

## Bobbie Walthall

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**To:** David L. Corliss  
**Subject:** RE: rifles - please include this entire email as correspondence in the commission packet for this week's meeting

----- Forwarded message -----

From: "lauri di routh" <lauridi@hotmail.com>

To: "Tarik Khatib" <khatib@lkpd.org>

Cc: "David L. Corliss" <DCorliss@lawrenceks.org>, "mdever@sunflower.com" <mdever@sunflower.com>, "mikeamyx515@hotmail.com" <mikeamyx515@hotmail.com>, "bob schumm" <schummfoods@gmail.com>, "aron cromwell" <aroncromwell@gmail.com>, "hugh carter" <hughcarter@sunflower.com>

Subject: rifles - please include this entire email as correspondence in the commission packet for this week's meeting

Date: Mon, Dec 5, 2011 9:58 pm

Thank you, Chief Khatib, for taking the time to consider my questions. I appreciate you sharing your perspectives. I am grateful that we now have a Police Chief willing and committed to having these sorts of discussions.

A couple of points in response to your email that I want to address directly:

1. To the best of my knowledge, the 2005 strategic plan for the LPD was never really implemented or acted on, at least not in a way that was disclosed to the taxpayers or reflected in the budget. If we are going to engage in future strategic planning, let's aspire to something more transparent and effective than the 2005 model.
2. I am deeply uncomfortable with the notion that the LPD can walk into City Hall and be granted \$160,000 + with little justification, as part of a consent agenda. These sorts of expenditure requests need to be part of the normal budget process, and subject to open public hearings. They should not be buried on the consent agenda. The process by which this request initially came through was neither transparent nor credible, and as such, seemed duplicitous, whether intentional or not. This sort of shadow policy making does significant damage to the credibility of the LPD, and begs a larger question about the LPD's intentions. Further, it reflects poorly on the City's overall budgetary controls.

In response to your overall email, Chief Khatib, I am still not convinced of the larger case being made. There are bigger questions here, for me, that go way beyond the logistical arguments you make for further arming our officers. I am concerned about the assumptions being made, and the broader impact that this sort of escalation of arms will have on the community's trust in the police department.

**Unlike a militia, you can't just order up public trust when you need it; it has to be deserved, earned and in the "bank". I do not think that continuously increasing the police department's budget without community input, and simultaneously increasing the level**

**of armament within, and militarization of, the department, does anything to increase the public's trust in the police.**

I also wonder this: who will be giving the police orders, if and when these types of weapons are actually used? I ask this question seriously, as the City, and thus the taxpayers are being asked to potentially absorb significant liability with this proposed purchase. It seems that the City Commissioners feel assured that the LPD can support and defend deployment of these weapons under unknown future conditions. I wonder if they have really thought about the implications of these weapons being funded by the City but held and brandished by citizen owners who may or may not be wearing badges.

**You did not really address my questions regarding the legal implications or the City's liability, in your response. Has the City Attorney conducted an analysis of the legal implications of this proposal? What did that analysis reveal?**

I remain concerned about both the potential legal and moral liabilities here.

When we, the citizens, are provided hyperbolic examples such as Columbine as justification for more weapons, it becomes difficult to reasonably elucidate the virtues of de-escalation of police forces. I recognize that it seems counter-intuitive to do so. The police necessarily divide the world into good guys and bad guys. And while we may all want the good guys to have the advantage, it must be acknowledged that we don't always know who the good guys (or the bad guys) are, exactly. The police are human; they are not all good guys, any more than all citizens or all criminals are good guys or bad guys. What if heavily armed officers are told by superiors to clear a street or move people out of the way, no matter what it takes? What then?

Using Occupy Wall Street as an example, I would ask that you, Chief Khatib, and the Commissioners, to ponder what has happened recently, in Oakland; Davis; Portland; even NYC. **It is evident that around the country, police forces are increasingly reacting as though they were operating in a war zone. Is this really what Lawrence aspires to, as a community?** In Davis, as in NYC, under whose orders were these actions taken? Do you, Chief Khatib, think that the police in the aforementioned communities acted "professionally"? One wonders how those City's legal departments are now defending the actions of their officers, and at what cost to the taxpayers.

Here is what I see, nationwide: **police are increasingly assaulting people who are peacefully exercising their 1st Amendment rights. SWAT teams are ubiquitous, and are becoming increasingly notorious in some communities for horrifying abuses of power and authority. And here in Lawrence, we are being asked to arm and empower our officers at an increasingly high level, with no community discussion, save for the one I have apparently forced.** Military-

style policing against US citizens is on the rise, and in my mind, it's just plain wrong. I believe that our police department's increasing interest in this weaponry is a part of a disturbing trend. In light of the broad attention these issues have garnered, across the US, why wouldn't citizens be wary?

I invite you to review some of the recent media on the issue of militarization of the police:

[http://www.cato.org/pubs/wtpapers/balko\\_whitepaper\\_2006.pdf](http://www.cato.org/pubs/wtpapers/balko_whitepaper_2006.pdf)

<http://www.nytimes.com/2011/12/04/sunday-review/have-american-police-become-militarized.html?pagewanted=all>

<http://readersupportednews.org/opinion2/275-42/8462-lessons-of-a-police-chief-militarization-is-a-mistake>

<http://hnn.us/articles/militarization-american-police-has-long-historical-roots>

<http://earthhopenetwork.net/forum/showthread.php?tid=2161>

[http://www.nytimes.com/2011/11/16/nyregion/police-clear-zuccotti-park-with-show-of-force-bright-lights-and-loudspeakers.html?\\_r=1](http://www.nytimes.com/2011/11/16/nyregion/police-clear-zuccotti-park-with-show-of-force-bright-lights-and-loudspeakers.html?_r=1)

I have no illusion that my objections here will be sustained by the Commission; I fully expect that the Commission will vote to affirm your request.

Regardless, I feel compelled to record my objections as strenuously as I can. I hope that this level of discourse can continue in a way that allows the general public to participate. **As I am unable to attend the meeting tomorrow night, I respectfully request that my comments here be made part of the public record. I appreciate your consideration of my concerns.**

Thanks again for your thoughtful responses.

Sincerely,

Laura Routh

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From: khatib@lkpd.org  
To: lauridi@hotmail.com  
CC: dcorliss@lawrenceks.org; mdever@sunflower.com; mikeamyx515@hotmail.com; schummfoods@gmail.com; aroncromwell@gmail.com; hughcarter@sunflower.com  
Subject: RE: rifles  
Date: Sun, 27 Nov 2011 18:54:47 -0600

Ms. Routh,

I can certainly understand how busy you are this time of the semester and I appreciate the time you took to correspond and list your concerns. Email will have to suffice at this point, but we should still get together at some point to discuss this and other things as well. I have provided my responses/thought process after each question/concern area you articulated.

**The LPD justifies this purchase and deployment program by stating that these weapons are required to respond effectively to events like Columbine. Yet, this argument does not really hold up when examined: if only those officers that choose to purchase rifles will be able to deploy them, can't we assume that some officers won't opt in, and thus the weapons will be randomly deployed over different shifts depending on who is working, when, and which officers own rifles? How does this ensure complete coverage in the event of a Columbine?**

Justification for patrol rifles does include the ability to effectively respond to events such as Columbine. But it's a much broader issue. The equipping of law enforcement with the proper tools to be successful and accountable is the overarching concept. This includes everything from intellectual tools (training and education), to cameras and productivity tools, and weapons to protect the community and themselves. Police organizations and training/equipment regiments have evolved in the past 25 years. And not just in the additional weapons category. Today, officers are required to be multi-skilled; whether interacting with children at a school lunch, directing traffic at a parade, helping calm a person experiencing a crisis, investigating a crime that has computer or internet ties, or intervening in an armed conflict. Things can go from calm to chaos (and back again) in any given day – in a moment.

Since, probably the 1966 University of Texas shooting (in which an individual climbed an observation deck and killed 16 people and wounded 31), law enforcement has recognized the need for additional capabilities beyond what had been the norm. This event is most often cited as leading to the adoption of the "SWAT" concept in law enforcement. Up to that point, these types of events were not considered as something a police department would have to deal with. *CHANGE: Police departments need specially trained and equipped personnel to respond to critical incidents.*

For a time, the SWAT concept filled the need. In bigger departments, these units were full-time – officers actually on duty (not patrolling, but training or doing other things) and ready to respond. Smaller departments, such as the Lawrence Police Department, have to "call out" their team in the event an incident. Even with a full-time team, there is some response time. With a called out team, the response time is much more significant. For LPD, it often takes an hour or more to assemble personnel – assuming our vehicle starts! We have had to jump-start and even tow our Crisis Response Team (CRT) vehicle (200k mile former ambulance) in the past. Luckily, this has not occurred during an actual response, but training. So there are always technical difficulties out there that hinder responses as well.

In more recent times, the 1997 North Hollywood shootout is often offered when further refinement in police preparedness is examined. This incident involved heavily armed and armored assailants who robbed a bank and then engaged in a gun fight with responding patrol officers. The responding officers were only armed with their sidearms. Even though full-time SWAT units existed, it was still several minutes before they responded. By then, the suspects had managed to fan out into the neighborhoods and one even commandeered a passerby's vehicle as well. Eleven officers and six other citizens were injured in the incident. The patrol rifle concept was born of this incident. *CHANGE: Police departments need equipment (and training to use it) immediately available to patrol officers who are most often the first responders to critical incidents.*

The 1999 Columbine School shooting further defined police response. Twelve students and one teacher were killed when two heavily armed students went on a shooting rampage. Twenty-one students were injured. In their response, the police are criticized for not immediately entering the school and engaging the suspects. Rather, and as trained, they deployed in a “contain and open negotiations” pattern. In hindsight, this appeared to have been the wrong strategy as the assailants did not want anything other than to kill as many people as they could – and the police response worked to that advantage. This incident precipitated the “Active Shooter” model in law enforcement response. CHANGE: Recognition that the terrorist (that is what those two men were) seeks to kill as many people as possible and that police departments need to be ready to immediately engage suspects at the responding officer level.

These incidents are not the only examples of the points I am trying to articulate, but they are more widely known. There have been over a hundred school shootings in the United States since 1970. Additionally, there are many examples of police being overmatched by the “firepower” of suspects in law enforcement history. One notable international example includes the school shooting at Beslan (see Terror at Beslan by John Giduck for a good read and history lesson) where over 380 deaths occurred. Of course, this is an extreme example, but one lesson from the incident was that the middle school was selected, in part, due to lack of preparedness exhibited by local police (lack of professional training and equipment). Individuals and groups looking to do similar things do their homework and research.

I apologize for the longwinded answer to your question, but felt I needed to lay a little groundwork first. I have been a career police officer for twenty years now (well, almost). I have done many things, served in many capacities, attended trainings, educated myself, etc. All that has culminated in my professional preparedness for the position I currently occupy. One of the things I need to make sure of is that our police officers are best prepared to accomplish what the community expects of them. Preparedness for critical incidents and armed criminals are some of those things. So is community policing (something you referenced earlier), and we expend great efforts in that area as well. But it should not be a “this or that” choice”. In fact, community policing concepts are very much a part of intervention – people providing information to the police about suspicious activity or about a person exhibiting signs they are readying to commit violence, etc. But, what happens when all that fails, and for whatever reason, the police have to deal with individuals bent on hurting them or others?

I have found that a key lesson in law enforcement is to ensure that responding officers (patrol) have the capacity to meet the combined expectations of the community. They have to be the “Detective”, the “Traffic Investigator”, the “Neighborhood Resource Officer”, and the “Tactical Team” at any given moment. They are where any department’s preparation and philosophy meet the road. Major crimes are solved when officers act like detectives in those first few moments, relationships with neighborhoods are improved when officers take ownership in the problems there, and disaster can be averted or minimized when quick action with the right equipment is taken. We can have specialized units, special people for this and that, but the incident will be defined by what those patrol officers (and the patrol supervisor) do or don’t do in the time before all the “experts” show up.

As you suggest, and I agree, the lease-purchase program will *not* provide for complete coverage. There are those that will opt out, or simply cannot afford the cost of the weapon. Ideally, we should be able to provide a patrol rifle to all those assigned to patrol. We should probably buy all the sidearms for the officers as well, but we do not. Fiscally, that is not a possibility. I think the program to allow the lease-purchase is as good as it gets without large expenditure of city funds to allow for department-owned (and issued to all patrol officers) rifles. But, the coverage will be much greater, and that would be a step in the right direction in terms of preparedness.

### **Can the LPD provide data to justify the need for these additional weapons? How many times have LPD officers reported being fired at from high powered/assault weapons in the last 10 years?**

Lawrence is home to a nationally recognized collegiate program and in close proximity to the major Kansas City Metropolitan area. Large crowds and cultural venues theoretically provide for multiple reasons why Lawrence could be a location where an individual or group who wished national or international notoriety could focus their violence.

In addition, Lawrence is not the “sleepy” hamlet people like to think it is. We have higher Calls for Service (CFS), report workload, overall crime rate, and violent crime rate than many of our comparable communities. These statistics can be found on our website and have been articulated before. Additionally, on average (2006 – 2010) we responded to:

Disturbance with weapons calls: 130 per year  
Sounds of gunshots call: 136 per year  
Suspicious activity with weapons: 44 per year  
Shootings: 26 per year (actually, someone or something shot)  
Deaths from shootings: 1 – 2 per year.

# of firearms seized: 146 per year.

Granted, we don't get shot at that often, and I am thankful. I have anecdotal information on that. I can recall Captain Pattrick getting shot in the arm by a bank robber out to get away at all costs in 1995. And that was in the woods by the river where the pursuit ended. Several years ago, we (and several others) were shot at by an individual on North Michigan Street. Unfortunately, that person was shot and killed by us as a result of this. I personally had a person shoot towards me when I was in the County waiting on a search warrant many years ago. I was with A KBI agent, who thankfully, had a rifle. I did not.

It is not just a question of whether the criminals have high-powered guns, that we also need rifles. It's because they have and use *any* gun. Ask anyone who has faced a person armed with a gun if they would rather have a pistol or a rifle to counter that person. A sidearm/pistol is a point-defense weapon. Why should not those that are sworn to protect us have the advantage? One officer or citizen that perishes due to the officer not having at least equal or better firepower is inexcusable.

**From another perspective, how many instances have there been of officers inappropriately firing their service revolvers, or revolvers ending up in the wrong hands, either from an officers residence or vehicle?**

I cannot think of any instances in which an officer has fired his/her weapon inappropriately (willfully). I can think of many instances where the officer(s) has shown great restraint, placed themselves in additional danger, and not fired their weapon when they probably could have done so. The incident reported in the news recently in which a fellow pointed his shotgun at one of my officers is such an example. There have been several instances over my career where I recall an officer accidentally discharging their pistol. This was due to failures to practice safe weapon handling and they are isolated in nature. Probably two or three in my recollection of 20 years.

I can only recall one instance in which an officer lost their police sidearm. This was from a locked vehicle parked in Kansas City. The weapon has not been recovered to date. Certainly, firearms end up in the wrong hands all the time. Any criminal using a firearm classifies as that. We try not to provide those weapons. In fact, while many departments sell firearms seized as evidence, we choose to destroy them if no one has manifested a property interest in them.

**When current LPD officers separate from City employment, don't these rifles have the potential to end up on the open market? Does that really make us safer?**

As with anything the officer owns (including their pistol), the rifle could potentially end up on the open market. I am not sure how that affects our own safety. There are millions of firearms out there. Anyone that wants to get one will, legally or not. I am just trying to ensure that our officers have the tools necessary to make themselves and the community safer. With all things, I believe intent needs to be the operative factor. What makes the firearm a threat is the person's intent to use it in a certain way.

What happens a lot when officers leave service (if early in their career) is they sell their sidearm to one of the new officers. Retiring officers generally keep their weapons as keepsakes.

**By allowing officers to purchase their own weapons (albeit with a loan from the taxpayer) it seems that officers will then naturally travel to and from work with these weapons in their vehicles. These weapons would be stored at their homes when they are not on duty, yes? Doesn't this unregulated movement and storage of these weapons throughout the city increase the likelihood that some of these weapons will end up in the wrong hands, i.e. a child or a criminal? Doesn't this increase the City's potential liability, given that the City is providing up-front funding?**

Officers already come and go from work with their pistols and those that already have rifles. Some leave them in their lockers at work. Either way, officers are professionals and practice safe weapon storage and handling (with a few exceptions as noted earlier). In a perfect world, we would be able to provide for an armory or official storage area – perhaps in our new police facility!

Firearms are especially pervasive in our society. I don't think patrol rifles tips the balance in the favor of putting firearms in the wrong hands. Perhaps people who are not police officers (with the training and understanding) impact this more.

An interesting note: There are those in the law enforcement and public safety profession that advocate that police officers carry weapons off-duty as well. After all, law enforcement officers are legally able to do so. Many states have reciprocity agreements in terms of officer carry and congress has even made it legal to do so – even to the degree in which retired officers have the ability. All this is predicated on the belief that firearms are everywhere, it's those that should not have

them that are causing the problem, and don't we want to maximize the chance that those that should have them actually do when needed? What if someone starts shooting at the local mall? Even better than the responding police, is that unassuming looking individual already there, within a few feet of the assailant. The incident could be over quickly.

**Will /does the LPD have written guidance about when and how the weapon should be used by officers? Is this guidance available for review by the public? If not, why?**

We already have a firearms policy and a use of force policy that patrol rifles fall under. These are available on our website as are all the policies and procedures (although we take them down for work on occasion). The policies do not necessarily differentiate between weapon systems: pistol, shotgun, or rifle. They do discuss what deadly force is, when authorized to use, etc. If we are using any of these weapons, then it's a deadly force situation. Whether the officer uses their pistol, shotgun, or patrol rifle will be situational depending on the threat level and particular circumstances. The training regiments for each weapon discuss these issues and the limitations and advantages of each. General guidance on the patrol rifle is that it is a more accurate and powerful version of their pistol. It is not a long distance "sniper" weapon, however, it does have a accuracy range advantage over the pistol. It can be an option when dealing with known firearms disturbance calls, armed persons, or situations where officers can manifest a tactical advantage in utilizing the rifle. But there are limitations to the weapon. The primary disadvantage is you cannot re-holster it as an officer can do with a pistol. The weapon can be slung close to the chest, but one still needs to be attentive to it. As such, it is not conducive to the officer becoming physical with someone (rolling around on the ground). It is a weapon that under normal circumstances will be deployed by a single officer or at the direction of a supervisor when multiple officers may be responding to an event.

**Would LPD employees who have been previously subject to sanction or reprimand (i.e. for substantiated citizen complaints or for abuses of power or misuse of a weapon) be prohibited from carrying or purchasing this sort of weapon on the job/purchased through the City? If not, why not?**

Officers would not be precluded from carrying this weapon any more than they would be precluded from carrying their pistol or shotgun. Any abuses of power or misuse of a weapon that causes officers to be prohibited from purchasing or carrying a rifle also precludes them from carrying their pistol – which means they cannot perform their duty as a police officer.

**What assurance can the LPD offer to citizens that an officer who quits/is fired/separates from service with the City won't go "rogue" and become the very shooter that we are all supposed to be concerned about? Is expanding the number of assault weapons in our community really a good thing?**

I would not attempt to offer any assurance. The reality is officers are human beings. Human beings have issues, so it leads to the inevitable conclusion that officers will have issues. They have in the past and will continue to do so in the future. As best as possible, we are trying to provide an environment in which the officers have the support they need to perform one of the more stressful vocations. Provision of proper equipment helps with that stress. Early warning systems, open communications, and debunking of the "be a man and take it" culture go far in successfully providing officers with the means to be mentally and emotionally successful over the span of a 25 to 30 year career.

At the very least, officers will have their sidearm already. I suppose if we bought all the sidearms or patrol rifles for the officers, then we could have them surrendered upon separation. Again, fiscal reality impacts this. But I am for it. I am not sure what the statistics are in relations to demographics of the individuals who go "rogue". I find stories about students (high school and college), disgruntled workers, terrorists, postal workers, etc. I am sure there are former police officers and current ones out there who have done atrocious things. I don't deny that. Our (mine, yours, the community) task is to make sure they are not here at LPD, or not for long when a bad apple slips by. But that should not impact providing the ones that are doing a wonderful job of the equipment they need to stay safe and keep the community safe.

**Has The City looked at other community's experiences with a purchase program as proposed, and examined it in the context of legal liability?**

In terms of firearms, some cities provide them to the officer. Others expect the officer to provide them. Most often, the sidearm is provided by the department. We have been utilizing the lease purchase program for officer sidearms for a long time without any liability issues that I am aware of. Some rifles have already been purchased in the past with the program. This would be an extension of that program. In terms of rifles and what departments do, it is more of an even

split. Some provide the rifles to the officers, others allow the officers to purchase them. I do not really have a preference one way or the other – with the caveat that the rifle needs to be specifically assigned to the officer (can't have a grab bin). With adjustable sights and the different ways individuals shoot – that is where I have found liability discussions in the research. Because there exists no funding to make a mass purchase, the lease-purchase is then left as the only alternative. In the end (once paid back) the program is cost neutral to the city.

**What is the maximum distance that bullets from these rifles can travel? What sorts of materials can they penetrate? How will the department minimize the risk of collateral damage?**

The .40 caliber pistol bullet utilized in the sidearm can travel up to 4800 feet (almost a mile). The effective accurate range, however, is around 100 feet or less. The .223 caliber patrol rifle bullet can travel up to 7000 feet (1.5 miles). The bullet is considered reasonably accurate up to 900 feet. Either of these can still be lethal at maximum range, but not with any sort of accuracy. Most police pistols are used at ranges of less than ten feet. Patrol rifles are used at ranges of less than 75 yards (225 feet).

The police shotgun fires eight .30 caliber round lead pellets up to a distance of 4000 feet. The effective accurate range is considerably less at 100 feet. At that distance, the spread can be up to a foot or more in diameter.

For police duty, the patrol rifle ammunition of choice is a 55 grain (weight, about 3.6 grams) hollow-point bullet. This is relatively light weight and frangible. As such it will break apart on impact, decreasing the likelihood of over-penetration – which is the bullet passing through the intended target and moving on to an unintended one. The result is the penetrating power of the rifle-caliber bullet upon the initial strike (body armor, etc.) without the over-penetration. Testing has shown that with the proper bullet selection, the patrol rifle actually has fewer propensities to over-penetrate the target than the much heavier pistol ammunition.

Accuracy is the best way to minimize collateral damage. The patrol rifle is more accurate than either the police pistol or shotgun.

**Can the LPD's current bullet proof vests protect against these sorts of weapons? If not, how will officers be protected in the event that one of these weapons is taken away from them? Will the LPD need to expend further (unbudgeted) monies to purchase new vests? Where does this sort of spending end? I suspect we're going to end up with that armored personnel vehicle...**

The LPD's current bullet proof vest(s) cannot protect against these sorts of weapons. If one of these weapons is taken away from the officer, the officer will have to respond accordingly if threatened by the weapon – lethal force via the pistol sidearm. This would still be the case if the officer was wearing a vest that could theoretically stop the round. The criminals already have these weapons and more, so the officers really are not that protected to start with. Incidentally, most vests are not rated to protect against sharp object (knives) penetration either. They do make vests to stop these types of rifle rounds. They are usually the bulky (over clothing) variety seen worn by the military. I suppose we could need some of those....maybe one in the back of each patrol car so that an officer could put it on if going into an active shooting incident ☺

I know I get a chuckle out of the "armored car" pitch. And there are a lot of other priorities out there. But boy, when you need it, what then! In many preparedness scenarios, there is a use for a designated rescue vehicle to be able to approach situations where shots are being fired to pick-up citizens or officers who are injured. There is also a use for a vehicle that can approach (through gunfire) a location to insert officers (going into the school, etc). It is a chilling scenario in the minds' eye. It is the reality of the world we live in. Please don't judge what you think we would do with it as compared to what other departments as seen on TV and the popular media. And no machine guns... I would rather have a water cannon mounted on it.

**Frankly, I am concerned that when police are given more firepower, they will feel implicit pressure if not permission to use it. I am deeply uncomfortable with the notion that the American tradition of civil-military separation seems to be breaking down. We are turning our police force into a quasi-military militia. Aren't there more pressing needs? As a taxpayer, I do not want to fund unlimited spending only to turn our police department into an army. I feel compelled to at least question if not challenge what I see as another step in a dangerous trend.**

This is an excellent question and concern. The world we live in has undeniably changed in the last 25 years or so. Law enforcement has also changed dramatically in the past 25 years. In this correspondence, we have been focused on



weapons. But look at other areas of the profession and you would find just as big of a leap in “firepower” used: minimum education and temperament qualifications for police officers, amount and depth of training, cameras, videos, cars and computers, cell phones, Mobile Data Computers, crime scene technology, computer forensics, community policing concepts, etc. I could go on and on.

The overall trend has been one of increased professionalism and preparation. I don't think the police have driven this as much as societal and community expectations. I don't see any alternative than to provide law enforcement with the tools and training necessary to protect the community and engage in the most effective law enforcement possible. We do try to make life safer – education, crime prevention, catching the criminals, and interaction. The backdrop remains the same – there are certain tools the police need to do their jobs effectively and keep us safe. Not because we have now decided we need them, but because over time, a need developed in response to the environment.

A community can absolutely decide that patrol rifles or any other police funding or program is not for them. They then must be willing to do without the benefits of said programs or funding – after all efficiencies have been eked out of what is already provided to law enforcement.

My final comment here is that it's not the tools that define whether we are an army. It's how we interact with the community and use those tools. We have an excellent reputation for the judicious and hesitant (with due consideration) utilization of those contentious tools: guns, rifles, Tasers, pepper spray, and physical force.

**I wish that the LPD would engage in long range strategic planning, to strategize for effective community policing, and address priorities and budgeting with the community as a partner.**

This is something that was accomplished in 2005 and I would welcome an update to that.

Again, thanks so much for taking the time to let me know what your concerns are and do let me know when your schedule frees up.

-Tarik

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**From:** lauri di routh [mailto:lauridi@hotmail.com]

**Sent:** Saturday, November 26, 2011 5:04 PM

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**Subject:** RE: rifles

**Importance:** High

Thank you, Chief Khatib, for getting in touch.

I appreciate you acknowledging my concerns. I am also grateful to the Commission that they removed this item from the consent agenda for further discussion.

I guess the overarching issue for me really is one of transparency, and the policy issues related to this proposal.

I appreciate your offer to meet, although as it is the beginning of finals for this graduate student, this conversation probably needs to be by email, for now, as my schedule is very tight. I will certainly share the information gained from our discussion with the folks I know who have concerns.

It seems that we the taxpayers are being asked to subsidize/fund (at about \$160,000, if my math is right) the purchase of additional assault/patrol rifles that will be held privately, and thus, that the department may or may not have control over.

I just don't think the case has been clearly made that the department needs these weapons, relative to other needed resources. I also don't think that the lease program, as proposed/as I understand it, will necessarily make our community a safer place.

As I understand it, the rifles proposed can already be purchased by citizens, whether they are LE or not. Is that correct? I understand the need for the LPD not to be "outgunned". And I am hardly a munitions expert, and am certainly not qualified to judge what the appropriate rifles for law enforcement are. But the LPD already has some of these weapons. Do we really need more? I would like to see more community policing; I do not think that community policing and more firepower really mix very well.

I have a number of questions that perhaps you can help answer:

The LPD justifies this purchase and deployment program by stating that these weapons are required to respond effectively to events like Columbine. Yet, this argument does not really hold up when examined: if only those officers that choose to purchase rifles will be able to deploy them, can't we assume that some officers won't opt in, and thus the weapons will be randomly deployed over different shifts depending on who is working, when, and which officers own rifles? How does this ensure complete coverage in the event of a Columbine?

Can the LPD provide data to justify the need for these additional weapons? How many times have LPD officers reported being fired at from high powered/assault weapons in the last 10 years?

From another perspective, how many instances have there been of officers inappropriately firing their service revolvers, or revolvers ending up in the wrong hands, either from an officers residence or vehicle?

When current LPD officers separate from City employment, don't these rifles have the potential to end up on the open market? Does that really make us safer?

By allowing officers to purchase their own weapons (albeit with a loan from the taxpayer) it seems that officers will then naturally travel to and from work with these weapons in their vehicles. These weapons would be stored at their homes when they are not on duty, yes? Doesn't this unregulated movement and storage of these weapons throughout the city increase the likelihood that some of these weapons will end up in the wrong hands, i.e. a child or a criminal? Doesn't this increase the City's potential liability, given that the City is providing up-front funding?

Will /does the LPD have written guidance about when and how the weapon should be used by officers? Is this guidance available for review by the public? If not, why?

Would LPD employees who have been previously subject to sanction or reprimand (i.e. for substantiated citizen complaints or for abuses of power or misuse of a weapon) be prohibited from carrying or purchasing this sort of weapon on the job/purchased through the City? If not, why not?

What assurance can the LPD offer to citizens that an officer who quits/is fired/separates from service with the City won't go "rogue" and become the very shooter that we are all supposed to be concerned about? Is expanding the number of assault weapons in our community really a good thing?

Has The City looked at other community's experiences with a purchase program as proposed, and examined it in the context of legal liability?

What is the maximum distance that bullets from these rifles can travel? What sorts of materials can they penetrate? How will the department minimize the risk of collateral damage?

Can the LPD's current bullet proof vests protect against these sorts of weapons? If not, how will officers be protected in the event that one of these weapons is taken away from them? Will the LPD need to expend further (unbudgeted) monies to purchase new vests? Where does this sort of spending end? I suspect we're going to end up with that armored personnel vehicle...

Frankly, I am concerned that when police are given more firepower, they will feel implicit pressure if not permission to use it. I am deeply uncomfortable with the notion that the American tradition of civil-military separation seems to be breaking down. We are turning our police force into a quasi-military militia. Aren't there more pressing needs? As a taxpayer, I do not want to fund unlimited spending only to turn our police department into an army. I feel compelled to at least question if not challenge what I see as another step in a dangerous trend.

I wish that the LPD would engage in long range strategic planning, to strategize for effective community policing, and address priorities and budgeting with the community as a partner.

I truly do appreciate your time and consideration in addressing my questions and concerns. If you'd rather go over some of this stuff on the phone, I may be able to make time later next week. Let me know what works.

Thank you.

Laura Routh

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From: khatib@lkpd.org  
To: lauridi@hotmail.com  
CC: DCorliss@lawrenceks.org; mdever@sunflower.com; mikeamyx515@hotmail.com; schummfoods@gmail.com; aroncromwell@gmail.com; hughcarter@sunflower.com  
Subject: rifles  
Date: Wed, 23 Nov 2011 13:02:57 -0600

Hi Ms. Routh,

Mr. Corliss forwarded me the email you sent to the commissioners in regards to the rifle proposal. I am truly sorry there was a perception that we (I) was attempting to slip this under the radar without any public comment. The intent was simply to secure a funding mechanism to continue to have these tools (weapons) available as we already have them in use; and I had the understanding people knew we had them. I had not expected a discussion to develop, but certainly I want to speak with those that have any concerns and have the opportunity to address those concerns.

If you or anyone you know of is willing, I would welcome the opportunity to sit down with you sometime next week and have a conversation. I hate to leave it to the formality (and 5 minute time limit!) of the city commission meeting as the first chance people get to talk about the issues.

Please let me know if this is acceptable to you.

Hope you are set to enjoy the upcoming holiday/weekend.

Thank you,

-Tarik

Tarik Khatib, Chief of Police  
Lawrence Police Department  
4820 Bob Billings Parkway  
Lawrence, KS 66047  
Phone: (785) 830-7400  
Email: Khatib@lkpd.org

## Bobbie Walthall

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**To:** David L. Corliss  
**Subject:** RE: rifles - please include this entire email as correspondence in the commission packet for this week's meeting

----- Forwarded message -----

From: "lauri di routh" <lauridi@hotmail.com>

To: "Tarik Khatib" <khatib@lkpd.org>

Cc: "David L. Corliss" <DCorliss@lawrenceks.org>, "mdever@sunflower.com" <mdever@sunflower.com>, "mikeamyx515@hotmail.com" <mikeamyx515@hotmail.com>, "bob schumm" <schummfoods@gmail.com>, "aron cromwell" <aroncromwell@gmail.com>, "hugh carter" <hughcarter@sunflower.com>

Subject: rifles - please include this entire email as correspondence in the commission packet for this week's meeting

Date: Mon, Dec 5, 2011 9:58 pm

Thank you, Chief Khatib, for taking the time to consider my questions. I appreciate you sharing your perspectives. I am grateful that we now have a Police Chief willing and committed to having these sorts of discussions.

A couple of points in response to your email that I want to address directly:

1. To the best of my knowledge, the 2005 strategic plan for the LPD was never really implemented or acted on, at least not in a way that was disclosed to the taxpayers or reflected in the budget. If we are going to engage in future strategic planning, let's aspire to something more transparent and effective than the 2005 model.
2. I am deeply uncomfortable with the notion that the LPD can walk into City Hall and be granted \$160,000 + with little justification, as part of a consent agenda. These sorts of expenditure requests need to be part of the normal budget process, and subject to open public hearings. They should not be buried on the consent agenda. The process by which this request initially came through was neither transparent nor credible, and as such, seemed duplicitous, whether intentional or not. This sort of shadow policy making does significant damage to the credibility of the LPD, and begs a larger question about the LPD's intentions. Further, it reflects poorly on the City's overall budgetary controls.

In response to your overall email, Chief Khatib, I am still not convinced of the larger case being made. There are bigger questions here, for me, that go way beyond the logistical arguments you make for further arming our officers. I am concerned about the assumptions being made, and the broader impact that this sort of escalation of arms will have on the community's trust in the police department.

**Unlike a militia, you can't just order up public trust when you need it; it has to be deserved, earned and in the "bank". I do not think that continuously increasing the police department's budget without community input, and simultaneously increasing the level**

**of armament within, and militarization of, the department, does anything to increase the public's trust in the police.**

I also wonder this: who will be giving the police orders, if and when these types of weapons are actually used? I ask this question seriously, as the City, and thus the taxpayers are being asked to potentially absorb significant liability with this proposed purchase. It seems that the City Commissioners feel assured that the LPD can support and defend deployment of these weapons under unknown future conditions. I wonder if they have really thought about the implications of these weapons being funded by the City but held and brandished by citizen owners who may or may not be wearing badges.

**You did not really address my questions regarding the legal implications or the City's liability, in your response. Has the City Attorney conducted an analysis of the legal implications of this proposal? What did that analysis reveal?**

I remain concerned about both the potential legal and moral liabilities here.

When we, the citizens, are provided hyperbolic examples such as Columbine as justification for more weapons, it becomes difficult to reasonably elucidate the virtues of de-escalation of police forces. I recognize that it seems counter-intuitive to do so. The police necessarily divide the world into good guys and bad guys. And while we may all want the good guys to have the advantage, it must be acknowledged that we don't always know who the good guys (or the bad guys) are, exactly. The police are human; they are not all good guys, any more than all citizens or all criminals are good guys or bad guys. What if heavily armed officers are told by superiors to clear a street or move people out of the way, no matter what it takes? What then?

Using Occupy Wall Street as an example, I would ask that you, Chief Khatib, and the Commissioners, to ponder what has happened recently, in Oakland; Davis; Portland; even NYC. **It is evident that around the country, police forces are increasingly reacting as though they were operating in a war zone. Is this really what Lawrence aspires to, as a community?** In Davis, as in NYC, under whose orders were these actions taken? Do you, Chief Khatib, think that the police in the aforementioned communities acted "professionally"? One wonders how those City's legal departments are now defending the actions of their officers, and at what cost to the taxpayers.

Here is what I see, nationwide: **police are increasingly assaulting people who are peacefully exercising their 1st Amendment rights. SWAT teams are ubiquitous, and are becoming increasingly notorious in some communities for horrifying abuses of power and authority. And here in Lawrence, we are being asked to arm and empower our officers at an increasingly high level, with no community discussion, save for the one I have apparently forced.** Military-

style policing against US citizens is on the rise, and in my mind, it's just plain wrong. I believe that our police department's increasing interest in this weaponry is a part of a disturbing trend. In light of the broad attention these issues have garnered, across the US, why wouldn't citizens be wary?

I invite you to review some of the recent media on the issue of militarization of the police:

[http://www.cato.org/pubs/wtpapers/balko\\_whitepaper\\_2006.pdf](http://www.cato.org/pubs/wtpapers/balko_whitepaper_2006.pdf)

<http://www.nytimes.com/2011/12/04/sunday-review/have-american-police-become-militarized.html?pagewanted=all>

<http://readersupportednews.org/opinion2/275-42/8462-lessons-of-a-police-chief-militarization-is-a-mistake>

<http://hnn.us/articles/militarization-american-police-has-long-historical-roots>

<http://earthhopenetwork.net/forum/showthread.php?tid=2161>

[http://www.nytimes.com/2011/11/16/nyregion/police-clear-zuccotti-park-with-show-of-force-bright-lights-and-loudspeakers.html?\\_r=1](http://www.nytimes.com/2011/11/16/nyregion/police-clear-zuccotti-park-with-show-of-force-bright-lights-and-loudspeakers.html?_r=1)

I have no illusion that my objections here will be sustained by the Commission; I fully expect that the Commission will vote to affirm your request.

Regardless, I feel compelled to record my objections as strenuously as I can. I hope that this level of discourse can continue in a way that allows the general public to participate. **As I am unable to attend the meeting tomorrow night, I respectfully request that my comments here be made part of the public record. I appreciate your consideration of my concerns.**

Thanks again for your thoughtful responses.

Sincerely,

Laura Routh

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From: khatib@lkpd.org  
To: lauridi@hotmail.com  
CC: dcorliss@lawrenceks.org; mdever@sunflower.com; mikeamyx515@hotmail.com; schummfoods@gmail.com; aroncromwell@gmail.com; hughcarter@sunflower.com  
Subject: RE: rifles  
Date: Sun, 27 Nov 2011 18:54:47 -0600

Ms. Routh,

I can certainly understand how busy you are this time of the semester and I appreciate the time you took to correspond and list your concerns. Email will have to suffice at this point, but we should still get together at some point to discuss this and other things as well. I have provided my responses/thought process after each question/concern area you articulated.

**The LPD justifies this purchase and deployment program by stating that these weapons are required to respond effectively to events like Columbine. Yet, this argument does not really hold up when examined: if only those officers that choose to purchase rifles will be able to deploy them, can't we assume that some officers won't opt in, and thus the weapons will be randomly deployed over different shifts depending on who is working, when, and which officers own rifles? How does this ensure complete coverage in the event of a Columbine?**

Justification for patrol rifles does include the ability to effectively respond to events such as Columbine. But it's a much broader issue. The equipping of law enforcement with the proper tools to be successful and accountable is the overarching concept. This includes everything from intellectual tools (training and education), to cameras and productivity tools, and weapons to protect the community and themselves. Police organizations and training/equipment regiments have evolved in the past 25 years. And not just in the additional weapons category. Today, officers are required to be multi-skilled; whether interacting with children at a school lunch, directing traffic at a parade, helping calm a person experiencing a crisis, investigating a crime that has computer or internet ties, or intervening in an armed conflict. Things can go from calm to chaos (and back again) in any given day – in a moment.

Since, probably the 1966 University of Texas shooting (in which an individual climbed an observation deck and killed 16 people and wounded 31), law enforcement has recognized the need for additional capabilities beyond what had been the norm. This event is most often cited as leading to the adoption of the "SWAT" concept in law enforcement. Up to that point, these types of events were not considered as something a police department would have to deal with. CHANGE: Police departments need specially trained and equipped personnel to respond to critical incidents.

For a time, the SWAT concept filled the need. In bigger departments, these units were full-time – officers actually on duty (not patrolling, but training or doing other things) and ready to respond. Smaller departments, such as the Lawrence Police Department, have to "call out" their team in the event an incident. Even with a full-time team, there is some response time. With a called out team, the response time is much more significant. For LPD, it often takes an hour or more to assemble personnel – assuming our vehicle starts! We have had to jump-start and even tow our Crisis Response Team (CRT) vehicle (200k mile former ambulance) in the past. Luckily, this has not occurred during an actual response, but training. So there are always technical difficulties out there that hinder responses as well.

In more recent times, the 1997 North Hollywood shootout is often offered when further refinement in police preparedness is examined. This incident involved heavily armed and armored assailants who robbed a bank and then engaged in a gun fight with responding patrol officers. The responding officers were only armed with their sidearms. Even though full-time SWAT units existed, it was still several minutes before they responded. By then, the suspects had managed to fan out into the neighborhoods and one even commandeered a passerby's vehicle as well. Eleven officers and six other citizens were injured in the incident. The patrol rifle concept was born of this incident. CHANGE: Police departments need equipment (and training to use it) immediately available to patrol officers who are most often the first responders to critical incidents.

The 1999 Columbine School shooting further defined police response. Twelve students and one teacher were killed when two heavily armed students went on a shooting rampage. Twenty-one students were injured. In their response, the police are criticized for not immediately entering the school and engaging the suspects. Rather, and as trained, they deployed in a “contain and open negotiations” pattern. In hindsight, this appeared to have been the wrong strategy as the assailants did not want anything other than to kill as many people as they could – and the police response worked to that advantage. This incident precipitated the “Active Shooter” model in law enforcement response. CHANGE: Recognition that the terrorist (that is what those two men were) seeks to kill as many people as possible and that police departments need to be ready to immediately engage suspects at the responding officer level.

These incidents are not the only examples of the points I am trying to articulate, but they are more widely known. There have been over a hundred school shootings in the United States since 1970. Additionally, there are many examples of police being overmatched by the “firepower” of suspects in law enforcement history. One notable international example includes the school shooting at Beslan (see Terror at Beslan by John Giduck for a good read and history lesson) where over 380 deaths occurred. Of course, this is an extreme example, but one lesson from the incident was that the middle school was selected, in part, due to lack of preparedness exhibited by local police (lack of professional training and equipment). Individuals and groups looking to do similar things do their homework and research.

I apologize for the longwinded answer to your question, but felt I needed to lay a little groundwork first. I have been a career police officer for twenty years now (well, almost). I have done many things, served in many capacities, attended trainings, educated myself, etc. All that has culminated in my professional preparedness for the position I currently occupy. One of the things I need to make sure of is that our police officers are best prepared to accomplish what the community expects of them. Preparedness for critical incidents and armed criminals are some of those things. So is community policing (something you referenced earlier), and we expend great efforts in that area as well. But it should not be a “this or that” choice”. In fact, community policing concepts are very much a part of intervention – people providing information to the police about suspicious activity or about a person exhibiting signs they are readying to commit violence, etc. But, what happens when all that fails, and for whatever reason, the police have to deal with individuals bent on hurting them or others?

I have found that a key lesson in law enforcement is to ensure that responding officers (patrol) have the capacity to meet the combined expectations of the community. They have to be the “Detective”, the “Traffic Investigator”, the “Neighborhood Resource Officer”, and the “Tactical Team” at any given moment. They are where any department’s preparation and philosophy meet the road. Major crimes are solved when officers act like detectives in those first few moments, relationships with neighborhoods are improved when officers take ownership in the problems there, and disaster can be averted or minimized when quick action with the right equipment is taken. We can have specialized units, special people for this and that, but the incident will be defined by what those patrol officers (and the patrol supervisor) do or don’t do in the time before all the “experts” show up.

As you suggest, and I agree, the lease-purchase program will *not* provide for complete coverage. There are those that will opt out, or simply cannot afford the cost of the weapon. Ideally, we should be able to provide a patrol rifle to all those assigned to patrol. We should probably buy all the sidearms for the officers as well, but we do not. Fiscally, that is not a possibility. I think the program to allow the lease-purchase is as good as it gets without large expenditure of city funds to allow for department-owned (and issued to all patrol officers) rifles. But, the coverage will be much greater, and that would be a step in the right direction in terms of preparedness.

### **Can the LPD provide data to justify the need for these additional weapons? How many times have LPD officers reported being fired at from high powered/assault weapons in the last 10 years?**

Lawrence is home to a nationally recognized collegiate program and in close proximity to the major Kansas City Metropolitan area. Large crowds and cultural venues theoretically provide for multiple reasons why Lawrence could be a location where an individual or group who wished national or international notoriety could focus their violence.

In addition, Lawrence is not the “sleepy” hamlet people like to think it is. We have higher Calls for Service (CFS), report workload, overall crime rate, and violent crime rate than many of our comparable communities. These statistics can be found on our website and have been articulated before. Additionally, on average (2006 – 2010) we responded to:

Disturbance with weapons calls: 130 per year  
Sounds of gunshots call: 136 per year  
Suspicious activity with weapons: 44 per year  
Shootings: 26 per year (actually, someone or something shot)  
Deaths from shootings: 1 – 2 per year.



# of firearms seized: 146 per year.

Granted, we don't get shot at that often, and I am thankful. I have anecdotal information on that. I can recall Captain Pattrick getting shot in the arm by a bank robber out to get away at all costs in 1995. And that was in the woods by the river where the pursuit ended. Several years ago, we (and several others) were shot at by an individual on North Michigan Street. Unfortunately, that person was shot and killed by us as a result of this. I personally had a person shoot towards me when I was in the County waiting on a search warrant many years ago. I was with A KBI agent, who thankfully, had a rifle. I did not.

It is not just a question of whether the criminals have high-powered guns, that we also need rifles. It's because they have and use *any* gun. Ask anyone who has faced a person armed with a gun if they would rather have a pistol or a rifle to counter that person. A sidearm/pistol is a point-defense weapon. Why should not those that are sworn to protect us have the advantage? One officer or citizen that perishes due to the officer not having at least equal or better firepower is inexcusable.

**From another perspective, how many instances have there been of officers inappropriately firing their service revolvers, or revolvers ending up in the wrong hands, either from an officers residence or vehicle?**

I cannot think of any instances in which an officer has fired his/her weapon inappropriately (willfully). I can think of many instances where the officer(s) has shown great restraint, placed themselves in additional danger, and not fired their weapon when they probably could have done so. The incident reported in the news recently in which a fellow pointed his shotgun at one of my officers is such an example. There have been several instances over my career where I recall an officer accidentally discharging their pistol. This was due to failures to practice safe weapon handling and they are isolated in nature. Probably two or three in my recollection of 20 years.

I can only recall one instance in which an officer lost their police sidearm. This was from a locked vehicle parked in Kansas City. The weapon has not been recovered to date. Certainly, firearms end up in the wrong hands all the time. Any criminal using a firearm classifies as that. We try not to provide those weapons. In fact, while many departments sell firearms seized as evidence, we choose to destroy them if no one has manifested a property interest in them.

**When current LPD officers separate from City employment, don't these rifles have the potential to end up on the open market? Does that really make us safer?**

As with anything the officer owns (including their pistol), the rifle could potentially end up on the open market. I am not sure how that affects our own safety. There are millions of firearms out there. Anyone that wants to get one will, legally or not. I am just trying to ensure that our officers have the tools necessary to make themselves and the community safer. With all things, I believe intent needs to be the operative factor. What makes the firearm a threat is the person's intent to use it in a certain way.

What happens a lot when officers leave service (if early in their career) is they sell their sidearm to one of the new officers. Retiring officers generally keep their weapons as keepsakes.

**By allowing officers to purchase their own weapons (albeit with a loan from the taxpayer) it seems that officers will then naturally travel to and from work with these weapons in their vehicles. These weapons would be stored at their homes when they are not on duty, yes? Doesn't this unregulated movement and storage of these weapons throughout the city increase the likelihood that some of these weapons will end up in the wrong hands, i.e. a child or a criminal? Doesn't this increase the City's potential liability, given that the City is providing up-front funding?**

Officers already come and go from work with their pistols and those that already have rifles. Some leave them in their lockers at work. Either way, officers are professionals and practice safe weapon storage and handling (with a few exceptions as noted earlier). In a perfect world, we would be able to provide for an armory or official storage area – perhaps in our new police facility!

Firearms are especially pervasive in our society. I don't think patrol rifles tips the balance in the favor of putting firearms in the wrong hands. Perhaps people who are not police officers (with the training and understanding) impact this more.

An interesting note: There are those in the law enforcement and public safety profession that advocate that police officers carry weapons off-duty as well. After all, law enforcement officers are legally able to do so. Many states have reciprocity agreements in terms of officer carry and congress has even made it legal to do so – even to the degree in which retired officers have the ability. All this is predicated on the belief that firearms are everywhere, it's those that should not have

them that are causing the problem, and don't we want to maximize the chance that those that should have them actually do when needed? What if someone starts shooting at the local mall? Even better than the responding police, is that unassuming looking individual already there, within a few feet of the assailant. The incident could be over quickly.

**Will /does the LPD have written guidance about when and how the weapon should be used by officers? Is this guidance available for review by the public? If not, why?**

We already have a firearms policy and a use of force policy that patrol rifles fall under. These are available on our website as are all the policies and procedures (although we take them down for work on occasion). The policies do not necessarily differentiate between weapon systems: pistol, shotgun, or rifle. They do discuss what deadly force is, when authorized to use, etc. If we are using any of these weapons, then it's a deadly force situation. Whether the officer uses their pistol, shotgun, or patrol rifle will be situational depending on the threat level and particular circumstances. The training regiments for each weapon discuss these issues and the limitations and advantages of each. General guidance on the patrol rifle is that it is a more accurate and powerful version of their pistol. It is not a long distance "sniper" weapon, however, it does have a accuracy range advantage over the pistol. It can be an option when dealing with known firearms disturbance calls, armed persons, or situations where officers can manifest a tactical advantage in utilizing the rifle. But there are limitations to the weapon. The primary disadvantage is you cannot re-holster it as an officer can do with a pistol. The weapon can be slung close to the chest, but one still needs to be attentive to it. As such, it is not conducive to the officer becoming physical with someone (rolling around on the ground). It is a weapon that under normal circumstances will be deployed by a single officer or at the direction of a supervisor when multiple officers may be responding to an event.

**Would LPD employees who have been previously subject to sanction or reprimand (i.e. for substantiated citizen complaints or for abuses of power or misuse of a weapon) be prohibited from carrying or purchasing this sort of weapon on the job/purchased through the City? If not, why not?**

Officers would not be precluded from carrying this weapon any more than they would be precluded from carrying their pistol or shotgun. Any abuses of power or misuse of a weapon that causes officers to be prohibited from purchasing or carrying a rifle also precludes them from carrying their pistol – which means they cannot perform their duty as a police officer.

**What assurance can the LPD offer to citizens that an officer who quits/is fired/separates from service with the City won't go "rogue" and become the very shooter that we are all supposed to be concerned about? Is expanding the number of assault weapons in our community really a good thing?**

I would not attempt to offer any assurance. The reality is officers are human beings. Human beings have issues, so it leads to the inevitable conclusion that officers will have issues. They have in the past and will continue to do so in the future. As best as possible, we are trying to provide an environment in which the officers have the support they need to perform one of the more stressful vocations. Provision of proper equipment helps with that stress. Early warning systems, open communications, and debunking of the "be a man and take it" culture go far in successfully providing officers with the means to be mentally and emotionally successful over the span of a 25 to 30 year career.

At the very least, officers will have their sidearm already. I suppose if we bought all the sidearms or patrol rifles for the officers, then we could have them surrendered upon separation. Again, fiscal reality impacts this. But I am for it. I am not sure what the statistics are in relations to demographics of the individuals who go "rogue". I find stories about students (high school and college), disgruntled workers, terrorists, postal workers, etc. I am sure there are former police officers and current ones out there who have done atrocious things. I don't deny that. Our (mine, yours, the community) task is to make sure they are not here at LPD, or not for long when a bad apple slips by. But that should not impact providing the ones that are doing a wonderful job of the equipment they need to stay safe and keep the community safe.

**Has The City looked at other community's experiences with a purchase program as proposed, and examined it in the context of legal liability?**

In terms of firearms, some cities provide them to the officer. Others expect the officer to provide them. Most often, the sidearm is provided by the department. We have been utilizing the lease purchase program for officer sidearms for a long time without any liability issues that I am aware of. Some rifles have already been purchased in the past with the program. This would be an extension of that program. In terms of rifles and what departments do, it is more of an even

split. Some provide the rifles to the officers, others allow the officers to purchase them. I do not really have a preference one way or the other – with the caveat that the rifle needs to be specifically assigned to the officer (can't have a grab bin). With adjustable sights and the different ways individuals shoot – that is where I have found liability discussions in the research. Because there exists no funding to make a mass purchase, the lease-purchase is then left as the only alternative. In the end (once paid back) the program is cost neutral to the city.

**What is the maximum distance that bullets from these rifles can travel? What sorts of materials can they penetrate? How will the department minimize the risk of collateral damage?**

The .40 caliber pistol bullet utilized in the sidearm can travel up to 4800 feet (almost a mile). The effective accurate range, however, is around 100 feet or less. The .223 caliber patrol rifle bullet can travel up to 7000 feet (1.5 miles). The bullet is considered reasonably accurate up to 900 feet. Either of these can still be lethal at maximum range, but not with any sort of accuracy. Most police pistols are used at ranges of less than ten feet. Patrol rifles are used at ranges of less than 75 yards (225 feet).

The police shotgun fires eight .30 caliber round lead pellets up to a distance of 4000 feet. The effective accurate range is considerably less at 100 feet. At that distance, the spread can be up to a foot or more in diameter.

For police duty, the patrol rifle ammunition of choice is a 55 grain (weight, about 3.6 grams) hollow-point bullet. This is relatively light weight and frangible. As such it will break apart on impact, decreasing the likelihood of over-penetration – which is the bullet passing through the intended target and moving on to an unintended one. The result is the penetrating power of the rifle-caliber bullet upon the initial strike (body armor, etc.) without the over-penetration. Testing has shown that with the proper bullet selection, the patrol rifle actually has fewer propensities to over-penetrate the target than the much heavier pistol ammunition.

Accuracy is the best way to minimize collateral damage. The patrol rifle is more accurate than either the police pistol or shotgun.

**Can the LPD's current bullet proof vests protect against these sorts of weapons? If not, how will officers be protected in the event that one of these weapons is taken away from them? Will the LPD need to expend further (unbudgeted) monies to purchase new vests? Where does this sort of spending end? I suspect we're going to end up with that armored personnel vehicle...**

The LPD's current bullet proof vest(s) cannot protect against these sorts of weapons. If one of these weapons is taken away from the officer, the officer will have to respond accordingly if threatened by the weapon – lethal force via the pistol sidearm. This would still be the case if the officer was wearing a vest that could theoretically stop the round. The criminals already have these weapons and more, so the officers really are not that protected to start with. Incidentally, most vests are not rated to protect against sharp object (knives) penetration either. They do make vests to stop these types of rifle rounds. They are usually the bulky (over clothing) variety seen worn by the military. I suppose we could need some of those....maybe one in the back of each patrol car so that an officer could put it on if going into an active shooting incident ☺

I know I get a chuckle out of the "armored car" pitch. And there are a lot of other priorities out there. But boy, when you need it, what then! In many preparedness scenarios, there is a use for a designated rescue vehicle to be able to approach situations where shots are being fired to pick-up citizens or officers who are injured. There is also a use for a vehicle that can approach (through gunfire) a location to insert officers (going into the school, etc). It is a chilling scenario in the minds' eye. It is the reality of the world we live in. Please don't judge what you think we would do with it as compared to what other departments as seen on TV and the popular media. And no machine guns... I would rather have a water cannon mounted on it.

**Frankly, I am concerned that when police are given more firepower, they will feel implicit pressure if not permission to use it. I am deeply uncomfortable with the notion that the American tradition of civil-military separation seems to be breaking down. We are turning our police force into a quasi-military militia. Aren't there more pressing needs? As a taxpayer, I do not want to fund unlimited spending only to turn our police department into an army. I feel compelled to at least question if not challenge what I see as another step in a dangerous trend.**

This is an excellent question and concern. The world we live in has undeniably changed in the last 25 years or so. Law enforcement has also changed dramatically in the past 25 years. In this correspondence, we have been focused on

weapons. But look at other areas of the profession and you would find just as big of a leap in “firepower” used: minimum education and temperament qualifications for police officers, amount and depth of training, cameras, videos, cars and computers, cell phones, Mobile Data Computers, crime scene technology, computer forensics, community policing concepts, etc. I could go on and on.

The overall trend has been one of increased professionalism and preparation. I don't think the police have driven this as much as societal and community expectations. I don't see any alternative than to provide law enforcement with the tools and training necessary to protect the community and engage in the most effective law enforcement possible. We do try to make life safer – education, crime prevention, catching the criminals, and interaction. The backdrop remains the same – there are certain tools the police need to do their jobs effectively and keep us safe. Not because we have now decided we need them, but because over time, a need developed in response to the environment.

A community can absolutely decide that patrol rifles or any other police funding or program is not for them. They then must be willing to do without the benefits of said programs or funding – after all efficiencies have been eked out of what is already provided to law enforcement.

My final comment here is that it's not the tools that define whether we are an army. It's how we interact with the community and use those tools. We have an excellent reputation for the judicious and hesitant (with due consideration) utilization of those contentious tools: guns, rifles, Tasers, pepper spray, and physical force.

**I wish that the LPD would engage in long range strategic planning, to strategize for effective community policing, and address priorities and budgeting with the community as a partner.**

This is something that was accomplished in 2005 and I would welcome an update to that.

Again, thanks so much for taking the time to let me know what your concerns are and do let me know when your schedule frees up.

-Tarik

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**From:** lauri di routh [mailto:lauridi@hotmail.com]

**Sent:** Saturday, November 26, 2011 5:04 PM

**To:** khatib@lkpd.org

**Cc:** dcorliss@lawrenceks.org; mdever@sunflower.com; mikeamx515@hotmail.com; bob schumm; aron cromwell; hugh carter

**Subject:** RE: rifles

**Importance:** High

Thank you, Chief Khatib, for getting in touch.

I appreciate you acknowledging my concerns. I am also grateful to the Commission that they removed this item from the consent agenda for further discussion.

I guess the overarching issue for me really is one of transparency, and the policy issues related to this proposal.

I appreciate your offer to meet, although as it is the beginning of finals for this graduate student, this conversation probably needs to be by email, for now, as my schedule is very tight. I will certainly share the information gained from our discussion with the folks I know who have concerns.

It seems that we the taxpayers are being asked to subsidize/fund (at about \$160,000, if my math is right) the purchase of additional assault/patrol rifles that will be held privately, and thus, that the department may or may not have control over.

I just don't think the case has been clearly made that the department needs these weapons, relative to other needed resources. I also don't think that the lease program, as proposed/as I understand it, will necessarily make our community a safer place.

As I understand it, the rifles proposed can already be purchased by citizens, whether they are LE or not. Is that correct? I understand the need for the LPD not to be "outgunned". And I am hardly a munitions expert, and am certainly not qualified to judge what the appropriate rifles for law enforcement are. But the LPD already has some of these weapons. Do we really need more? I would like to see more community policing; I do not think that community policing and more firepower really mix very well.

I have a number of questions that perhaps you can help answer:

The LPD justifies this purchase and deployment program by stating that these weapons are required to respond effectively to events like Columbine. Yet, this argument does not really hold up when examined: if only those officers that choose to purchase rifles will be able to deploy them, can't we assume that some officers won't opt in, and thus the weapons will be randomly deployed over different shifts depending on who is working, when, and which officers own rifles? How does this ensure complete coverage in the event of a Columbine?

Can the LPD provide data to justify the need for these additional weapons? How many times have LPD officers reported being fired at from high powered/assault weapons in the last 10 years?

From another perspective, how many instances have there been of officers inappropriately firing their service revolvers, or revolvers ending up in the wrong hands, either from an officers residence or vehicle?

When current LPD officers separate from City employment, don't these rifles have the potential to end up on the open market? Does that really make us safer?

By allowing officers to purchase their own weapons (albeit with a loan from the taxpayer) it seems that officers will then naturally travel to and from work with these weapons in their vehicles. These weapons would be stored at their homes when they are not on duty, yes? Doesn't this unregulated movement and storage of these weapons throughout the city increase the likelihood that some of these weapons will end up in the wrong hands, i.e. a child or a criminal? Doesn't this increase the City's potential liability, given that the City is providing up-front funding?

Will /does the LPD have written guidance about when and how the weapon should be used by officers? Is this guidance available for review by the public? If not, why?

Would LPD employees who have been previously subject to sanction or reprimand (i.e. for substantiated citizen complaints or for abuses of power or misuse of a weapon) be prohibited from carrying or purchasing this sort of weapon on the job/purchased through the City? If not, why not?

What assurance can the LPD offer to citizens that an officer who quits/is fired/separates from service with the City won't go "rogue" and become the very shooter that we are all supposed to be concerned about? Is expanding the number of assault weapons in our community really a good thing?

Has The City looked at other community's experiences with a purchase program as proposed, and examined it in the context of legal liability?

What is the maximum distance that bullets from these rifles can travel? What sorts of materials can they penetrate? How will the department minimize the risk of collateral damage?

Can the LPD's current bullet proof vests protect against these sorts of weapons? If not, how will officers be protected in the event that one of these weapons is taken away from them? Will the LPD need to expend further (unbudgeted) monies to purchase new vests? Where does this sort of spending end? I suspect we're going to end up with that armored personnel vehicle...

Frankly, I am concerned that when police are given more firepower, they will feel implicit pressure if not permission to use it. I am deeply uncomfortable with the notion that the American tradition of civil-military separation seems to be breaking down. We are turning our police force into a quasi-military militia. Aren't there more pressing needs? As a taxpayer, I do not want to fund unlimited spending only to turn our police department into an army. I feel compelled to at least question if not challenge what I see as another step in a dangerous trend.

I wish that the LPD would engage in long range strategic planning, to strategize for effective community policing, and address priorities and budgeting with the community as a partner.

I truly do appreciate your time and consideration in addressing my questions and concerns. If you'd rather go over some of this stuff on the phone, I may be able to make time later next week. Let me know what works.

Thank you.

Laura Routh

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From: khatib@lkpd.org  
To: lauridi@hotmail.com  
CC: DCorliss@lawrenceks.org; mdever@sunflower.com; mikeamyx515@hotmail.com; schummfoods@gmail.com; aroncromwell@gmail.com; hughcarter@sunflower.com  
Subject: rifles  
Date: Wed, 23 Nov 2011 13:02:57 -0600

Hi Ms. Routh,

Mr. Corliss forwarded me the email you sent to the commissioners in regards to the rifle proposal. I am truly sorry there was a perception that we (I) was attempting to slip this under the radar without any public comment. The intent was simply to secure a funding mechanism to continue to have these tools (weapons) available as we already have them in use; and I had the understanding people knew we had them. I had not expected a discussion to develop, but certainly I want to speak with those that have any concerns and have the opportunity to address those concerns.

If you or anyone you know of is willing, I would welcome the opportunity to sit down with you sometime next week and have a conversation. I hate to leave it to the formality (and 5 minute time limit!) of the city commission meeting as the first chance people get to talk about the issues.

Please let me know if this is acceptable to you.

Hope you are set to enjoy the upcoming holiday/weekend.

Thank you,

-Tarik

Tarik Khatib, Chief of Police  
Lawrence Police Department  
4820 Bob Billings Parkway  
Lawrence, KS 66047  
Phone: (785) 830-7400  
Email: Khatib@lkpd.org

**From:** [Jonathan Douglass](#)  
**To:** [Jonathan Douglass](#)  
**Subject:** comment regarding consent agenda item  
**Date:** Monday, November 21, 2011 9:36:42 AM  
**Importance:** High

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**From:** lauri di routh [mailto:lauridi@hotmail.com]  
**Sent:** Sunday, November 20, 2011 6:26 PM  
**To:** mike dever; mikeamx515@hotmail.com; schummfoods@gmail.com; aron cromwell; David L. Corliss; Barry Walthall; hughcarter@sunflower.com; mdever@sunflower.com  
**Subject:** comment regarding consent agenda item  
**Importance:** High

Dear Commissioners,

I do not support the taxpayer-subsidized purchase of assault ("patrol") rifles for our police department.  
[http://www.ci.lawrence.ks.us/web\\_based\\_agendas/2011/11-22-11/pd\\_patrol\\_rifle\\_lease\\_purchase\\_agreement\\_memo.pdf](http://www.ci.lawrence.ks.us/web_based_agendas/2011/11-22-11/pd_patrol_rifle_lease_purchase_agreement_memo.pdf)

My complaint here is not so much with the mechanism of funding, as proposed, as it is with the overarching inference that such weapons are needed, and are being "embraced" by the department and thus our community (with no public input).

I think it is astonishingly disrespectful if not disingenuous that this matter is being brought forth under the consent agenda, at a holiday-week meeting, held during working hours when the working public most likely cannot attend to comment.

Why was such a purchase not included in the budget?

So-called patrol rifles may greatly increase the City's liability, and will inherently exacerbate the militarization of the Lawrence Police Department. Such a purchase does nothing to increase the public's trust in the police.

I, for one, am interested in learning more about the City's policies and guidelines regarding the control and deployment of these weapons, and the City's training protocols therein.

I respectfully request that you remove this item from the consent agenda, for further discussion, and/or ask the Chief to withdraw his proposal.

If this item remains on the agenda as proposed, I believe that the Commission should vote against this expenditure.

This issue warrants a broader discussion of departmental policies and priorities related to the acquisition and use of such armament.

I request that my comments here be made part of the public record.

I appreciate your consideration of my concerns.

Sincerely,

Laura Routh