement fight terrorism and drug trafficking, found that a disproportionate share of the \$4.2 billion worth of property distributed since 1990 has been obtained by police departments and sheriff's offices in rural areas with few officers and little crime.

The national giveaway program operates with scant oversight, and the surplus military gear often sits in storage, the AP found.

Using a series of public records requests, the AP obtained thousands of pages of emails and other documents related to the program locally and nationally. The documents, along with interviews with participants and regulators, reveal that staffing shortages and budget constraints have made it difficult for federal and state program officials to keep track of all of the property and to prevent police forces from obtaining excessive amounts of used military equipment and other Defense Department-transferred property.

Program officials often have to trust recipients to follow the rules and take only what they can utilize; requests for equipment are reviewed, but the process hasn't stopped many overly aggressive departments from grabbing property that could be better used by other communities with a greater need.

For many, the opportunity to amass a vast array of gear with few strings attached has proven to be too tempting to pass up, leading to a belly-up-to-the-open-bar mentality.

Morven Police Chief Lynwood Yates, for example, has acquired a decontamination machine originally worth \$200,000 for his community of about 700 residents, and two additional full-time officers. The high-tech gadget is missing most of its parts and would need \$100,000 worth of repairs.

He also received a shipment of bayonets, which have never made it out of storage in his 1.7-square-mile city.

"That was one of those things in the old days you got it because you thought it was cool," Yates said of his bayonets. "Then, after you get it, you're like, 'What the hell am I going to do with this?'"

Morven isn't the only example of a giveaway program gone wild: Before his firing earlier this year for an unrelated matter, the police chief in Rising Star, Texas — the only full-time officer in the town of 835 residents — acquired more than \$3.2 million worth of property within 14 months. According to an inventory obtained by the AP, the hundreds of items included nine televisions, 11 computers, three deep-fat fryers, two meat slicers, 22 large space heaters valued at \$55,000 when new, a pool table, 25 sleeping bags and playground equipment.

Federal officials suspended Rising Star from the program in March after investigators discovered that many items — including 12 pairs of binoculars — were missing from police department facilities.

"He was getting any kind of equipment he wanted," Rising Star city attorney Pat Chesser said. "I don't understand why anyone city would get that amount."

BIG IDEAS, SMALL RESULTS

Known for its speed trap and annual peach festival, Morven also has been one of the most prolific users of the Defense Department program, getting more than \$4 million worth of goods over the past decade.

The spoils have included 20 blankets, 10 two-man combat tents, a hammock, four demagnetizers, two leg curl machines, a shoulder press, a leg press, two treadmills, 20 red gym shorts, 20 fitted bed sheets, 50 flat bed sheets and 355 sandbags.

Yates conceded there isn't much crime and acknowledged that his officers spend most of their time on traffic enforcement.

"This is probably one of the last quiet small Southern towns left in this area," he said. "Even my worst drug dealer here, if I was broke down on the side of the road, they would stop and help."

Still, Yates hasn't been afraid to think big. He said he plans to use the boats and scuba gear to form a dive team because the county doesn't have its own. He says he formed a SWAT team, arming it with surplus military rifles, a Humvee and an armored personnel carrier, before the local sheriff's office had such a unit. And although the decontamination machine, which collects dust in a grassy area next to the Morven fire station, would be very expensive to fix, Yates said he wanted one in case he has to respond to a "nuclear, chemical, biological" incident.

Yates said he could "take my guys and the training they have, the equipment we have, and we could shut this town down" and "completely control everything." Seeking to avoid "over-policing" the population and giving the appearance of "an occupying army," the chief said he's had some of the military equipment painted non-military colors.

While a fleet of donated heavy machinery helped Morven build a firing range, some say it is difficult to see much additional benefit.

Gary Randall, manager of Morven's only grocery store, said the chief's stockpiling of equipment seems like "big-time" overkill.

"They've got a bunch of damn junk is what it looks like to me," he said. "This is a little, itty bitty town. His mentality is, 'If I don't get it, someone else will.'"

Yates has driven to military bases throughout the region to retrieve the free property and said he has had to provide written justification for everything he requests. He said he asks only for equipment he needs, though he sheepishly conceded that ordering the bayonets may have been a mistake.

Sometimes he doesn't get exactly what he's requested, like the time he asked for a handheld laser range finder for a gun and instead got a \$28,000 range finder from the nose of an A-10 Warthog tank-busting jet aircraft.

The chief said he doesn't use the program much these days because he "pretty much" has gotten what he needed. "Another department

may need something. I don't want to get in there and be a pig."

Yates said he routinely teams up with the local Brooks County Sheriff's Department, but the sheriff's chief deputy disputed that.

"We assist Morven. They don't assist us," Major Joe Wheeler said. "They're a one-horse town."

Wheeler said the county relies on a dive team from neighboring Lowndes County for any water rescues and can call in the state Department of Natural Resources if a corpse needs to be recovered from the water.

"We don't depend on Morven for anything," he added. "If we felt like we needed a dive team, the sheriff's office would create one."

FREE, BUT NOT PROBLEM-FREE

Nearly 13,000 agencies in all 50 states and four U.S. territories participate in what's commonly called the 1033 Program, after a section of the National Defense Authorization Act that permits the transfer to law enforcement agencies of military property no longer needed. The program has grown drastically in recent years, due in large part to the scaling down of the military from two wars, tight local-government operating budgets and eligibility expansion in 1996 to include all state and local law enforcement work. In fiscal year 2012, a record \$546 million worth of property was transferred.

Property is accepted on an as-is, where-is and first-come, first-serve basis. The receiving law enforcement entity bears all transportation and maintenance costs. None of the gifted property can be sold or leased without permission, or stockpiled. Personal use is barred.

Applications are handled by state coordinators. Overall command, including the responsibility to root out abuse, is handled by an office at the Defense Logistics Agency in Battle Creek, Mich. Law enforcement agencies have been suspended for flagrant violations, such as selling property for a profit, transferring weapons without permission or failing to notify officials about lost or stolen weapons.

The logistics agency's Law Enforcement Support Office suspended the transfer of firearms to police forces more than a year ago because of concerns that state coordinators weren't keeping adequate inventory records.

Communities can still obtain other types of tactical equipment, such as aircraft, boats, Humvees, body armor, weapon scopes, infrared imaging systems and night-vision goggles. There's no indication that the suspension of firearms distribution has slowed local police from gorging themselves on general property items — a long list that includes bookcases, hedge trimmers, telescopes, brassieres, golf carts, coffee makers and television sets.

The weapons program had serious problems.

A sheriff in Bureau County, Ill., was accused of lending government-issued M-14 rifles to unauthorized friends. The firearms manager for the program in North Carolina pleaded guilty in April to stealing M-14 and M-16 assault rifles and other weapons, selling some on eBay for more than \$30,000. A story last year in The Arizona Republic that contributed to the suspension of the weapons program detailed how officials at the Pinal County sheriff's office budgeted the expected proceeds from the auction of some Defense Department discards in violation of program rules. Other unused pieces worth hundreds of thousands of dollars were given to non-police agencies.

Critics fear the glut of freebies is helping to transform many local police departments into paramilitary forces. Norm Stamper, a retired Seattle police chief who is now a spokesman for a nonprofit group that supports legalizing and regulating illicit drugs, said the program is fueling a pervasive, troubling trend.

"The harm for me is that it further militarizes American law enforcement," Stamper said. "We make a serious mistake, I'm convinced, in equipping domestic law enforcement, particularly in smaller, rural communities, with this much military equipment."

SHAKY OVERSIGHT

Inadequate oversight has been a major shortcoming of the program. Along with suspension of firearms distribution, state coordinators were instructed to perform an inventory of all weapons, aircraft, boats and armored vehicles.

Navy Vice Adm. Mark Harnitchek, director of the Defense Logistics Agency, said state coordinators and the support office in his agency both perform a "sanity check" on requests.

"The intent here is that we're not giving Barney Fife an attack helicopter," he said. "If you want a helicopter, you've got to have significantly more justification for it than if you want a (personal computer) that's 8 years old."

But in Alabama, the Oxford Police Department received more than \$10.4 million in equipment, including a \$1.5 million piece of infrared surveillance apparatus for a helicopter it doesn't have. Oxford's police chief said the department had asked for night-vision goggles for its SWAT team but instead received the high-value item it could not use.

Many state program coordinators say they have the staff and funding to conduct only a handful of on-site inspections annually — if at all. That effectively leaves to the very departments that receive the equipment the job of certifying that the goods are being used properly and have not been lost, stolen, sold or given away.

Federal reviews of the state programs also have been spotty. The Defense Department is required to conduct program compliance reviews of each state program every two years, but many states have often gone much longer without one.

Mississippi's program, coordinated by its Office of Surplus Property, once went six years without a review. And in March 2012, federal overseers scolded that office for accumulating more than \$8 million in property because it isn't a law enforcement organization, and therefore was ineligible.

Suspension of the firearms distribution is expected to be lifted in October. In the meantime, staffing at the federal office with direct supervision has increased 50 percent, to 18 employees. A new computer system has been installed to improve inventory tracking. And a spokeswoman said new rules limit distribution of most items to one per law enforcement officer, except for consumables like clothing and batteries.

Those rules weren't in place when Rising Star's police chief went on his online shopping spree.

"He spent most of his time on the computer looking for that stuff. He wasn't really doing his job," said June Stone, a former member of Rising Star's city council.



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