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Buyer's remorse: Local cops want to unload military equipment feds gave them

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The sheriff's department in Chelan County, east of Seattle, figured it could use an armored vehicle to transport its SWAT team's response to thorny situations, thereby erasing the fear of taking fire as they sped into active shooter or barricade incidents.

When they asked the feds for a military vehicle, the Pentagon insisted they take three of them — armored, tracked vehicles designed to carry a 107 millimeter mortar, but which had the weapons removed to make it more suitable for police use.

That was more than 14 years ago.

The sheriff's office now wants to return the assault vehicles, which technically are still owned by the Pentagon. But shipping 10-ton trucks has proven to be a logistics nightmare, and the county may end up having to absorb the cost.

"We don't care; we just want to get rid of them," said Undersheriff John Wisemore. "We realized they weren't as safe for what we were going to be using them for."

He isn't alone.

Tucson Police have garaged two 10-ton carriers that they got from the Pentagon in 1996. The pair of tracked assault vehicles were built to carry antitank defense missile systems but had the armaments removed.

"They are kind of broke down," said Tucson Police Department spokesman Officer Brandon Tatum, adding that they are "obsolete."

He said the department had upgraded to a modern SWAT vehicle "that looks less like a tank. It looks like a bank truck," he said.

Two decades after Congress authorized the Department of Defense to supply military equipment to local, state and federal agencies for "law enforcement activities," police departments find themselves saddled with an array of outdated military hardware and accused of becoming militarized.

Now the Section 1033 transfer program is under intense scrutiny in the aftermath of this month's standoffs between police and protesters in Ferguson, Missouri.

President Obama has ordered a White House review of the program, and lawmakers on Capitol Hill have introduced legislation to scale it back, ending transfer of what he called "aggressive military equipment" and insisting that everything that has been sent out be accounted for.

That accountability is lacking, at least for the public.

The Defense Department last week released a massive set of data detailing every transfer the Pentagon made to law enforcement agencies dating back to 1991. But the data only sparked new questions and confusion, because it didn't list the agencies that were receiving the most lethal or intimidating military equipment.

A Washington Times investigation found a number of departments complaining about the heavy armored vehicles that have been transferred, finding them to be overkill for the jobs local law enforcement needs to do. But despite those hiccups, departments say they're thrilled with the program as a whole, particularly because of the weapons that the officers and deputies say put them on even footing with the residents they are trying to protect.

"We were in need of some higher-grade weapons as far as rifles were concerned, and the military was able to provide us with some extra rifles they had," Undersheriff Wisemore said.

Now his deputies all have rifles in their vehicles. The ones from the government were transferred with their automatic fire capability intact. The department could have converted them, but that would have cost money. Instead, they have a policy only to use them on semi-automatic, which means pulling the trigger once for each round fired.

"There's a lot of firepower out there [in the hands of] the citizens, and we don't want to be overpowered. We don't use them for anything other than to just protect the citizens," the undersheriff said. "It has been a great program. I think it's great that the military, instead of destroying everything, offered it up to local law enforcement agencies. The comments that some are making that police are [becoming] too militarized — the public is becoming militarized in my opinion. There's pretty high-grade weaponry out there available to the public."

'Tactical equipment' and thermal underwear

The equipment the Defense Department makes available to local law enforcement ranges from thermal underwear and combat boots to gym weight benches to computers. Excess body bags, tissue paper and washcloths are also available.

But most of the questions about the program stem from what the Pentagon labels the “tactical” equipment — the guns and trucks that have led some observers to equate the police with an invading army rather than a public safety operation.

The Pentagon data shows the government has transferred nearly 80,000 rifles and 1,718 shotguns to counties throughout the country.

Los Angeles County alone has been the destination for 3,229 M16-A1 rifles and another 87 M14 rifles, while Leon County in Florida, which is home to Tallahassee, received 1,900 M16-A1 rifles and 111 M14 rifles.

Camouflage netting is a popular item, as are night vision scopes.

But the rifles and the heavily armored vehicles have gotten the most attention.

All told, the Pentagon has dispatched more than 170 personnel carriers to law enforcement agencies, including mortar carriers, command posts and the air antitank defense missile system carriers that were sent to Tucson.

Another of those antitank missile carriers was sent in 1998 to Tom Green County in Texas, where the San Angelo Police Department said it was wholly unsuitable for what they needed.

“It is exactly as it was when we received it in 1998. Apparently, the administration in 1998 believed that this could be used as an armored personnel carrier for our SWAT team. It has never been utilized, nor has it ever left our training facility,” said Officer Tracy Gonzalez. “It was used years ago in training scenarios, but that was the extent of the use. It is very apparent that the vehicle itself is not conducive for a SWAT approach, and the fact that it is a tracked vehicle further made it unusable in our urban area. The tracks would tear our streets up.”

Even the information the Pentagon released about the 1033 Program has sewn confusion.

The government broke the data into “general” equipment, such as gym barbells or power tools, and “tactical” equipment — the heavy vehicles and automatic rifles that have come under intense scrutiny. But the Pentagon withheld the names of the agencies that got the tactical equipment, instead only listing the county where the equipment was delivered.

So while the Pentagon says Charlottesville, Virginia, got 134 M16 rifles, police there say they’ve only received 26 rifles.

“We have fourteen (14) M16s that we received in 2006. Those rifles all came in full-automatic mode, which is how they were built for the military. We converted them all to semi-automatic, and they are deployed with officers as patrol rifles. We also have twelve (12) M14 rifles which had already been converted to semi-automatic by the military

prior to us obtaining them,” Capt. Gary Pleasants, Support Services Division commander of the Charlottesville Police Department, said in an email.

Defense officials say the others may have gone to state police or federal agencies operating out of Charlottesville, and say that while they know who got the weapons, they cannot reveal it to the public because the transfers are deemed to be “law enforcement-sensitive.”

The government data also says an antitank missile system was sent to somewhere in Tom Green County in Texas, but the sheriff there said he’s never heard anything about it.

“I have been around here since 1988, and I am not aware of any tracked vehicles at the [sheriff’s office] or [police department]. I have only been with the sheriff’s department for three years, but I was with the state police stationed here in Tom Green County beginning in 1988. To my knowledge there is nothing like that here,” Sheriff Jones said.

Good government watchdogs say the data leaves the public in the dark about the most important information in the debate.

“Thus far, the DOD response has been absurd,” said Tim Lynch, director of the libertarian Cato Institute’s Project on Criminal Justice, which monitors civil liberties and law enforcement issues, including police tactics and misconduct.

“This is not about tracking blankets or flashlights. This is about military weaponry like M16s, grenade launchers and armored vehicles,” said Mr. Lynch. “There must be a full public accounting for those things.”

Joe Newman, spokesman for the watchdog group Project on Government Oversight, said that he couldn’t see a “compelling national security interest” for the Pentagon to keep the data secret.

“It’s disturbing that the DOD would not be more transparent where this military equipment is going,” he said. “Obviously, the information that the media and public wants to know — where this equipment is ending up — is something the DOD knows. I think the DOD needs to explain why this information can’t be released.”

“On its face, there doesn’t seem to be a compelling national security interest at play here,” he said.

White House review

The 1033 Program had its root in a 1990 law that created a pilot program to have the Defense Department ship equipment to agencies that could use it to combat drug crimes. A 1997 law made the program permanent and expanded its purpose to include equipment that could be used to combat terrorism.

The program grew along with another phenomenon: the spread of Special Weapons and Tactics, or SWAT teams. They first appeared in the 1960s, but by the late 1990s nearly 90 percent of police departments had the teams, which were tasked with serving high-risk warrants, apprehending dangerous fugitives and responding to barricade situations.

Equipment in the 1033 Program is sent with the understanding it is on loan from the Defense Department, and all costs for maintenance and operation are to be borne by the local agencies. More than \$5.1 billion worth of equipment has been sent to law enforcement agencies.

Mr. Obama has ordered an official review of the program, with an eye toward seeing if it's meeting its aims.

"The goal is a — it's a laudable one," White House press secretary Josh Earnest told reporters. "The question, though, is: Is the program operating as was intended? Are there situations in which local law enforcement organizations are getting equipment that they don't actually need?"

Mr. Earnest also said they want to see whether the police and deputies who end up with the equipment also have the training needed to use it properly.

The spokesman wouldn't speculate about whether equipment already sent out could be recalled in the wake of a review.

The issue has turned politically heated, with those in Mr. Obama's liberal base joining with the libertarian right to call for changes.

"Instead of getting out of their cars and working with communities to tackle crime, police increasingly hide behind high-tech weapons, vehicles and armor made for use on a battlefield — not the city streets of small-town America. In Ferguson, we are starkly witnessing how this limits freedom and puts law-abiding Americans' safety at risk," Charles Chamberlain, executive director of Democracy for America, a progressive pressure group, said in a fundraising email to supporters earlier this month.

Rep. Henry C. "Hank" Johnson, Georgia Democrat, has written legislation to rein in the 1033 Program, particularly by restricting the transfer of lethal weaponry.

Analysts said it's time for a review of the program in light of both the changing war on drugs and the evolving fight against terrorism.

"Federal funds can be very valuable to help control crime and protect the public. But they should be tailored to support successful practices," said Inimai Chettiar, director of the Justice Program at the Brennan Center for Justice. "The question is not whether police should have more money or less money, but rather what they do with that money."

Needed firepower

Police officials nevertheless touted the benefits of the 1033 Program, not for supplying military-grade firepower but for providing “tools” to safeguard the public.

Officer Tatum of the Tucson Police Department said every officer on the force is equipped with individual first-aid kits obtained through the program.

He said the military medical supplies, including field dressings for combat wounds, have proven more valuable on the streets of Tucson than a 10-ton tracked vehicle could ever be.

“We’ve had a couple [of] situations this year where people were stabbed or shot, and [police] have been able to save their lives because of the kits,” he said.

Sgt. Darin Johnson of the Hughes County Sheriff’s Office in South Dakota said that they rarely, if ever, use the five assault rifles and three grenade launchers, which are used for launching canisters of tear gas or pepper spray, that they received through the 1033 Program.

Still, he credited the 1033 Program with putting them at the disposal of his deputies, who patrol a county of about 17,500 residents.

“Those five rifles are a benefit to our office. We’ve never used them. But they are a benefit to have,” he said.