

# The Canberra Times

## How the US police in Ferguson became a militarised unit equipped for war

By Nick O'Malley  
August 23, 2014

Baby Bou Bou was sound asleep in what should have been the safest place in the world when the men came. His whole family surrounded him. After a house fire in Wisconsin the Phonesavanh family had moved in with relatives in a tiny town called Cornelia in north-east Georgia. There they shared a converted garage attached to a home on a sprawling rural block.

This was back in April and that night 19-month-old Bou Bou – short for Bounkham after his Laotian-born father – slept in a cot next his parents' bed. His three older sisters were on mattresses nearby.

The men slipped up the driveway in the darkness, threading their way through the narrow space between the family mini-van with its four child seats and the spare play pen that leant against the garage wall.

With a kick or a battering ram they smashed in the door at about 2am on a warm still night and lobbed a stun grenade into the room. It landed in Bou Bou's cot.

The long seconds after the blast were a blur, Bou Bou's mother Alecia tells Fairfax Media.

Stun grenades, also known as flashbangs, are military weapons designed to blind, deafen and disorientate enemies with a searing flash and an explosion louder than a jumbo jet taking off.

Alecia remembers seeing a man wearing a black tactical suit, helmet and mask holding her husband in a chokehold with one arm twisted behind his back. The two older girls, Emma, seven, and Charlie, three, were beating at the man, screaming, "Don't hurt my daddy!"

Around that moment she heard Bou Bou's terrible wail. She turned and saw another of the masked men lifting him out of the cot and turning away from her so she couldn't see the baby. She tried to run to him but someone else was shouting at her "Sit down and shut up." Bou Bou was taken away.

Alecia didn't know it then but her family had just been subject to the execution of what police like to call a "no knock warrant".

Some days earlier a police confidential informant had managed to buy \$50 worth of methamphetamine from Alecia's nephew at the house. After the purchase the SWAT team was called in to arrest him, but he did not live there. Some hours later they found out where he was and went to the home and knocked on the door. He was led away without fuss.

On Saturday August 9, a young unarmed black man called Michael Brown was shot dead by a white cop in the suburbs of St Louis, Missouri. Many locals were incensed, not just by the shooting but by the hostile police response in the hours after Brown died. No ambulance was called and members of his family were barked at by angry police when they arrived at the scene. Brown lay on the street for four hours as a crowd grew and tension increased.

Local and then national media arrived, as did police reinforcements.

Across America people were shocked by what they saw. Rather than lines of police officers, the reinforcements looked like soldiers. They wore the same camouflage gear people were used to seeing in news reports from Iraq and Afghanistan. And like soldiers they arrived in armoured cars and carried rifles.

Not everyone was shocked though. Many saw this as simply the most blatant manifestation of a dangerous trend that began long ago, the militarisation of America's police.

The military build-up in America's police forces began with the war on drugs but accelerated dramatically after September 11. As part of its immediate response to the terrorist attacks the federal government started funding local police forces to buy equipment to use in case of attacks. The spending was vast and distributed with little oversight. Many state and city police forces began stocking up on military-style equipment.

As the wars in Afghanistan and Iraq were fought US military spending skyrocketed. Many units came back from the wars with surplus equipment. The Department of Defence set up what has become known as the 1033 program to pass on the equipment to other arms of the federal government, including police forces.

As one official explained it to Fairfax Media, when a unit prepares to return to the US it first offers the equipment to other units overseas. That which is bought home is then offered to those about to ship out. What is left is logged into an online database that can

be viewed by other agencies. Local, county and state police forces can apply for the gear, which they receive free but for the cost of shipping.

The 1033 program was managed by the Defense Logistics Agency's (DLA) Law Enforcement Support Office (LESO), whose motto, the American Civil Liberties Union has noted in a recent report on police militarisation, is "from warfighter to crimefighter".

This virtual disposal store includes everything from military aircraft, tanks and trucks to machine guns, rifles, uniforms and body armour. One county police force in Arizona has secured free of charge equipment including 712 rifles, 17 helicopters, 64 armoured vehicles, 120 utility trucks, 32 bomb suits and 704 units of night vision equipment.

Police forces are delighted. All they have to do is fill out a one-page application form making reference to the threat of terrorism and wait for their free gear to turn up. Suddenly small town police forces could have SWAT teams (the acronym stands for Special Weapons and Tactics), just like their big city colleagues.

"Our application talked about the danger of domestic terrorism, but that's just something you put in the grant application to get the money," a council member from Keene, a town of 23,000 in New Hampshire, told the American Civil Liberties Union, which recently published a report on the issue. "What red-blooded American cop isn't going to be excited about getting a toy like this? That's what it comes down to."

SWAT teams were first created in Philadelphia and Las Angeles in the 1960s and '70s, for use in hostage and terrorist situations. But most small towns do not get many of those. So they use their equipment and growing SWAT teams for to execute no-knock searches, often against people suspected of petty drug offenses or even gambling. According to the ACLU report in 2011 and 2012, 62 per cent of SWAT deployments were for drug searches.

So enthusiastically did police forces take to no-knock raids that while 2000-3000 were carried out per year in the mid-1980s, now up to 80,000 are conducted year, Peter Kraska, a professor of criminal justice at Eastern Kentucky University who tracks the issue, told *USA Today*.

Reading accounts of these raids can be dizzying. The ACLU report highlights the case of Tarika Wilson, shot dead in 2008 by a SWAT team while holding her 14-month-old son. They were looking for her boyfriend who was suspected of dealing drugs. He wasn't home. The baby survived.

In 2011 a SWAT team threw a flashbang into a home in Huntington West Virginia. Inside they found a pregnant woman and a four-year-old boy. Also that year Eurie Stamp, a 68-year-old grandfather was in his pyjamas watching the baseball on TV when SWAT hit his house. He obeyed orders to lie on the floor with his hands behind his head, and he was in that position when shot dead in an accidental discharge. Police had

already apprehended the suspect outside the house, but decided to go ahead with the raid nonetheless.

(Some suspect a motivation for raids like these is that police just like doing them. As far back as 1996 Sheriff Rick Fullmer of Marquette County in Wisconsin disbanded his SWAT team, telling *Newsweek*: "Quite frankly, [the officers] get excited about dressing up in black and doing that kind of thing.")

In his book *Rise of the Warrior Cop: the Militarization of America's Police Forces*, Radley Balko tells the story of Sal Culosi, who was overheard by a detective betting on a football game with some friends in a Virginia bar.

The detective, David Baucum, befriended him over the coming months and exchanged bets with him until Culosi bet more than \$2000 on a game, enough for a charge of running a gambling operation to stick.

Baucum arranged to pick up his winnings and brought a SWAT team with him. During the arrest a bewildered Culosi was shot in the heart by an officer who had not slept in 17 hours.

"Sal Culosi's last words were to Baucum, the cop he thought was a friend: 'Dude, what are you doing?'" Balko writes.

With police having such a good time playing soldiers it is perhaps not surprising that celebrities wanted to get some action too. Some began shooting reality TV shows, some were researching for roles. Some seemed to want to have a good time.

In a 2010 raid on a suspected cockfighting ring in Arizona the action star Steven Seagal drove a tank through a wall into Jesus Llovera's living room. "Animal cruelty is one of my pet peeves," said Seagal of his involvement, Balko reports. During the raid police shot Llovera's dog.

Balko also describes an online child porn raid on the wrong house in Virginia in which an innocent man was bailed up at gunpoint by a SWAT team that included the former basketball star Shaquille O'Neal.

There is a growing movement against the militarisation of American police from the public and elements of both sides of politics. The war against drugs is now viewed as a failure by a majority of Americans, and the sight of police dressed as soldiers levelling military weapons at protesting civilians in Ferguson has appalled both the civil liberties left and the libertarian right – particularly images of police officers lying prone on the roofs of MRAPs (Mine Resistant Ambush Protected vehicles) peering at civilians through the scopes of sniper rifles.

Many veterans have taken to Twitter to voice their outrage too. Some have pointed out that they patrolled in combat zones with less firepower. Others noted that police levelled their weapons on crowds in Ferguson far more readily than they did in Iraq and

Afghanistan. "Police have tons of mil gear, but they're not exactly "militarized". I know of plenty of line infantry units more compassionate than this," tweeted one.

Many were not just appalled by the hostility of the police, but at how counterproductive their aggressive posture was.

"A lot of vets, me included, would go to Ferguson and gladly teach some classes on crowd control and patrolling. You are f---ing it up," a typical tweet read.

Tim Lynch, director of research on criminal justice for the Cato Institute, a libertarian think tank, has written on police militarisation for years. He fears that such units in American police departments risk fundamentally changing the relationship between people and their government, and says many citizens have already lost basic constitutional protections as a result of aggressive police.

"If you dress and arm police like soldiers, and then tell them they are involved in a drug war, that is how they are going to behave," he says. This is particularly dangerous because some police are given military training. "Police should be there to protect people and their constitutional rights. Soldiers are not concerned about someone's rights on the battlefield."

According to Lynch the groups most at risk from this sort of policing tend to be minorities, while richer, whiter communities are unaware of the problem. But once rights have been removed from some they have been removed from all, he says.

He believes the first step in de-militarisation should be the scrapping of the 1033 program. "If a small town police chief has to chose between hiring a new officer and buying an MRAP from the Pentagon, things are going to get shaken out pretty quickly." After that cities and towns need to change their police culture. Even if it happens, he says, it could take years to change the culture in some police units.

There have been some signs this past week that Congress might act. Hank Johnson, a Georgia Democrat, will introduce a bill, the Stop Militarizing Law Enforcement Act, when Congress returns in September. It would limit the equipment the military transfers to police and force states to track and record the transfers.

"Our main streets should be a place for business, families, and relaxation, not tanks and M16s," Johnson wrote in a letter sent on Thursday to other members of Congress. "Our local police are quickly beginning to resemble paramilitary forces. This bill will end the free transfers of certain aggressive military equipment to local law enforcement and ensure that all equipment can be accounted for."

Johnson is finding support on both sides of the aisle, though it isn't clear if it will be enough to pass his bill. Other members of Congress have spoken out against police militarisation in recent days. "Is this a war zone or a US city?" tweeted Michigan Republican Justin Amash, a darling of the libertarians. Another libertarian, Kentucky Republican Rand Paul, a leading 2016 presidential hopeful, wrote an op-ed for Time

magazine criticising "using federal dollars to help municipal governments build what are essentially small armies". Paul continued: "There is a legitimate role for the police to keep the peace, but there should be a difference between a police response and a military response."

Johnson's fellow Democrats are also expressing concern. Missouri Democrat Claire McCaskill said the paramilitary response in Ferguson, a city in her state, "has become the problem instead of the solution." While acknowledging the need for police safety, McCaskill said, "my constituents are allowed to have peaceful protests, and the police need to respect that right and protect that right."

Despite all this rhetoric this same Congress voted against a proposal by Florida Democrat Alan Grayson to end the transfer program by a vote of 355-62 as recently as June. Grayson's fellow Democrats voted against it by a three-to-one margin. When asked why by the *Huffington Post*, one anonymous Democrat said: "I can't speak for others, but my guess is that most people think police don't get enough funding/support at the local level, so if the Feds want to give cops stuff for free, go for it."

Whatever happens will be too late for Bou Bou.

Some time around dawn that morning in April the SWAT team finished its fruitless, pointless search and prepared to leave. Finally an officer told Alecia and her husband that Bou Bou was in a hospital in Atlanta, two hours away.

"Go pick him up," he said.

To this point Alecia has told her story calmly, but now she breaks down. At the hospital Alecia and Bounkham were taken aside by a counsellor and told that Bou Bou was in an unstable critical condition in an induced coma.

He had suffered terrible burns. His chest had been blown open and his mouth split apart. His nose had nearly been blown off.

Bou Bou made it through those early days and has now survived tens of operations since.

In July he came home and the family moved back to Wisconsin. Bou Bou still wakes screaming in the night. Bounkham can no longer look after the children because his rotator cuff was so badly torn in the raid.

Alecia has quit her nursing job to take over. Bou Bou has been diagnosed as having suffered a brain injury, but it will be years before its extent will be known. Alecia fears for the future. Debt collectors have started work on the \$800,000 in medical bills they have accumulated. There is more to come. Because the nerves in Bou Bou's skin have died he will need regular grafts until he stops growing.

Last week Habersham County took legal advice and decided to renege on its agreement to pay for Bou Bou's care. Officials are concerned it might be illegal to do so.

### **America's new arms race**

- In 1990 the Pentagon sent \$1 million in military equipment to police.
- In 2013 the Pentagon sent \$450 million in military equipment to police.
- Since the 1033 program began the Pentagon has sent more than \$4.3 billion in military equipment to police.
- One-third of all military equipment sent to police is new, raising questions about Pentagon waste.
- Fargo, North Dakota, spent \$8 million on military equipment for police, though the area averages only two murders a year since 2005.
- More than 60 per cent of SWAT raids investigated by the ACLU involved a search for drugs.
- 68 per cent of SWAT raids against minorities were conducted in a search for drugs, only 38 per cent of such raids against whites were in search for drugs.
- In 1984 about 26 per cent of U.S. towns with a population between 25,000-50,000 had a SWAT team.
- By 2005 about 80 per cent of US towns with a population between 25,000-50,000 had a SWAT team.
- Almost 90 per cent of larger towns now have a SWAT team.
- At least 54 per cent of all botched SWAT raids are conducted against ethnic minorities.
- In 2011 and 2012 nearly 80 per cent of all SWAT raids were conducted under a search warrant, meaning the targets were only suspects, not active shooters or hostage-takers.
- There are roughly 137 SWAT searches every day in the U.S., or about 50,000 a year, according to Professor Pete Kraska of Eastern Kentucky University's School of Justice Studies.
- 28 per cent of all arrests in the US involve an African-American.
- 35 per cent of all arrests that result in the death of the suspect involve an African-American.

Source: various ACLU reports