



The Local Fight to Demilitarize the Police

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On Monday, Attorney General Jeff Sessions announced a new executive order lifting an Obama-era ban on the transfer of certain types of military equipment, like grenade launchers and bayonets, to local police departments. “Those restrictions went too far,” Sessions said in a speech to the Fraternal Order of Police. “We will not put superficial concerns above public safety.”

The move has elicited grave concern from civil rights groups and criminal justice experts. Not only is it unclear whether these weapons are actually effective in reducing crime and protecting officers, they argue, it’s also likely to lead to rights’ violations, worsening the already-frayed relations between law enforcement and communities of color. “Our communities are not the same as armed combatants in a war zone,” said Vanita Gupta, former head of Department of Justice’s civil rights division who now leads the Leadership Conference on Civil and Human Rights.

That means it’s up to cities and local governments to step in—either say “no, thanks” to such weaponry or lay out a transparent, public process by which these acquisitions will be made by their law enforcement agency.

“In the absence of leadership from this administration, state and local governments must create their own guidelines for limiting the acquisition of military equipment, and how it can be used,” Gupta added in a statement.

Police militarization garnered renewed scrutiny after images of a heavily militarized police response emerged in Ferguson, Missouri, in the wake of Michael Brown’s shooting death: armored vehicles and heavy machine guns stood pointed at protesters. Rubber bullets, tear gas, smoke bombs, and stun grenades were fired. Journalists were arrested.

The Obama administration, in its broader effort to improve police accountability, decided to place restrictions on certain types of equipment available through the “1033 program”: weaponized vehicles and aircrafts, grenade launchers, high-calibre firearms, and bayonets. Other equipment, including Humvees, helicopters, and M-16 assault rifles, were allowed under certain conditions.

Amid heightened scrutiny, Ferguson and other police departments had to return some of their military equipment. But in recent years, police chiefs have been nudging the government to review these rules. Some small U.S. counties, in particular, have been eager to get military

vehicles and weapons, only to soon realize that they have no use for it other than publicity stunts to demonstrate to taxpayers that their money was well-spent.

A survey conducted by the libertarian Cato Institute and YouGov found that 54 percent of Americans think the militarization of police is “going too far.” But now that the federal government has lifted these restrictions, the best way to reverse the tide is at the local level, civil rights advocates say. Some jurisdictions have already passed laws banning particular kinds of military equipment for police use, or setting hurdles for their approval. They’re attempts to make the acquisitions less opaque, and for local governing bodies to weigh in on the appropriateness of new police department gear.

And it’s not just liberal cities either. “This is an issue that transcends party lines,” says Kanya Bennett of the American Civil Liberties Union (ACLU).

Montana is a good example. In 2014, Bozeman City purchased a BearCat through a federal grant, much to the surprise and consternation of residents and city representatives. The incident prompted the state to pass a law with bipartisan support prohibiting the acquisition or purchase of equipment like drones, armored vehicles, silencers, and grenades. Any other military equipment requested through federal programs had to be made public. New Jersey has a similar law on the books, requiring the explicit approval of local governing bodies to approve any acquisition of military equipment. Similar legislation limiting police militarization has cropped up in other parts of the country—in liberal California to conservative Tennessee. These laws, like Montana’s, have surfaced after local lawmakers realized the extent of militarization in their police departments.

Anti-police brutality activists like Samuel Sinyangwe are urging residents to push for similar laws at the city and state-level, after the federal government lifted restrictions:

Activists have good reason to be concerned. In a 2014 report, the (ACLU) found that the police departments that got military gear, were likely to use them—not just for special operations or rare, high-stakes hostage situations—but in routine activities. They used aggressive SWAT deployments to execute search warrants and seize low-level drugs—sometimes even in spaces where they knew small children or pregnant women would be present. The brunt of these aggressive tactics were borne by communities of color.

That’s particularly concerning in light of a 2017 study conducted at Harvard University showing that a higher amount of military equipment corresponds with higher number of police killings. “As militarization seeps into their cultures, LEAs rely more on violence to solve problems,” the authors of this study write.

In fact, to many critics, the Obama-era restrictions did not go far enough in the first place: the additional hoops the police departments were made to go through were not enough to ensure safe transfer and oversight of dangerous equipment through this program. The Government Accountability Office (GAO) tested it out in 2017. It set up a fake police department and applied for 1.2 million dollars worth of the equipment, which it promptly received with as much as a verification check. “It was like getting stuff off of eBay,” Zina Merritt, director of the GAO’s defense capabilities and management team, told The Marshall Project.

But even if this program was eliminated, police departments can and do access other federal grants to purchase millions of dollars worth of this war weaponry.

Still, Obama's restrictions served a symbolic purpose. Radley Balko, the author of *Rise of the Warrior Cop*, explained the significance of the ban and the implications of scaling it back in a series of tweets this week:

Nevertheless, many in the law enforcement community have now applauded the lifting of these restrictions, because they believe that war equipment protects officers and reduces crime. A rise in non-lethal military equipment has a very, very small effect on non-violent crime—one that might well be observed because less crime is reported in the first place. But even sympathetic studies show that the increase in lethal military weapons has no effect on crime.

And during Obama's term, police fatalities were lower than under the several presidents before him. In fact, Tom Nolan, an associate professor of criminology at Merrimack College, who has served in the Boston Police Department for 27 years, argues that, for civilians and officers alike, streets are more dangerous when military weapons are in the mix.

“The police are going to find an excuse to ... break out the toys,” he says. “When you dress them up as soldiers, and you equip them like soldiers, they're going to act like warriors; They're going to be in our communities, on our streets, in our homes, engaging in a war.”