



Surplus military gear moves from battle to U.S. police forces

An explanation for some of the military-style gear police used in Ferguson

By Luiza Ch. Savage
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If the armoured personnel carriers rolling down the streets of Ferguson, Mo., this month looked as though they belonged in Iraq or Afghanistan, that's because some of them once did.

Over the last seven years, the Pentagon says it has given police forces in St. Louis county (which includes the suburb of Ferguson) seven Humvees, three helicopters, 15 weapon-aiming sights, two night-vision devices, a cargo trailer, as well as pistols, rifles and a bomb-disposal robot.

More than \$4 billion of surplus military equipment has been transferred from war zones in the Middle East to suburbs in Middle America under a program launched during the Clinton administration to arm police against drug gangs. Police departments have also received grants from the Department of Homeland Security to beef up their counter-terrorism capabilities in the years since 2001.

But now, the scenes of suburban police in body armour aiming sniper rifles at civilian protesters have led both President Barack Obama and members of the U.S. Congress to take a closer look at a program that civil libertarians have been criticizing for years.

"I think it's probably useful for us to review how the funding has gone, how local law enforcement has used grant dollars, to make sure that what they're purchasing is stuff they actually need, because there is a big difference between our military and our local law enforcement, and we don't want those lines blurred," Obama said at a press conference on Aug. 18.

Concerns over police "militarization" had been mounting long before Ferguson. And the free Pentagon gear is only a piece of the story. Critics have pointed to the training of police in military-style tactics by police, and the use of special weapons and tactics

(SWAT) units for regular police work, such as executing drug warrants. Sometimes, the deadly force is aimed at the wrong home or an innocent bystander.

Just a few weeks before the unrest in Ferguson, for example, a police SWAT team threw a flash grenade—an explosive device intended to blind and stun—into a home during a drug raid outside Atlanta. It landed inside the playpen of a 19-month-old boy, who received extensive burns to his face, was placed in a medically induced coma, and has endured several reconstructive surgeries. The target of the raid—a suspected methamphetamine dealer—was eventually found at a different address, according to local news reports.

The Cato Institute, a libertarian think tank in Washington, keeps an online “raid map” that tracks botched paramilitary police raids all over the U.S. “Behind every incident where someone is killed or shot, there are hundreds of violent entries into people’s homes, which traumatize people,” said Tim Lynch, director of Cato’s project on criminal justice. “Family dogs are shot, property is damaged. Just having a weapon pointed at someone’s face—people are very much shaken up by these incidents.”

Particularly controversial is a tactic known as a “no-knock” raid, in which SWAT teams raid a home without warnings to occupants, sometimes using a battering ram to break down the door. It was such a raid that led to the toddler’s injury this summer.

Critics say the equipment and tactics change the mindset of police. “When you dress police to look like soldiers, give them M-16s and tell them they are waging a drug ‘war’—it’s hard to see how they would not start to act like soldiers,” said Lynch.

According to the Pentagon’s law enforcement support office, based in Battle Creek, Mich., more than 8,000 federal and state agencies from all 50 states participate in the surplus equipment transfer program. But what they do with it is up to police. “We don’t take a position on the way the equipment is being used; that is up to local law enforcement to determine,” Pentagon spokesman Rear Admiral John Kirby told reporters this month.

That could soon change. Democrat Carl Levin, chairman of the Senate armed service committee, has said he’ll hold hearings to “determine if equipment provided by the Defense Department is being used as intended.”

A Democratic congressman from Georgia, Hank Johnson, has drafted legislation—the Stop Militarizing Law Enforcement Act—that would ban certain equipment from being transferred to police, including “tactical vehicles, including highly mobile multi-wheeled vehicles, armored vehicles, and mine-resistant ambush-protected vehicles; drones that are armored, weaponized, or both; aircraft; grenades, including flash-bang grenades and stun grenades, and grenade launchers; silencers; and long-range acoustic devices.”

Even before Ferguson, Johnson had noted multiple mine-resistant vehicles being acquired by a North Carolina town of 16,000, and one transferred to Columbia, S.C., population 131,000. “Americans should, therefore, be concerned, unless they want their

main streets patrolled in ways that mirror a war zone,” he wrote in *USA Today* in March. Republican Sen. Rand Paul of Kentucky also expressed concern. “There should be a difference between a police response and a military response,” Paul wrote in *Time* magazine. “The images and scenes we continue to see in Ferguson resemble war, more than traditional police action.”

But law enforcement agencies say military surplus equipment is valuable for a broad range of uses—including responding to disasters such as hurricanes.

“A lot of this equipment is good to have in the toolbox, but that doesn’t mean it has to be used on every occasion,” said Bill Johnson, executive director of the National Association of Police Organizations, which represents police unions and associations across the U.S. America has 18,000 police departments that face diverse threats, he said. “We would be opposed to the federal government imposing a one-size-fits-all restriction on state and local agencies.”

Mark Lomax, executive director of the National Tactical Officers Association, which represents SWAT teams, emphasized in an interview that the bulk of items provided are computers, medical kits and electrical generators that save local taxpayers money. “There has never been a transfer of a tank in the history of the program,” he said.

Lomax also defended the transfer of military-grade armoured vehicles as useful in cases of heavily armed gunmen, citing mass shootings at Columbine, Sandy Hook and Virginia Tech. He noted that in the pursuit of the suspected Boston Marathon bombers last year, police officers from Watertown, Mass., faced gunfire and homemade bombs. “The bad guys jumped out with automatic high-powered rifles that were taking chunks of wood out of the trees the police were hiding behind. Then they came under fire from homemade bombs. Did they need an MRAP that night?” said Lomax, referring to mine-resistant, ambush-protected vehicles. “It would have been handy that night. It was tantamount to being in Iraq.”

Lomax concedes there have been “bad decisions” and mistakes by SWAT teams, but that they are a small percentage. His group hopes the congressional scrutiny will result in more funds for police training.

Johnson said he expects Congress will ultimately impose “some sort of additional reporting requirements, where the recipient will have to certify a need and then account for it afterwards.”

But Cato’s Lynch argues that, at the very least, the federal government could stop giving away the equipment for free. “If you are a police chief, and you have a budget, and you are thinking of replacing a police car or hiring a new officer or buying an armoured vehicle that is mine-resistant . . . these things will sort themselves out.”