

Source: Downtown Publications

Sheriff Bouchard interview

by Lisa Brody

September 29, 2014

Oakland County Sheriff Mike Bouchard, in office since 1998, fell into law enforcement by accident, but is a passionate supporter of ongoing training and proper deployment of weaponry. In response to the media outcry over the militarization of police, he believes law enforcement has to be as well armed as the criminals they're facing. His motto, with which he leads his 1,300-member sheriffs department daily, is: "Hope is not a strategy. Preparation is."

Downtown News Editor Lisa Brody sat down with Bouchard for a candid one-on-one conversation.

DOWNTOWN: For the benefit of our readers, can you give us some of your personal background in law enforcement, including your current participation in some national law enforcement efforts that focus on anti-terrorism?

BOUCHARD: My law enforcement career goes back to the 70s. I went to the academy in 1976. I was actually sworn in as a police officer at 20 for Beverly Hills. Southfield Township is where I started as a youth officer helping kids, and then Beverly Hills, full-time. Bloomfield Township hired me in 1978 and I worked there for a decade. They loaned me to the state police, to undercover teams and stuff like that. I worked in pretty much every position. I was a motor officer, I was a fatal accident investigator, I was a detective for a time, I was undercover, I was a training officer and a range officer. It's unusual, and I'm lucky for me to have all those experiences in that 12-year span, and I did, and I enjoyed it. I left law enforcement for a while; I was on Beverly Hills Council simultaneously to being a police officer and got interested in the political world because I saw that everything that happened in the police world was legislated by the political world. I worked on the Oakland County rapist, and I didn't think the women were getting justice from the system. I thought they were getting victimized again. I wanted to get involved and get some of the laws changed to effect how some of the victims were protected and treated. We protect the defendants' rights, and it's very prescribed, but there was no prescription for protecting victims. I found that frustrating.

I never planned to go into police work. Originally I went to college to be a doctor. I started volunteering on some programs that dealt with suicide and abused kids and couldn't believe there were things like that happening because I was raised in an "Ozzie and Harriet" loving home. I couldn't imagine someone not being loving or kind to their kids. Seeing the abuse just drew me in. I started volunteering and met Dr. Jerry Tobias, who was in charge of the Youth Bureau in Southfield Township. He was a professor at U-D, a psychologist, and also a Bloomfield Township trustee. In every respect he was my mentor because I became a police officer, an elected official, pretty much followed what he did. I just thought he was an amazing guy. He drew me into law enforcement. I worked in the youth bureau, and he said, "We'll send you to the academy." So I went to the Police Academy while I was a full-time student at Michigan State. It was a bit of a juggle, but I really enjoyed it. I thought, I'm really interested in doing this, you can really help people who are in trouble and make a difference. So I left college and took a full-time job. My parents were flipping out. They were not happy. But I found my passion. I loved helping people out at the worst time in their lives. Hopefully, you can help them through that. I did agree to their promise that I would finish and get a degree, and I changed from pre-med to pre-law and I got my degree in police administration and criminal justice from Michigan State, commuting at night whenever I could.

I left Bloomfield Township police sometime in 1988, and was elected to the (state) legislature in 1990, and spent about a decade there. A lot of what I did there was related to law enforcement. I wrote the Sex Offender Registry Act. I wrote laws increasing penalties and tying it with counseling with animal abuse, because we see a lot of serial murders start off with serial abuse of animals. It's like a step. Most sex offenders or serial offenders start off with a stepped process where they kind of start doing something at a lower level, like a sex offender may start as an indecent exposure. I also owned three small businesses. I owned a small consulting business, where I would analyze other businesses. I had a private investigation/alarm consulting. Then I had a yogurt and ice cream business that was on 13 and Southfield. Beverly Hills Gourmet Yogurt and Ice Cream. I got out of all that when I was elected to the legislature. I was the majority floor leader in the Senate. I left because the Sheriff passed during his term in office and a lot of people asked me to come back into law enforcement and take over the sheriffs office. I looked at it, and thought it was a good fit, based on my background and the age of our kids. At that point, we had three kids under 8. So I could be home at night. Long days, but I could still tuck them in, generally, be at their games. I've loved it. I've been sheriff for 16 years.

DOWNTOWN: After the recent police shooting of the young man in Ferguson, Missouri, and how local police handled the public protests, national attention has started to focus on how public safety departments across the country have become more militarized thanks in large part to a defense department program that moves military-type equipment to police departments, in Michigan, about \$43 million of surplus equipment has been transferred to local police departments from 2006 through 2013. In recent news accounts of equipment that has been transferred to departments in Michigan, the surplus equipment ran the range from rifles, night vision goggles, HumVeets, grenade launchers, to armored vehicles ranging in price from \$300,000 to \$658,000. A good deal of equipment was listed as being transferred to Oakland County.

BOUCHARD: When I started, you were given a handgun, and they had a shotgun in the car. The handgun was a revolver and back in the day, we had what was called 'dump boxes', so if you had to reload there were six individual bullets and a dump box on your belt so you could dump them loose in your hand and try to reload. If you're getting shot at, obviously, that's a challenging moment.

Over time, as things changed in the world, law enforcement changed with both its training and with its equipment. They saw more and more weapons on the street they were facing that were outgunning the police. There were two seminal moments on the weaponry and a third that really changed police tactics. The two seminal moments on weapons were one in California and one in Florida. The one in California, you had two robbers who went into a bank fully body armored right down to their toes with fully automatic AK-47s. As they're walking into the bank, a patrol officer sees them walking into the bank and goes, 'this isn't good.' Calls it in. They contain the bank. These guys come out, massive gun fight ensues for 45 minutes. They can't stop it because the police are so tremendously outgunned. They had to send police officers to a civilian gun store to borrow rifles to keep up with the bad guys because they had handguns and shotguns. For those who don't understand weaponry, a rifle pretty easily shoots the distance of 300 meters. For a handgun or shotgun. It's probably 50. Eleven police officers were shot, seven civilians, 18 people shot because these guys controlled the scene for 45 minutes.

Law enforcement was like, wow. We can't deal with a shotgun and a handgun with somebody who can be across the street hitting us when we can't hit anything.

The second (seminal moment on weaponry) in Florida, a similar circumstance. You had seven FBI agents trying to arrest two robbers, and the robbers had one rifle, a 223, which is pretty common, what police now have, and the FBI had shotguns and handguns. They killed two FBI agents and wounded five before it was over. That's when everyone went, 'Wow, we're not coming at this with the right kinds of weapons.'

And then the final seminal moment was Columbine. It used to be contain and negotiate. Something like that is happening, what do you want? How can we end this peacefully? How can we have you come out? It wasn't like a bank robbery where they wanted cash. It was the first kind of awakenings for Americans, especially law enforcement, that people go into a building with the sole intention of killing as many as they could with no intention of coming out. So you can no longer contain and negotiate.

Our tactics have evolved to insert and neutralize. You have to go and immediately find who is killing the kids and stop them. You can't wait for SWAT. You can't wait for special equipment. You have to go in as soon as you possibly can. This past two years, we've trained everybody in our department and 1,000 other police officers in Oakland County through a joint training process. If they show up at a school or a church or a mall. If there's an active shooter, they're all trained the same way, go in right now and find the shooter. Because every click of the clock is another potential dead person. I'm the head of government affairs for Major County Sheriffs of America, past president of the group, government affairs chair for the last decade, so anytime something happens in the world that has relevance, I try to get the head of that to come and give us a classified or an in-depth brief and go through, what exactly happened, what went wrong, and what went right and what would you have done differently. Like in Sandy Hook, the kid went in and the school was in lock down and you had to get buzzed in and had all the security and everything. But what he did was he shot out the big window next to it and walked through the open window. He went all the way to the end of the hall and his plan was to walk all the way back and wipe out all of these classrooms. He got to the end and he started killing. The police got there. He shot out the window at them. Because they got there quick and engaged him, he started shooting at them and engaging them; that prevented him from getting the other classrooms. Had they just staged and tried to contain him, he would have just finished off that whole hallway. It's still incredibly terrible, but it was all over in less than four minutes. They're over so fast. If you let it go 20 minutes. Imagine how much more in the school. And that's what the old contain would have done. It would have been 20 to 25 minutes before SWAT could have been fully assembled and figured out the situation.

DOWNTOWN: In general, do you think that the criticism about the militarization of local police departments is accurate? Why would some of this military grade equipment be necessary?

BOUCHARD: Then the question goes to, what kinds of things do you need to immediately go in? In Sandy Hook, he had a 223 rifle. The Colorado theater had a 223 rifle. The 223 rifle is the most sold rifle in America. For hunting, target shooting, estimates are up to 3.7 million are in civilian hands. So you've got almost four million out in America, and people are saying we're getting militarized by getting the same weapons as they have. We have to respond to what we face in the community, and more and more often we're facing rifles. High-powered rifles, people call them assault rifles; you can call them whatever you'd like, but in any event they're a rifle. Tactically they have a much longer field of fire. That's why we have to be able to engage them, and why more and more police departments have sought weapons from the military or have bought them. The question is not do we need them; the question is, are people properly trained on them, and are people properly deployed? The need has become self-evident. This Sunday until 4 a.m. we were surrounded by a barricaded gunman who had a 223 rifle. He put it to his wife's head and ordered her to the ground and threatened to kill her and had been drinking. She managed to distract him and fled the house. We recovered her under the bush. I was there. We surrounded the house with armored vehicles to contain him so that if he started shooting it wouldn't hit our folks but with the armored vehicles they could light up the house. It was extremely dark. We didn't want him to get out into the neighborhood. Then we could talk to him over the PA from the armored vehicles. He had a 223 with multiple magazines, fully loaded, he had handguns, shotguns, all legally obtained. It was a pretty volatile situation. But not uncommon, sadly, for us. We face rifle situations a lot. The West Bloomfield situation, where the West Bloomfield officer was killed, the guy had a fully automated machine gun, high powered rifles, he

had shotguns, handguns, knives, long distance binoculars, he had former military experience and he was firing through the walls. We actually used the armored vehicles there to evacuate the neighbors.

DOWNTOWN: Does the transfer of such equipment to local departments signal that the general nature of law enforcement at the local has changed? How much of that equipment has remained with the Oakland County Sheriffs Department and how much has been passed through to local departments? Were local funds used to acquire this equipment or Is most of It transferred from the federal level at no cost or covered by federal grants?

BOUCHARD: Sometimes the military may give it to you in a full auto, meaning fully automatic. Most police departments, including ours, switch it to semi-automatic, which is what you can buy as a civilian right over the counter. You could go buy one today, without any training. If we didn't get them from the military, we'd be buying them anyway because we believe our folks need to have that as an option. That goes to my point about training and deployment. Before you can carry a patrol rifle you have to be a certified patrol rifle graduate. We put you in a minimum of 40 hours, which is about 70 percent of someone going into the military. And this is our secondary weapon, if your handgun won't work. Then you have to continually train every year. You can't carry that unless you've had that. A lot of those we've gotten from the military. Frankly, we're about 150 or 200 short.

I dispute the term militarization. If we're getting what civilians have, that's not military. Everybody says tanks. No police department has tanks. Tanks are track vehicles. But they're also offensive vehicles, meaning they have 50 caliber machine guns, they have cannons. They're meant to blow things up. Our vehicles are big, safe boxes. There is no offensive weaponry mounted on them. The rhetorical question is why is it OK for this big safe box to pull up next to Kroger to protect the money, but it seems odd if that store got robbed if we showed up in one to protect the people. We would challenge the militarization term.

In the military surplus weaponry, the numbers are between 8 and 14 percent, on any given year. Other stuff is boots, clothing, and gear. If the military has it in huge warehouses, in the total lifespan of the program, the military has given out about \$4 billion to police in the whole country. But they abandoned over \$7 billion in Iraq. So which is a bigger waste? Giving it to police departments who would oftentimes have to buy it otherwise or leaving it in a warehouse, I think would be a bigger waste.

Almost everything we've acquired we've kept. We once got an airplane, an 8-seater, for free, that we gave to another police department.

Most of the equipment we acquired through federal grant or by surplus. It's either no cost or very low cost. Some things we've bought because it wasn't available.

DOWNTOWN: Has any of this military-style equipment been employed since you have acquired it? In what types of situations do you envision using some of this equipment, such as the fortified utility vehicles that have been acquired?

BOUCHARD: Sadly, almost all of it. We hope and pray we don't have to use any of it, but hope is not a strategy in our business. Preparation is. We've used the armored vehicles time and time again. We try to prepare for everything. We don't want the public to worry about it, but it's our job to worry about it. For example, our Dream Cruise was one of the first major national events after the Boston Marathon bombing. A lot of us had a lot of stomach guessing about that event. Right after 9/11, we had one of the largest national events, so we've been on the 'Oh my gosh, I hope we're not next' position more than once. But that's the world we live in.

We have 1,300 people in the department, and not everyone is trained in everything. Some things, only the SWAT team is trained on. If you have a piece of equipment, you're trained on it.

DOWNTOWN: Your department and the acquisition of a portable cell phone tracking device (Hailstorm or Stingray) has been the focus of a number of media reports. What can you tell us about this device and how it is employed?

BOUCHARD: There's been mostly false information put forth by aspiring politicians. The equipment that we acquire and have is focused two-fold. It could be techniques and equipment to build a case, or you can use the techniques and equipment to find someone. Very different missions. The pieces of equipment you're talking

about we use to find someone. It's not surveillance. It doesn't data mine. It never listens to anyone's phone calls. Ever. It doesn't gather anyone's information about anyone, ever. It's used to find a person, and when we use it to find a person, we get a warrant.

DOWNTOWN: Are there specific written department guidelines on the use of the Hailstorm device? Are there command officers that are specifically assigned to manage the use of this device and review how it is used by your officers? Can the device be used without a court warrant?

BOUCHARD: Most of what you see on TV is more than what we can do, to be honest. When I'm watching a TV show, and they track someone or CSI-that, I go, I wish we could do that. I'm not going to be specific in how we find people. We can't listen to any phone calls, not even the person we're looking for. It's very specific for the person we're looking for. It doesn't

even listen to the bad guy's phone calls. It doesn't even data mine the bad guy's information. It's very specific. We go before a judge and say this is what we're going to do, what we need, and the judge says, 'That's reasonable, he's wanted for rape, go find him.' We're very strict about staying inside the lines. There's literally a couple people who are trained in the use of these and they report to command officers. And its use is extremely limited because that means that other avenues to find that person have not been productive.

DOWNTOWN: There are also reports that the sheriff's department has acquired a drone that can be used for surveillance. Are the reports accurate and what can you tell us about the use of the drone or drones?

BOUCHARD: (Laughter) Some of the same people who have portrayed the same information have never taken the time to call us or to learn the state of the reality as it pertains to the use of unmanned aerial craft. You can go down to a hobby store and buy one and fly one over your neighbor's property and spy and record, and may have some civil litigation; the law hasn't really caught up criminally. For law enforcement, we've actually been trying to get fully certified on unmanned aerial observation for two years. The way this started, when we were at the West Bloomfield shooting, the man who shot the West Bloomfield officer was barricaded we thought, but we couldn't really tell and we couldn't get close enough because he kept shooting at us, up in a third-story window. Tactically he was shooting down, in a much better position, raining down fire on our folks. I asked one of our lieutenants to go to Brookstone and get one of those little drones, you see them flying in the malls, and we'll see if we can pop it up and look in the windows to see which room he's in, because I didn't want to bring our helicopter low enough because he would have shot it down.

After that, I said we need to get something that we're trained on and we could get eyes on if we had an emergency situation. We've been at this for two years now. We've been trying to get our hands on one, and the process to get from point A to point B is unbelievably bureaucratic. Our people who fly this have to be trained as pilots, so I actually had to send them to ground school to become certified. The FAA restrictions on a law enforcement agency to fly one of these, first you have to train for months and months and months, away from anyone and anything, and anytime you fly one it has to be under 400 feet and in your line of sight. So in regards to your question of surveillance, if we can see it, anyone can see it. Everyone is thinking of the military, with it flying at 20,000 feet for a couple of hours and it can see you in your backyard. This thing is under 400 feet and is going BRRR. This is not a surveillance device at all.

DOWNTOWN: The New York City Police Department Is beginning to equip a small number of its officers with wearable video cameras in an effort towards greater accountability. Do you see that as an effective monitoring device? Can you see implementing your deputies with wearable video cameras?

BOUCHARD: We have been looking at those for a couple of years. There are a couple of very challenging issues with those. As the technology has evolved, it's gotten better. When we first started looking at it, it really wasn't good quality. It was costly. Our priority has been upgrading all of our in-car video to digital. It also captures audio, so even if they're not on camera it captures what they're saying. We have that in all of our patrol cars as a priority. We have been looking at body cameras for a while, but it runs into a number of issues. First, is privacy - you've got a camera on police recording everything. When people are at their worst moments and it's FOIAble. So now you have all of this footage in these very raw moments that becomes public, from an agency point of view, that's a concern. For us, the people we're trying to protect - that could be a reality TV show.

Can it potentially help with police accountability? Absolutely. It's a double-edge sword. How long is it kept? It comes with some challenges for us. Am I interested? Absolutely. I'm exploring it. Also, for us to implement it, today, without the training, is \$1.5 million. You have to not just have the camera, you have to have the transmission and the download and the system and the data. Plus the overtime to train everyone, because you have to pull them off the road to train them.

The federal government says they're going to mandate it, but who's going to pay for it, and they haven't paid for our bulletproof vests for the last two years. We haven't received a penny. The very same people who are saying you have to buy all this equipment haven't even pitched in to buy bulletproof vests, and everyone knows that statistically, ambushes on cops are up in a stunning way. As of today, 72 officers have died in the line of duty in the country. It's about one in every 58 hours. That is about 30 more than have died in combat in the military this year.

DOWNTOWN: Relative to your involvement with national law enforcement groups that focus on terrorism, we are hearing more reports about some Americans heading off to war zones to fight on behalf of terrorist organizations. How involved is the sheriff's department with national officials in terms of awareness of such individuals should they return to the United States after they have spent time fighting overseas?

BOUCHARD: That's a huge concern. I'm very involved in counterterrorism. I was syndicate director of a counterterrorist group and I sit on a joint counterterrorism task force. That's a very real fear. They estimate publicly well over 100 Americans are fighting with ISIS, so it doesn't stretch the imagination to imagine the light bulb is going to go off for ISIS to have people with a valid passport come home. The state department and all of these agencies are doing everything they can to track if somebody goes there and becomes a foreign fighter, or if they're trying to go there - there was one arrested from here recently trying to go there. But it's an imperfect system because a lot of these folks fly to England, and then maybe they fly to Turkey, and then they sneak across the border, so it never shows up on their passport. Is it a real possibility they could come back? Sure. Absolutely.

Probably our biggest fear is that these folks come back and do what is really not a grand scale attack, but it's still a terrifying

attack to our public - think about Mumbai. You had a small group of people with small arms. Imagine if you had two or three people in two or three cities go into schools or shopping centers. That keeps us up at night.

In Mumbai, it took them days to get control of the city. We can't afford to go days to take control of a terrorist situation here. And for the public, it's days before the federal government can insert itself with any resources. For at least 24 or 48 hours. It's going to be your local police departments.

I say it every day. I hope and pray we never have to use our training and equipment, but in my business, hope is not a strategy, preparation is. That's why any time I can get my folks equipment and training, I say, get it. If it sits in a warehouse, better here than some Pentagon warehouse where it will never respond to an emergency.