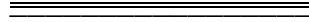


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Military Equipment and Police Agencies**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**



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## **ABSTRACT**

The use of military equipment by law enforcement is a very polarizing topic in today's society. Many fear that as police agencies acquire and utilize more military equipment and receive training on it by military personnel, they will become more militarized, thereby further blurring the lines between the military and the police. The fear of the police that already exists in some areas of society and the dangerous nature of this equipment is only exasperated when police agencies fail to educate their citizens about such equipment, and tactical teams arrive in armored vehicles while wearing military style uniforms and carrying assault weapons. These are the greatest arguments against police using military gear and having it available to them. The problem is that these fears and issues have been created by a lack of analysis of researched information and by the failure of police agencies to educate the public regarding the varied uses and needs for military style equipment. Police agencies should use military equipment to accomplish their missions for the protection of their officers, to be more efficient and effective in their responses to incidents, and to help ensure the safety of its citizens. With better education, communication, and relationship building between police and their communities, coupled with quality training of officers and a proper analysis of the research done on the police utilization of military equipment, a greater understanding of the vital role this equipment plays in the safety of the community and the professionalization of police agencies can be achieved.

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## INTRODUCTION

Massive protests towards the police shooting of Michael Brown in Ferguson, Missouri resulted in a police response featuring officers in militaristic riot gear, weapons and tactical vehicles. This response and other high profile incidents of people being injured or killed by police utilizing military style equipment has prompted heavy scrutiny of the use of such equipment by law enforcement personnel. It is a complex subject that has been debated for decades but has become a volatile and timely topic due to these incidents and the emotional and extreme stances many people have taken on the topic of police becoming too militaristic. America has a history of concern regarding military actions within the United States. The Third Amendment to the U.S. Constitution protects against the billeting of troops within citizens' homes. In 1807, the Insurrection Act was passed restricting troop usage within America's borders; in 1878 the Posse Comitatus Act was passed to forbid the military from enforcing any civil laws; and as recent as 2006 and 2008, Congress passed and then struck down laws which would have allowed for the expanded use of the military for a variety of incidents in the country (Fisher, 2010).

While police agencies by their nature are paramilitary, they serve a distinctly different function than the military. The concern that this distinction stays intact is why the issue of police utilizing military equipment and appearing to become more "militarized" while doing so brings up so much debate. In a tech driven society that demands organizations deliver faster and higher quality services, police agencies strive to maintain high levels of safety for their officers and their citizenry by obtaining and using the most up-to-date equipment and technology available to them. Agencies need

to keep this polarizing issue in mind and communicate these needs to their citizens to help prevent these fears. Police agencies that stress officer and citizen safety while looking for ways to be more efficient and effective in providing quality services are the agencies that really adhere to the police ideal of “serve and protect.” Police agencies should use military equipment to accomplish their missions for the protection of their officers, to be more efficient and effective in their responses to incidents, and to help ensure the safety of its citizens.

## **POSITION**

An unwritten mission of every police agency is to try and ensure their personnel are as safe as possible while at work and the use of military equipment plays a big role in protecting officers. Since the old west, law enforcement has looked for ways to be better equipped in the field with weapons utilized for protection and enforcement. Miniter (2014) spoke of how, in the 1840s, the famous law enforcement agency, the Texas Rangers, popularized the use of the then newly created Colt’s revolver, which helped them bring law, order, and protection to the settlers in the Texas frontier. Their leadership even corroborated with Samuel Colt to perfect his design after seeing its value to protect the Rangers and give them a distinct advantage over the Comanches. This became a case of law enforcement influencing the outfitting of the U.S. Army when a captain of the Rangers convinced the President that these weapons would be essential to the military’s success in the Mexican-American war (Miniter, 2014).

The recognition of a need for better and more up-to-date equipment for the safety of law enforcement continues to drive change. Stewart (2008) wrote about the value of patrol rifles like the AR-15 as a tool for patrol officers in their daily work. He discussed

how utilizing these rifles provides patrol officers distinct advantages such as giving them the ability to reach a target at greater distances with more sophisticated rounds (thus keeping them further away from danger), giving them the ability to keep a suspect at bay during an officer rescue scenario, and giving them the needed firepower to put down active shooters. Using military style weapons, such as the AR-15, put police officers on an even playing field with suspects who utilize high powered fully automatic and semi-automatic weapons and body armor. Police were ineffective and dangerously outgunned when they faced these types of suspects in the infamous North Hollywood bank robbery shootout, which resulted in several police casualties. It was this incident that spurred law enforcement agencies across the nation to arm their officers with the more effective patrol rifles (Bevan, Harmon, & Lord, 2012).

Military style weapons are not the only types of military equipment that provide safety for police officers. Searches for suspects and searching buildings during an alarm or a burglary call are basic functions of patrol work. Police officers should not be expected to rely on hand-held mirrors to look around corners or peek into attics when conducting searches when equipment like thermal imaging cameras and pole cameras are available. Fire departments even use this type of military grade equipment to make their jobs safer. Tactical experts agree that the usage of such equipment makes searches much safer for police officers and their use should not be left solely to tactical units when patrol officers do these jobs on a regular basis (Bevan et al., 2012). Military equipment like armored vehicles and ballistic shields are designed for protection and to provide greater safety. Armored vehicles create ballistic protection to anyone inside and allow for officers to respond to deadly scenes in safety as well as a means to

rescue fellow officers and civilians in harm's way. Making equipment, like ballistic shields, which can provide this protection to individual patrol officers standard patrol issue would help put this needed equipment immediately in their hands during dangerous incidents and help save lives (Bevan et al., 2012). Any equipment that can be used to help make responses to critical situations safer for police officers cannot be ignored or dismissed simply because it might be military in nature or by design and much of the military equipment available was created with the dual purpose of providing safety for the user. A great many times the safety of officers depends upon using this equipment.

One of the things paramount for the success of any police agency is the ability to provide greater quality service to the public by being more efficient and effective in response to critical incidents; it is something that is expected by its citizens. Most mission statements discuss the goal to give the public a quick and a quality response whenever they call upon the police. Changing times have always driven changes in police work and what is used to accomplish its mission. Some of the same military equipment that make officers safer as discussed above help create a more efficient and effective agency. Kraska and Kappeler (1997) discussed the creation of Special Weapons and Tactics Teams or SWAT teams in the late 1960s in Los Angeles, CA as a response to departments handling civil unrest and critical incidents. These SWAT teams made for a safer and more efficient and effective way to handle incidents like hostage situations. These teams utilize military equipment like armored vehicles, semi-automatic and fully automatic weapons. Without this equipment and capabilities, these units would not exist, and law enforcement agencies would not be effective against a

suspect armed with high caliber weapons or armament superior to police forces at hand.

These military style weapons used by law enforcement are some of the most controversial, but weapons are not the only pieces of military equipment that make law enforcement more efficient and effective. Searching for suspects, missing children and missing elderly persons with the use of surplus military aircraft allows agencies to cover ground more efficiently than merely utilizing manpower. Using thermal imagery equipment in these situations has created greater effectiveness and efficiency. In an article for the *Boston Globe*, Valencia (2014) cited agencies having “access to critical military equipment, such as specialized all-terrain vehicles, for use in search and rescue operations and during natural disasters” (para.7). Being able to cover all different kinds of terrain such as deserts, mountainous regions and heavy snow or high water covered places gives police agencies the capability to provide that quicker and more effective response for its citizens. Military equipment of all types have given law enforcement agencies the tools they need to be more efficient and effective during these critical incidents.

Safety of the public is one of the basics of law enforcement whose mission it is to “serve and protect.” The use of military equipment enhances the ability of these agencies to do just that. Military all-terrain vehicles like the Humvee and military helicopters have been used during hurricane and tornado responses to help police get to survivors trapped in areas where conventional vehicles cannot go. A report for the Cincinnati Enquirer found that during a harsh winter, an agency used its military Humvees “to get doctors and nurses to their offices, to get medicine for elderly people



who could not go outside, and simply for driving in deep snow and thick ice” (Shesgreen & DeMio, 2014, para. 7). These were innovative and creative ways to utilize military equipment, and all these usages enhanced the safety and security of the department’s citizens while promoting community policing ideas.

The most obvious way military equipment helps ensure the safety of a law enforcement agency’s citizens is in the case of an active shooter. There have been more incidents of active shooters in the U.S. over the past several years. The highest profile incidents have happened in schools like Sandy Hook and universities like Virginia Tech, but there have been incidents in movie theaters and shopping malls. Chudwin (2011) discussed how police training and tactics for active shooter incidents such as these, created initially in response to the Columbine school shooting, have stressed the need for a patrol response to the shooters using military weapons such as a standard issue patrol rifle. To help save as many lives as possible, analysis of police responses to active shooters have shown that patrol officers already on duty will get to these scenes much faster than a SWAT response. These patrol officers must be equipped with the tools needed to stop such a threat, tools such as military weapons like the AR-15 (Chudwin, 2011). Equipment that give agencies these diverse capabilities greatly enhances the safety of their communities.

## **COUNTER POSITION**

The greatest argument against the use of military equipment by law enforcement is the fear of police militarization. Some of the most extensive and continuous research done on this subject has been done by Kraska, who raises quite a few issues. In one of his studies he cites concerns such as the acquisition of military equipment (singling out

weapons) and the growing use and expanded role of SWAT teams. This is highlighted with the statement regarding “an unprecedented cooperative relationship between U.S. military and U.S. civilian police... [including] a high level of cross-training in the area of special weapons and tactics team[s]” (Kraska, 2007, p. 502). While acknowledging that police departments are set up as paramilitary organizations, he expressed concern over police looking more tactical in appearance and cautions the creation of a new stronger arm for states to impose upon the rights of their citizens even in his earlier research (Kraska, 1999). These are concerns worth raising, but they are baseless and actually strengthen the argument for utilizing military equipment when properly analyzed.

A study and analysis of this research by den Heyer (2013) showed many of the flaws in the Kraska’s presentation of information and a general lack of analysis by Kraska of the data he gathered. The world has changed since the inception of SWAT teams in the late 1960s; suspect actions and use of weapons and technology have changed, too. Police have professionally adapted their practices to accommodate all these changes (den Heyer, 2013). SWAT teams are made up of officers with the most tactical training within their departments and for any organization to fail to use its best trained people and its best equipped assets and technology (in this case military equipment) would be considered a bad business practice. The use of experts such as the military Special Forces to train police SWAT teams ensures quality training, improvement in skills, and proper tactics. Police agencies have also developed their own training based on these tactics which proves that “this form of joint training is not increasing the militarizing of the police, but furthering their professionalism and differentiation from the military” (den Heyer, 2013, p. 356). There does need to be a

distinction between the police and the military because their roles are vastly different, but that should not stop agencies from utilizing military equipment or being trained by military personnel on its use. The proper analysis of the changes in practices of agencies regarding the use of military equipment and training should quell the fears of police militarization.

Another re-occurring argument against police utilizing military equipment is that such use creates barriers and fears with the public and endangers them. Seeing officers arriving in armored vehicles, dressed in impersonal and intimidating tactical military styled gear and equipped with AR-15s can be alarming to citizens, and the use of any weapons can result in deadly consequences. Ehlert (2014) cited the events in Ferguson as an example of promoting these fears. Persistent headlines about riot gear and tear gas responses to protestors there have prompted lawmakers to question the sale of military equipment to police agencies. Communities that already have strained relations with police and see officers responding to incidents with military equipment as an occupying force have their fears reinforced and greater barriers are created (Balko, 2014). Educating the public regarding the natural changes in police practices and their equipment needs makes a world of difference in the public's perception of these issues. Valencia (2014) discussed how citizens failing to understand the need for the type of military training and equipment just discussed leads to fear and mistrust of police agencies. The more open and transparent any organization is, the more trust it elicits from the public. Discussing tactics, such as utilizing shields and armored vehicles as cover, that grenade launchers obtained from government sponsored military surplus programs can be used to fire tear gas not just grenades, and "[inviting] the public to

learn about and inspect...equipment” (Ehlert, 2014, para. 7) builds better relationships and trust. Police openness with the media and the public has been a topic long discussed yet is still an issue for many agencies resulting in misinformation and confusion. Detailed studies have shown that partnering with the media and educating the public through all types of information outlets leads to better relationships (Chermak & Weiss, 2006).

Over time, there have been incidents of innocent people being hurt or killed during SWAT missions and each of these incidents are tragedies resulting from poor planning, tactics, and/or a need for better or more training. From a combination of personal research and gathered reports, Fisher (2010) cited 82 “bungled raids-wrong-house intrusions, questionable shootings, unnecessary mishandling, and the infliction of major property damage” (p.37) over a two year span, and “over the past 15 years [data through 2006]...about 200 ‘wrong door’ raids” (p.144). Without giving a clear definition of botched, Kraska (2007) cited that during his years of research he has “recorded more than 275 instances of seriously botched SWAT raids on private residences” (p. 507). Finally, a more updated report from the source Fisher gathered information from in his findings came up with “over 50 examples in which innocent people were killed in raids” (Balko, 2013, para. 21). As stated, every death or injury is a tragedy, and “bungled raids” result in the violation of people’s constitutional rights which should never be taken lightly. However, while these numbers sound bad, they have to be placed in context to get a true analysis of this data compiled.

The “bungled raid” data was collected from a 15 year time span and the fatality data from an additional seven years. The number of SWAT raids taking place over that

period of time gives these numbers some statistical weight. In 1995 there were 30,000 SWAT raids (Kraska, 1999, p.142) and ten years later in 2005 there were 50,000 raids (Balko, 2013, para. 8). Giving an average increase of 2,000 raids per year over that time there were some 440,000 SWAT raids. The “bungled raid” data expands five years beyond this, but using the greatest number collected and recorded here leaves a “botched raid” occurring at a mere 0.0625% rate over 15 years. Fatalities (using data collected over seven additional years) occurred at a mere 0.01136% rate. These percentages are low because of the expert training with military equipment and hours dedicated to planning and honing of skills by SWAT teams. The National Tactical Officers Association (NTOA) has established minimum standards for police agencies that employ SWAT teams across the United States. These standards break down minimum hours of initial training needed per SWAT operator and minimum hours needed for continual training each year to maintain efficiency and effectiveness. Police agencies that wish to receive federal funds must abide by these developed standards and can adopt additional standards for their departments (National Tactical Officers Association, 2008).

Police officers know the importance of quality and current planning and training for safety and success. Such training helps increase their efficiency and effectiveness, but it is vital that supervisors and administrators of agencies ensure that these plans and training are quality. The danger that exists with the utilization of military weapons and tactics comes from a lack of good training and planning and the following of such (den Heyer, 2013). Active education of the public, transparency and ensuring quality

training and planning are the keys to agencies preventing the use of military equipment and tactics from creating barriers between and fear within their citizens.

## **RECOMMENDATION**

The use of military equipment by the police has been and continues to be a controversial topic in America. The ability of police agencies to utilize military equipment, however, is vital to reaching the goal of serving and protecting the public. The reasons this equipment can help achieve these goals need to be communicated to the media and the community, thereby minimizing public misinformation and fear mongering. Being open and transparent with the public and educating them on the abilities and advantages of using military equipment is one way of doing this, and it helps build trust. A lot of controversy comes from the misrepresentation and lack of analysis of data and information compiled over the years along with poor communication and the lack of needed transparency by police agencies.

The lack of quality training and planning before agencies utilize this equipment has been another source of problems. Proactively educating the media and community regarding not only the capabilities but also the different types and uses of military equipment used in police work will help garner support and understanding of why a department might need it. Items can have more than one use and are very versatile so inviting the public to see these capabilities and demonstrating the training that goes into the usage of this equipment can break down barriers and instill confidence in the agency instead of creating fear in the populace. Showing the training standards for SWAT officers and the use of AR-15s by all officers and ensuring they are met instills this confidence as well and will garner support from those who before were ignorant of

how highly trained officers are before they use these weapons. The more familiar people are with things, the better off agencies and citizens are; people fear the unknown while they support the things they understand.

Proper analysis of facts and information helps with this education process and the acceptance of military equipment usage. Logic and good business practices promote having experts training people in the use of their equipment as well as utilizing the latest technology available. The public expects professionalism from the police and due diligence with their tax monies. Having military based training for military equipment makes sense and ensuring that experts are the ones training their officers will help citizens understand that their officers' professionalism will develop along with their skill sets. These things lead to a more efficient and effective agency providing better quality service to the public.

Having the capabilities of various pieces of military equipment used in accordance with quality training standards helps create a safer environment for officers and the public. When the public sees that military equipment can help save officers and innocent civilians during critical incidents and that it can be used in non-traditional ways, such as assisting in rescues during natural disasters, the true value of this equipment and its versatility is understood. Working to create this understanding in citizens will prove that police agencies should use military equipment to achieve their goals of protecting their officers, providing superior and efficient police services and ensuring the safety of their citizenry. Military equipment can be the tools for doing these things and law enforcement will benefit from achieving the goal of providing superior police services and protecting society, which, in turn, is a benefit for society at large.

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