



## NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

*Representing America's Finest*

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August 5, 2016

Tracey Trautman  
Deputy Director  
Bureau of Justice Assistance  
U.S. Department of Justice  
VIA EMAIL: [Tracey.Trautman@usdoj.gov](mailto:Tracey.Trautman@usdoj.gov)

RE: Comments on Law Enforcement Equipment Lists and Definitions

Dear Ms. Trautman,

On behalf of the National Association of Police Organizations (NAPO), I am submitting comments on the law enforcement equipment lists and definitions contained in the May 2015 Law Enforcement Equipment Working Group Recommendations pursuant to Executive Order 13688.

NAPO is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement through legislative and legal advocacy, political action, and education. Founded in 1978, NAPO now represents more than 1,000 police units and associations, 241,000 sworn law enforcement officers, and more than 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement.

#### Controlled Equipment List: Riot Helmets and Riot Shields

NAPO's top priority is that rank-and-file officers get the protective, defensive gear they need to ensure their own safety and the safety of those they are sworn to protect. Therefore, we urge the Working Group to remove "riot helmets" and "riot shields" from the controlled equipment list.

While we recognize that it may not be necessary to use riot helmets and shields on a daily basis, every officer needs to have this gear at his or her disposal. As we have seen across the country, protests are ending in violence against police. This is happening in communities big and small across the country. On April 27, 2015, cinderblocks were thrown at police during the Baltimore riots, injuring a total of 150 officers, with 6 officers seriously injured. On July 10, 2016, during protests in Minnesota, 21 officers were injured by protestors throwing rocks, fireworks and construction rebar at them.

Photos in the press have sensationalized the look of this lifesaving equipment, often focusing on officers in riot gear arresting a peaceful protester who was none-the-less breaking the law. These images – often used in arguments against use of riot gear such as helmets and shields – neglect to tell the whole story. At the end of that

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same protest, those officers are getting rocks and bottles thrown at them and those helmets and shields allow them to protect themselves while trying to keep the peace.

Beyond protests, this gear can provide ballistic protection as well. As ambushes and assaults on law enforcement officers are on the rise, this equipment is necessary to save officers lives. According to the National Law Enforcement Officers Memorial Fund, there have been 34 firearms-related officer fatalities, which is a 70 percent increase from this time last year. If the Orlando SWAT officer was not wearing a helmet during the terrorist attack at the Pulse nightclub in Orland, that statistic would be 35 firearms-related officer fatalities.

Furthermore, the training and reporting requirements for this equipment are burdensome and could lead agencies, particularly smaller agencies without large budgets, to decide not to acquire this equipment. By having riot helmets and riot shields on the controlled equipment list, the Working Group is putting the safety of officers as secondary to the perception of what it believes police should look like. Policies such as this are extremely detrimental to officer morale, as well as safety, as the rank and file officer on the street is left to wonder why something so basically necessary and purely defensive as a helmet or shield is being unilaterally restricted by federal executive order.

In addition to our priority of the removal of “riot helmets” and “riot shields” from the controlled equipment list, NAPO is also concerned with other protective equipment listed on both the “prohibited” and “controlled” equipment lists.

#### Controlled Equipment List: Breaching Apparatus

The definition of “breaching apparatus” is too broad and it is not specifically tailored to the realities of American law enforcement today. There are public safety agencies across the nation – large and small – that are responsible for both police and fire, where police officers are trained and work in dual roles as police officer/firefighter, such as the Port Authority of New York and New Jersey Police Department and the Woodbury (Minnesota) Police Department. As part of the dual duty of providing fire services, these departments must have access to breaching apparatus to save lives and the Administration would never consider limiting a fire department’s ability to obtain such equipment via federal resources.

Further, the Working Group needs to ensure that different agencies within the same jurisdiction are not treated differently. The need for breaching equipment is just as urgent for the law enforcement community as it is for firefighters, but because firefighters are viewed in a more favorable light, they are able to obtain this equipment with no federal controls or oversight.

#### Prohibited Equipment List: Grenade Launchers

This equipment should be removed from the “prohibited equipment list” and moved to the “controlled equipment list”. As stated in the Recommendations, the Working Group agrees that there is a need and purpose for the use of grenade launchers, but simply due to the name of the equipment, the Working Group is prohibiting agencies from acquiring it. For such frivolous reasons, the Working Group is forcing agencies to purchase similar equipment, which closely resembles a grenade launcher, to do the same task. Moving this equipment to the “controlled equipment list” is consistent with civil policing as it helps deliver non-lethal alternatives to deadly force, such as irritants, smoke and pepper spray.

Additionally, NAPO suggests that the Working Group redesignate grenade launchers as “personnel protection material delivery systems” to remove the military stigma.

Controlled Equipment List: Armored Vehicles, Wheeled

This equipment should be removed from the “controlled equipment list”. The recent incidents in San Bernardino, Orlando, Dallas and Baton Rouge provide irrefutable justification as to why agencies need this equipment and no further justification should be necessary. The officers of the Watertown Police Department desperately needed one of these vehicles while engaging the Boston Marathon bombers, who were exchanging fire with officers and hurling explosive devices at them. Law enforcement is increasingly being out-gunned and out-manned by criminals and wheeled armored vehicles provide protection for officers and the citizens they are fighting to protect.

Prohibited Equipment List: Tracked Armored Vehicles

Tracked armored vehicles should be moved to the “controlled equipment list”. There are police and sheriff’s departments in rural jurisdictions that rely on tracked armored vehicles for search and rescue missions in inclement weather and on terrain where wheeled vehicles are not practical. While we understand that some agencies may be fortunate enough to have infrastructure sufficient to allow wheeled vehicles to respond to calls for service, there are departments across the country that have a justifiable need for them. By moving this equipment to the “controlled equipment list”, the Working Group will be able to monitor usage while making this lifesaving gear available.

America’s law enforcement officers work each day to protect and serve their communities, often at great personal risk to themselves. We ask that you give those officers access to the lifesaving, protective gear they need to defend themselves and the civilians they are sworn to protect.

If NAPO can provide any additional information on our comments, please feel free to contact me at: (703) 549-0775.

Sincerely,



William J. Johnson, Esq., CAE  
Executive Director

Cc: Don Graves, Deputy Assistant to the President and Counselor to the Vice President  
Greg Schultz, Special Assistant to the President and Senior Advisor to the Vice President