

## Sacramento's army

By **Raheem F. Hosseini**

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While Sacramento law-enforcement officials gear up for another grueling round of pensions-vs.-layoffs brinksmanship, at least their supply of automatic rifles and grenade launchers is secure.

That's because local public-safety agencies have spent the past two decades cashing in on more than \$30 million worth of free military equipment—M16s, helicopters, even \$5,000 espresso machines—from the federal government. Sacramento County has received the third-most freebies in the state, reviving concerns of a drastically militarized police force roaming our streets.

Groups such as the American Civil Liberties Union and the Cato Institute warn that the escalating practice of giving discarded military hardware to municipal peacekeepers distorts how police agencies view their role in a civil society. Local law-enforcement officials, on the other hand, regard the giveaway program as a mutually beneficial way to meet department needs.

"It's a fantastic program," said Sacramento Police Department Sgt. Andrew Pettit, whose department saves hundreds of thousands of dollars applying for equipment as needs arise. "It's really for the citizens. It's for us to do a better job in the community."

More and more civilian forces are thinking the same way.

According to a database set up by California Watch, a journalism group founded by the Center for Investigative Reporting, Sacramento County received more than \$2.4 million worth of transferred military equipment in 2011—its biggest haul in 14 years. Twenty percent of that figure represents firepower, watercraft and land vehicles.

Amid the eclectic array of secondhand treasure, the Elk Grove Police Department stocked up on dozens of automatic rifles; the Sacramento County Sheriff's Department picked up a handful of ATVs and motor scooters; and the Sacramento Police Department took in a passenger van and 10 inflatable life rafts.

In recent years, the sheriff's department received three UH-1H helicopters, valued at more than \$2.7 million, and more than a dozen M16 rifles, while the police department acquired two OH-58 helicopters, eight grenade launchers and 124 M16s.

Since 1990, a finicky U.S. Department of Defense with an exploding budget has awarded everything from exercise equipment to furniture to what some residents (un)affectionately refer to as "ghetto birds." Yesterday's tactical gear is advertised on a regularly updated Web page, operated by the California Emergency Management Agency, which manages the statewide iteration of the program.

Whether you see this as a good thing or as a precursor to a dystopian, *RoboCop*-style future society probably depends on whether you're on one end of the DOD spout—or plugged directly in the middle.

## **More guns, less butter**

Last year saw the biggest haul for California law-enforcement agencies since the program's creation, and Sacramento County's largest freebie payday in more than a decade.

Since Congress officially authorized the giveaways in 1990, the number of participating law-enforcement agencies has steadily climbed, much to the Cato Institute's chagrin.

"This is something that disturbs us a great deal," said Tim Lynch, director of the Cato Institute's Project on Criminal Justice and a researcher who studies the militarization of police tactics. "It distorts the decision-making process at the local level."

Lynch's argument is pretty simple: By making so much military hardware available to your average municipal peacekeeper, local departments are grabbing up items they don't need, then justifying stockpiles by ramping up tactical missions for routine drug busts and the like.

There's even been reports of salvaging unmanned aerial drones for domestic surveillance operations.

At worst, police commanders are phoning up their SWAT teams to crack down on graffiti hooligans. At best, Lynch believes, they're unconsciously more apt to bring a gas-powered M4 carbine rifle, with its 370-milimeter barrel and collapsible stock, to a pillow fight.

Lynch and Cres Vellucci, vice chairman of the Sacramento ACLU's board of directors, say not to discount the subliminal impact playing soldier has on community police forces. The pepper-spray incident at UC Davis and last year's mass arrest of Occupy Sacramento protesters violating a park curfew, even the rash of officer-involved shootings across the county last month—each can be partly linked, they argue, to a psychological shift from peace officer to soldier.

"It used to be we were supposed to keep the military out of civilian affairs, but over the past couple of years, it's kind of been creeping in," said Vellucci, who's noticed it most at protests where riot-gear-clad cops are present. "The thing is, they look now exactly like a military force."

Local law-enforcement officials, and at least one academic, say that's poppycock.

"If we get special tactical equipment, it goes for special tactical use. It doesn't really change the mainstream purpose of our front-line staff," said Deputy Jason Ramos, spokesman for the Sacramento County Sheriff's Department. "It doesn't change our self-perception or how we see ourselves."

The job is the job is the job, in other words, Ramos confirmed. "While it sounds simplistic on the surface, I think that's an accurate way of assessing it."

Both he and Pettit say their departments log onto the military-surplus website only as needs arise. There's no feeding frenzy, because the department simply doesn't have the warehouse space to stockpile never-used desk lamps and magazine pouches. "If we don't have a need for it, it would just be stored somewhere," Pettit said.

Sacramento State University criminal-justice professor William Vizzard, who doesn't subscribe to Lynch's theory, summarizes the militarization angle another way: "Give a kid a hammer and everything looks like a nail," he quipped.

Is it possible for abuses to occur? "Yeah," he said, "but you can also attach too much meaning to it."

The program does have some oversight. State coordinators are expected to investigate any alleged misuse of equipment and have to provide written justification for even commonly used items, such as clothing, boots and flak jackets, according to the Defense Logistics Agency, which has run the program since 1995.

This hasn't always gone smoothly.

In a November 2006 memo forbidding the sale of weapons by law-enforcement agencies to supplement their budgets, Col. David Rodriguez of the DLA's Disposition Management and Regulated Programs Division wrote that accountability "has proven to be challenging particularly with weapons." Between 2003 and 2006, he continued, the DLA's support office had "encountered a number of incidents that have involved the compromise of weapons accountability."

But Cal EMA assistant secretary Kelly Huston told SN&R her program staff wasn't aware of any formal investigations conducted on Sacramento-area agencies. "However, we take accountability very seriously and would be very interested in knowing if there's something that indicates an agency is not in compliance," she said via email.

The DOD program does allow agencies to sell some of the donated equipment after a certain number of years, but Pettit dismissed the notion that it provides some sort of hoarding incentive.

"What it does for us is to save money, not make money," he said. "Once you get down to that point [where the items are resellable], the value is pretty low."

### **Washington bullets**

It turns out that when President George W. Bush told a reeling nation in 9/11 to go shopping, he wasn't just speaking to millions of stunned, saddened Americans. He was also referring to our military-industrial complex.

According to nonpartisan research organization the Center for Arms Control and Non-Proliferation, the Pentagon has seen its budget almost double in the last decade, from \$432 billion in 2001, to an estimated \$720 billion last year. The DOD received 75 percent of that money in 2011.

"It's a little ridiculous how it happens at the federal-government level," acknowledged Ramos. "I mean, they're parting with stuff that there's really nothing wrong with. There's a ton of—I don't know if you call it waste, but where does the money come from?"

Every year, more agencies sign up for the hand-me-downs. Here in California, more than 13,000 law-enforcement agencies "have taken advantage of this unique program," the Cal EMA website boasts. That number jumps to 17,000 if you add in federal agencies located in the state.

And, as surprising as it may be that unassuming Sacramento County is the third-largest recipient of military handouts in the state, its sheriff's department also trails only those of Los Angeles and Ventura counties when it comes to benefiting from the DOD's largesse.

In pure dollar value, Sacramento County's haul of \$25.3 million worth of free military hardware since the program's inception tops the Los Angeles Police Department and California

Department of Justice—but still falls well short of the L.A. County Sheriff's Department's take of \$51.8 million worth of equipment. By comparison, the neighboring counties of Placer, Yolo and El Dorado have only collected a combined \$2.9 million worth of transferred military equipment over the years.

Neither Lynch nor Vizzard believe the recent wars on terror or drugs have much to do with the increased demand, though the DOD makes a point of saying priority is given to agencies focused on counterterrorism and counterdrug activities.

It is fair to say that the vast majority of this castoff military gear might as well be termed "mundane office equipment." Roughly 83 percent of the value received between 1995 and 2011 falls into the category of general equipment and parts. For the sheriff's department in 2011, that included the expected (195 flashlights, 38 pairs of night-vision goggles, 34 pistol holsters, four searchlights, three skin-marking pens and six ruggedized laptop computers), the curious (112 snowshoes, 30 men's scarves, 70 men's berets, one Vulcan grill and one Viva Espresso Coffee Machine valued at \$5,603) and the "dear God I hope they never need this" (400 nuclear/chemical/biological protective bags, one red biohazard container).

Only .0075 percent of the \$30 million figure reflects firearms. But don't be fooled: That makes for a lot of artillery.

The Elk Grove Police Department has collected 58 M16s and five M14s, most of those coming last year. The sheriff's department received 16 M16s in 2006. And it was 1997 when the grenade launchers and M16 rifles went to the Sacramento Police Department.

"The rifles are intended to help protect the residents of Elk Grove, should there be a major armed confrontation where additional firepower is needed," said department spokesman Christopher H. Trim.

Trim cited two such confrontations: In May 2010, when an armed man held his wife and three children hostage at gunpoint for several hours inside a residence in the 9300 block of Newfound Way. The suspect eventually killed himself, but not before aiming a laser-sited firearm at responding officers and discharging his weapon indoors, resulting in minor injuries for his wife and kids. And four years earlier, when Elk Grove police arrested Aaron Dunn after a shotgun-wielding shooting spree on Laguna Boulevard; he killed two people and fired on police.

"[We] want to be prepared for any emergency or situation and having the proper equipment and weapons is a part of that," Trim said via email.

Sheriff's spokesman Ramos cited a few "worst-case scenarios" of his own. There was that freeway-clogging manhunt this past April: Jimmy Lee Graves, 38, accused of shoplifting at a West Sacramento Walmart, turned his escape into a daylong shooting and carjacking bender. The manhunt ended with police fatally shooting Graves at an Arden-Arcade apartment complex, where he had barricaded himself and started a fire. Ramos also mentioned last year's rescue of a 1-year-old boy during a 56-hour hostage crisis at an apartment complex on Arden Way and the 1991 hostage takeover of a Good Guys electronic store near Florin Mall.

"I would hope that John Q. Public in our Sacramento neighborhoods, or anywhere for that matter, would want us to have these resources for when we need them," Ramos added.

"I'm not saying they have no use" for the weapons, Lynch said, "but civilian police departments should be very, very carefully controlled."

At the very least, his organization would like to see the weapons sold without any discounts, so agencies are forced to buy only what they need and won't be tempted to gorge themselves on free military samples.

"If they had to pay the cost of those things, then it would bring the decision-making back to where it should be," he said, and agencies would have to internally justify the pursuit of equipment over other expenses.

### **Call of duty**

But Vizzard, an expert on the history of policing and federal law enforcement, claims military giveaways have been occurring in an unofficial capacity since World War II. There was even a time in England following the war, he said, when rather than transporting vehicles and aircraft back to the states, some were taken to a barge and dumped into the sea.

"The military is a wasteful institution," the professor said. "It buys stuff in a panic."

Yet Vizzard, whose son is an active-duty Army officer with 22 years in the armed forces, believes things have gotten slightly better. More purchasing power is being delegated to individual combat units. And, rather than wait five years for a procurement contract to come through, unit commanders hit up REI's website and shop online.

"A lot of it is just backpacking equipment," Vizzard said. "That [practice] would've been unheard of in 1960," when soldiers were expected to be outfitted identically, right down to their matching socks.

Still, for a military that's in the process of phasing out M16s in favor of the shorter, lighter M4, Vizzard says the surplus-giveaway program presents a third option behind destroying the equipment or giving it away to "friendly foreign governments."

While that may be good for the military, the impact on our police forces and those being policed continues to reverberate mysteriously.

"Realistically, we're underarmed when it comes to the amount of weapons out on the street," said Sacramento police spokesman Pettit. "Our most powerful weapon is the rifle."

Vizzard says the community policing model and the paramilitary arm, personified by SWAT forces, "have existed side by side forever in constant tension."

Elk Grove police spokesman Trim puts it another way.

"Even though most police departments have always been paramilitary-based, our mission is to work with the community to resolve issues," he wrote in an email. "We use many methods of solving issues depending on the situation and are not bound to use any certain type every time."

The Elk Grove department came under scrutiny last year, following a January 2011 incident in which a since-convicted spousal abuser was shot while lying handcuffed in the back of a patrol vehicle. Police said the 32-year-old John Hesselbein was reaching into the back of his waistband when Officer Paul Peckham loosed a round from his assault rifle that punched through suspect's left cheek.

Hesselbein, who was sentenced to 30 days in jail and given three months of probation for one count of misdemeanor spousal battery, hired attorney Stewart Katz to represent him in a lawsuit against the city and its police department.

As for the free Pentagon swag and the agencies pursuing it, both continue to grow. It will probably never be clear what effect, if any, this has on how our neighborhood constables view their sworn duty to serve and protect and we who agree to be governed.

But it'll make us wonder.