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COPS NEED MORE THAN BODY ARMOR

As powerful weapons flood the streets, what can officers do?

By Julius (Jay) Wachtel. As a St. Louis grand jury began mulling over the shooting death of Michael Brown by a Ferguson police officer in August, the Senate's Homeland Security and Governmental Affairs Committee swung into action. Their concern wasn't with the killing but with what happened afterwards. Specifically, whether authorities over-reacted to protesters by swooping in with heavy-handed tactics and a bevy of intimidating military gear, including a fearsome-looking \$360,000 BearCat armored truck paid for with a grant from the Department of Homeland Security.

Missouri's own Sen. Claire McCaskill acknowledged that the bullet-resistant qualities of the vehicle had proven useful. Still, she and other legislators questioned whether the plethora of armaments being acquired by police forces in wake of 9-11, much of it military surplus furnished at no cost by the Defense Department, was overkill. America's top cop, Attorney General Eric H. Holder Jr., promptly chimed in: "At a time when we must seek to rebuild trust between law enforcement and the local community, I am deeply concerned that the deployment of military equipment and vehicles sends a conflicting message."

Law enforcement's track record gives cause to worry. Missteps in handling demonstrations have poisoned police-community relations for decades. In 2007 we chastised LAPD after a commander declared an immigrant-rights march illegal, resulting in a violent confrontation that observers characterized – and not without justification – as a "police riot." Apparently the department learned its lesson, and four years later we praised them for a massive but low-key and effective response to boisterous Occupy Wall Street demonstrators.

Yes, there was chaos and looting in Ferguson, and police were obliged to respond. Yet when (mostly white) officers attired in helmets and protective gear imprudently pointed weapons at a (mostly black) crowd – one cop from a nearby town actually threatened to shoot an unarmed protester – it harkened to a past that our nation has struggled mightily to leave behind.

That, in a nutshell, was the backdrop for the Senate's review. Considering the hearing's tenor, the implications seem grim. While gun makers happily churn out ever-more lethal hardware for civilian use, the Ferguson imbroglio could make it far more difficult for law enforcement agencies, particularly, smaller, less well-funded departments to acquire protective gear and armored vehicles to counter the lethal threats that cops often face.

For an example of this dilemma look no farther than Davis, a town of about 65,000 nestled a short drive from California's capital. A few weeks before Ferguson blew up, its police department was the proud recipient of a \$680,000 armored car, courtesy the Department of Defense. In urging the acquisition Chief Landy Black told the city council that the vehicle's ability to resist bullet penetration made it "the perfect platform to perform rescues of victims and

potential victims during active-shooter incidents, and to more safely deliver officers into active shooter incidents, barricaded hostage crises, and/or other or environments involving armed offenders.”

No matter. With only one dissenting vote, council members recently ordered Chief Black to return the MRAP to sender.

Had the good chief just been blowing gunpowder? Hardly. Thugs armed with high-powered weapons have been playing havoc with the Golden State’s cops:

- On July 16, three weeks before Ferguson, heavily armed bank robbers led Stockton police on a wild, bullet-riddled chase that ended with the fatal wounding of two suspects and, tragically, a hostage. An AK-47 type rifle and large quantities of ammunition were recovered. Police used an armored vehicle to close in. No officers were hurt.
- On August 18, nine days after Ferguson, LAPD engaged in a running gun battle with two suspects. One, armed with a high-powered rifle, shot and wounded a SWAT officer, and was killed with return fire. An armored vehicle helped bring the incident to a close.
- Four days later, on August 22, gang members armed with an AK-47 type rifle with high-capacity magazines and a handgun left a 31-year old San Bernardino police officer in critical condition with a head wound. His partner shot one of the assailants dead and three other suspects were arrested.

But if we give cops what they’re asking for, aren’t we “militarizing” the police? Perhaps. On the other hand, when any ordinary citizen can bop into a gun store and come out with 7.62 and .223 caliber, high-capacity, high-cyclic rate rifles whose rounds will readily penetrate ballistic vests, the line between “police work” and “military work” seems thin, indeed. Consider, for example, the incident that made SWAT famous, the North Hollywood shootout of February 28, 1997, when two bank robbers armed with a 9mm pistol and five semi-auto rifles (several made full auto, an illegal but often simple conversion) wounded eight LAPD officers and five civilians.

Exactly how did platoons of frightened officers, crouching behind their cars with their peashooters drawn, define their roles *then*?

Still think that MRAP’s are a bit much? Each year the FBI compiles detailed statistics about police line-of-duty deaths. These provide a sobering view of the limitations of personal body armor:

- According to the FBI, 535 law enforcement officers were feloniously killed during 2003-2012, 493 (92%) with firearms. Of those who fell to gunfire, 360 (73%) were killed with handguns, 92 (18.7%) with rifles, and 38 (7.7%) with shotguns.
- Of those killed by firearms, 321 (65.1%) were wearing body armor. Wounds to the torso accounted for 101 (31.4%) of these deaths.

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- Rounds penetrated the vest (instead of entering above, below or between panels) in 22 (21.8%) of the instances where officers succumbed to torso wounds.
- All but one of these lethal, panel-penetrating torso wounds were by rifles.

Back to Ferguson. Remember that even Senator McCaskill acknowledged the usefulness of the armored vehicle. If you have nothing other than ballistic garments, think hard before advancing on someone armed with a high-powered rifle and a bushel-full of ammo.

And keep in mind that whether or not you're "militarized," you're still the police. You can't call in an air strike.