
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 242
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Urgency: No
Consultant: Lenin Del Castillo
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Fiscal: No

Subject: School security: surplus military equipment

NOTE: This bill has been referred to the Committees on Education and Public Safety. A "do pass" motion should include referral to the Committee on Public Safety.

SUMMARY

This bill would require a school district's police department to obtain approval from its governing board prior to receiving federal surplus military equipment.

BACKGROUND

Existing law allows the governing board of a school district to establish a school district police department. These police departments are fully accredited with sworn peace officers. Approximately 20 school districts in the state have established police departments. (Education Code § 38000)

The National Defense Authorization Act authorizes the Secretary of Defense to transfer excess Department of Defense personal property that it determines suitable for use in law enforcement activities to federal, state, and local law enforcement jurisdictions, with special emphasis given to counter drug and counter terrorism (commonly referred to as the 1033 Program). The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA) Law Enforcement Support Office in determining whether property is suitable for use by these agencies. The DLA defines law enforcement activities as those performed by government agencies whose primary function is the enforcement of applicable federal, state, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension. The law enforcement agencies must be authorized and certified annually to participate.

The Governor's Office of Emergency Services implements the 1033 Program in California and conducts management and oversight of the program through the California Public Safety Procurement Program. The Office of Emergency Services also provides support and technical assistance to law enforcement agencies participating (or interested in participating) in the program.

Since 1997, the 1033 Program has provided over \$5.1 billion of military equipment to thousands of local law enforcement agencies throughout the country, including more than 120 school district police departments that serve K-12 students.

ANALYSIS

This bill prohibits the governing board of a school district that establishes a school police department from permitting the school police department to receive federal surplus military equipment, as specified, unless the governing board does all of the following:

1. Votes to approve the acquisition of surplus military equipment at a regularly scheduled public board meeting.
2. Provides parents or guardians and other members of the public a chance to comment at a regularly scheduled public board meeting on the proposed acquisition of surplus military equipment, and clearly and in a manner recognizable to the general public, identify in the agenda the topic to be discussed at the meeting.
3. Provides written notice to the parents or guardians of what surplus military equipment the school police department will receive, and a detailed description of the function and purpose of that equipment.
4. Identifies safe and secure storage for surplus military equipment to be received by a school police department.
5. Ensures that peace officers employed by a school police department possess adequate training in the safe use and handling of the surplus military equipment to be received.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author's office, when school police departments receive surplus military equipment, there is often no training provided on the proper use of the equipment. Additionally, the weapons and supplies that are received often occur without the approval or knowledge of the elected school boards and with almost no inclusion or input from community members and parents about the decision to acquire the equipment which will be used in policing the schools. The author's office cites the San Diego Unified School District's (SDUSD) receipt of a 14 ton Mine Resistant and Ambush Proof (MRAP) vehicle worth over \$700,000 and the Los Angeles Unified School District's (LAUSD) receipt of an MRAP vehicle along with sixty-one M-16 automatic rifles and three 40mm M-79 grenade launchers.

The bill is intended to ensure community involvement and a parental voice in decisions made by school district police departments and require greater transparency in the acquisition of surplus military equipment.

2. ***Public Criticism.*** There has been national media attention surrounding the federal 1033 Program and the transfer of surplus military weaponry to school police departments, including coverage in the Fall of 2014 on the SDUSD and LAUSD. Some questioned the appropriateness of having military-grade

weapons, such as the M-16 automatic rifles that LAUSD received (but modified to semiautomatic), on others went on to trigger a broader conversation of having militarized local school police departments and how it can create or increase tension between students and school police.

This bill does not propose to prevent school police departments from accessing surplus military equipment, which can also include more than weapons, such as computers, tools, and apparel. Rather, the bill seeks to ensure community involvement and greater transparency if a school police department elects to acquire military equipment. In turn, this could help a school district make more informed decisions and also prevent public outcry and concerns from the community. However, staff notes that the bill's provision requiring written notice to all parents of what surplus equipment the school police department will receive appears to be excessive and costly at the same time. This requirement would be in addition to the requirement for the district's governing board to provide parents and other members of the public with an opportunity to comment a regularly scheduled board meeting, which should be sufficient. For this reason, **staff recommends** an amendment to remove the written notice requirement.

3. ***Related and prior legislation.***

AB 36 (Campos) would require approval of a local governing board, including county, city, and school district jurisdictions, prior to receiving military surplus property through the federal 1033 Program. This bill is pending before the Assembly Local Government Committee.

SUPPORT

None received.

OPPOSITION

None received.

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