

**The Bill Blackwood  
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**Militarizing the Police and Its Effects on Perception  
and Safety for Both Officers and Public**

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**A Leadership White Paper  
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## **ABSTRACT**

Militarizing law enforcement agencies is an idea that is certainly not new but is an important facet of today's law enforcement. The effects of the perception of militarized equipment and its deployment can have drastic effects on the safety of officers and the public. This perception, whether negative or positive by either group, can determine the outcome of any encounter. Terrorism in any of its forms, whether it is domestic or international, to include mass shootings, school active shooters or bombers are a primary concern, and officers must be adequately trained and equipped to cope with any of these circumstances.

Agencies should be able to have access to whatever tools they need to in order to accomplish the mission of protection of life and property. While some pundits promulgate militarizing the police is a method for the government to instill fear into its "subjects" through intimidation tactics and an overbearing and unnecessary show of force, this theorem is flawed. In some ways it is intended to intimidate, but that is not its sole purpose. Having the ability to limit or halt a problem before it begins can and does save lives. Commanders at every level have the obligation to take advantage of available resources, but they also have an equal obligation to ensure proper training and guidance to avoid any misuse or abuse. Officers accept a certain level of risk inherent in policing, but there is no justifiable reason to inflict undue risk when resources are available, and agencies should make appropriate, judicious use of those resources.

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## INTRODUCTION

The notion of police militarization is not a new one, despite the recent attention it has received. As early as 1822 in London, England, militarizing the police was an idea proposed to combat the lack of competent policing. Sir Robert Peel, often referred to as the father of modern policing, strove to improve, consolidate and create a comprehensive police force. By 1829, he was able to pass the Metropolitan Police Act (Roberg, Novak, Cordner, & Smith, 2009). Sir Peel advocated the English police force to be established using a militaristic concept of uniforms, rank structure and units. Along with Sir Peel, Colonel Charles Rowan and Richard Mayne, while serving as Police Commissioners, helped further refine the military style. Colonel Rowan was a former military man, and his influence helped to determine how police officers should treat soldiers, and by extension, how officers should show that same respect to the citizens. Mayne worked closely with Colonel Rowan, and together, they set up the Metropolitan Police Force into divisions, and each division would have a distinguishable rank structure (Roberg et al., 2009).

This style of policing gradually made its way to the United States, and by the 1850's, larger cities had adopted the rank structure and uniform style from England (Roberg et al., 2009). By combining the respect to citizens and the rank structure among officers, the Metropolitan Police Force became the standard by which other police departments would be judged and emulated. Roger Lane (1992) asserted in his work (as cited by Crank, 1998) that militarizing the American police forces has been an ongoing process since the American Civil War. The use of military titles and rank seemed to be a natural convergence for police agencies at that time and has continued

unabated ever since. In 1893, the International Association of Chiefs of Police (IACP) was formed to combat the corrupt influence of political machines of the day (Uchida, 1989). The IACP's proposal to contest the political machines' influence, reduce individual incompetence, eliminate the corrupt consequences of nepotism and political favors was the militaristic rank structure which induced discipline and dedication in its employees (Crank, 1998). This was the same problem that plagued Sir Peel, Colonel Rowan and Richard Mayne, which led to the creation of the Metropolitan Police Act of 1829. Militarized structure in both the United States and England did not occur randomly or by happenstance, since both experienced similar problems of poor discipline and lack of dedication. Since that time, command officers continue to use the argument of militaristic rank and structure to instill discipline and dedication in its officers, along with respect for and by the citizens (Crank, 1998).

From the turn of the 20<sup>th</sup> century up to the 1960s, law enforcement remained largely unchanged. Since the mid-1960's, this country has seen dramatic changes in the way police agencies conduct the business of policing. Several key incidents led to those changes. During August 11-17, 1965 a riot broke out in the South Central Los Angeles Watts district, which led to 34 deaths, 1,032 injured, approximately 4,000 arrests and over \$40 million in property damage ("Watts Riot," n.d.). On August 1, 1966, Charles Whitman climbed the clock tower of the University of Texas in Austin, Texas and killed 16 people and wounded over 30 ("Charles Whitman," n.d.). Then, on May 17, 1974, the Los Angeles Police Department engaged in a massive shootout with the Symbionese Liberation Army (SLA), a left wing revolutionary group who were engaged in robberies, bank thefts, kidnapping and alleged brainwashing (Corwin, 1994).

It was due to these events and others like them in the turbulent late 1960's and early 1970's that led to the formation of the first SWAT teams around the country. These teams used specialized tactics, weapons, and clothing that distinguished them from the standard police patrol officers of the day.

With the end of the Cold War in the 1980's, the use and establishment of SWAT teams grew exponentially around the country. The cause of this was the military's size reduction and the amount of surplus materials, including armored vehicles, weapons such as the M16/AR15 rifles, heavy duty body armor and Kevlar helmets. It remained mostly a large agency function due to the high cost associated with the establishment of a team (Ramirez, 2003). In the 1990's, civilian weapons manufacturers began to market and sell the AR15 rifle to civilians, allowing people with nefarious intentions unprecedented access to weapons previously unavailable to them. These same people were using those weapons and other illegal weapons to further their criminal enterprises, dramatically overpowering and outgunning the police. An example of this was the North Hollywood shootout in Los Angeles on February 28, 1997. Two suspects attempted to rob the Bank of America, and as they attempted their escape, they were confronted by police. In the course of the attempted escape, they employed high power fully automatic weapons against police officers, wounding several officers and civilians caught in the crossfire.

The only answer police officers had to the weapons employed by the suspects were 9mm handguns and shotguns. The police were seriously overmatched and outgunned. Fortunately, and also tragically, one of the suspects took his own life, while the other was engaged and his threat was stopped by SWAT officers utilizing military

type AR15 rifles (Parker, 2012). If the responding officers had access to the same type of weaponry available to the suspects, the police would have been able to defeat the full body armor worn by the suspects and stopped the threat much sooner. For this reason, and many others not described here, law enforcement agencies should have access and be able to utilize the available tools of heavier body armor, AR15 rifles, and armored vehicles once available only to the military to counter the threat of incidents like those detailed above.

## **POSITION**

In general, most of the officers who will encounter a high risk or critical incident will be either patrol officers or SWAT. They are the first responders to any incident involving a person or suspect who has decided to employ high power weapons against an unsuspecting public or to further whatever cause they may wish to endorse. Police utilization of military equipment, tactics and tools, commonly known as militarization of the police, is a necessary function in today's policing environment. Criminals are taking advantage of the proliferation of weapons, both illegal and legal, and arming themselves while bringing them to bear in their criminal enterprises. Admittedly, and thankfully so, this is not an everyday occurrence, whether in a large urban municipality or in a smaller rural community. The police are the protectors of the citizens and they must be prepared for any eventuality or other dangerous situation that presents itself (O'Brian, 2011). Being prepared is not just a theory or motto, it is an absolute. The results of an incident can range from either benign to catastrophic depending on the level of preparedness. For instance, having a police armored vehicle available and ready to use can and will save lives (O'Brian, 2011). The ability to move in a protected and safe

manner to a location of a threat, and then be able to effectively deal with the threat in a hopefully peaceful manner is the main objective. Evidence based on years of experience and practical observation indicates the police uniform presents an aura of authority surrounding the officer, and has become known as an “officer’s presence.” The addition of side pockets on the pants akin to the military’s battle dress uniform pant (BDU) provides additional utility to the officer to be able to carry the ever increasing tools the officer may need to carry out the functions of their jobs, without dramatically altering the officer’s professional appearance. It is important to note, regardless of equipment, style of clothing, or any other type of item used during any use of force encounter between a law enforcement officer and a suspect or threat, that force must be tempered by the officer to use just enough force or show of force to complete the law enforcement objective of public and personal protection.

An old axiom says there is no such thing as a fair fight. Police officers are instructed from their first day of their training to not get themselves into a fair fight. The criminal element is arming themselves to such a degree so as to place the advantage decidedly on their side, and police agencies must be able to adequately defend themselves in particular and the public in general (Gourlie & Hoban, 2013). They must be able to use their available tools of pepper spray, electronic control devices (ECD's), batons or firearms to swing the advantage back into their favor, so the concept of a fair fight is a misnomer. Police cannot fight fair. They must be able to stop whatever threat they come across. Police must impress upon a potential arrestee the inaccurate thought of resisting as a plausible thing to consider while at the same time effect a peaceable and lawful arrest (Gourlie & Hoban, 2013).

Police officers, whether assigned to patrol or SWAT, should be provided the proper training, equipment and leadership to ensure a safe and equitable resolution to any conflict (Gourlie & Hoban, 2013). High quality training involving high quality equipment will present other use of force options to prevent a suspect from attempting or considering resistance. High quality, intensive training representative of military small unit style training, creates a more cohesive and competent group of officers who are better prepared to face the dangers police officers encounter. Preservation of life is one of the primary stated goals of any police organization whether or not that life belongs to the police officer, suspect or civilian. Gourlie and Hoban (2013) argued that a show of force may indeed be safer for all involved as the suspect would be less likely to offer resistance to an arrestable situation. While it sounds eerily similar to intimidation, and admittedly it is to a degree, a show of force is in fact a clearly designed tactic to produce the desired results of a safe and peaceful resolution.

SWAT teams are an extremely important part of the police community and their impact on how agencies conduct the act of policing. SWAT teams have changed the face of American law enforcement. In addition to SWAT teams, officers on patrol can benefit from a more tactical approach (O'Brian, 2010). In 1999, when the school shooting at Columbine High School in Colorado occurred, the standard practice at the time was to contain the threat, then stand-by and wait for SWAT to arrive. This tactic turned tragic and the National Tactical Officer's Association (NTOA) realized specialized tactics were not just for SWAT officers anymore. The NTOA espoused the need for patrol officers to react quickly and to employ some of the same type of tactics as SWAT did to stop or eliminate the threat. This realization has led to active shooter training for

almost all agencies across the country. Arming officers with the AR15 rifle and teaching patrol officers small unit tactics has created additional criticism for more than just SWAT. However, looking from the perspective of saving just one life, militarization becomes worth the effort (O'Brian, 2010). Where some view militarizing the police as a bad idea, the main focus is on the use of the military style equipment, clothing, and tactics as the central issue. The overarching concept in support of the idea of militarizing the police is not so much in the equipment: the rifles, armored vehicles or even the clothing. It is the overwhelming amount of professionalism displayed by the men and women who wield that equipment and the manner in which they use that equipment (O'Brian, 2010).

## **COUNTER POSITION**

Detractors of militarizing the police contend they may go too far related to how they equip, dress, and comport themselves in the course of their duties. Officers and agencies that are overly militaristic create an increased level of fear among citizens and can lead to unintended consequences and tragic loss of life. The use of the types of rifles, clothing, body armor and armored vehicles during a routine operation is a recipe for disaster (Balko, 2006). It is overkill to use such shows of force for routine, everyday events, like search warrants. In order to obtain a search warrant, police officers tend to use confidential informants, who are often not much more than criminals themselves. This leads a person to question the credibility of the information derived from the "informant" (Balko, 2006). An informant who provides incorrect information unintentionally, or provides incorrect information in a vindictive manner as retribution against a person for any transgression, whether real or perceived, can create a situation

with perhaps deadly and tragic consequences. If an officer is provided information regarding a house or other location, or provided information where children or elderly may be present at a time and place, or some other poor information, innocent people will be terrorized and an environment of distrust for the police becomes inevitable (Balko, 2006). When SWAT teams first became an element of police agencies in the 1960s, there was a tendency to reserve their use for only the worst situations. Only the most volatile situations garnered the attention of SWAT teams and prevented putting innocent lives in danger. However, with the emergence of America's war on drugs in the 1980's, SWAT and other militarized units were utilized in a significant number of raids, putting more and more lives in danger (Balko, 2006).

It is indeed true that America's police agencies have increased the establishment and implementation of SWAT teams over the course of recent years, and while in fact it is often an easy step to use a SWAT team for an alleged routine operation, competent leadership must be wary of using them only in justifiably legal, moral and ethical situations (Gourlie & Hoban, 2013). As Balko (2006) contended in his statements of search warrants, he uses the term routine. Common police knowledge and experience has shown there is no such thing as routine. This statement by Balko (2006) is erroneous and shortsighted because alleged routine events have turned tragic and deadly in short order. Some people have strong motivations not to be taken into custody or be sent to the penitentiary for various reasons and will often present actions and behaviors outside their normal behaviors, sometimes with violent responses. So while it is true the deployment of a SWAT team must be done in moderation and not for every single search or arrest warrant, they must be considered in certain circumstances,

dependant on the suspect's propensity for violence or other inherent risks. Those circumstances include the protection of the lives of both suspects and any uninvolved innocents, as well as the officers conducting the execution of a search or arrest warrant. The judicious use of a show of overwhelming force will often prevent any unfortunate consequences than it does to propagate them (Gourlie & Hoban, 2013).

Some people will define the police uses of items such as militarized clothing, body armor, weapons, entry tools, including noise, flash diversionary devices (NFDDs) also known as flash bangs, armored personnel carriers (APCs) and other tools in the police arsenal to conduct raids and search warrants as exactly the problem of police militarization (Balko, 2006). All of these devices in total are used to incapacitate and terrorize the occupants of whichever residence the police intend to target. Those who choose to resist or are perceived to resist these types of dynamic raids are often met with force, or the possibility of deadly force, depending on the situation (Balko, 2006).

Over the years, the technological advances in police equipment has improved dramatically, among them the equipment known as tactical, or SWAT based equipment. Most of this equipment is indeed very potent and potentially deadly, and people who consider the use of this equipment as overkill are simply missing the point. This equipment is solely designed to protect the wearer and user from any potential deadly resistance from the intended target of the raid, and by extension protects the suspects (O'Brian, 2010). Police experience has shown people can be extremely unpredictable when placed in a fundamentally precarious situation outside their comfort zone. Situational overload can compel people to do unusual and sometimes extraordinary things. It is known as the fight or flight syndrome. The fight or flight syndrome is a

person's "lizard brain" compelling them to either defend themselves (fight) or run away (flight). This is essentially a stress coping mechanism and allows for increased amounts of strength and endurance ("The Body's Fight," n.d.). Police raids are, by their nature, a very dynamic and proactive situation and can put people into this situational overload. It is for this reason the use of militarized equipment, such as weapons, body armor, clothing, and flashbangs, or APCs, is so important to conduct and execute a successful and safe operation. It is intended to disorient people enough so as to dramatically reduce or eliminate the fight portion of the fight or flight syndrome.

The size of a community or the size of its respective department is also a contentious topic for debate as smaller departments do not have as great a need for a SWAT team (Fisher, 2010). Smaller agencies do not have the same types of dangerous encounters with felonious and assaultive people, and are only using the SWAT team as either a justification to maintain itself or to allow the officers to hone their skills while serving routine search or arrest warrants. The smaller agencies are using the deployment of a SWAT team in situations that simply do not justify their use and are guilty of over-enforcement (Fisher, 2010).

Small town policing can be very rewarding in more than just the tangible areas, financial remuneration, resource allocation, etc. Often those tangibles just are not available, but the intangibles are what draw officers to work in those smaller communities and agencies. There is the camaraderie among the officers, the familiarity with the constituents, the community support. There is nothing that says it is any less dangerous or free of problems people normally associate with the bigger cities (Griffith, 2010). In fact, smaller towns are just as likely to encounter the exact same issues as

the larger cities and must handle those same issues with less resources. In some ways, problems faced by smaller agencies are getting worse, not better (Griffith, 2010). In 2012 the Federal Bureau of Investigation (FBI) published a report detailing the numbers of law enforcement officers killed and assaulted (LEOKA) according to the Uniform Crime Report (UCR). This report details LEOKA for agencies and populations they serve from 2003 to 2012 (FBI, 2012). In it, the FBI breaks down the numbers of officers killed in the line of duty in cities whose populations are from 250,000 or more to 10,000 or less. During 2012, the last year for which numbers are available, Group I (250,000 or more) had 6 officers killed; Group II (100,000 to 249,999) had 4; Group III (50,000 to 99,999) had 2; Group IV (25,000 to 49,999) had 2; Group V (10,000 to 24,999) had 3; and Group VI (less than 10,000) had 4 (FBI, 2012). It is clear by the numbers compiled by the FBI, the level of perilousness is fairly constant across the spectrum of community/agency size.

## **RECOMMENDATION**

Extreme threats brought on by people whose intentions are not to the benefit of the citizenry create a circumstance where it is vital for police agencies to have access to and be allowed to use militarized equipment where and when appropriate. Militarization of police agencies has been going on for much longer than people may realize, all the way back to before the American Civil War. Not much changed until the 1960's and 1970's, when events such as the Watts Riots, Charles Whitman's rampage at the University of Texas, the Symbionese Liberation Army (SLA) shootout, and the 1997 North Hollywood shootout occurred.

Preparedness is a keystone of any successful engagement by the police. There is not an opportunity for second chances, and all officers, whether in large or small agencies, must be ready for anything. Often, an overwhelming display of police capabilities is as much a deterrent to a suspect's actions or intended reactions; they will stop before they start. Police officers should not put themselves in a fair fight, but be able use the tools necessary to prevent a fair fight while not resorting to excessive force. Officers who handle suspects and are properly trained, equipped and educated, along with quality leadership, will hopefully bring any situation to an equitable resolution for everyone involved. Police officers must, without fail, use only the amount of force necessary to affect the cessation of whatever threat they encounter.

There are times, however, when events spiral out of the control of the best officers and leaders, and using a minimal amount of force necessary to complete the objective is not a viable option. Sometimes force must be escalated, dependent on the suspect's actions and motives. Regardless of the situation, and regardless of how much a suspect may cause the escalation of the amount of force required, it is still the intention for every use of force encounter to use the minimum amount necessary. Better training and equipment has enabled officers to increase the quality of the public they serve. Every officer, regardless of assignment, can benefit from the use of specialized equipment, since they often are the first responders and sometimes officers cannot wait for a specialized unit to arrive.

According to some, militarization of police officers creates an environment of fear and tension with the public. This is overkill for the routine execution of search and arrest warrants. It has long been held in the police community there is no such thing as

a routine situation. The judicious use of militarized equipment is a deterrent to potential deadly activity and is safer for all. The use of NFDD's, APC's and other police weaponry is designed to terrorize and incapacitate people. People have a basic reaction to stress, called fight or flight. The use of police weaponry is designed to limit or eliminate the fight stressor, making both the police and suspects safer. Small town police agencies do not need SWAT or specialized units. Small town police agencies often encounter the same types of violent behaviors as do the larger ones, and UCR numbers show that officers across the population size are within the same level of dangers.

A significant amount of research was conducted, reviewing newspapers, periodicals, FBI reports and books to glean the information needed for this review. As a result of that research, it must be concluded that with competent training, leadership and intelligent deployment, keeping in mind the proper amount of force necessary for the situation, both officers and the public are safer overall with the use of militarized equipment than without it. With the inescapable conclusion that the judicious use of militarized equipment creates a safer environment, agencies must then decide on how best to implement the theory and create policy. It begins with an agency fully and thoroughly vetting its officers when they are hired, and then training them adequately to ensure they are capable of making good decisions when it comes to deployment of any equipment and use (show) of force. Public perception and acceptance will not tolerate officers running amok with this equipment; officers must be able to justify their use. Agencies must devote themselves to proper training for officers and supervisors. No policy or general order will ever be able to adequately cover every possible scenario for

implementation, but they can provide direction and recommendations for their use. Ultimately, though, it is the officer in the field, facing a given situation, who must decide based on their discretion when and where to deploy militarized equipment. Discretion comes from quality training and quality leadership. Proper training of police chiefs, command staff, front-line supervisors, SWAT commanders and officers is vitally important.

A second consideration for implementation of this theory is the right tool for the right job. This means an agency should obtain the tools needed to successfully resolve a conflict or situation. An agency should prepare themselves and their officers for whatever they may encounter, and do so beforehand, instead of waiting until after the fact. An agency should take advantage of the availability of equipment, whether it is through governmental programs or grants, agency purchase or individual purchase.

Agencies have a legal, moral, and ethical mandate to ensure their officers are properly trained, equipped and prepared to handle whatever eventuality they may encounter. With the amount of resources available, there is no excuse to be lacking in any area regarding training, equipment or preparedness. Officers, regardless of assignment, are willing and able to accept a certain amount of risk inherent in policing, but there is no requirement or acceptance for officers to go into a hazardous situation and allow themselves to become victims of some heinous act, for want of some piece of equipment. There is simply no viable reason for officers to be killed or injured because of a lack of equipment, education or leadership.

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