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**Use of Armored Personnel Carriers by Law Enforcement Agencies
with Tactical Teams**

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ABSTRACT

This paper reviews the use of Armored Personnel Carriers (APCs) by civilian law enforcement agencies (LEAs) who employ the use of tactical teams. Civilian law enforcement agencies are tasked with responding to and resolving high risk incidents on a regular basis and this writing describes how the implementation of APCs is beneficial for those agencies who have tactical teams that can utilize them.

The elements of the types of high risk incidents facing departments include the use of high powered, high ammunition capacity weapon systems capable of defeating standard body armor and standard police vehicles. This writing highlights how the APC offers LEAs a means to work through those high-risk incidents more safely. There are numerous items of equipment used by civilian agencies and tactical teams that operate within those agencies. That being said, this writing simply presents the use of the APC as a functional tool to be used by LEAs that employ the use of tactical teams. There are examples cited within this paper that document the relevancy of this piece of equipment and they document the tactical success of its implementation.

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INTRODUCTION

Law enforcement agencies (LEAs) have multiple facets. There are many programs and divisions that fall within the realm or scope of responsibility of a LEA. Specifically, a LEA could consist of a patrol division, a criminal investigations division, a bike patrol division, a public relations division, and a tactical team/division to name a few. Each of these parts or divisions have responsibilities and tasks. Each part of a LEA has a function, and they are staffed with personnel to work towards accomplishing that function. Likewise, the personnel are provided resources towards that end.

One specific resource that this writing will address is the mine resistant ambush protected vehicle (MRAP), commonly referred to as an armored personnel carrier (APC). Specifically, the use of APCs as a resource for LEAs that have a tactical unit or division operating under their control. The MRAP, for example, is an armored vehicle put into action by the military. The appeal behind the use of this vehicle is largely due to the increase in “occupant protection from.... small arms fire...” (Stafford, 2007, p.18). The idea behind allocating military resources for domestic law enforcement came about as early as 1988 with legislation geared towards interdiction and became permanent legislation with the 1997 National Defense Authorization Act (NDAA) (“Transfer of defense...,” 2015). The reality is that LEAs are faced with resolving critical incidents, such as active shooters, barricaded subjects, high risk search warrants, felony arrest warrants, and hostage situations, and there is an expectation that these LEA’s should be able to adequately respond to and ultimately resolve these incidents (Phillips, 2017).

What is coupled with the aforementioned incident types is the presence and likelihood of responding personnel encountering high firepower that is, quite frankly,

superior in many respects to what is standard to that responding personnel. It is common knowledge that the use of assault type rifles in shootings is prevalent. These types of rifles are also high capacity in terms of ammunition. The APC/MRAP is simply a resource to be utilized in response to a certain type of threat and is primarily a safety blanket in many respects. It is a resource that is available, has functionality, and sustainability in various types of high risk incidents that could have a high potential for exposing law enforcement personnel to serious bodily injury or death. Based upon that line of reasoning and thought, LEAs with tactical teams should employ the use of APCs.

POSITION

One reason that the use of APCs by civilian LEAs with tactical teams is useful is because it provides sustainable hard cover for responding personnel to high risk incidents, such as active shooters or barricaded subjects. To follow that up, there exists these types of threats where sustainable hard cover is useful. There are numerous, recent instances involving assault type rifles where there were mass casualties. Some of these instances include the shooting at a Texas church on November 5, 2017 that killed 26 people; the Las Vegas shooting that killed 58 people and injured over 500 others on October 1, 2017; the shooting in Orlando, FL on June 12, 2016 that killed 49 and injured 53; the shooting in San Bernardino, CA that killed 14 and injured 22 on December 5, 2015; and a shooting at Colorado Springs, CO on October 31, 2015 that killed 3 (Nestel, 2017). Those shootings specifically highlight the fact that long guns like the AR-15 and the AK-47 are widely available and are being used by civilians in incidents that are causing mass casualties. These particular shootings occurred in public places that ranged from large communities to small communities. There are no

communities that are immune from this type of incident. The point behind highlighting those incidents is that LEAs are the ones sending personnel to these scenes to resolve them.

In the 1970s when special weapons and tactics teams (SWAT) were developed, they were done primarily in response to hostage type situations or barricaded subjects. The tactical teams were responding to these various types of incidents due to the fact that they were exceeding the scope of what regular patrol officers could sufficiently handle (Phillips, 2017). The types of aforementioned shootings are examples of incidents that exceed the capabilities of regular officers and have a use for tactical teams of the resources that come with.

December, 2013, a tactical team from Fond du Lac, Wisconsin responded to a barricaded subject who was armed with .50 caliber armor piercing rounds (Scullin, 2014). During the course of the investigation, it was determined that not only was the subject in possession of the .50 caliber rounds, but the subject had stockpiled ammunition in addition to more firearms. This particular tactical team previously used a “bread” type truck for tactical operations and “would likely not withstand .50 rounds...” (Scullin, 2014, p. 25). Likewise, an average armored bank truck is traditionally designed to withstand 9mm handguns (Scullin, 2014). The same tactical team responded to the aforementioned barricaded subject with a Lenco BearCat, which is an APC. This APC uses military grade steel and is designed in both its glass and steel to withstand .50 caliber rounds (Scullin, 2014). For all intents and purposes, the APCs are bulletproof and can sustain gunfire, which is essential when it is the source of cover for personnel. The Sheriff of Page County, VA, John Thomas, said, “I have seen slugs go through the

driver door of my car, through my radio console, and out the passenger door” (Welna, 2014, para. 5). He went on to liken that car to a “stick of butter” (para. 5).

Likewise, to further highlight the usefulness of the durability of APCs, one should view it more closely to the individual officer. The National Institute of Justice (NIJ) (2008) provides a standard of performance for individually worn ballistic armor. The standard is compiled into a document, Standard-0101.06. The existing levels of protection for individual armor starts at Level IIA and continues to Level II, Level IIIA, Level III, and Level IV.

Armor ratings from Level IIA to Level IIIA do not offer protection from rifle ammunition (NIJ, 2008). It is common for officers to wear any of the above first three levels of ballistic armor, which is what they would be wearing in response to the aforementioned types of incidents. The NIJ (2008), in that same report, offers information about the rifle ammunition that is used in AR-15 type rifles, the .223/5.56mm. That type of round that is constructed with a lead core can be stopped by a Level III armor plate. The type of round that has a steel or partial steel core needs is best protected by a Level IV armor (NIJ, 2008). With either type of rifle round mentioned here, the soft ballistic armor commonly worn by officers will not provide protection from those impacts. Additionally, in 2016, 66 law enforcement officers died from injurious during felonious incidents (FBI, 2016). Forty-two officers were in a patrol capacity during this reported time period under those circumstances, and in 2016, there were 51 officers feloniously killed with firearms who were wearing body armor (FBI, 2016). In 1999, two Atascosa County Deputies and one Texas DPS Trooper were killed by rifle fire in response to a call for service in that county (Cox, 1999). In that particular

incident, responding agencies were using soft skinned vehicles to approach the scene to provide cover, vehicles that were not designed to sustain rifle fire or gunfire in general.

It is clear that the climate faced by police officers includes high risk circumstances that all too often have offenders introducing the component of high capacity rifles with armor penetrating ammunition. These situations require the immediate attention of law enforcement personnel who are ill equipped on the front end to adequately deal with them. Tactical teams are, by design, there to provide special weapons and tactics to deal with special situations. The specific examples previously highlighted demonstrate there is a need and a use for the sustainable hard cover that an APC offers for personnel responding to high risk incidents. While the APC is deployed by the tactical team, it is utilized as hard cover for anyone who is on the scene of the incident where it is being deployed.

Another attractive aspect of the APC lies with its functionality. Its durability is one of the most apparent traits of this equipment, but its usefulness extends beyond that aspect. In thinking about one of the purposes behind its military application, the ability to carry multiple people at once, it is a logical leap from that military application to the one in domestic law enforcement. The ability for tactical teams to have a protected means of transportation that can also house their equipment is extremely utilitarian. There are APCs that can carry 16 passengers (Scullin, 2014). The importance of being able to carry those passengers is that while they are contained within that passenger compartment, the protection offered by the APC is maximized. While being outside the APC allows for a person to use it as hard cover, the ability to contain people within it

makes it that much more functional. On top of the occupant capacity, the use on various types of terrain is an attractive aspect of the APC. APCs, like the MRAP, were deployed by the military with a need for protected maneuver capability during military operations. They can travel up to 65 mph on urban roads, 25 mph on off road trails, and go up to 300 miles on a single tank of fuel (Stafford, 2007). In a specific example, referring back to the Fond du Lac, WI incident referenced previously, their tactical team utilized their vehicle to traverse a steep embankment in order to execute part of their mission (Scullin, 2014). This points to the ability of an APC to operate on various types of terrain and be functional while doing so. It is able to move from an urban area to other types of terrain that are not paved roads (Stafford, 2007). This type of ease in operation is useful in domestic law enforcement settings because personnel can be responding to urban or rural areas and in all types of weather conditions. The APC is designed to be able to function in various types of terrain and conditions.

The final point of functionality to be highlighted here is the APC being utilized as a rescue vehicle. The use of armored vehicles as rescue tools is not a new concept. In two separate incidents in 1968 and 1967 in Cleveland and Milwaukee, respectively, Brinks armored bank trucks were used as rescue vehicles for officers who were in an active gun fight with snipers (O'Brien, Weiss, & Davis, 2013). The durability of the APC makes it an ideal rescue vehicle for various types of high risk or critical incidents. In incidents where there are either injured officers or civilians, the APC is tactically effective in withdrawing those injured from a danger area. Armored vehicles effectively shield tactical teams, regular law enforcement personnel, and innocent civilians from gunfire, while tactical teams are simultaneously allowed to work their tactics to resolve

the incident (O'Brien et al., 2013). In the Fond du Lac, WI incident, they deployed their tactical team with an APC and were able to move up to close proximity to the danger area where innocent civilians were stranded in nearby dwellings (Scullin, 2014). The team was able to effectively evacuate those innocents using the APC as hard cover and rescue them safely. This tool clearly provides a level of functionality that is needed in high risk/critical incidents in terms of safety alone, and this is using the APC as a rescue vehicle, not in an offensive capacity.

A final point in regard to favoring the use of APCs by tactical teams in civilian law enforcement is the fact that these tools are available. They are not out of reach for LEA's. The previously referenced 1033 program that was enacted in the 1997 NDAA made it possible for military equipment to be transferred to domestic LEA's ("Transfer of defense," 2015). There were restrictions placed on this program by the administration of former president of the United States, Barack Obama. On August 16, 2017, Attorney General Jeff Sessions announced that the restrictions put in place by former President Obama would be removed (Lucas, 2017). From 2006 to 2014, more than 600 MRAPS/APC's have been sent to LEAs in most states of the United States (Rezvani, Pupovac, Eads, & Fisher, 2014). Also, as to the cost of acquiring the vehicle itself, LEAs are responsible under the 1033 program for the cost to transfer the vehicle to the agency. In one example the Fort Pierce Police Department in Florida obtained an MRAP/APC through the 1033 program for a transport cost of \$2,000 (Scullin, 2014). So, while the retail of the MRAP is approximately \$700,000, the agency does not bear the brunt of that cost. The federal program simply transfers the asset and has the receiving agency bear the cost of the transfer (Scullin, 2014). In all, it is clear this type

of resource is available to LEAs through federal legislation. The precedent since the enactment of this legislation is that the federal government is willing to provide these resources and make them available to LEAs in order to provide them with the means to combat violence and criminal activity in high risk circumstances.

COUNTER ARGUMENTS

In contrast to the positions in support of the use of armored vehicles by tactical teams in civilian law enforcement, there are counter positions that oppose the use of such vehicles in domestic settings. One counter position to the use of APCs is the perception that these types of militarized assets in a domestic setting damages or weakens community relations with LEAs (Phillips, 2017). Opposition to the militarization of domestic law enforcement is the counter. For example, one executive in Bergen County said, “Thank God we don’t have mines on the streets of Bergen County, and so why do we need an MRAP? It’s not a rescue vehicle, as portrayed by some. It’s the wrong message to send to all of our communities...” (Welna, 2016, para. 15). Former President Obama said, “We’ve seen how militarized gear can sometimes give people a feeling like they’re an occupying force” (Lucas, 2017, para. 6). This response from former President Obama was spurred by the unrest in Ferguson, MO during the protests of the shooting of Michael Brown by a police officer. Former President Obama, in fact, would go on to place restrictions on the transfer of military equipment from the federal government to domestic LEA’s.

While there is certainly evidence to show opposition to these types of assets, including MRAPs/APCs being used in a domestic setting, there is also clear evidence that demonstrates a need for these assets. For example, the previously referenced

example in Scullin (2014) showed their APC was used in resolving a barricaded subject who was armed with .50 caliber armor piercing rounds. The chief in that incident would go on to say that the success of the rescue portion of that operation would not have been successful without the APC. The APC allows tactical teams to respond to these high-risk situations in a different way that keeps them safe (Scullin, 2014). Also, there is a public expectation that LEA's be able to adequately deal with and resolve high risk situations (Phillips, 2017). A 2015 survey showed that 80% of the respondents would not change the use of SWAT in relation to high risk search warrants, felony arrest warrants, hostage situations, barricaded subjects, or building searches (Phillips, 2017). Much of the argument here is centralized around appearance and response in regards to protests and other similar types of civil unrest (Phillips, 2017). The officer safety concern is where the heart of the favorable position lies. Also, the APCs are not weaponized; they do not have offensive capabilities (Welna, 2014). Attorney General Jeff Sessions said, "we will not put superficial concerns above public safety" (Lucas, 2017, p.3).

Since the first domestic tactical teams were beginning to form in the 1970s, they have been used in resolving high risk incidents that pose a hazard to public safety and officer safety. The use of these assets, particularly the APC is clearly founded in a need to preserve officer safety. The aforementioned and cited examples of violence in the domestic setting clearly demonstrate the need and usefulness of such a resource as that of the APC. One must then weigh which is more important: the safety of lives or the perception of tactical teams or domestic LEAs deploying assets that resemble the

military. It is clear these APCs have saved lives and have been useful in domestic settings.

Another counter position to the use of MRAPs/APCs is one that calls into question their safety. The MRAP, a military produced vehicle, was involved in 66 various types of accidents from a time period between November 2007 and June 2008, and 40 of those were rollovers due to driving on poor infrastructure (Associated Press (AP), 2008). One article stated, "Road shoulders in the Middle East do not meet U.S. standards and may collapse under the weight of the MRAP..." (AP, 2008, para. 9). The MRAPs can weigh approximately 40,000 pounds (Welna, 2014). The height of the MRAP creates the tipping problem experienced in the rollover accidents.

The rebuttal to this obstacle of employing APCs like the MRAP in a domestic setting in the U.S. is the overall difference in infrastructure from the U.S. versus Middle Eastern counterparts. The reference in the Associated Press (2008) comparing the two infrastructures lends credibility to the argument that the MRAP would function in the settings where it would be employed by civilian LEAs. In terms of being "hard" on the infrastructure, it would not be any more so than that of an average fire engine, which weighs approximately 35,000 pounds ("Fire engine," 2000). The two pieces of equipment weight comparatively the same, and fire engines routinely operate in the same types of settings as an APC would. So, the foundation in the reasoning behind the rebuttal to the safety concern is that the superior infrastructure where an APC would likely be utilized mitigates that rollover risk or other safety concern. What the military had to do in response to those aforementioned accidents was increase training to mitigate those risks (AP, 2008). This would be no different in a civilian law enforcement

setting where LEAs would have to implement training on this equipment in order to ensure maximum safety during operation. The Red River Army Depot is a civilian led site for the MRAP University, which provides training for MRAP crew, drivers, and maintainers (Dees, 2014).

RECOMMENDATION

Whether or not APCs should be employed by domestic/civilian LEAs is certainly a topic that offers position points to support both sides. The purpose of exploring this issue is to highlight the evidence that shows how the applications of a resource, such as the MRAP, directly translates from a military application to applications in a domestic setting. APCs were specifically designed to provide protection for the personnel utilizing them in their operations. The same goal exists in a domestic setting. There are law enforcement officers operating on a daily basis who are tasked with resolving high risk incidents that pose a substantial risk of serious bodily injury or death. Aside from the officers involved, there are innocent civilians who are in harm's way in many, if not all, of the previously referenced examples. The evidence presented is clear that there is a need for a resource such as an APC. The APC is a resource that provides sustainability and functionality. On top of providing an elevated level of officer safety in certain incidents, it is a resource that is attainable for these civilian agencies. The 1033 program that was referenced here provides an excellent means for obtaining an APC. To have a way to obtain a resource that reaches a retail cost of hundreds of thousands of dollars for only transport cost is certainly a resource.

The counterpoints outlined are certainly pertinent. The perception of the community in which these LEAs serve is important. The rebuttal in any negative

perception lies with educating the public about the need these LEAs have for such a resource. The examples referenced in this writing highlight multiple incidents that involved mass casualties and semi-automatic rifle fire that an APC can stop. Local LEAs have to face and resolve these types of high risk incidents and have a use for this type of resource.

The idea of the APC being a safety hazard is certainly valid. The rebuttal to that focuses on the infrastructure differences where safety issues are being noticed and documented. The evidence points to infrastructure not supporting the vehicle in many instances and to training issues. The comparability of domestic first responder equipment such as fire engines shows that the sheer weight of the APC will not have, in and of itself, any different type of impact on the domestic infrastructure than that of the fire engine. So, the reasoning is that primary identified risk of rollover is mitigated due to the superior infrastructure seen in domestic settings. And there is training available domestically to make certain that the resource is being handled safely.

Based upon the evidence, LEAs with tactical teams should employ the use of APCs. LEAs should utilize the 1033 program through the federal government and determine what is needed to procure the APC in terms of shipped costs. Every LEA should assess their needs in terms of how they plan to utilize this resource and develop policy and procedure regarding the use and deployment of the APC. LEAs should utilize available training for any personnel who drive, operate, or maintain the APC. The evidence is clear that APCs are widely in use by LEAs and have been tactically successful in a domestic setting.

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