

**The Bill Blackwood
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**Police Militarization:
Not For Every Community**

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**By
David Faaborg**

**Mesquite Police Department
Mesquite, Texas
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ABSTRACT

Many police agencies of all sized have acquired military equipment and implemented military style tactics in recent years. It is claimed that police militarization is necessary because the world is a more dangerous place than it used to be and the police must stay ahead of the criminals. It is also claimed that the equipment is a windfall for police agencies because it can be acquired for free or at a low cost from the military. However, police militarization can have a negative impact on police community relations and can increase a department's liability if done improperly. This paper asserts that police administrators should exercise discretion and make a carefully considered decision on whether acquiring and using military equipment and tactics is right for their agency.

This paper asserts that acquiring military equipment and tactics could lead to the agency and its officers acting in a more aggressive manner towards its citizens. Likewise, it could lead citizens to behave more aggressively towards officers. Increased militarization can increase the risk for officers, suspects, and uninvolved citizens if there is not sufficient additional training to accompany the powerful equipment and tactics. While military equipment and tactics do have a place in certain police incidents, their overuse or misuse can have serious adverse effects on the community. Therefore, police administrators should thoroughly consider all of the circumstances before implementing this in their community.

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INTRODUCTION

America has traditionally maintained a separation between its police forces and its military forces. This is an appropriate policy because, while they do share some similarities, they are actually quite different. Effective American police forces are part of the community that they serve. Their authority derives from the “consent of the governed” (The Declaration of Independence, n.d., para 2). The police in America exist to serve the community and enforce the rules (laws) that society has agreed upon. Military forces are extremely dedicated to the American public, but they are not designed to be the least bit responsive to it. They are accountable to their military chain of command. Military forces are built to impose their will on others through force (and those others are generally referred to as “the enemy”). In discussing the differences, Colonel Charles Dunlap (2001) stated, “military training is aimed at killing people and breaking things . . . Police forces, on the other hand, take an entirely different approach” (p. 35).

The distinction between the police and military is so clear that it has been codified in federal law since 1878. The Posse Comitatus Act (1878) makes it illegal to use the military in domestic law enforcement unless expressly authorized by Congress or the U.S. Constitution. Current United States foreign policy also encourages U.S. allies and other countries not to co-mingle police and military forces (Alexander, 2012).

However, as the Cold War wrapped up and the “war on drugs” heated up, there was a big push to transfer all of the excess military equipment to some productive use. Helicopters, tanks, assault rifles, and other military equipment were made available to law enforcement agencies throughout the country at little or no cost. Police agencies of

all sizes took the equipment (Kraska, 1998). The U.S. military's image was very positive at this time. The American people had great confidence in the military, due to its success in the Gulf War and other incidents in this time period. Police agencies eagerly accepted the military equipment that was offered and put it to use domestically. Consequently, the police culture evolved in the direction of the military culture. Kraska (2005) reports that the United States went from having about 3000 Special Weapons and Tactics (SWAT) uses every year in the early 1980s to having about 40,000 SWAT team uses in the year 2001. Agencies that would seem to have little need for Special Weapons and Tactics, like the Department of Energy and the National Park Service have built SWAT teams (Balko, 2006). According to Balko, there has been a significant shift in the criteria for using SWAT as well. Agencies that have SWAT are much more likely to use them for lesser crimes than they previously did. Rather than being used for school shootings and terrorist incidents, they are being used primarily to serve warrants for drug offenses, including misdemeanors where the suspect has no known history of violence.

Special Weapons and Tactics have an important role in police work. There are certainly events and situations that call for SWAT solutions. It would be unreasonable to call for the elimination of all SWAT activity. It would be unreasonable to reject "free" military equipment that could be used to keep communities and officers safe during times of extreme danger. However, it would also be unreasonable to think that committing more and more military style assaults within our communities will have no impact on our police-community relations. It would be equally unreasonable to think that simply acquiring excess military equipment and teaching officers some basic

military tactics means that the agency has an effective SWAT team that helps the community. Having a truly effective SWAT team is a major commitment. Acquiring sophisticated military equipment can be a status symbol for some agencies and playing with these “toys” can be fun for police; police officers and administrators have acknowledged as much (Weber, 1999). However, in many cases, police agencies would be better served by focusing on their core mission (patrolling streets, investigating crimes, building community relations, etc.) and using inter-local agreements or regional teams in the rare occasions when they need a SWAT response. A well trained team that covers a larger area is preferable to an ineffective, poorly trained team. A poorly trained team that uses powerful military equipment and aggressive military tactics improperly creates a dangerous situation for citizens, suspects, and officers. It causes harm to the community, the agency, and the police profession. Police administrators should exercise discretion and make a carefully considered decision on whether acquiring and using military equipment and tactics is right for their agency.

POSITION

There are many reasons why police administrators should be cautious in acquiring military equipment and using aggressive military tactics in their communities against their citizens. One important reason why police departments should be judicious in acquiring this equipment is that simply because they have the equipment, the department and its officers will likely act in a much more aggressive manner towards the citizens. According to Kraska and Kappeler (as cited in Balko, 2006), agencies that had SWAT teams deployed them, on average, about once a month in the 1980s,

however, by 1995 they averaged deploying their SWAT teams approximately seven times a month. It makes sense that any agency that has impressive and exciting military equipment in their arsenal will feel compelled to use it even when the conditions on the ground do not justify the use of that equipment. Kraska and Cubellis (as cited in Balko, 2006) reported that approximately 18 percent of agencies that have SWAT teams have periodically used them to conduct patrol operations as a show of force. Armored cars and assault rifles may have an impact on criminals and gang members (as intended), but they can also have an impact on the non-criminal citizens of the community. Community relations are damaged when the police are overly aggressive. There are numerous examples of communities losing trust or faith in their police services because they are too aggressive in dealing with citizens (Marks, 2000; U.S. Dept of Justice, 2007).

There is also evidence from the field of psychology that indicates that putting an officer in full tactical gear and having him hold an assault rifle will tend to make him act in a more aggressive manner than he would have otherwise. Berkowitz and LePage conducted a study in 1967 that established a concept called the "Weapons Effect". In the study, they either exposed participants to a weapon or some neutral control stimuli (like a badminton racket). The participants were instructed not to pay attention to the weapon (or control item); however, they were still impacted by the presence of the weapon. Subjects were found to be significantly more aggressive when in the presence of a weapon, even when the exposure was at a subconscious level.

The "Weapons Effect" has been demonstrated even when it is against the subject's interest to display increased aggression in the presence of a weapon. Turner,

Layton, and Simons (1975) demonstrated that a driver who stalls at an intersection is more likely to be honked at when they have a rifle visible in their rear window than someone who does not. This is counter-intuitive; it does not make conscious sense to be more aggressive towards someone who has a weapon than someone who does not; however, it reportedly occurs because of the subliminal connection that exists between weapons and aggression. Armored cars, tanks, and assault rifles are clearly offensive weapons that should trigger the weapons effect and make everyone at the scene more aggressive. Although “regular” police officers in uniform do carry a pistol on their duty belt, that is significantly less intrusive and aggressive than a SWAT uniform, with an assault rifle, heavy vest, “ninja-style” head cover, extra magazines, and all of the other accompaniments.

Another reason why police administrators should be cautious in acquiring and using military equipment and tactics is that the use of these tactics tends to escalate a situation rather than de-escalating it. It makes police work more dangerous than it would otherwise be if it is used in routine situations when regular police tactics are more appropriate. As previously stated, SWAT equipment and tactics have a valid place in law enforcement. They are ideally suited for active shooter situations, terrorist incidents, and high risk warrant service where there is a high likelihood of violence. However, there has been such an explosion of SWAT use that they are being used for situations that don't call for SWAT responses. Some of the types of situations that SWAT teams have been used for include searches for drugs at schools, where the students were put face-down on the ground at gunpoint (“Landmark settlement,” 2006),

and medical marijuana clinics where most of the “suspects” were in a hospital-type setting (Albom, 2002).

Balko (2006) discussed the way that police departments are using the military equipment that they have acquired. To a large extent, the equipment is being used to serve no-knock warrants for drug offenses. It is also being used to serve knock and announce warrants that are effectively morphed into no-knock warrants. Kraska (as cited in Balko, 2006) estimated that approximately 75-80% of SWAT team callouts are for drug warrant service. “Drug warrant service” conjures up images of Mexican Drug Cartels, who are extremely dangerous and have shown a willingness to fight the police or any other form of authority (Texas Department of Public Safety, 2013).

However, in reality, many of these drug cases are simple possession of marijuana cases, misdemeanor cases, where there is no cartel or organized crime involvement and no documented history of violence by the suspect or anyone else in the residence to be searched. Some police agencies are so eager to attack these residences and search for drugs that they rush through their investigations. They are so over-confident in their SWAT team’s ability that they call for a raid to be executed without fully investigating the claims made by informants, without fully ensuring that the correct location will be searched, and without fully investigating what third parties may be in the house (Balko, 2006). Kraska (as cited in Balko, 2006) documented 780 cases in appellate court records between the years of 1989 and 2001 where police departments caused harm or death to civilians as a result of failed SWAT raids. The number of innocent casualties is unacceptable. However, that number of casualties is

not unexpected when the police department throws caution to the wind and acts as if it is a military force.

The standard police uniform in American forces is highly recognizable and highly respected among the public (Singer & Singer, 1985). Although there are thousands of variations, the pattern is easily distinguished. However, in SWAT raids, the police uniform has been replaced by a more generic look (often solid black or green), with no badges or clearly identifiable symbols and with the officers' faces covered. This has increased the danger to all the parties involved because it has opened the door to police impersonation home invasion robberies. According to Trugman (1999), New York City has over 1000 police impersonation offenses per year, many of them robbery attempts. Increased militarization has contributed to this problem because of the lack of clarity that it introduces.

The raids are frequently done in the middle of the night or early morning hours with the intention of surprising the suspects and taking them down before they have a chance to destroy any contraband or resist the SWAT team. These tactics have been well thought out and are probably the best way to capture a very dangerous criminal or terrorist, who is clearly known to pose a serious danger to law enforcement. However, they can increase the danger to suspects, officers, and third parties when they are used for lesser criminals, who have not shown a propensity to resist the police. These tactics generally wake the person up from a sleep and give them almost no time (a few seconds) to gather their thoughts about who has intruded into their home with guns drawn and what they should do about it. American laws and history hold that a person's home is their castle and they have a right to defend it. According to the Congressional

Research Service (Krouse, 2012), there are over 310,000,000 guns in the United States. Traditionally, government entities have held a high regard for the sanctity of a person's home and are very reluctant to force their way into a private home. The combination of forcibly raiding more homes for less and less serious offenses, with less caution in completing thorough investigations prior to approving the raids and using less clearly distinguishable uniforms, and American's right to defend their homes against intrusion leads to a very dangerous situation for everyone involved. Law abiding citizens (who were targeted by sheer mistake when the wrong house was raided) have ended up in shootouts with the police as a result of these policies (Riccardi, Winton, & Mozingo, 1999). These military tools do make police work safer if they are used to resolve extremely volatile situations that call for SWAT, but they increase the risk when they are used too frequently or in the wrong situations.

A third reason why police administrators should be cautious in acquiring military equipment and tactics is that many agencies are not truly ready to accept the responsibility that comes with it. A police department is not necessarily prepared to respond in a military fashion simply because the pentagon gave them some excess military equipment. That equipment is different than regular police equipment and it requires specialized training on an ongoing basis for proficiency. The National Tactical Officers Association (2011) suggested that members of a tactical team should have 16 to 40 hours of monthly SWAT training, and additional training for specialty assignments to maintain operational readiness. Kraska (1998) found that small organizations typically provide only 106 hours of training per year and 20% of them provided 50 hours or less per year. If police agencies are not willing to commit to the necessary amount of

training required to be truly proficient at SWAT, they would be better off without a SWAT team. For those rare situations where a SWAT response is truly required, they could be covered by a well-trained team in the area. Police agencies are most effective when they work with their community (Ferreira, 1996) and would be better served by focusing on their core mission and providing excellent service at what they do.

COUNTER POSITION

Many police departments have actively sought out military equipment and have used the equipment to create SWAT teams that they have actively used in their communities (Balko, 2006). They have certainly not been judicious in using military equipment. One reason that some people give for why they should have unfettered access to military equipment is that there are many more dangerous weapons in our society now than there ever were before, primarily assault rifles. They also state that military equipment is necessary due to mass shootings and terrorist incidents. It is true that there are at least 1,500,000 assault rifles in the United States (Krouse, 2012) and there have been approximately 15 mass shootings per year in the U.S. since 2009 ("Eric Holder," 2013). The United States has been involved in a war on international terrorism for several years and the risk of facing terrorist acts will continue for the foreseeable future. However, the risks from these types of threats are generally overstated.

Assault rifles are rarely used in crimes. A Congressional Research Service report (2012) indicated that approximately 2% of state and federal prisoners who used guns in their crimes used assault weapons. Federal Crime Data shows that only 323 people were murdered with any type of rifle in the United States in 2011 (Bartash,

2013). That is fewer people than were killed with knives, brute force (hands and feet), or blunt objects. Violent crime has not increased substantially during the years of this police military equipment build up. In fact, according to FBI crime statistics, the number of murders per 100,000 people in 2011 (4.7) is less than half of what it was in 1980 (10.2) (Bartash, 2013).

Mass shootings do receive a lot of media attention, and it would be preferable if military equipment were immediately available to respond and deal with them as they occur. However, data indicates that mass shootings are frequently over before any SWAT equipment could be mobilized (McCartney, 2013). Those incidents are usually handled by patrol first responders. Patrol first responders will have to deal with the incident immediately, regardless of how much military equipment is in the agency's arsenal.

Terrorist events can occur anywhere in the country, however, in actual practice, they have been centered in or around urban areas ("Terrorist attacks," n.d.). There is no way to completely protect every inch of the country from terrorist attacks. The expense of trying to do so would overwhelm the nation's resources and give them a degree of victory. The nation's (or state's) police forces should be considered holistically in the event of a terror attack. There is no reason why each and every small city or town would need to have its own SWAT team to respond to that type of incident.

Some people believe that police agencies should acquire military equipment and incorporate it into police work because it is free. They feel like the police administrators would be irresponsible to turn down free equipment worth anywhere from thousands to millions of dollars. This equipment is certainly a good value proposition for any agency

that would put it to good use in their policing efforts. However, if an agency does not need the equipment or have a good use for it, there is no reason to own it, regardless of the price. It is also not accurate to call the equipment “free”. All of the equipment was purchased with tax dollars and is still in working order. According to www.usdebtclock.org, the United States of America has a national debt of over \$17,000,000,000. The United States accounts for approximately 40% of the entire world’s defense spending (Shah, 2013). This level of spending cannot be sustained and if cuts are to be made, local police agencies cannot expect the military to continue providing advanced equipment for little to no cost to the police agency.

RECOMMENDATION

Some police agencies have taken a very aggressive position in acquiring military equipment and applying military tactics to police work. It is recommended that police administrators should fully consider the issue and make a thoughtful decision about what level of militarization they want for their agency, rather than simply trying to get everything that they can. Military equipment and tactics do have valid and important uses in police work; however, that does not mean that they are right for every agency. If police agencies carefully consider the issue, different agencies will likely cover the entire spectrum from no need for any military equipment all the way to agencies that can support tanks and helicopters. However, there needs to be extensive consideration of the issue for several reasons.

One reason why departments should be careful in using military equipment is that it will tend to make the department and its officers more aggressive. Studies have shown that agencies are using their SWAT teams more often than ever before and that

people are more aggressive when exposed to weapons. This increased aggression could have a negative impact on the agency's community relations. Another reason is that military tactics tend to be overused and can escalate situations and make them more dangerous than they would otherwise be. Dynamic entries should be reserved for instances with a high likelihood of violence. A third reason that agencies should be cautious in acquiring and using military equipment is that some agencies are not willing to accept the responsibilities that accompany it. Specifically, any agency that accepts military equipment needs to commit to training on it to proficiency. If they cannot make that commitment, they should not take the equipment.

Some people do not feel that police agencies should be cautious in accepting military equipment. They believe that the dangerous weapons that are prevalent in our society, along with terrorist attacks and mass shootings necessitate military equipment and tactics for police officers. A rebuttal to that argument is that sophisticated weaponry is rarely used in crime; and mass shootings and terrorist attacks are rare events that seem more frequent because they are so highly publicized. Mass shootings are usually addressed by first responders or ended before a SWAT team can respond. Another reason why some people don't think that agencies should be judicious in accepting military equipment is that the equipment is free or at least very cheap. This argument is rebutted by the fact that an item is not a good value at any price if it increases liability or harms community relations. It is also not optimally efficient for the military to keep giving equipment that works to domestic police departments. With the budget crisis that exists in America, that equipment should be retained and stay in military service.

Military equipment and tactics do have a place in resolving very dangerous police incidents; however, they can be a liability for the officers, citizens, and department if they are not judiciously controlled and wisely used.

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