

Popular Mechanics

Is There a Better Solution for Surplus Military Gear?

Here's where all that military-style police gear seen in Ferguson, Mo. came from.

By Erik Schechter
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The shooting death of Michael Brown, an unarmed black teen, by a white police officer in Ferguson, Mo., on August 9 has once again scratched at the difficult topic of race relations in the United States. But the subsequent confrontations between demonstrators and camo-clad cops toting assault rifles and backed up by an imposing armored vehicle has brought attention to another issue: the gradual militarization of civilian law enforcement agencies. "The number of SWAT teams in America has exploded," says Tim Lynch, who heads the Cato Institute's Project on Law Enforcement. "We're finding them in small towns where they really aren't experiencing violent crime."

Over the last 20 years, police departments around the country have obtained mountains of military equipment from the federal government. But the harsh scenes from Ferguson have made plenty of people wonder: Do the cops really need all this stuff? And what would happen to it if it didn't go to law enforcement?

Acquisitions

The first thing you should know about police militarization is that there are two main ways in which it happens.

First, the hand-me-downs: Critics of police militarization point to Section 1033 of the 1996-1997 National Defense Authorization Act, which authorizes the government to transfer, free of charge, unused military equipment to law enforcement. The Defense Logistics Agency's Law Enforcement Support Office (LESO) manages these requests, and according to agency spokeswoman Tonya Johnson, nearly 95 percent of the transferred defense equipment comprises innocuous items like computers, digital cameras, office supplies, and sleeping bags.

It's the 5 percent that has critics so worried. That sliver of the pie could include M4A1 carbines, night vision scopes, and Mine Resistant Armored Protection (MRAP) vehicles. Indeed, since August 2013, LESO has transferred around 200 MRAPs to SWAT teams in

police departments across the country.

Johnson sees these hand-overs as making the most of a taxpayer investment. "It is prudent to allow law enforcement agencies to use MRAPs versus scrapping them or allowing them to sit in storage if a military service does not need the excess vehicles," she says.

But it's not clear what's the pressing need to pull stateside surplus MRAPs out of storage. In Afghanistan, for instance, when the military is finished with a vehicle, it must choose either to destroy the vehicle on site at a cost of \$10,000 a pop, or transfer it to a reliable ally—that costs \$50,000 per vehicle.

Some of the military-style tech now used by local police departments didn't come directly from the Pentagon, though. The Ferguson police purchased their armored vehicle, body armor, and U.S. Marine pattern camouflage uniforms with federal funds managed by the Department of Homeland Security. That program, designed to improve local responses to terrorism, has come under criticism as well, but mainly because some agencies and municipalities have used it to go on shopping sprees. The City of Indianapolis bought a hovercraft. Some Michigan officials purchased 17 Sno-Cone machines.

Law enforcement can get its hands on some heavy equipment this way, though the gear might be a bit different. For example: Contrary to what many news outlets claim, the Ferguson police do not have an MRAP; they have a Lenco BearCat. While MRAPs were born on the battlefield, BearCats were designed in 1999 for the law enforcement market, says Lenny Light, VP and general manager for Lenco Armored Vehicles. The vehicle has an armored floor to protect officers from bullet fragments, but it lacks a V-shaped hull needed to mitigate the blast of an IED. Weighing 19 tons, the BearCat is also lighter and more nimble on streets than an MRAP.

This may sound like hairsplitting—both MRAPs and BearCats are big and scary-looking. But the point is that the Ferguson vehicle is not a Pentagon hand-me-down. "No Bearcats are available via the 1033 Program," Light says.

It's not exactly a new concept for SWAT teams to possess armored vehicles. For example, when the sheriff's office of San Joaquin, Calif., got a new BearCat in 2013, it was simply replacing the old Cadillac Gage Peacekeeper it had since the 1990s. But the proliferation of these vehicles has been met with a skepticism, and even outright derision. Comedian John Oliver had great fun skewering Keane, N.H., for using federal funds to buy an armored car, which city officials said, was needed to protect the local annual pumpkin festival from international terrorists."

Dressing Up Like Soldiers

Even without inheriting technology directly from the military, then, law enforcement agencies even in small cities and towns can buy some scary gear—and the federal

government is helping them do it. So what happens when cops have big vehicles and guns? They want to use them, Lynch says.

"When you take police officers and you take them out of the ordinary uniforms and dress them up like soldiers and give them weapons of war from the Pentagon... we shouldn't be surprised that they start behaving like soldiers," he says.

Lynch and Don Alwes, a former police captain who returned to the force to work as a tactical officer instructor, both say SWAT mission creep is a real concern, especially as teams are used for more than just neutralizing the rare terrorist, crazed gunman or hostage-taker. A 2012 report by the Maryland Statistical Analysis Center, in the Governor's Office of Crime Control & Prevention, found that 51.2 percent of the time SWAT teams were used in drug raids. Likewise, the American Civil Liberties Union (ACLU), in its study of more than 20 agencies, found that fighting the War of Drugs accounted more than 60 percent of SWAT deployments.

Alwes, though, argues that the controversy fails to address the key issues: Is the gear being used properly? Are police obeying the law? "My concern about how things are being addressed is that it is more about the way things look to people," he says, "and we're supposed to be a smarter and more rational than that."

He also balks at the notion that Ferguson doesn't need a SWAT team or that its deployment was unnecessary.

"The day after everyone was complaining about the militarization of the police, the governor had to activate the National Guard to come in and restore order ... so, obviously, lesser means could not [do it]," he says.

To Alwes, that's the point: Sometimes, the choice is not between SWAT and Officer Friendly. It's between SWAT and the National Guard. "And if you don't care for how the police do policing, wait 'til you see how the military does it," he says.