

DEMILITARIZE
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Police Militarization Research Compendium

This research compendium comprises academic studies regarding the effects of militarized policing on communities across the United States. The research ranges from empirical studies of policing datasets to theoretical and historical analyses of militarization. This compendium is a small sample of contemporary policing research. Summaries for each of the papers are listed below for easy comprehension. This compendium was compiled by Alison J. Cole of Portland, OR, lead administrator for a community effort to [end militarized policing in Portland and Multnomah County](#). Contact: alisonjean.cole@gmail.com.

CONTENTS

Delehanty et al., **“Military and police violence: The case of the 1033 program”** Journal of Research and Politics. 2017.

A team of researchers from four universities (Harvard, Stanford, Gardner-Webb & Cincinnati) examine whether military equipment transfers from the 1033 program to police departments are correlated with police killings. Drawing on county-level data on police killings in four US states (Connecticut, Maine, Nevada, and New Hampshire) from 2006 to 2014, the researchers use regression modeling to see if there is a direct correlation with 1033 program receipts. They find that 1033 receipts are associated with both an increase in the number of observed police killings in a given year as well as the change in the number of police killings from year to year, controlling for a battery of possible confounding variables including county wealth, racial makeup, civilian drug use, and violent crime. The results compel them to suggest that recalling and removing military equipment from law enforcement agencies (LEAs) “should result in less violent behavior and subsequently, fewer killings by LEAs. Taken together with work that shows militarization actually leads to more violence against police (Carriere, 2016; Wickes, 2015), the present study suggests demilitarization may secure overall community safety.”

Mummolo, J. **“Military fails to enhance police safety or reduce crime but may harm police reputation”** Proceedings of the National Academy of Sciences. 2018.

Using an array of administrative data sources and original experiments, a Princeton University researcher shows that militarized SWAT teams are more often deployed in communities of color, and provide no detectable benefits in terms of officer safety or violent crime reduction, on average. Of the data sets, one is particularly notable. Mummolo was able to obtain data on every SWAT deployment in the state of Maryland over a 5 year period via a public records request. “These data exist because of an unusual statute requiring every Maryland agency to uniformly record all SWAT activity. Because the statute has since sunset, the data represent a rare, complete accounting of militarized police units’ activities and contain the date, postal zip code, and agency of each SWAT deployment between 2010 and 2014, as well as the reasons for and outcomes of

each deployment.” In addition to data analysis, public survey experiments undertaken by Mummolo further suggest that seeing militarized police in news reports erodes opinion toward law enforcement. Taken together, these findings suggest that curtailing militarized policing may be in the interest of both police and citizens.

Lawson, E. **“TRENDS: Police Militarization and the Use of Lethal Force”** Political Research Quarterly. 2019.

A researcher from the University of South Carolina argues that police have a great deal of discretion in deciding how to handle situations they encounter, and militarization affects the decision making of police by moving their preferences toward more violent responses to suspects. With a dataset of more than eleven thousand agency-quarter observations of police violence, Lawson uses regression modelling to compare the data with purchase receipts of military equipment through the 1033 military surplus program. Lawson finds a positive and significant association between militarization and the number of suspects killed, controlling for several other possible explanations. The results of the study demonstrates an apparent positive and statistically significant association between militarization and the use of lethal force.

Carriere & Encinosa. **“The Risks of Operational Militarization: Increased Conflict Against Militarized Police”** Peace Economics, Peace Science and Public Policy. 2017.

Two researchers from Georgetown University analyze the effects of military purchases on assaults on police officers using data from the LEOKA (Law Enforcement Officers Killed and Assaulted) database as well as purchasing data provided by the Defense Logistics Agency which oversees the federal 1033 transfer program. They look specifically into material militarization (weapons, armor, and military garb) and operational militarization (surveillance equipment, robotics) for a majority of states in the USA. They find that stockpiling armor and clothing exhibits a statistically significant decrease in assaults, with guns showing no significant relation on assaults. However, operational militarization purchases (surveillance,

robotics) lead to an increase of assaults, suggesting that there may be unforeseen consequences of increased militarization due to a change of structure and information gathering.

Kraska, P. **“Militarization and Policing - Its Relevance to 21st Century Police”** Policing. 2007.

This paper lays an anthropological framework for police militarization studies and is the most cited paper in militarization research. The paper does not contain a specific empirical study, rather it summarizes the author's decade of researching police paramilitary units and SWAT teams. Kraska's core assessment breaks militarized policing down into four units: material (weaponry and technology), cultural (beliefs and values), organizational (having elite squads patrolling high crime areas) and operational (intelligence and surveillance). The paper also discusses the erosion of the [1878 Posse Comitatus Act](#) by the United States, which previous to the early 1980s prohibited the military involvement in internal security or police matters. Kraska discusses his own time training with police paramilitary units and highlights the societal trends towards militarization of domestic police.

Katzenstein, J. **“The Wars Are Here: How the United States' Post-9/11 Wars Helped Militarize U.S. Police”** “Costs of War”, Watson Institute, Brown University. 2020.

This socioeconomic analysis by a Brown University researcher provides historical context and examines the causal framework of police militarization through the lens of ongoing U.S. imperial wars abroad. Katzenstein posits that the “wars have offered a new series of justifications for police militarization, which is to say the continuous flow of military equipment, funding, personnel, surveillance technologies, trainings, concepts, and strategies to domestic police.” The author examines the many facets of militarization (material, cultural, organizational and operational) through the federal 1033 program. Katzenstein further examines auxiliary Department of Homeland Security grant programs that funnel government money through police departments to private companies that sell military-style equipment and the price tag to American taxpayers. The author emphasizes that “more significant than costs to the

public purse and to the institution of policing have been the costs of intensified militarization for Black, Brown, Indigenous, and poor communities.” Their analysis of the historical context suggests that police militarization is embedded in the DNA of U.S. policing and runs much deeper than just military equipment transfers.

Turner & Fox. **“Public servants or police soldiers? An analysis of opinions on the militarization of policing from police executives, law enforcement, and members of the 114th Congress U.S. House of Representatives.”** Police Practice and Research. 2017.

This study conducted by a researcher at the University of South Florida and a member of the Department of Homeland Security surveys the opinions of those that make direct decisions about military training and equipment for law enforcement agencies across the country. Their study revealed that Congress appeared to be in considerably less agreement with the idea that local police departments should be militarized, as compared to police officers and defense corporation executives. They posit that “given the disparity of support seen on many aspects of police militarization between Congress and law enforcement, attempts should be made to reconcile this gap and ideally gravitate towards the option that has the most beneficial outcomes and support from the communities that the lawmakers and police departments serve.”

American Civil Liberties Union. **“War Comes Home At America's Expense: The Excessive Militarization of American Policing”** Report, 2014.

This wide ranging report surveys the totality of police militarization across the nation drawing on numbers independent studies and eye-witness accounts. The report examines all aspects of militarization from federal policy to the results of such policing in communities, especially regarding race disparities. The report addresses the problem of “mission creep” in which the intended purpose of militarization is to fight terrorism, however the material and cultural consequences are seen overtly in deployments unrelated to terrorism. The report concludes with a detailed list of recommendations for federal, state, city and local governments on police demilitarization and police paramilitary unit oversight.

Militarization and police violence: The case of the 1033 program

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Research and Politics
April-June 2017: 1–7
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DOI: 10.1177/2053168017712885
journals.sagepub.com/home/rap

Abstract

Does increased militarization of law enforcement agencies (LEAs) lead to an increase in violent behavior among officers? We theorize that the receipt of military equipment increases multiple dimensions of LEA militarization (material, cultural, organizational, and operational) and that such increases lead to more violent behavior. The US Department of Defense 1033 program makes excess military equipment, including weapons and vehicles, available to local LEAs. The variation in the amount of transferred equipment allows us to probe the relationship between military transfers and police violence. We estimate a series of regressions that test the effect of 1033 transfers on three dependent variables meant to capture police violence: the number of civilian casualties; the change in the number of civilian casualties; and the number of dogs killed by police. We find a positive and statistically significant relationship between 1033 transfers and fatalities from officer-involved shootings across all models.

Keywords

Militarization, police, shootings

“I suppose it is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail.”

Abraham Maslow, *The Psychology of Science: A Reconnaissance* (1966)

“Soldierin’ and policin’ – they ain’t the same thing.”

Major Howard “Bunny” Colvin, *The Wire* Season 3, Episode 10 (2014)

Defense 1033 program, which makes surplus military equipment available to state, local, and tribal law enforcement agencies (LEAs) at no cost. The EO banned LEAs from acquiring certain equipment, and restricted them from acquiring others.¹ It also called for transparency and training regarding the materials received. Some feared the demilitarized police departments would no longer be able to keep up with drug dealers, rioters, and terrorists. US Representative John Ratcliffe introduced the Protecting Lives Using Surplus Equipment Act to the House of Representatives that would nullify all aspects of the EO.²

Introduction

The summer of 2014 saw protracted protests to the non-response associated with the killing of 18-year-old Michael Brown. By the second day of protests, police officers showed up in armored vehicles wearing camouflage, bullet-proof vests, and gas masks brandishing shotguns and M4 rifles (Chokshi, 2014). That militarized response led to a wave of criticism from observers including former military personnel and politicians from both sides of the aisle. In response, the federal government launched an investigation that ultimately resulted in Executive Order 13688 (EO). The EO sought to regulate the Department of

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In an interview, he said “It would be one thing if there was some evidence that showed state and local law enforcement had abuse [sic] or misused the equipment, and then caused undue or unnecessary harm to American citizens. That isn’t the case” (Jennings, 2016). This paper provides the first attempt to analyze whether and to what extent military transfers have increased the propensity by which LEAs cause “undue or unnecessary harm.”

Drawing from Kraska (2007), we argue that increasing LEA access to military equipment will lead to higher levels of aggregate LEA violence. The effect occurs because the equipment leads to a culture of militarization over four dimensions: material; cultural; organizational; and operational. As militarization seeps into their cultures, LEAs rely more on violence to solve problems. The mechanism mirrors psychology’s classic “Law of the Instrument,” whereby access to a certain tool increases the probability that the tool is used for problems when other tools may be more appropriate (Maslow, 1966), including access to weapons increasing violent responses (e.g. Anderson et al., 1998; Berkowitz and LePage, 1967).

We evaluate this proposition using county-level data on police killings in four US states: Connecticut, Maine, Nevada, and New Hampshire (Burghart, 2015); and the data on 1033 program receipts (<https://github.com/washingtonpost/data-1033-program>). Estimating a series of regressions, we find that 1033 receipts are associated with both an increase in the number of observed police killings in a given year as well as the change in the number of police killings from year to year, controlling for a battery of possible confounding variables including county wealth, racial makeup, civilian drug use, and violent crime. Given that establishing a causal effect between 1033 receipts is potentially problematic due to concerns of endogeneity, we re-estimate our regressions using an alternative dependent variable independent of the process by which LEAs request and receive military goods: the number of dogs killed by LEAs. We find 1033 receipts are associated with an increase in the number of civilian dogs killed by police. Combined, our analyses provide support for the argument that 1033 receipts lead to more LEA violence.

We organize the rest of the paper as follows. First, we provide an argument that links police militarization and police violence. Next, we briefly introduce the reader to the 1033 program and why it is appropriate for studying the question at hand. Next, we describe the data and empirical strategy. Then we present the results. Finally, we conclude with some thoughts about how the research should influence policy and can be expanded in the future.

Militarization

Borrowing from Kraska (2007: 503), we define militarization as the embrace and implementation of an ideology that stresses the use of force as the appropriate and efficacious

means to solve problems. Kraska (2007) provides four dimensions of militarization: material; cultural; organizational; and operational. We contend these dimensions reinforce one another so that an increase in one can lead to an increase in others. More specifically, the military equipment obtained from the 1033 program directly increases the material dimension. With the new equipment, martial language (cultural), martial arrangements such as elite units (organizational), and willingness to engage in high-risk situations (operational) increase (Balko, 2014). Military equipment naturally increases military-style training for said equipment. That training can increase the other dimensions of militarization. One trainer’s quote illustrates well the uptake of militarized culture: “Most of these guys just like to play war; they get a rush out of search and destroy missions instead of the bullshit they do normally” (Kraska, 2001, quoted in Balko, 2014: 212). But the trainees would not have to settle for the normal “bullshit” for long. Many LEAs began practicing SWAT raids on low-level offenders as a way to train and then as a matter of normal policy (Balko, 2014; Sanow, 2011). Officers running military operations with military tools and military mindsets organized militarily will rely more on the tenets of militarization (e.g. the use of force to solve problems) which should increase the use of violence on average. Since 1997, LEAs obtain much if not most of their military equipment from the 1033 program.

1033 program and militarization

President Bill Clinton signed into law H.R. 3230 (National Defense Authorization Act for Fiscal Year 1997). The bill contains section 1033, which allows the Secretary of Defense to sell or transfer excess military equipment to local LEAs. Between 2006 and April of 2014 alone, the Department of Defense transferred over \$1.5 billion worth of equipment including over 600 mine-resistant ambush-protected vehicles, 79,288 assault rifles, 205 grenade launchers, 11,959 bayonets, 50 airplanes, 422 helicopters, and \$3.6 million worth of camouflage and other “deception equipment” (Rezvani et al., 2014). Eighty percent of US counties received transfers, and those transfers increased over time from 2006 to 2013 by 1414% (Radil et al., 2017). These variations allow us to test the proposition that, all things being equal, the receipt of higher levels of 1033 equipment will lead to increased levels of violence from LEAs.

Data

Ultimately, the goal of this paper is to empirically assess the relationship between 1033 transfers and police violence. To do so, we use a unique time-series cross-sectional dataset, drawing from several sources. The dataset consists of county level data for four states – Connecticut, Maine, Nevada, and New Hampshire – from 2006–2014 ($n = 455$).

Our primary analyses use two dependent variables in two separate models: (1) the number of civilians killed by LEAs in a given county for a given year; and (2) the observed change in killings in a county between a given year and the previous year. The first most directly tests the outcome of interest. We also regress the change in killings from the previous year on the independent variables in order to somewhat address endogeneity issues. That is, one could reasonably expect LEAs with high raw levels of killing to seek more 1033 transfers. However, it should be harder (though not impossible) for LEAs to anticipate how their need to use violence will change from year to year. On top of that, we control for the average number of killings in the county in the regression using the change in killings dependent variable.

We constructed the variables using data from the Fatal Encounters (Burghart, 2015) database, which, drawing from other (incomplete) datasets, public record requests, and crowd-sourced reports, provides a more comprehensive list regarding police killings for selected states. When constructing the dataset, only data for Connecticut, Maine, Nevada, and New Hampshire were available, thus limiting the sample to all counties within these states.³

The explanatory variable of interest measures the total value of military surplus goods transferred to LEAs in a given county in the previous year (logged US\$). We believe that use of a lagged measure somewhat addresses endogeneity concerns since operational, organizational, and cultural shifts are expected to occur sometime after the materials arrive, and training has completed. We used the data from the 1033 dataset released by the *Washington Post* (<https://github.com/washingtonpost/data-1033-program>), which compiles raw data regarding 1033 transfers released by the US Department of Defense Logistics Agency in 2014. From 2006–2014, nearly 88% of the counties in our dataset received at least one 1033-transfer: the median county received goods valued at roughly \$50,000. Note that while our data contains information from 2006–2014, our use of a lagged independent variable eliminates the 2006 year from our empirical analysis ($n = 390$).

Figure 1 illustrates the relationship between 1033 transfers and counties that experienced at least one killing in Nevada in 2013.⁴ No LEA killings occurred in counties that did not receive military equipment. While suggestive, we next move to more rigorous statistical tests with controls to increase the credibility of our claims.

We include several variables that we expect to simultaneously correlate with military expenditures and police violence in order to avoid biased estimates. Based on other research we included median household income (e.g. Mitchell and Wood, 1998; US Census Bureau, 2016),⁵ population (e.g. Jacobs, 1998; US Census Bureau, 2016), black population (e.g. Ross, 2015; US Census Bureau, 2016), violent crime (e.g. Federal Bureau of Investigation, 2010; Jacobs, 1998), and civilian drug use (Balko, 2014; Substance

Abuse and Mental Health Services Administration, 2016) as controls.⁶ When using the number of observed killings as the dependent variable we also include a lagged dependent variable to control for autocorrelation (Beck and Katz, 1995). When the change in killings is used as the dependent variables, we include the mean number of killings in that county over the observed time period as a control. We provide descriptive statistics for all variables in Table A1 in the Online Appendix.

Empirical analysis

In order to test the proposed relationship between 1033 receipts and our dependent variables, we estimate two separate regressions on an unbalanced time-series cross-section data set from the years 2006 to 2014 with standard errors clustered on county.⁷ When we estimate the expected number of killings we utilize a negative binomial regression; when we estimate the change in police killings, we use ordinary least squares regression. Prior to estimation, we use the multiple imputation method recommended by King and Wittenberg (2000) to avoid potential bias introduced by dropping observations that contain missing data. The extent to which each variable is imputed is shown in Table A2 in the Online Appendix.

Results

The results, presented in Table 1, confirm our argument: the receipt of more military equipment increases both the expected number of civilians killed by police ($\beta = 0.055$; $p = 0.016$) and the change in civilian deaths ($\beta = 0.017$; $p = 0.082$). Given the difficulty of interpreting the substantive effect of a logged independent variable, we rely on the predicted value graph in Figures 2 and 3. As shown in Figure 2, receiving no military equipment corresponds with 0.287 expected civilian killings in a given county for a given year, whereas receiving the maximum amount corresponds with 0.656 killings. In other words, moving from the minimum to the maximum expenditure values, on average, increases civilian deaths by roughly 129%. As seen in Figure 3, counties that received no military equipment can expect to kill 0.068 fewer civilians, relative to the previous year, whereas those that received the maximum amount can expect to kill 0.188 more, holding all else constant.

Alternative dependent variable: dog casualties

While we believe that civilian casualty dependent variables provide the most direct test of our hypothesis, empirically establishing a causal relationship between killings and military transfers presents a challenge given the potential for endogeneity. Specifically, if LEAs anticipate future conflict with civilians (and they are correct) and thus seek more

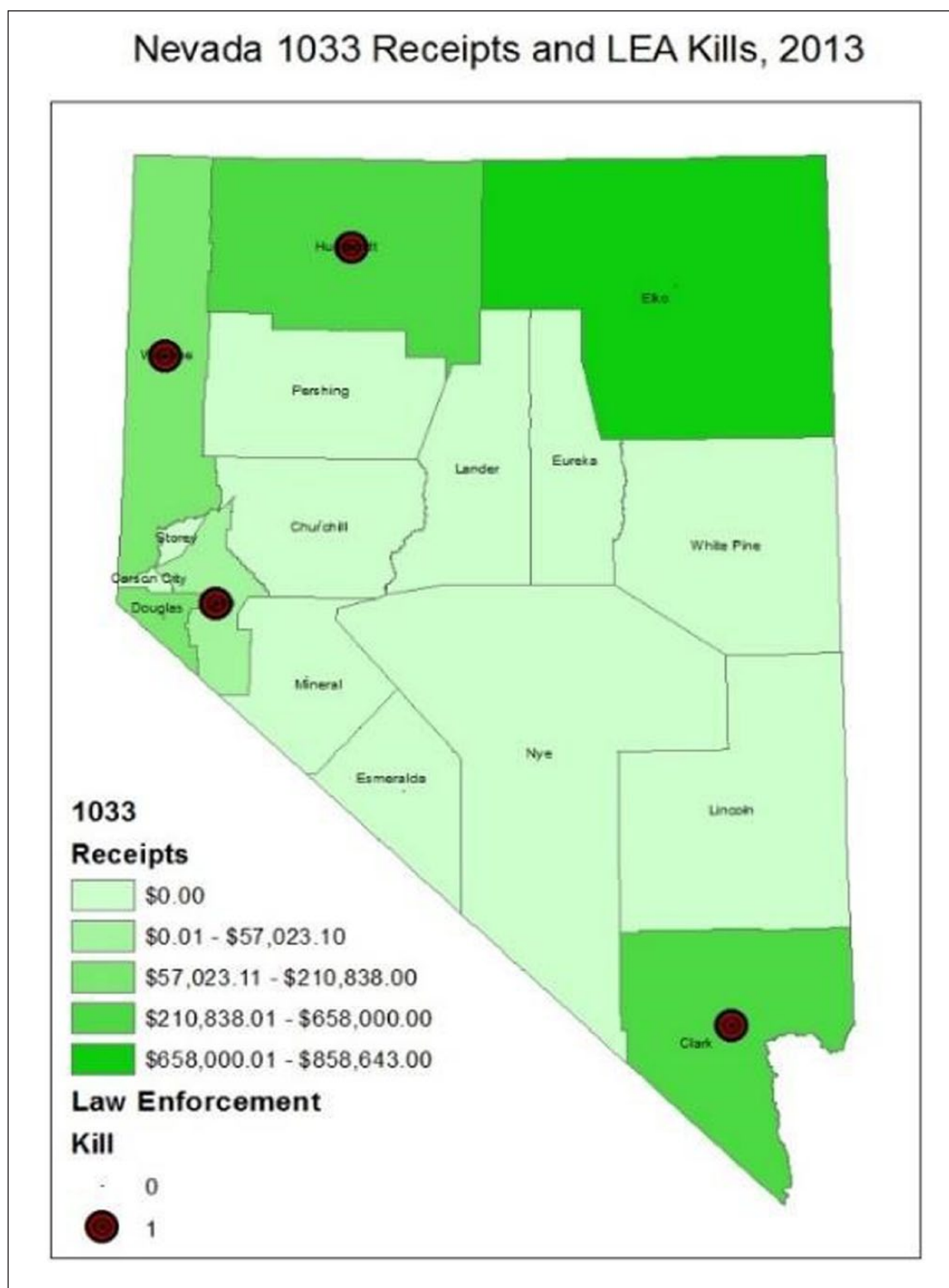


Figure 1. The relationship between 1033 transfers and law enforcement agency killings in Nevada counties in 2013. Map created in ArcMap 10.4 (Esri, 2016). Darker green counties received more military equipment. Those counties with a bullseye experienced at least one killing.

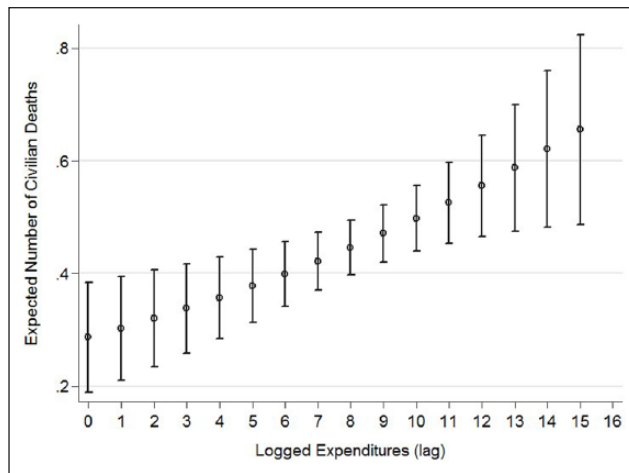
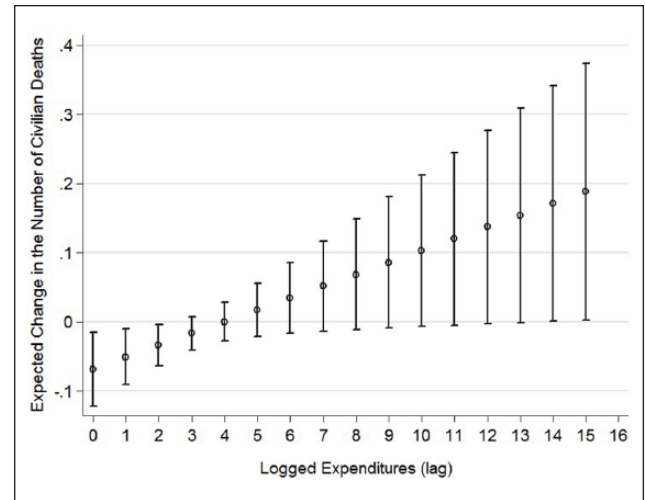
1033 transfers, then our estimates will be systematically biased. To account for this, we utilize an alternative dependent variable that should be independent of LEAs'

propensity to request and receive transfers: the number of dogs killed by police in a county for each included year (2006–2013). That is, we do not expect LEAs to consider

Table 1. Full regression results.

Variables	Civilian deaths	Change in civilian deaths
Expenditures (lag)	0.055** (0.023)	0.017* (0.01)
Civilian deaths (lag)	0.073* (0.04)	
Civilian death (mean)		-0.139* (0.054)
Violent crime	0.023 (0.044)	0.001 (0.056)
Civilian drug-use	-0.104 (0.094)	-0.06 (0.046)
Median income	-0.910* (0.549)	-0.006 (0.139)
Black population	-0.040 (0.162)	-0.023 (0.071)
Population	0.872** (0.339)	0.086 (0.132)
Constant	-0.387 (5.59)	-0.092 (1.921)
Observations	390	390

Note: clustered standard errors in parentheses: *** $p < 0.01$; ** $p < 0.05$; * $p < 0.1$.

**Figure 2.** Expected number of killings over the range of the explanatory variable with 90% confidence intervals. All other variables held at their means.**Figure 3.** Expected change in killings over the range of the explanatory variable with 90% confidence intervals. All other variables held at their means.**Table 2.** Negative binomial regression results using dog casualties as the dependent variable.

Variables	Dog casualties
Expenditures (lag)	0.162* (0.093)
Dog casualties (lag)	0.217* (0.33)
Violent crime	0.043 (0.095)
Civilian drug-use	0.105 (0.337)
Median income	-0.015 (1.659)
Black population	0.848 (0.643)
Population	-0.361 (1.197)
Constant	-8.488 (19.562)
Observations	389

Note: clustered standard errors in parentheses: *** $p < 0.01$; ** $p < 0.05$; * $p < 0.1$.

the number of pets they will encounter when applying for military equipment. These data are taken from the Puppycide Database Project (2016), a crowdsourced database that provides the first nationwide database to track police shooting of animals.⁸

To test the relationship between lagged transfers and dogs killed by police, we estimate a negative binomial regression, including the same controls as the previous regressions (as well as a lagged dependent variable). Results, presented in Table 2, confirm that a positive relationship exists. Holding all else constant, police that

received the highest 1033 transfers kill dogs at an order of magnitude higher rate than those with no transfers (0.161 compared with 0.009). Such findings strengthen our confidence in the claim that military transfers are related to LEA violence.

Conclusion

Political scientists possess theoretical and methodological tools to weigh into today's debates about police violence. This study answers the call for evidence-based policy

analysis by Representative Ratcliffe and others as they continue to debate the merits of the 1033 program (Murtha, 2016). We acknowledge that the present analysis is relatively preliminary. Due to notoriously unavailable data on police violence against the public, we present what we consider to be a best attempt at establishing the proposed relationship between military transfers and violence.⁹ Further, while no research method offers full certainty of a causal effect, we attempt to increase the plausibility of the claim that 1033 transfers lead to more police violence. We do so by measuring the transfers in the previous year, as well as by leveraging three different dependent variables. While the first dependent variable – civilian killings – represents the most direct measure to test the claim, using the next two dependent variables – change in civilian killings and dog killings – helped bypass endogeneity concerns to an extent. As more social scientists take up this sort of research, we expect replication and extension of these results in different jurisdictions with different methods.

As for policy, our results suggest that implementing the EO to recall military equipment should result in less violent behavior and subsequently, fewer killings by LEAs. Taken together with work that shows militarization actually leads to more violence *against* police (Carriere, 2016; Wickes, 2015), the present study suggests demilitarization may secure overall community safety. The EO represents one avenue of demilitarization. However, given Kraska's (2007) typology, other aspects of militarization may be targeted. For example, perhaps training can affect cultural or operational militarization leading to less violent outcomes. Future work should explore the relationship, though the highly-decentralized nature of US police institutions presents serious challenges to systematic cross-sectional study.

The scope of the present study allows us to derive expectations at the organizational level. However, a focus on micro-foundations may yield interesting insights. Our paper cannot shed light on the effect of the military equipment on an individual's thought process in the field. Though the quote above suggests some officers "just like to play war," others work to remind us "We're just not out there running around like Rambo" (Perez, quoted in Mendelson, 2016). Whereas our analyses shed light on average effects, studies focusing on the individual level may offer more nuanced understanding of how and when military equipment affects certain officers.

Declaration of conflicting interest

The authors declare that there is no conflict of interest.

Funding

Support also provided by the Department of Political Science, Florida State University and the School of Politics and Global Studies, Arizona State University.

Supplementary material

The supplementary files are available at <http://journals.sagepub.com/doi/suppl/10.1177/2053168017712885>.

Notes

1. Prohibited equipment includes tracked armored vehicles, bayonets, grenade launchers, large caliber weapons and ammunition (> 0.50 caliber). Controlled equipment (including wheeled armored or tactical vehicles, specialized firearms and ammunition, explosives and pyrotechnics, and riot equipment) may be acquired if the law enforcement agency provides additional information, certifications, and assurances.
2. Just weeks before, US Senator Patrick Toomey introduced a similar bill to the Senate called the "Lifesaving Gear for Police Act" (Toomey, 2016).
3. We chose these states due to data availability. We have no reason to believe that the data availability reflects systematic patterns that would affect our results. In fact, three of the states are from the same region (New England) and have very low crime rates. In this way, our sample represents a hard case. Although Nevada has high crime rates, the addition of a Nevada dummy does not substantively change the results (see Online Appendix, Table A3).
4. We chose Nevada due to the ease of seeing each county. We have no reason to believe that Nevada is a special case. In fact, adding a Nevada dummy does not substantively change the results (see Online Appendix, Table A3).
5. Citations after each control list a source for theoretical justification of the variable and a source of the data.
6. We log each of the listed controls except drug use to reduce skewness (Bland and Altman, 1997).
7. It is possible that that temporal dependencies also exist, which could potentially affect our standard errors. To account for this, we re-estimate all models including a dummy variable for each year (using 2007 as a reference category). The results are presented in Table A4 in the Online Appendix. As shown, the effect of military transfers holds across all regressions.
8. This database tracks all animals killed by police. In the county-years included in our analysis, only dog killings were observed.
9. Data limitations also preclude us from distinguishing between legitimate and illegitimate forms of violence.

Carnegie Corporation of New York Grant

This publication was made possible (in part) by a grant from Carnegie Corporation of New York. The statements made and views expressed are solely the responsibility of the author.

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Militarization fails to enhance police safety or reduce crime but may harm police reputation

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Edited by John Hagan, Northwestern University, Evanston, IL, and approved July 2, 2018 (received for review March 24, 2018)

The increasingly visible presence of heavily armed police units in American communities has stoked widespread concern over the militarization of local law enforcement. Advocates claim militarized policing protects officers and deters violent crime, while critics allege these tactics are targeted at racial minorities and erode trust in law enforcement. Using a rare geocoded census of SWAT team deployments from Maryland, I show that militarized police units are more often deployed in communities with large shares of African American residents, even after controlling for local crime rates. Further, using nationwide panel data on local police militarization, I demonstrate that militarized policing fails to enhance officer safety or reduce local crime. Finally, using survey experiments—one of which includes a large oversample of African American respondents—I show that seeing militarized police in news reports may diminish police reputation in the mass public. In the case of militarized policing, the results suggest that the often-cited trade-off between public safety and civil liberties is a false choice.

police militarization | public safety | crime | race and policing | bureaucratic reputation

As thousands marched in Ferguson, MO to protest the police shooting of Michael Brown in 2014, many Americans were surprised and alarmed by the character of law enforcement's response. For days, national news networks broadcast images of armored vehicles, snipers taking aim at unarmed Black and brown civilians, and officers clad in battle armor, deployed by state and local police agencies (1).

To some people, American police appeared to have suddenly transformed into a wartime occupying force. But to scholars of race and policing, and perhaps to many citizens of color, these images were less surprising. More than half a century earlier, James Baldwin described urban police as "occupying forces" in Black communities (2). And decades of research in the intervening years have documented the ways in which policing efforts like "stop and frisk" and the "war on drugs" have served to maintain race- and class-based social hierarchies (3–6). In part due to this history, critical race scholars have characterized police militarization as another means by which the state exercises social control over racial minorities (7).

But despite a prolonged and vigorous national debate, there is little systematic evidence demonstrating the consequences of militarized police tactics or whether they are more prevalent in communities of color. Because of heterogeneity in the way thousands of local law enforcement agencies in the United States document the presence and activities of their militarized units (if they document them at all), the study of police militarization has been hampered by data constraints (8, 9). In the absence of scientific analysis, the arguments of both advocates and critics are largely informed by anecdotal and journalistic accounts. Proponents argue that militarized police units enhance officer safety and deter violent crime (10), while critics allege that these tactics are disproportionately applied in the policing of racial minorities (11–13), potentially eroding the already-anemic levels of trust between citizens and law enforcement in highly policed

communities (14). The implications of police militarization for civil rights, public safety, and the exercise of state power depend crucially on the empirical validity of these claims.

This study leverages previously unavailable data to describe the communities affected by militarized policing and to estimate its effects on crime, officer safety, and public perceptions of police. I first use a rare census of "special weapons and tactics" (SWAT) team deployments in Maryland to characterize the ways in which militarized police units are used and the characteristics of the communities in which they deploy. I show that militarized police units are more often deployed in communities with high concentrations of African Americans, a relationship that holds at multiple levels of geography and even after controlling for social indicators including crime rates. I then use an original nationwide panel measuring the presence of active SWAT teams in roughly 9,000 US law enforcement agencies, as well as the Maryland SWAT deployment data, to test whether militarized policing lowers crime rates and promotes officer safety. Using within-agency comparisons that greatly mitigate concerns over omitted variable bias, I find no evidence that obtaining or deploying a SWAT team reduces local crime rates or lowers the rates at which officers are killed or assaulted.

Finally, using survey experiments that randomly assign images of police officers in news reports, I show that seeing more militarized officers—relative to traditionally equipped police—can inflate perceptions of crime and depress support for police

Significance

National debates over heavy-handed police tactics, including so-called "militarized" policing, are often framed as a trade-off between civil liberties and public safety, but the costs and benefits of controversial police practices remain unclear due to data limitations. Using an array of administrative data sources and original experiments I show that militarized "special weapons and tactics" (SWAT) teams are more often deployed in communities of color, and—contrary to claims by police administrators—provide no detectable benefits in terms of officer safety or violent crime reduction, on average. However, survey experiments suggest that seeing militarized police in news reports erodes opinion toward law enforcement. Taken together, these findings suggest that curtailing militarized policing may be in the interest of both police and citizens.

Author contributions: J.M. designed research, performed research, analyzed data, and wrote the paper.

The author declares no conflict of interest.

This article is a PNAS Direct Submission.

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Data deposition: All replication materials have been deposited in Harvard Dataverse (<https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/VYPUCV>).

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This article contains supporting information online at www.pnas.org/lookup/suppl/doi:10.1073/pnas.1805161115/-DCSupplemental.

Published online August 20, 2018.

funding and presence. This analysis includes a large oversample of African American respondents—an important feature given the high rate at which militarized police units deploy in Black neighborhoods.

On average, militarized police units do not appear to provide the safety benefits that many police administrators claim. And police may suffer reputational damage when they deploy militarized units. These results suggest that the often-cited trade-off between public safety and civil liberties is, in the case of militarized policing, a false choice.

Defining Police Militarization

Police militarization is a continuum defined by a combination of equipment, tactics, and culture that centers on violent conflict (7, 15, 16). In recent decades, local police agencies have militarized their departments to varying degrees, adopting weapons, attire, tactics, and organizational structures developed for theaters of war. The proliferation of militarized policing is due in part to an expansion of the war on drugs and federal initiatives that supplied localities with excess military equipment and funds to purchase arms (17, 18). Heterogeneity in agency capacity makes it difficult to precisely code police agencies as “militarized” or not. Recently publicized data on military gear disbursements have been used in some studies to estimate the effects of militarization on police violence, crime, and officer safety (19–21). But these data convey only the receipt of equipment from one of several programs that help supply agencies with militarized gear (22). The data also appear incomplete (see *SI Appendix, section 1A* for details).

As an alternative approach, this paper analyzes the effects of a substantively important threshold on the militarization continuum: the use of SWAT teams. Both popular and scholarly debates over police militarization have focused on the activities of SWAT teams, their pronounced role in conducting the drug war (17), and their high-profile crowd-control efforts (23). SWAT teams often receive advanced combat training and exhibit a command structure modeled on military special forces units (15). In general the formation of a SWAT team represents a heightened commitment to the use of militarized equipment and tactics.

While it is plausible that SWAT deployments deter violent crime—and, in turn, improve officer safety—previous research on other heavy-handed tactics, including some that were much more widely applied such as stop and frisk, has found little evidence of resulting crime reductions (24–26). It is therefore crucial to empirically evaluate the assumed benefits of militarized policing.

Data and Methods

To characterize where and why SWAT teams deploy, I obtained data on every SWAT deployment in the state of Maryland over a 5-y period via a public records request. These data exist because of an unusual statute requiring every Maryland agency to uniformly record all SWAT activity. Because the statute has since sunset, the data represent a rare, complete accounting of militarized police units’ activities and contain the date, postal zip code, and agency of each SWAT deployment between FY2010 and FY2014, as well as the reasons for and outcomes of each deployment ($n \approx 8,200$ deployments).

To estimate the effects of police militarization on crime and officer safety, I use a nationwide panel measuring the presence of active SWAT teams. I generated the national panel by merging (27) three waves of the federal Census of State and Local Law Enforcement Agencies (CSLLEA) surveys—which measure whether agencies supply SWAT services—with FBI data on violent crimes and the FBI’s Law Enforcement Officers Killed and Assaulted (LEOKA) database. The resulting

panel includes roughly 9,000 agencies, each observed in 2000, 2004, and 2008. About 29% of agencies vary on SWAT status during this period (*SI Appendix, Table S2*). I then use an agency-month panel in Maryland to test whether the increased deployment of SWAT teams affects crime and officer safety outcomes.

To estimate the effects of militarized policing on public perceptions of law enforcement, I conducted two survey experiments: one using a convenience sample from Amazon’s Mechanical Turk ($n = 1,566$) and one conducted by Survey Sampling International (SSI) ($n = 4,465$). (Survey experiments were approved by Stanford University’s Institutional Review Board, protocol no. 32534. All respondents supplied informed consent.) These experiments provided brief news articles accompanied by a randomly assigned image that conveyed different levels of militarization, allowing for an estimate of the causal effect of seeing militarized police on attitudes toward law enforcement relative to seeing more traditionally equipped police forces. Because of the prevalence of SWAT deployments in Black communities, the SSI data include an oversample of roughly 1,850 African Americans to test whether treatment effects varied with respondent race.

Where and Why SWAT Teams Deploy

The rare census of SWAT activity available in Maryland offers a valuable opportunity to study the stated reasons for, and geographic correlates of, militarized policing. Maryland also exhibits large variation in the racial composition of localities [e.g., the percentage of Blacks in zip-code tabulation areas (ZCTAs) ranges from 0% to more than 95%], allowing for an evaluation of the relationship between militarized tactics and neighborhood racial composition with minimal extrapolation.

Before examining that relationship, Table 1, generated using the pooled Maryland SWAT census, first displays the reasons SWAT teams are deployed. Table 1 shows that roughly 90% of SWAT deployments in that state over 5 fiscal years were conducted to serve search warrants. Previous work has shown that the use of SWAT teams to serve warrants, a practice which escalated as a result of the war on drugs (17), is an extremely disruptive event in the lives of citizens and often involves percussive grenades, battering rams, substantial property damage, and in rare cases deadly altercations stemming from citizens’ mistaken belief that they are experiencing a home invasion (28, 29). Table 1 also shows that less than 5% of deployments involved a “barricade” scenario, which typically involves an armed suspect refusing to surrender to police. Violence to people and animals is rare, and gun shots are fired 1.2% of the time—roughly 100 deployments during this period. While the data suggest that indiscriminate violence is less common than some anecdotal reports suggest, they also show that the vast majority of SWAT deployments occur in connection with nonemergency scenarios, predominately to serve search warrants.

Table 1. SWAT deployments, Maryland FY2010–2014

Reason, legal authority	%	Outcome	%
Search warrant	91.06	Property taken	84.38
Barricade	4.92	Forcible entry	68.36
Other	2.67	Arrest	63.69
Arrest warrant	0.89	Shot fired	1.20
Exigent circumstances	0.45	Person injured	1.15
		Officer injured	0.42
		Animal killed	0.17
		Animal injured	0.12
		Person killed	0.11

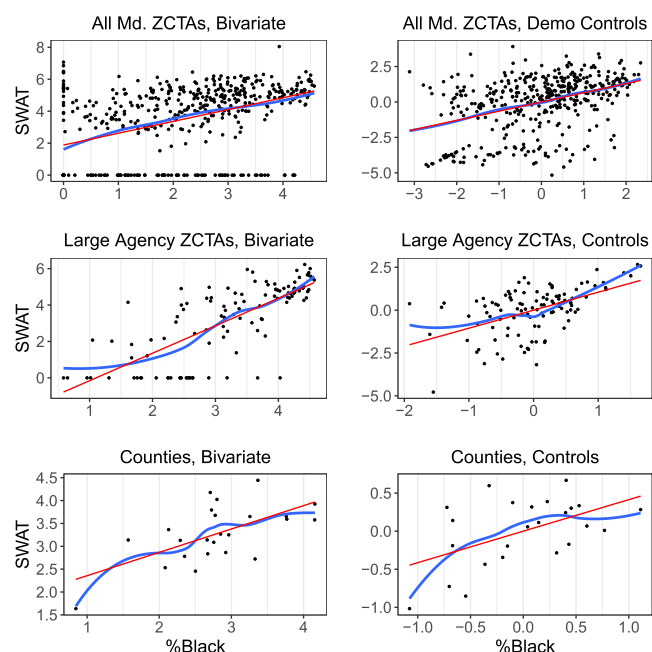


Fig. 1. SWAT deployments are more frequent in areas with high concentrations of African Americans. (*Top row*) Maryland ZCTAs. (*Middle row*) ZCTAs from three large Maryland agencies. (*Bottom row*) Maryland counties. *Left column* shows bivariate relationships. *Right column* controls for social indicators in corresponding geographic unit. Locally weighted and linear regression fits are shown. Variables are plotted on log scales.

Critics allege that militarized tactics are more often applied in communities of color, a pattern that would be in line with decades of evidence indicating disparate treatment of racial minorities by police (4, 6, 30). To test this claim, Fig. 1 shows the relationship between the percentage of Black residents in a geographic unit and the volume of SWAT deployments per 100,000 residents in that unit during FY2010–2014, both logged. Fig. 1, *Top Left* and *Top Right* is generated using ZCTAs in Maryland and shows a strong positive correlation, even after controlling for local unemployment, education, and household income levels (Fig. 1, *Top Right*). Fig. 1, *Middle Left* and *Middle Right* is generated using data from three large agencies—the Baltimore City Police Department and the Prince George’s County and Montgomery County Police Departments—which publish incident-level crime data that can be mapped to ZCTAs. Even after controlling for the aforementioned social indicators and local crime rates (Fig. 1, *Middle Right*), the percentage of Blacks still strongly predicts the volume of SWAT activity in a ZCTA. The slope in Fig. 1, *Middle Right* ($\beta = 1.05$, $P < 0.001$; *SI Appendix, Tables S8 and S9*) implies that a 10% increase in the percentage of Blacks in a ZCTA is associated with a 10.53% increase in SWAT deployments per 100,000 residents during this period. Fig. 1, *Bottom Left* and *Bottom Right* shows a similar pattern at the county level, although the slope is not statistically significant in the county model with controls. This analysis comes from only one state, so caution is warranted when generalizing beyond Maryland. We also cannot confidently infer a causal relationship from these cross-sectional comparisons. However, these results are consistent with the descriptive claim that Black residents face a pronounced risk of experiencing militarized policing.

Effects on Crime and Officer Safety

Proponents claim that militarized tactics deter violent crime and protect police (10). To test these claims, I use a nationwide panel

to estimate the effects of acquiring a SWAT team on violent crime and officer fatalities and assaults and an agency-month panel in Maryland to test whether the increased deployment of SWAT teams affects these outcomes. I focus on violent crime because of the asserted link between militarized policing and public safety. To gauge robustness, I estimate two models per outcome: a generalized difference-in-differences (DID) estimator containing agency and time period fixed effects and a second model including fixed effects but also allowing each agency to trend uniquely over time. By comparing agencies to themselves over time, both approaches greatly mitigate concerns over omitted variable bias that plague cross-sectional comparisons (31). All outcomes are logged to reduce the influence of extreme values (see *SI Appendix, sections 2–4* for alternative specifications).

Fig. 2 displays estimates of the effect of obtaining a SWAT team on violent crime and officer safety measures. The top coefficient implies a statistically significant 6.5% increase in within-agency violent crimes, on average. This result is consistent with anecdotal evidence of suspects reacting violently to SWAT teams (29) or with militarized policing lowering trust in police, thereby hindering criminal investigations and promoting crime (14). However, once we allow agencies to trend differentially over time, the effect shrinks to a statistically insignificant 4.3%. Estimates for officer deaths, both accidental and felonious, are precise and near zero, partly because they are so rare (i.e., there is little variation in these outcomes to explain). Estimates for assaults are noisier, and one shows a statistically significant 3.2% increase in noninjurious assaults, although this result misses statistical significance in the time trends specification. In sum, estimated effects are generally positive and often indistinguishable from zero, and there is no evidence that acquiring a SWAT team lowers crime or promotes officer safety.

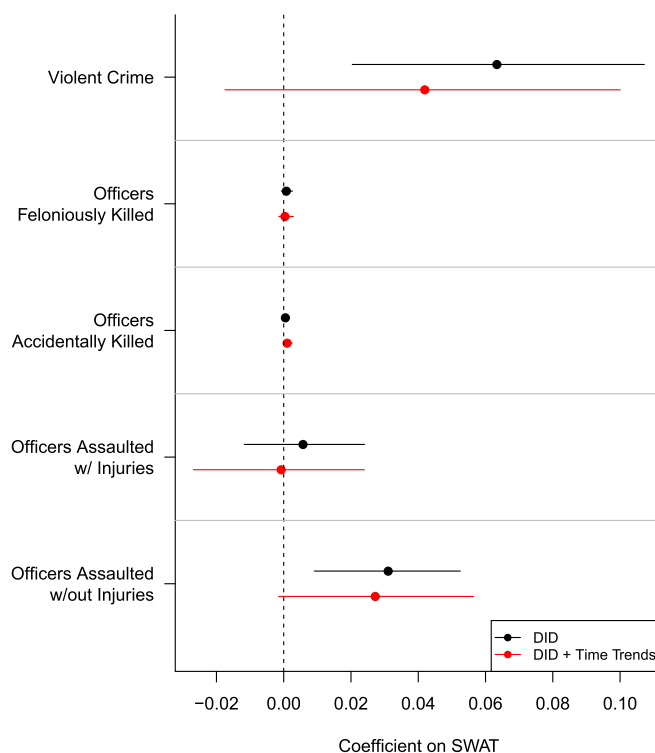


Fig. 2. Obtaining a SWAT team does not reduce crime or improve officer safety. Shown are coefficients from regressions estimating the effect of obtaining a SWAT team on crime and officer safety. Outcomes are logged. Bars are 95% confidence intervals.

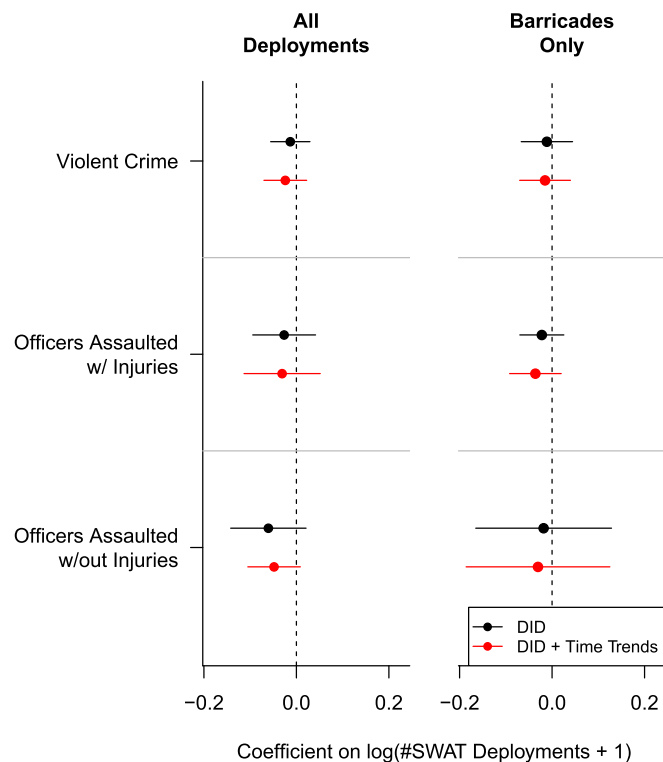


Fig. 3. SWAT team deployments exert no detectable effects on crime or officer safety. Shown are coefficients on $\log(\#SWAT\ Deployments + 1)$ from panel regressions using data from Maryland, FY2010–2014. All outcomes are logged. Bars are 95% confidence intervals.

Fig. 3 displays the effects of increased SWAT deployments in Maryland on crime and officer safety. Fig. 3, *Left* shows results from models using all deployments, summed within agency months and logged, while Fig. 3, *Right* uses deployments only for barricade situations to test whether using SWAT in emergencies might be especially effective. (I thank an anonymous reviewer for this suggestion.) (Officer fatalities are omitted as an outcome here because they almost never occur in these data; *SI Appendix, Table S7*.) As Fig. 3 shows, point estimates are negative but near zero, none are statistically significant, and all estimates imply a 10% increase in deployments exerts changes smaller than 1% in all outcomes. Some small declines in officer assaults are detectable if the data are weighted by agency size (*SI Appendix, Table S35*), suggesting the Maryland results are more sensitive to model specification than the national analysis which makes it difficult to draw firm conclusions. Using the available data, the benefits of increased deployments appear to be either small or nonexistent.

The adoption and deployment of SWAT teams is not randomly assigned, and we should therefore make causal interpretations with some caution (see *SI Appendix, section 2B*, for placebo tests assessing the risk of endogeneity). The Maryland results may also not generalize to other states. But the lack of any robust association between militarized policing and public and officer safety shown here calls the validity of these claimed benefits into question.

Effects on Police Reputation

I conducted two survey experiments to estimate effects on public perceptions of police, the first one via Amazon's Mechanical Turk (M-Turk) and the second one via SSI. Respondents read a mock news article concerning an unnamed police chief seeking a budget increase. Text remained constant while the accompanying

image randomly varied across respondents (Fig. 4). Images were randomly assigned within racial groups of respondents in the second survey (which contained an oversample of African American respondents), with equal probability. The control image (Fig. 4A) featured five male, traditionally uniformed officers (e.g., blue uniforms, brimmed caps, and standard side arms). The “low” militarization conditions (Fig. 4B and Fig. 4C) showed five male officers with “riot gear” and batons or with body armor and assault rifles. The “high” militarization condition (Fig. 4D) added an armored vehicle. (Because it elicited very similar treatment effects to the other low militarization image in Fig. 4C, the Fig. 4B image was dropped from the SSI survey to enhance statistical power.)

In each case, the caption beneath the photo read, “Above: Five city police officers stand guard during a local protest.” All images were tightly cropped to ensure that any differences in responses were due to the appearance of police officers and not the surrounding area in which they were deployed. Following the article, respondents answered questions measuring perceived crime levels, support for police spending, and confidence in police. All images and text were borrowed or adapted from real online news content (32–36).

Experimental Results. Fig. 5 shows average differences in responses between each treatment condition and the control condition in the unweighted samples. All outcomes were rescaled to range from 0 to 100 so effects can be interpreted as percentage-point increases on each outcome's respective scale. Militarized images in the M-Turk survey caused clear increases between roughly 8 points and 15 points in perceived levels of crime in the vignette city. The high militarization condition in the SSI survey caused a statistically significant 2.2-point increase in the perceived level of crime in the vignette city and, strikingly, a 3.2-point drop in respondents' desire for more police patrols in their own neighborhoods.

The high militarization treatment also caused support for police funding in the United States to fall by roughly four points in the M-Turk survey and two points in the SSI survey. Support



Fig. 4. Experimental manipulation [from Top Left (A) to Bottom Right (D)]. Reprinted with permission from Reuters Pictures/Jessica Rinaldi, Shutterstock/JPL Designs, Associated Press/Jeff Roberson, and The New York Times/Redux Pictures/Whitney Curtis.

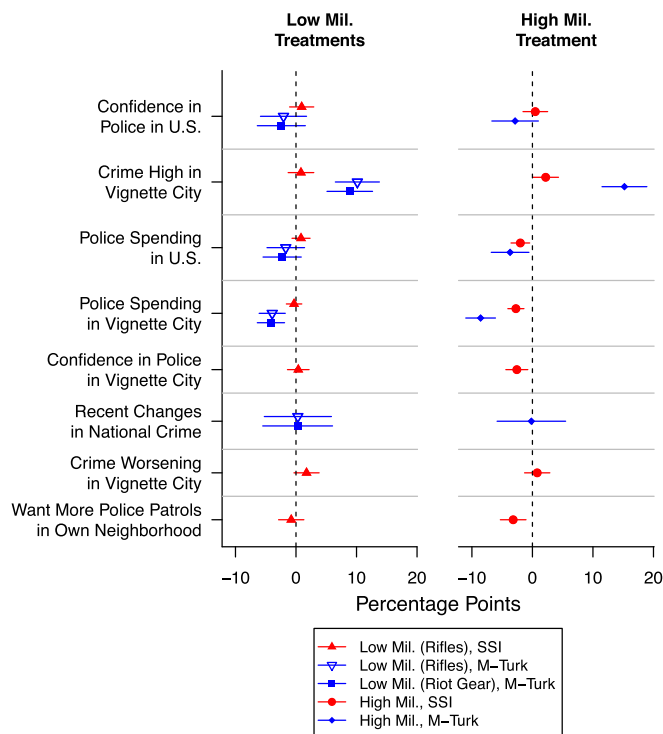


Fig. 5. Survey experimental results: seeing militarized police may tarnish police reputation. Shown are effects of militarized images in M-Turk (blue) and SSI (red) surveys. Bars are 95% confidence intervals.

for funding the department in the news article also fell. A close reading and text analysis of open-ended responses suggest that treated respondents were less supportive of police funding because militarized equipment gave the impression that the agency was already well funded (see *SI Appendix*, Fig. S10 and discussion in *SI Appendix*, section 2E).

Effects on confidence in police in the United States are generally negative but not statistically significant, although the high militarization treatment in the SSI survey did lower confidence in the police portrayed in the experimental vignette, suggesting some of militarized images' effects may be confined to the agency in question and not law enforcement at large. The effects of the high militarization treatment are also substantially smaller in the SSI sample, and the low militarization treatment effects from the M-Turk sample did not replicate, so we should be cautious about endorsing the large effect sizes from the M-Turk survey. Despite these limitations, the SSI results generally replicate the M-Turk results in terms of direction, and all effects appear after only a single brief exposure to militarized images. Repeated exposure to similar news items over time could help to cement negative views of law enforcement in the mass public.

Effects by Race of Respondent. Fig. 6 shows treatment effects in the SSI survey estimated on non-Hispanic white and African American respondents (with respondent race/ethnicity measured via self-reports) separately, as well as the difference in effects. In some cases the group effects have opposite signs, such as the effects of high militarization on perceived crime in the vignette city, but this difference is not statistically significant. In general, these results reveal little evidence of heterogeneous responses. Larger samples may allow for the detection of disparate effects, but the small point estimates in Fig. 6 suggest that any differences in effects are likely to be small in magnitude.

This relatively uniform pattern of response is surprising given extensive prior work indicating disparate treatment of Black

Americans by police and depressed levels of trust in police in communities of color. Indeed, in the control condition in the SSI data, when asked how much confidence they had in police in the United States, the mean response among Black participants was 21 percentage points lower than among white respondents ($P < 0.001$). Why then, do we observe such similar effects among the two groups? One explanation is that different mechanisms are operating within each group to produce effects of similar magnitude. For example, white respondents may react negatively to militarized images because they clash with their baseline perception of law enforcement, while Black residents may react negatively because they conjure memories of discrimination. These results are also consistent with previous work showing that perceived discrimination is not well predicted by the increased probability of exposure to racial hostility (37). Adjudicating between these explanations is beyond the scope of this study. But what we learn from the present analysis is that militarized policing can impose reputational costs on law enforcement, likely in unintended ways. This is troubling, since prior work shows that negative views of police inhibit criminal investigations and are associated with stunted civic participation (38).

Discussion and Conclusion

Aggressive policing strategies have historically been disproportionately applied to citizens of color in ways that serve to preserve race- and class-based social hierarchies (3). The normalization of militarized policing in the United States (15, 16) has raised concerns that a new, heavy-handed policing strategy is being used in similar ways and is eroding public opinion toward law enforcement, but law enforcement administrators defend the tactics claiming they can deter violent crime and protect police. This study marshals an array of data sources and analytical techniques to systematically evaluate these claims.

Consistent with anecdotal evidence (11), militarized police units are more often deployed in areas with high concentrations of African Americans, even after adjusting for local crime rates

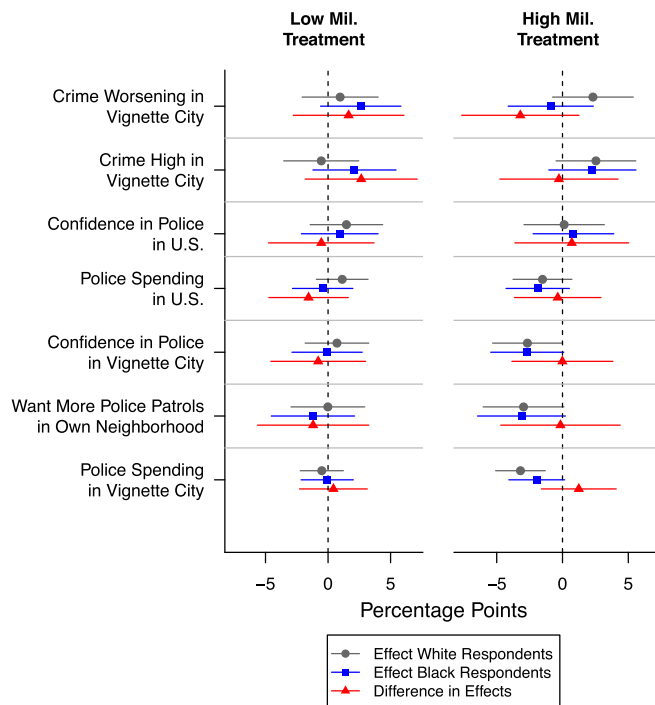


Fig. 6. No heterogeneous effects by race of respondent. Bars are 95% confidence intervals.

and other community traits. But I find no firm evidence that SWAT teams lower an agency's violent crime rate or the rates at which officers are killed or assaulted. Using survey experiments, I show that citizens react negatively to the appearance of militarized police units in news reports and become less willing to fund police agencies and less supportive of having police patrols in their own neighborhoods.

Given the concentration of deployments in communities of color, where trust in law enforcement and government at large is already depressed (14, 38), the routine use of militarized police tactics by local agencies threatens to increase the historic tensions between marginalized groups and the state with

no detectable public safety benefit. While SWAT teams arguably remain a necessary tool for violent emergency situations, restricting their use to those rare events may improve perceptions of police with little or no safety loss.

ACKNOWLEDGMENTS. I thank Justin Grimmer, Alexandra Blackman, Courtenay Conrad, Ted Enamorado, Andrew Guess, Jens Hainmueller, Andrew Hall, Dorothy Kronick, Amy Lerman, Neil Malhotra, Steve Mello, Tali Mendelberg, Naomi Murukawa, Terry Moe, Erik Peterson, Jonathan Rodden, Gary Segura, Mike Tomz, Sean Westwood, Vesla Weaver, Lauren Wright, and Yiqing Xu for their guidance throughout this project. I thank Helene Wood, Madeleine Marr, and Grace Masback for research assistance. This work was funded by Stanford University, Princeton University, and National Science Foundation Grant 15-571.

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TRENDS: Police Militarization and the Use of Lethal Force

Political Research Quarterly
2019, Vol. 72(1) 177–189
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DOI: 10.1177/1065912918784209
journals.sagepub.com/home/prq



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Abstract

In recent years, the killing of suspects by police and the “militarization” of police have drawn considerable public attention, but there is little analysis of a relationship between the two. In this article, I investigate the possibility that such militarization may lead to an increase in suspect deaths using data on police receipt of surplus military equipment to measure militarization and a newly created database on suspect deaths in all fifty states quarterly from the fourth quarter of 2014 through the fourth quarter of 2016. The data consist of more than eleven thousand agency-quarter observations. I find a positive and significant association between militarization and the number of suspects killed, controlling for several other possible explanations.

Keywords

police militarization, policing, law enforcement, lethal force, bureaucratic discretion

On August 9, 2014, a Ferguson, Missouri, police officer shot and killed eighteen-year-old Michael Brown after an encounter, the details of which are still largely unclear. The incident ignited a national debate about police practices in the United States that continues today. The aftermath raised more questions about recent trends in policing, when police officers met protesters dressed in tactical riot gear, wielding automatic weapons, grenade launchers, and tear gas, and confronting them with military-style armored vehicles (Rahall 2015). This incident brought attention to and raised questions about what is sometimes called the “militarization” of police departments in the United States, as well as a possible connection between militarization and the use of lethal violence against suspects. In this paper, I examine the relationship between militarization and the use of lethal force.

How police interact with the public is an important question in a democracy, as the police are the embodiment of the state’s power to deprive citizens of rights—up to and including the right to life. Thus far, despite increasing attention toward the use of lethal force by police (“Don’t Shoot” 2014), there is little research among scholars of political science and public administration on policing (though this trend seems to be changing; see Delehanty et al. 2017; Jennings and Rubado 2017; Nicholson-Crotty, Nicholson-Crotty, and Fernandez 2017; Rivera and Ward 2017) or to determine the effects of militarization on police behavior. There is little empirical evidence to inform the contentious public debate about the behavior of police and the use of lethal force against suspects in situations where such force may not

have been necessary. On one side, leaders and representatives of law enforcement claim that the use of lethal force against a suspect is a rare occurrence (Garner et al. 1996), though sometimes unfortunately necessary, and media attention alone is responsible for the perception of excessive use of lethal force. Others have drawn a link between the militarization of police departments and civilian deaths. According to a Washington Post database, police killed 995 people in 2015, 963 in 2016, and 987 in 2017 (Kindy et al. 2015). Although there is only little apparent fluctuation from year to year, there may be characteristics of police departments—such as militarization—that can predict a higher number of deaths within their jurisdiction.

I construct a theoretical argument rooted in classic political science and public administration research on street-level bureaucrats (Wilson 1989) and bureaucratic discretion (Brehm and Gates 1999). I argue that police have a great deal of discretion in deciding how to handle situations they encounter, and militarization affects the decision making of police by moving their preferences toward more violent responses to suspects. Using data on the acquisition of military equipment police departments received through the 1033 military surplus program, which I acquired through a Freedom of Information Act

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request to the Defense Logistics Agency (DLA), and a new database on police killings of suspects in the United States, I demonstrate an apparent positive and statistically significant association between militarization and the use of lethal force. To be clear, however, my argument is not that the acquisition of military hardware causes militarization or an increase in lethal force by itself. Militarization is a psychological state, for which 1033 equipment transfers are a proxy measure due to the difficulty in capturing a police department's collective mentality. The 1033 transfers may cause militarization, militarization may cause an increase in 1033 transfers, or there may be some alternative variable that causes increases in both. I argue simply that there is an association between the use of the 1033 program and militarization that makes the former a reasonable proxy variable for the latter. If this theory is correct, then more suspect deaths are a consequence of increased militarization.

This paper makes three important contributions. First, my findings provide empirical evidence to the debate on police militarization. Specifically, I find a positive association between increasing militarization and the frequency of the use of lethal force against suspects. Second, introducing literature on bureaucratic behavior provides a link between police departments as organizations and police officers as individual, street-level actors, whereas prior work on police use of force focuses primarily on either individual officers (Alpert and Dunham 2004) or specific subsets of officers attached to elite units (Kraska and Kappeler 1997). This paper provides a theory and empirical measure of militarization that applies to police departments as a whole but also provides for differing behavior among individual officers. Third, I conduct what appears to be the first national, large-*N* study of how militarization relates to the use of lethal force, using previously unavailable data to capture the concept of militarization.¹

The next section discusses the processes through which police departments may become militarized. Next, I discuss the possible connection between militarization and the use of lethal force. I describe my data and methods after that. Then I describe the results. Finally, the conclusion offers some possible policy recommendations and avenues for future work.

The Militarization of Police

The consensus is that over the second half of the twentieth century, police departments became more militarized (Meeks 2006). Kraska (2007) defines militarism generally as beliefs and values that emphasize the threat and use of force to solve problems. He defines militarization as the implementation of a militaristic ideology. However, the militarization of police departments goes well beyond

a simple change in ideology to organizational and psychological changes in departments and police officers. There are two potential mechanisms through which police may become militarized.

The first mechanism is hierarchical, encouraged by the language used by elected officials when discussing matters of law enforcement and cues from leaders within law enforcement agencies. The use of warlike rhetoric can have strong impacts on public attitudes and behaviors (Boggs 2005), and police are not immune to these effects. In the second half of the twentieth century and the beginning of the twenty-first, the United States launched two major law-enforcement-related efforts: one to eliminate drugs and the other terrorism. American political leaders call both of these efforts wars and required the participation of both the military and law enforcement in carrying out these wars. For example, President George H. W. Bush called for law enforcement to fight the drug war house by house, neighborhood by neighborhood (Meeks 2006). As drugs became more prevalent in communities, the military mind-set combined with antidrug, and more generally the anticrime political rhetoric that referred to war.

Another part of the hierarchical mechanism may be cues from police agencies themselves. Police culture appears to be the primary method of organizational control of police officers (Worden 2015). Research on the use of force by police find that officers adjust their behavior according to what agency leaders consider to be appropriate (Alpert and Dunham 2004). Similar to other organizations, officers adapt to their roles and behave according to rules within the organization, whether formal or informal (March 1994). They make decisions based on the cues they receive from police leaders and the socialization they receive from more veteran officers. Over time, new officers adopt the perspectives and preferences of the organization. Police training that emphasized the role of police officers as warriors (Stoughton 2014, 2016) could have led to police officers seeing the communities they served as enemy territory for them to occupy and control. Police leaders see the role of their agency as one of fighting against crime, drugs, and other undesirable elements rather than one of partnership with the community. The emphasis on the warrior mind-set moves from leadership to mid-level supervisors to rank-and-file officers through the training and socialization process. If a police department's leadership is militarized, the perspectives of the officers—and their behavior—will change to match.

The second mechanism is operational, which has at least two primary components. The first is direct cooperation between the military and police forces. Traditionally, the role of the military was to provide security from external threats while civilian police protected internal security through the enforcement of laws (Kraska 2007).

Kraska (2007) also notes the erosion of the 1878 Posse Comitatus Act, which established a clear separation between the military and domestic law enforcement, leading to more involvement between the military and police in internal matters. This involvement includes cross-training, cooperation in antidrug and antiterrorism activities, and sharing technology, weapons, and information (Kraska 2007; Kraska and Kappeler 1997; Meeks 2006). One example of this cooperation is the federal 1033 program, which provides surplus military equipment to law enforcement agencies. I use this program as a measure of a police department's militarization, which I discuss below. Through cooperation and intermingling, law enforcement may pick up the mind-set of the military—that of a force intended to use lethal violence against an enemy as its primary function. Alternatively, police recruitment practices that involve a preference for former members of the military for hiring as new officers could have a similar effect. In either case, or both, police become militarized by adopting the same perspectives as the military, where suspects become enemies that must be violently defeated and communities become foreign territories to occupy and subdue.

The second component of the operational mechanism is the creation and expansion of elite police units modeled on military special operations forces. Alongside the wars on drugs and terror, and the new access to military training and equipment, police created special units referred to variously as Special Response Teams (SRTs), Police Paramilitary Units (PPUs), or Special Weapons and Tactics (SWAT) teams. Police departments see these teams as elite, military-style special operations units trained as use-of-force specialists (Kraska and Cubellis 1997). Although few officers receive the training, equipment, and experience that goes with being a member of these teams, such training and experience—which involves more emphasis on the use of force—can cross over to officers who do not directly receive such training because the members of these specialized teams perform the same duties as other officers when not called to a SWAT-related action. Comparison of the use of lethal force between SWAT and non-SWAT officers shows little difference (Williams and Westall 2003).

Kraska and Kappeler (1997) and Kraska and Cubellis (1997) document the sharp increase in the number of these units around the country. In addition to the number of these units, there has also been an increase in their frequency and purpose of use. Originally intended for use in rare situations that involved hostages or barricaded suspects (Kraska and Kappeler 1997), they began to participate in more routine activities such as patrolling and serving search warrants (Kraska and Cubellis 1997). Deployments of these teams increased more than 1400 percent since the 1980s (Rahall 2015).

These mechanisms—operational and hierarchical—represent a trend toward increasing militarization of law enforcement. Officers become militarized by exposure to both mechanisms. New officers develop militarized attitudes by self-selection of potential officers who already share these attitudes (Oberfield 2011); by professional socialization with other, more tenured officers (Alpert and Dunham 2004; Worden 2015); and by leadership-driven culture that emphasizes the role of police officers as warriors (Stoughton 2014). In other words, both prior ideals about policing acquired before entry into the police and early socialization with veteran officers and leaders after entry influence the psychology of police officers. In the following section, I explain how police militarization interacts with the discretion police enjoy as street-level bureaucrats to lead to more frequent use of lethal force.

Police Militarization and Using Lethal Force

A considerable literature exists on street-level bureaucrats, beginning perhaps with the initial publishing of Lipsky (1980). Street-level bureaucrats are those employees of government agencies who deal directly with the public. They are social service caseworkers, clerks at the Department of Motor Vehicles, health and safety inspectors, and so on. The central characteristic of these employees is that they engage in regular, face-to-face interaction with clients (Maynard-Moody and Musheno 2003). They also typically have significant discretion when making decisions (Wilson 1989) but take cues on how to make decisions from agency goals (Keiser 2010) and organization (Wilson 1989). Street-level bureaucrats must address interactions with citizens individually, but they also must apply policies based on routines and simplifications passed down through the organizational hierarchy (Lipsky 1980).

Police officers are a special type of street-level bureaucrat (Brehm and Gates 1999) charged with maintaining public order and apprehending those who disrupt that order. Police interact directly with citizens and typically work without direct supervision, which grants significant discretion (Lipsky 1980) and power (Oberfield 2011). Officers often must make life or death decisions in stressful situations (Wilson 1989), and discretion allows them the flexibility to choose the response they feel is most appropriate (Nowacki 2015).

These stressful situations include determining when and whether to use lethal force against a suspect. There is little evidence to suggest that police department policies are effective in restricting the use of lethal force (Nowacki 2015) and little likelihood of legal punishment for using lethal force inappropriately (Skolnick 2002). Police officers also have little reason to worry that supervisors will

review their responses to routine situations frequently (Wilson 1989). This suggests that determining how to react to a given situation is largely up to the individual, based on their appraisal of the situation, their psychological state, and the cues they receive from the department itself.

That is a great deal of power for many types of government employees. But for a police officer, whose job may include the state-sanctioned use of violence, up to and including lethal force, against suspects, it is tremendous. Force is a key element of the power of police (Oberfield 2011), and citizens have little means with which to hold police officers accountable for their actions, especially because many of the citizens that interact with police are suspects. While there are some mechanisms through which citizens may be able to hold officers accountable for their actions, such as citizen review boards, voicing public opinion to elected officials, and so on, those mechanisms happen after the interaction. During the interaction itself, police have all of the power (Alpert and Dunham 2004; Thomann 2015). This means that officers largely use their own judgment when deciding whether to use lethal force, and it is plausible that militarization may shape this judgment.

In any encounter, both police officers and citizens attempt to maintain their own authority despite the asymmetrical distribution of power between them (Alpert and Dunham 2004). When one side fails to provide the respect for authority that the other side expects, or when one side blocks the other from pursuing its goals, then the result may be citizen resistance, the use of force by the police, or both. The confrontation escalates until one party changes its goals and, thus, its behavior. That escalation occurs along a continuum from minimal to extreme force (Worden 2015).

Discretion provides police officers with the ability to choose how to respond to a given situation. For example, an officer confronting an armed suspect may attempt to negotiate with the suspect so they give up their weapon voluntarily. The officer may use less-than-lethal force such as a taser or physical violence to subdue the suspect. Or the officer may attempt to kill the suspect. Each of these options is a potentially valid choice, and each could potentially resolve the confrontation. Militarization is a psychological transformation within police departments—and officers—that shifts behavior toward lethal force as a more acceptable and earlier response.

Imagine that, for a given police officer in a given situation, the universe of possible responses from which the officer can choose is on a one-dimensional continuum arranged from least violent to most violent (Terrill 2005; Worden 2015). On one extreme, perhaps, is the option for the officer to do nothing. On the other extreme, the officer may summarily execute the suspect involved. Between

these two extremes lies every other possible alternative response to the situation. Of course, not every possible alternative along this continuum would be either legally or morally acceptable, to the officer or to his supervisors (and, despite the general lack of supervision for police officers, summarily executing a citizen suspected of jaywalking, for example, would likely lead to disciplinary action and criminal prosecution simply due to the extremely disproportionate response). Each officer, then, has a subset of possible alternatives that he or she believes would be acceptable choices for that given situation. This window represents the realistic options from which the officer chooses. Within that window of acceptable options, then, is the specific response the officer believes to be the most preferable for that given situation.

After choosing a response, the officer then adjusts that choice based on the response of the suspect. If the suspect surrenders and complies with the officer, then the situation is resolved. If the suspect draws a gun and fires, the officer escalates his or her own response. If the suspect signals defiance without resorting to violent resistance, such as verbal defiance, nonviolent resistance (such as laying on the ground and refusing to move), or fleeing, the officer will also escalate to a more violent response to subdue the suspect. It seems plausible to assume that, usually, any adjustment to an initial response will likely be an adjustment toward the more violent end of the continuum rather than to the less violent end. So an encounter with a suspect is, essentially, the process of choosing the most preferred initial response from within the subset of acceptable responses, and escalating toward more violent responses until the situation resolves. In other words, the use of force by a police officer is an iterative process that continues until the encounter ends (Alpert and Dunham 2004; Goldstein et al. 1979).

Due to the operational and hierarchical changes discussed above, militarization may change how this iterative process works. Officers take cues from their superiors and the characteristics of the organization (Scott 1997), and in a militarized department, the window of acceptable options may move toward the more violent extreme of the continuum. If the officer is taking cues on what actions are acceptable from his superiors within the department—based on, perhaps, agency goals or objectives (Keiser 2010; Thomann 2015)—then he or she may believe that, within a militarized police department, more violent responses to suspects are acceptable or more desirable. In addition (or alternatively), militarization may move an officer's preferred choice within the window of acceptable responses toward the more violent, because the officer's psychological state is more militarized and, therefore, more violent.

In either case, the officer's psychological state changes based on adoption of the culture and perspectives of the

organization's leaders and the officer's colleagues. Thus, while discretion and street-level decision making are individual processes, they also involve the police department as a whole. Furthermore, while research suggests that suspect behavior is the primary determinant of an officer's response to that behavior (Friedrich 1980; Garner et al. 1996), militarization may influence the officer's psychological state, which would then influence the officer's response. Police use of force is, essentially, a matter of psychology (Alpert and Dunham 2004). The officer may perceive a suspect as more of a threat due to this psychological tendency toward violence. Alternatively, the officer, unable to consider all possible alternatives and consequences to possible actions in such a short period of time (March 1994), may simply adopt a more violent response as a matter of convenience. Thus, the officer begins with a more violent response toward a suspect and, if escalation is necessary, moves toward increasingly violent responses more quickly. The result is that militarized police will resort to violence more often and more quickly than nonmilitarized police, which means militarized police will use lethal force more frequently. This leads to my hypothesis:

Hypothesis 1: As police departments become more militarized, they will kill suspects more frequently.

Data and Method

To test my hypothesis, I began with a master list of all nonfederal and non-state law enforcement agencies in the United States from the 2008 Census of State and Local Law Enforcement Agencies. The number of suspect killings is from Fatal Encounters,² a database created with the goal of collecting information on law-enforcement-related deaths. This is currently the most comprehensive database of the use of lethal force by police available. Due to limited data availability for the militarization variable (discussed in the following), I restrict the time period to the fourth quarter of 2014 through the fourth quarter of 2016. Fatal Encounters includes data on the victims of lethal police violence over this time period in all fifty states. Most of the information in Fatal Encounters comes from newspaper articles and other public records, allowing for easy fact-checking and verification. The final data for analysis consist of 11,848 observations of law enforcement agencies with either countywide or subcounty jurisdiction from the fourth quarter of 2014 through the fourth quarter of 2016.

My dependent variable for all hypotheses is the number of people the law enforcement agency killed during each quarter over the period of analysis. The source of this variable is the FatalEncounters.org database, which contains records of individual suspects killed by police,

aggregated to a count of the number of people a police department killed in each quarter. For example, if three people in the fourth quarter of 2014 died as a result of activity of a particular police department, that agency-quarter observation's value for the dependent variable will be three. The agency-year count ranges from zero to nine deaths, with a mean of 0.019, and variance of 0.035.³

Fatal Encounters is a free database administered by D. Brian Burghart, former editor/publisher of *the Reno News and Review* and journalism instructor at the University of Nevada-Reno. Volunteers and paid researchers use media reports and public records to contribute information about the killing of suspects by police that includes the victim's name, race, age, the location of the incident, the agency responsible, and other incident-specific information. It is still a work-in-progress but is complete for all fifty states and Washington, DC, from 2013 to 2016, and is nearing completion for all years going back to 2000. Although it is a fairly new database, scholars are already using it in studies of lethal force (Delehanty et al. 2017; Jennings and Rubado 2017).

Measuring Militarization

Militarization is a somewhat nebulous concept (Wickes 2015) as it involves the psychological state of officers. Kraska (2007) suggests four dimensions of militarization: material, cultural, organizational, and operational. The material dimension focuses on the acquisition of military weapons and equipment by the police and offers an objective way to measure, if indirectly, a potential effect of militarization. The specific policy I use to capture this concept is the federal "1033" program, which allows federal, state, and local law enforcement to acquire surplus military supplies and equipment. In 1997, Congress made the program permanent and expanded its scope to include counter-terrorism (Bailey Grasso 2014). Agency officials may browse an online database or visit warehouses in person to peruse the available equipment, and agencies pay only the cost of transport. The equipment itself is otherwise free of charge (Molina 2014). Figure 1 depicts the total dollar value of hardware that law enforcement agencies received over the period of analysis. Interestingly, the total amount is relatively stable over this time period.

I obtained data on 1033 program transfers through a Freedom of Information Act request to DLA. DLA maintains a list of all currently outstanding transfers to law enforcement agencies, which updates each quarter. Prior to 2014, however, DLA did not maintain records of past quarters. Agency officials updated and replaced the quarterly database without saving old versions. Beginning in the fourth quarter of 2014, DLA began to save old versions of this database.⁴

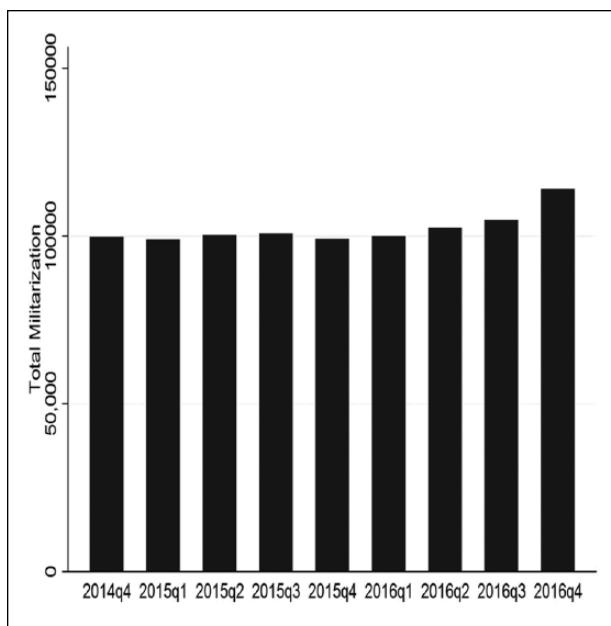


Figure 1. Total value of military hardware received by law enforcement agencies (in 10,000 [2016] dollars).

My primary explanatory variable of interest is the value of military hardware each agency possessed in each quarter from the fourth quarter of 2014 through the fourth quarter of 2016, adjusted for inflation to 2016 dollars, divided by ten thousand to keep the coefficient sizes manageable. I lag the variable by one quarter because police departments may request and receive items through the 1033 program at any point in a quarter, so it seems more sensible to lag the variable to adequately capture the level of militarization that it represents. Lagging the variable also helps account for a potentially endogenous relationship between use of the 1033 program and the number of suspects killed in a quarter.^{5,6}

I constructed a militarization variable that accounts for military equipment in a law enforcement agency's possession by quarter from the fourth quarter of 2014 through the fourth quarter of 2016. I focus on the amount of military equipment law enforcement agencies receive from the Department of Defense as an appropriate measure of police militarization, as it explicitly reflects at least part of a cooperative relationship between the military and police. I use data from DLA, which provides an itemized list, by agency and date, of all such equipment. However, a simple count of the number of items is insufficient to properly capture the concept of militarization. If military equipment represents militarization, different types of equipment likely represent varying levels of militarization. An armored personnel carrier provides a much more striking image than a pair of combat boots. A military rifle is likely somewhere in between, and probably represents a greater

level of militarization than an infrared sight. In other words, larger, more high-tech or intimidating equipment should represent more militarization than smaller, low-tech, generic items, and should also be more expensive. I use the dollar value, adjusted for inflation, of each item as a measure of the militarization that item represents.⁷

It is worth emphasizing that my argument is not necessarily that the 1033 program itself causes an increase in the use of lethal force. Rather, psychological and behavioral changes in police officers cause an increase in the use of lethal force and in the number of suspect deaths. I argue that the 1033 program is a proxy measure that captures the psychological process of militarization. Militarized police departments should request more—and more expensive—military equipment to better carry out their perceived goal of fighting against criminal elements. There is evidence that the 1033 program leads to decreased crime (Bove and Gavrilova 2017; Harris et al. 2017). But like many public policies, there may be negative consequences associated with their implementation. It seems uncontroversial to suggest that the 1033 program probably has some desirable effects with respect to crime control. It also seems uncontroversial to suggest that knowledge of any negative associated consequences is important as well.

In a study similar to my own, Delehanty et al. (2017) find that militarization, represented by 1033 program transfers, corresponds to an increase of lethal force incidents. However, they use a sample of only four states and aggregate both suspect deaths and militarization to the county level. Aggregating measures to the county level could lead to incorrect results as the model loses differences between police agencies with subcounty jurisdiction. Some agencies likely receive more than others, or some likely receive more valuable equipment than others, and aggregating to the county loses that variation. Police departments with subcounty jurisdiction perform most policing functions, and there are substantially more of these departments than those with countywide jurisdiction, such as sheriff's offices. Losing such variation seems quite problematic, so I leave my own data at the agency level.

Control Variables

As plausible as the link between militarization and the use of lethal force seems to be, there may be other explanations. It certainly is not the only cause of the use of deadly force. There may be some other factor or factors driving the use of lethal force by police. I explore a brief theoretical basis for each mechanism in the sections that follow, and I describe their inclusion in my analysis as control variables.

Population

High populations may increase the use of lethal force simply because there are more people for police to encounter. In a high-population area, the per-capita number of police officers will likely be lower than in low population areas (even if the raw number of police officers is higher). That sense of being outnumbered alone may evoke a sense of threat among police officers, who feel a need to protect themselves against the threat. They may react to suspects with lethal force more quickly to avoid becoming the victims of a mob. Moreover, it may be the case that large police departments, which serve communities with larger populations, tend to have less supervision for street-level officers because the larger number of officers stretches the supervisors thin (Nowacki 2015). On the other hand, larger police departments may use lethal force more often simply because there are more officers and more people for them to use such force against. Population, then, serves as a proxy variable for the size of a police department and allows me to account for different behaviors from police departments of different sizes and to account for differences in the number of suspect deaths based on population, which reduces potential bias in model estimates. I obtained populations from the 2013 Law Enforcement Management and Administrative Statistics, which lists the total population each police department served within its jurisdiction in 2012. While these data are two years old at the starting point of my analysis, it is unlikely these numbers changed by any large amount over that period.

Poverty

There also may be a connection between poverty and the use of lethal force (Hirschfield 2015). There may be two reasons for this. The first is that, to police, poverty suggests danger because officers associate problem places with threats to officer safety (Terrill and Reisig 2003). Impoverished areas tend to also be high crime areas, particularly violent crime (Hsieh and Pugh 1993), leading to officers fearing for their safety when present in these areas. Thus, higher levels of poverty should lead police to use lethal force more often out of a greater perceived need for self-defense. Second, poor people make up a traditionally marginalized demographic (Terrill and Reisig 2003). Police may use lethal force more frequently in high-poverty areas as a means of social control over the poor (Chevigny 1990). I measure poverty as the percentage of the population within a police department's jurisdiction with income below the poverty line. This information came from the 2015 American Community Survey and is at the level of U.S. Census Place for sub-county police departments and county for county-level departments.

Race

Research suggests police are more likely to use force, including lethal force, against members of minority racial groups (Terrill and Reisig 2003). The most likely explanation is an extension of the social control argument discussed in the previous paragraph. The difference, however, is that the target of that control is a racial minority rather than the poor. Within the United States, that race is most likely African Americans, given the long history of both legal and social oppression suffered by that group. In addition, police assume African Americans tend toward crime more than whites and view them with greater suspicion (Werthman and Piliavin 1967). It also seems that areas with higher populations of African Americans have a higher frequency of police violence (Jacobs and O'Brien 1998). There may be a similar effect in areas where the largest minority is Hispanic, rather than black. Although officers may not be intentionally or consciously targeting racial minorities, implicit biases that lead to harsher treatment of minorities may still exist (Smith and Alpert 2007). I include the percentage of the population, again by U.S. Census Place, that is African American and the percentage that is Hispanic from the 2010 U.S. Census. For the African American population, I include the proportion that is African American but not Hispanic to avoid overlap between the two variables. Again, while these figures are somewhat dated, it is unlikely that the numbers changed a great deal.

Violent Crime

This is likely the most obvious alternative explanation for an increased use of lethal force. Violent crime, rather than all crime, should lead to this effect due to the more serious nature of those crimes compared with others, such as property crime. Violent crime presents a much higher potential threat to officer safety than property crime, so violent crime should be a more reliable measure of crime as it relates to the use of lethal force. Police officers should become more aggressive and more punitive when in high violent crime areas because high levels of crime mean an increase in the probability of violent interactions with the public (Bayley and Mendelsohn 1969; Terrill and Reisig 2003). That aggression, then, means more frequent use of lethal force against suspects. For violent crime, I use the number of violent crimes per ten thousand people at the county level. At the time of writing, these appear to be the best available data on violent crime.

Although the measures for poverty, crime, and racial minority populations may seem to overlap significantly, they each represent distinct explanations for the use of lethal force by police. Violent crime represents a direct threat to officer safety. Areas with high levels of violent

Table 1. Summary Statistics.

Variable	Minimum	Maximum	M	SD
Deaths	0	9	0.019	0.187
Militarization (lagged, in 10,000 [2016] dollars)	0	2,322.100	6.415	35.798
Total 2012 population (in 10,000s)	0.020	996.279	10.776	57.129
Poverty	0	89.6	16.968	8.828
Hispanic population (percentage)	0	100	11.056	16.848
Black (not Hispanic) population (percentage)	0	98	11.385	18.294
Violent crime rate	0	114.943	7.409	8.818
2013 operating budget (per officer, in 10,000s)	0.836	140	13.402	7.818
Countywide	0	1	0.211	0.408

crime mean that officers will likely encounter violent crime more often, which threatens their own safety. Areas with high poverty and large minority populations may experience high levels of violent crime, but police may also be more likely to use lethal force as a means of social control of these groups regardless of crime. Moreover, the correlations between each of these measures are modest at best (the highest being 0.389), so there is no risk of multicollinearity by including them in the model.

Budgetary Resources

The most frequent participants in the 1033 program seem to be smaller, more rural police departments with fewer resources (Molina 2014). It seems plausible that police departments with greater financial flexibility could potentially use their own departmental resources to purchase equipment that smaller departments receive through the 1033 program. In such a case, these departments would be more militarized than they appear in the data using the 1033 program as a proxy, because they received the same or similar kinds of equipment without using that program. The militarization measure correlates with the total department budget at 0.31, suggesting that this sort of substitution effect is not present. However, budgetary flexibility may still influence the use of lethal force due to its potential effect on hiring. Police departments with less budgetary resources may have more limited options for hiring due to the salaries, training, and so on that they can offer. This may lead some departments to hire officers that are less professional, or to provide new officers with less training, both of which could lead to more incidents of lethal force. Thus, it is important to control for a police department's budgetary situation. I use the 2013 Law Enforcement Management and Administrative Statistics survey, which asked for each department's operating budget for the year that included January 1, 2013. I divide this amount by the total number of sworn officers to account for department size, and I divide the resulting amount by ten thousand to keep coefficients manageable. This measure better captures the concept of "budget flexibility," as

such a concept seems to involve both financial resources and department size, rather than simply the size of a department's budget.⁸

Countywide Jurisdiction

Having countywide versus subcounty jurisdiction may have an impact on the use of lethal force. Most police work is not done at the county level. Countywide police departments operate in more rural areas with lower populations and population densities, which means they may simply come into contact with fewer people. Contact with fewer people means fewer opportunities to use lethal force. However, departments with subcounty jurisdiction perform most police work, operating in larger towns and cities with higher population densities and interacting with more people. I incorporate countywide jurisdiction into my analysis using a binary variable that indicates whether a particular police agency has countywide jurisdiction.

Model Specification

The first conclusion one may draw from these data is that the dependent variable is overly dispersed. Using a negative binomial model is appropriate. Second, there are a lot of zeros, because suspects that police officers kill are a relatively small fraction of the total number of people officers encounter in a quarter. I use a zero-inflated negative binomial model to account for the excessive zeros, which, according to the assumptions of the ZINB model, come from a process distinct from a zero count⁹ (Zeileis, Kleiber, and Jackman 2007). Results of a Vuong test suggest that the zero-inflated negative binomial regression model more closely captures the process that generated these data than a simple negative binomial model ($p < .000$). See Table 1 for a list of summary statistics.

Results

Table 2 depicts the results of this model.¹⁰ The top section of the table is a truncated count model measuring the

Table 2. Zero-Inflated Negative Binomial Results.

	Estimate	Cluster SE	Significance
Count model coefficients			
Militarization (lagged)	0.0008	0.0004	*
2012 population	0.005	0.002	*
Percentage poverty	0.006	0.015	
Percentage Hispanic	0.011	0.008	
Percentage black (not Hispanic)	0.004	0.006	
Violent crime rate	0.019	0.009	*
2013 operating budget (per officer, in 10,000s)	0.0003	0.014	
Countywide	-1.530	0.187	***
(Intercept)	-1.340	0.481	**
Zero-inflation model coefficients			
Militarization (lagged)	-0.001	0.002	
2012 population	-0.222	0.063	***
Percentage poverty	-0.005	0.021	
Percentage Hispanic	0.005	0.011	
Percentage black (not Hispanic)	-0.002	0.007	
Violent crime rate	0.003	0.014	
2013 operating budget (per officer, in 10,000s)	-0.015	0.027	
Countywide	-0.774	0.374	*
(Intercept)	3.418	0.485	***

$n = 11,848$. AIC = 5177.101; BIC = 5317.319. Wald $\chi^2 = 255.18$ Prob = $> \chi^2 = .000$. DV = number of suspect deaths.

* $p < .001$. ** $p < .01$. *** $p < .05$.

impact of each variable on the predicted probabilities of each ascending count level, while the bottom section is a logit model measuring the impact of each variable on the occurrence of an excess zero in the data. Thus, I expect the coefficient for militarization to be positive in the top section and negative in the bottom. The coefficients measure the change in log odds so they are not directly interpretable, but there are some conclusions to take from these results.

Militarization has a positive and statistically significant ($p < .05$) association with the number of lethal force incidents but has no significant association in the zero-inflation model. This suggests that militarization has an effect on the use of lethal force by police, specifically by increasing the number of suspects police kill in a quarter, all else equal. The results provide support for the hypothesis that as militarization increases, so does the number of suspect deaths. The zero-inflation model measures the effect of each variable on the occurrence of a zero in the dependent variable, so the null result suggests militarization has no effect whether police kill any suspect in a particular quarter or not. The relative rarity of both high levels of militarization and of killing suspects (particularly more than one per quarter) may be affecting the calculation of the zero-inflation model. Alternatively, other factors that are significant in the zero-inflation model may account for most of the influence on the change from a zero to a one, while militarization has a stronger

influence on moving from one death to a higher number. It may also be the case that militarization does not affect the likelihood of a police department killing no suspects, but for police departments that kill at least one suspect, increased militarization makes them more likely to kill more than one.

Substantively, how many deaths should be expected as militarization increases? The raw coefficients for these models cannot answer these questions due to the difficulty of interpretation. I calculated predicted counts with 95 percent confidence intervals for each, presented in Figure 2, which depicts the predicted number according to the model. There is a fairly steady increase in predicted deaths as militarization increases, though the confidence interval widens slightly more at higher levels. Although my measure of militarization does not directly capture the psychological process, it seems safe to conclude that militarization has a positive and significant association with how frequently police kill suspects.

According to Figure 2, the model predicts one suspect death at a militarization level of around 375 (or \$3,750,000). The expected number of deaths increases to two at around five hundred (or \$5,000,000). It then doubles to four deaths at around 750 (or \$7,500,000). It is important to note, however, that few police departments in the sample reach such high levels of militarization. A value of four hundred in the militarization measure (which corresponds to \$4,000,000 in military equipment)

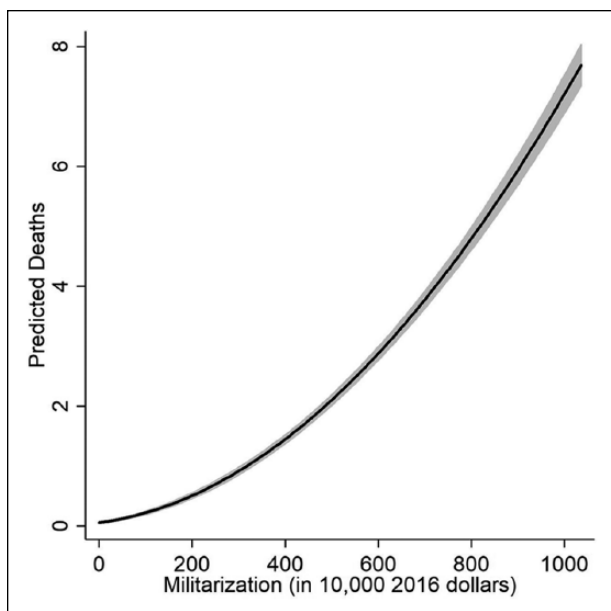


Figure 2. Predicted number of suspect deaths at varying levels of militarization, with 95 percent confidence intervals (in gray).

is around the 99.5 percentile. While the highest level of militarization in the sample is 1036.0592 (the Houston Police Department in the third quarter of 2016), the extremely skewed nature of this variable means that few police departments even get close to that amount. Still, this result supports the claim that militarization influences the killing of suspects by police.

Next are the results for the control variables. There is a positive and significant association between population and the number of lethal force incidents ($p < .05$) and a negative, significant ($p < .001$) association between population and the likelihood of a zero. Thus, population seems to both increase the number of suspects killed and decrease the likelihood of a zero. Poverty is not significant in either section, suggesting that lethal force may not be a method of social control of the poor.

The percentage of the population that is Hispanic also has no association with the number of suspect deaths in either the count model or the zero-inflation model. Results for the percentage of the population that is black are somewhat counterintuitive. This variable has an insignificant relationship with the number of deaths and with the likelihood of zero deaths. Taken together, the previous two variables seem to suggest that the racial composition of an area has no effect on how often police use lethal force against suspects.

The violent crime rate's result is as suspected. It has a positive and significant association with the total number of suspect deaths ($p < .05$) but no association in the zero-inflation model. The results suggest, in line with the theoretical

argument, that police departments in higher-crime environments will use lethal force more frequently. However, the jurisdictional level of the agency also plays a roll. Having a countywide jurisdiction has not only a negative and significant association with the frequency of suspect deaths ($p < .001$) but also a negative and significant association with the likelihood of a zero ($p < .05$). This is a seemingly contradictory result, but perhaps it makes more sense than would be apparent initially. It is possible that agencies with countywide jurisdiction, who may also serve larger populations than subcounty police departments, are more likely to kill at least one suspect in a quarter, but some other factor, such as the higher likelihood of serving primarily rural rather than urban populations, means the total number remains relatively low. Finally, operating budget per officer has no association with the frequency of lethal force.

Conclusion

This paper represents an important contribution to a contentious public debate by studying the impact of police militarization on the number of suspects that police officers kill. Results of a zero-inflated negative binomial regression model with a dataset of more than eleven thousand agency-quarter observations support the hypothesis that there is an association between militarization and suspect deaths. In other words, increasing militarization corresponds to more suspect deaths, *ceteris paribus*. In addition, this paper presents a theoretical argument that combines institutional attributes of police departments and the roles and behavior of individual officers to explain how militarization affects the decision to use lethal force.

Other factors also seem to influence the use of lethal force. The variables with a significant effect on the frequency of lethal force are the total population, the rate of violent crime, and the jurisdictional level of the police department. Countywide jurisdiction seems to decrease the number of suspect deaths, while the other variables increase that number. Racial minority populations seem to have no effect.

The results of this paper have important implications. If society agrees that increasing the number of people killed by police is undesirable, steps should be taken to reduce the number of suspect deaths either through reducing militarization or, possibly, by reducing the extent to which militarization can affect officer behavior. What steps may counteract this increase in lethal force is a question for future work, but some scholars and activists propose several potential avenues. One potential solution is rethinking the process of training officers so that, for example, they learn to build connections with their community through nonenforcement interactions and to use tactical restraint to minimize the risk of an enforcement

action escalating to violence (Stoughton 2014). Other policies regarding oversight of police behavior and strengthening policies on acceptable use of force, as well as consequences for violating those policies, are also possible mechanisms for reducing the use of lethal force.¹¹ More broadly, a new emphasis on principles referred to as Guardian Policing—as opposed to Warrior Policing—seeks to instill values based more on public service through crime prevention and control than on fighting crime (Stoughton 2016).

Other potential future directions for research are to continue exploring how race fits into the operation of police departments and the behavior of officers and other aspects outside the scope of this paper: causes of militarization; how officer psychology, such as militarization, affects officer behavior toward suspects and other civilians; how agency-specific training and supervision play a role; and other potentially important topics relating to policing. Improved data resources and possibly experimental research should play a role in expanding this literature. Scholars are now making greater strides in the study of policing, and there is wide latitude for increase in the scope of this research area.

Acknowledgments

The author would like to thank Charles Finocchiaro, Tobias Heinrich, Lindsey Hendren, Susan Miller, Alexander Ruder, Christopher Witko, Neal Woods, the *Political Research Quarterly* (PRQ) editors, and the anonymous reviewers for helpful feedback during the writing process.

Declaration of Conflicting Interests

The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author received no financial support for the research, authorship, and/or publication of this article.

Notes

1. It is worth noting, however, that Delehanty et al. (2017) conduct a very similar study that reaches a substantively similar conclusion, but with a more limited dataset. I discuss their article in more detail below.
2. www.fatalencounters.org
3. I use quarterly data because it is subject to the least amount of aggregation effects. For a supplementary analysis using data aggregated to years, see the online appendix. Results are substantively similar.
4. See the online appendix for additional information about the Defense Logistics Agency's (DLA) 1033 data.
5. As an additional test for endogeneity, I ran two additional ordinary least squares (OLS) models that included a lagged number of suspect deaths and militarization as the


dependent variable: one with two-way random effects and one with standard errors clustered by agency. This analysis suggests there is no endogenous relationship between suspect deaths and militarization

6. It is also worth noting that the military's level of surplus equipment drives what is available to police through the 1033 program, not the level of demand for such equipment from police departments (Harris et al. 2017).
7. The online appendix includes models using several different measures of militarization, such as the log of this total dollar value, the total number of items received, and dummy variables indicating whether a police department received items of high value. In models that involve dollar values of equipment in some way, the results remain positive and significant. The total number of items was statistically insignificant.
8. In addition, total budgets correlate with population at around 0.9, which likely introduces multicollinearity into the model. This budget-per-officer variable correlates with population at around 0.24.
9. A model that incorporates two-way fixed effects would be desirable to account for unobserved variation between agencies and years. Unfortunately, fixed effects models drop cross-sectional units with no variation in the dependent variable. Because there are a large number of these units (i.e., entities with zero deaths), and because the lack of variation is due to the dependent variable being zero across all years, that leads to a large decrease in the number of observations. Those zeros are theoretically relevant, however, and dropping them distorts the analysis. In addition, having a variance greater than the mean suggests overdispersion in the dependent variable, so I use a zero-inflated negative binomial model for the analysis. These results are robust to several other model specifications. For additional statistical models used as robustness checks, see the online appendix.
10. While this analysis uses quarterly data, I also run a robustness check using annual data. This alternative model uses the lagged average annual total of the militarization measure and aggregates suspect deaths to the year rather than the quarter, in case using quarterly data somehow biased the results. The conclusions are substantively similar. See the online appendix for this alternative model.
11. For some examples of proposed policies, see <http://www.joincampaignzero.org>

Supplemental Material

Supplemental materials for this article are available with the manuscript on the *Political Research Quarterly* (PRQ) website. Materials for replication are available at <https://dataverse.harvard.edu/dataverse/edwardlawsonjr>.

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The Risks of Operational Militarization: Increased Conflict Against Militarized Police

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Abstract:

The current state of race relations in the United States have brought to light the issue of the militarization of local police, where officers are being provided with unused equipment from the government's war chest through the 1033 Program. But, is this increase in militarization beneficial, or does it harm relations between citizens and police? Using data on purchases provided by the Defense Logistics Agency, this paper analyzes effects of military purchases on assaults on police officers. Fixed effects negative binomial regressions on state-month level data show that stockpiling of material militarization equipment (guns, armor, and clothing) exhibits a statistically significant decrease in assaults, with guns showing no significant relation on assaults. However, operational militarization purchases (surveillance, sonar, and radar) lead to an increase of assaults, suggesting that there may be unforeseen consequences of increased militarization due to a change of structure and information gathering.

Keywords: assaults on police, material militarization, operational militarization, soft policing, Velcro effect

DOI: 10.1515/peps-2017-0016

1 Introduction

"We've seen how militarized gear can sometimes give people a feeling like there's an occupying force, as opposed to a force that's part of the community that's protecting them and serving them. It can alienate and intimidate local residents, and send the wrong message." (Obama, 2015)

The image of two mine-resistant ambush protected (MRAP) vehicles rolling down the streets of Ferguson, Missouri made national news in 2014. The increase in a heavily armed police force is in large part due to the 1033 Program under the National Defense Authorization Act of 1997, which authorizes transfers of Department of Defense equipment to Federal and State police agencies for generalized enforcement needs (Excess personal property: Sale or donation for law enforcement activities, 1997; U.S. Senate, Committee on Homeland Security and Governmental Affairs, 2016).

Beyond armored cars, land mines, and rocket-propelled grenades, the transfers extend to undergarments, air conditioners, rifles, sonar equipment, and more. Departments are required to use the equipment within a year, lest it be sent back to the Defense Logistics Agency (Walker, 2014). This incentivizes the police to use these purchases in the general public. These transfers are purchased at exceedingly low rates – a \$733,000 mine-resistant, ambush protected vehicle was sold to Connecticut for \$2800 (Wofford, 2014). However, while police departments are incentivized to purchase and use the equipment, recent backlash from citizens and community activists question the necessity and utility of these items.

This current study evaluates the effects of material militarization (overt, visible qualities of warfare – weapons, armor, and military garb) and operational militarization (such as intelligence and supervision – cameras, radar, and sonar) (Kraska, 2007) on assaults against police officers. An increase in militarization could cause fear in the average citizen, motivating one to lash out and aggress against the police, as we witnessed in the backlash and investigations that followed Ferguson, Missouri. But, the purchases should display a more well-equipped, professional police force and discourage violence against police officers. This research fills the gap by examining if military purchases are protecting officers, and how this relationship varies by the magnitude, functionality, and rate of change of the purchases. Implications for future research in police-citizen interactions are discussed.

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2 Previous research

2.1 Militarization and police weapons

The number of police paramilitary units (PPUs), or SWAT teams, has been growing since the 1970's in an attempt to curb the war on crime and drugs (Kraska, 2001). SWAT teams have been adopting military-force traits in an effort to defend against violent conflict (Kraska, 2007). However, a large percentage of departments use their tactical operations units in patrols in hot spot crime areas (Kraska & Kappeler, 1997) and 80 percent of SWAT activity is proactive, not reactive (DeMichele & Kraska, 2001). A majority of the units across the United States frequently mix their duties between SWAT and police, so public exposure to the more paramilitary aspect of policing is growing substantially (Balko, 2013), and SWAT use has transformed from hostage negotiations and active shooters to primarily serving search and arrest warrants (Kraska & Kappeler, 1997). In a recent review of the literature, it was concluded that there is an indeed increase in militarization of police across the United States (Bieler, 2016).

There are four main indicators of police militarization – material (weaponry and technology), cultural (beliefs and values), organizational (having elite squads patrolling high crime areas) and operational (intelligence and supervision) (Kraska, 2007). The interrelated mix of the four indicators provides that militarization exists along a continuum, growing or shrinking interdependently of the four categories. Below, we briefly review the impact of all four categories of militarization on the community.

2.2 Cultural and organizational evidence of militarization

State police departments are becoming increasingly militarily organized. SWAT teams are deployed at rates of 100 homes per day (Balko, 2013), with some SWAT teams, such as in Minneapolis, increasing their yearly deployment rate 2000% from 1987 to 1996 (Balko, 2006). Police units are trained alongside army and naval officers and are taught to view their environment as a war zone (Kappeler & Kraska, 2013; Meeks, 2006). The 'cross-fertilization' (Den Heyer, 2014) of police and military units has coincided with a shift from solving crimes towards preventing future crimes (Tyler, Jackson & Mentovich, 2015). While the proactive strategy was aimed to bring down crime rates and increase contact with the community (Goldstein, 1987), it also brought greater suspicion and distrust against citizens [see New York's stop and frisk policy (Goldstein, 2013)]. By approaching individuals with suspicion, the police are perceived as being unfair and not genuinely caring about the community's needs (Gau & Brunson, 2010), breaking relational bonds and damaging the identity of the community as one of "us" to one of "us versus them" (Tyler & Lind, 1992).

2.3 Operational militarization

Operationally, police departments have seen increases in their information gathering from a variety of sources, with the Patriot Act expanding the methods in which the government could collect information on its citizens. The rise of no-knock search warrants (c.f. Balko, 2006), are pushing police to become more military-minded and aggressive with the new information they have on hand. However, not all technological advancements have negative consequences. The advancement of body camera technology has shown less assaults on citizens, on officers, and less complaints against officers (Ariel, Farrar & Sutherland, 2015).

2.4 Material militarization and the Velcro effect

Material militarization goes beyond the use of weapons (guns, batons, pepper spray, and tasers) to the symbolic appearance of a ready-to-engage, professional officer (Bell, 1982). While use of pepper spray has shown a general decrease in assaults against officers (Ashcroft, Daniels & Hart, 2003; Kaminski, Edwards & Johnson, 1998), the sound of pepper spray being removed from its Velcro could be enough of a deterrent to stop resisting (Buttle, 2005). This "Velcro Effect" theory suggests that it is the threat of the weapon that matters in police conflicts. Evidence of the Velcro Effect is emerging through the results of 'soft' policing. This type of policing involves the use of civilian uniformed police staff who carry no weapon and have little arrest power. When deployed in areas of high crime, those who merely had the symbolic presence of a police authority – a uniform and two way radio – reduced the number of incidents and the number of crimes by about 39% (Ariel, Weinborn & Sherman, 2016). More explicitly, recent work examining the effects of the 1033 Program have shown that weapon purchases are

not reducing crime rates, but instead, the purchase of other observable military equipment – vehicles, gears, and clothing – seems to be reducing crime rates the most (Bove & Gavrilova, 2017).

2.5 Perceptions of police from citizens

Increased militarization may not be a problem if the public is compliant. However, across time we have seen a decrease in the trust of police officers – 53% reported having high confidence in police in 2014, dropping 11% in the previous ten years (Gallup, 2015). Citizens grant police their legitimacy through believing they share a moral purpose with the police and are recognized as the state's monopoly of acceptable force to curtail social misbehaviors (Jackson et al., 2013). Feeling suspected by police is linked with negative beliefs of police motives, lower legitimacy of police, and higher levels of disorder in the community (Tyler, Jackson & Mentovich, 2015). If more resources are being piled into police departments, it can be perceived as a threat to one's identity (you are not a citizen, you are a potential criminal) (see Liebllich & Shinar, 2017, for expansion of this idea). If this threat of identity is taken seriously, the police may become seen as illegitimate (Bradford, 2014), and one may lash out against this identity threat. In an executive review of the 1033 Program, the Executive Office commented that "the show of force typically associated with military operations, when employed by civilian police, can weaken community trust – especially in communities with a history of strained relationships between the community and local law enforcement" (Executive Office of the President, 2014, p. 5) and that true costs of militarization is found in the fear of the citizen in relation to the police (Institute for Intergovernmental Research, 2015, xvii).

2.6 Mediating factors in assaults on police

While the external effects of militarized fear have not been studied in police and citizen interactions, other threats to individuals and the outcomes of police relations have been studied on the community level. Stability of residency is a strong predictor when analyzing assaults on police (Regens et al., 1974), while resource deprivation has been associated with a 31% increase in assaults on police officers (Kaminski, Jefferis & Gu, 2003). Communities with lower unemployment rates (and therefore, less resource deprivation) has been found to be significantly associated with lower crime rates (Kapuscinski, Braithwaite & Chapman, 1998) which itself has been associated with decreases of assaults on police officers (Kaminski, Jefferis & Gu, 2003) and increases in police trust (Wilson, 1975).

In summary, there is an increased presence of military-trained and dressed police officers in the United States. We see reductions in crime not in terms of weapon purchases, but clothing, military regalia (Bove & Gavrilova, 2017), and body cameras (Ariel, Farrar & Sutherland, 2015), suggesting support for the existence of Buttle (2005) "Velcro Effect". It is not the weapon that is disincentivizing citizens to aggress, but their symbolic presence of a well-trained threat. At the same time, we are seeing a public become more distrustful in the police. This distrust can lead to a community divided and unwilling to help out or support its own law enforcement. But does this distrust and anger translate into aggression against the police, or does the "Velcro Effect" reign supreme in maintaining peace?

This present study addresses these questions of trust and militarization. This study examines the effect of both material and operational militarization purchases on trust of police officers, operationalized as the amount of assaults against police officers. We ask three questions: (1) Do military-grade purchases in 1 month increase assaults against officers in a future month? (2) Does the increased presence of military grade purchases over time increase assaults against officers? And (3) Does the marginal effect of this increased stockpile of military grade purchases on assaults change with the size of the stockpile?

3 Method

3.1 Data

3.1.1 The Defense Logistics Agency

The Defense Logistics Agency provided information about all acquisitions from the 1033 Program (Bowden, 2015). Once collapsed and cleaned, there are 4282 state-month observations across 54 states from January 1991 through September of 2015, including Virgin Islands, Guam, District of Columbia, and Puerto Rico. All purchases for Federal agencies were removed from analysis.

3.1.2 The law enforcement officers killed and assaulted dataset

The FBI provided information about assaults against police officers through the Law Enforcement Officers Killed and Assaulted (LEOKA) dataset (United States Department of Justice & Federal Bureau of Investigation, 2014b). The LEOKA dataset compiles officer assaults and injuries by month. It was combined together from 1998 until 2014. Fifty-four states reported their assault data, including the District of Columbia, Puerto Rico, Canal Zone, and Guam. In total, across this seventeen year span, there were a total of 11,016 state-month observations in LEOKA.

3.1.3 Other controls datasets

The Uniform Crime Reporting data from 1998 to 2014 provided month-level crime rates (United States Department of Justice & Federal Bureau of Investigation, 2014a). Demographic information on racial breakdown and median household income was provided by the Census Bureau on a yearly basis (United States Census Bureau 2014a; 2014b). The seasonally adjusted unemployment rate was provided yearly from the Bureau of Labor Statistics (United States Department of Labor & Bureau of Labor Statistics, 2014). All year-level datasets were replicated by twelve to properly merge into a month-level format. RStudio was used to convert and merge all datasets together. All scripts, functions, and documentation to replicate this study can be found online (Carriere, 2017).

3.2 Analytic sample

Florida was removed from all analyses due to only having observations of assaults in December. The Virgin Islands and Puerto Rico had no reported assault data, and The Canal Zone had no reported purchases, so all three were also removed from analyses. Rhode Island and Alabama only reported crime rates per quarter, so they were removed from all analysis. While LEOKA reports even if a state reported no assaults against their officers across the whole year, these observations were left at zero assaults. However, all results maintain the same direction and significance if these years of full zero values are coded as missing. 312 observations follow this pattern of a full year of zero assaults in a given year. In total, after combining the data, there are a total of 9726 observations across 47 states.

Data was collapsed to a state-level for a number of reasons. Firstly, since crime has a very seasonal, inter-temporal pattern within the year, we wanted to refine the analysis to the month level. Thus, we chose the state-month level. The county-month level was too sparse in terms of the number of observations per cell and, thus, was not econometrically viable. Hence, our only option was the state-month level. We believe this state-month approach is an advancement over the past literature (county-year level) and gives us more confidence that we are capturing important inter-temporal trends that would be missed in county-year analyses. This improved approach better allows us to identify causation by allowing us to better time the deployment of military equipment vis-a-vis subsequent assaults. Secondly, there has been some concern over the use of county-level analyses in using the UCR and LEOKA datasets (Maltz, 2006; Maltz & Targonski 2002; 2003). Secondly, many counties have inter-jurisdictional co-operation agreements in place across the United States (Leipnik, Ye & Wu, 2013), so to assume that the deployment of these purchases is restricted to a given county would be inaccurate. Beyond assisting other counties and cities when needed, sales to state police departments would otherwise be limited to the county under which the department is located, while failing to account for their breadth of coverage for the whole state. Most importantly, we are simply seeking to examine state-level variation. Individuals cross county lines every day and are exposed to various police departments and their equipment. The overt nature of militarization in one police department may create geographic spillovers and influence one's decision making in other counties (c.f. Bronars & Lott, 1998). By combining over the whole state, we try to account for the diverse nature of each individual state.

3.3 Measures

3.3.1 Dependent variable

3.3.1.1 Assaults with injury against police officers

States report on assaults against police officers through the LEOKA dataset (United States Department of Justice & Federal Bureau of Investigation 2014a; 2014b). Each county reported on how many officers were assaulted,

and what type of call they were responding to when the assault occurred, with what weapon was used for the assault, and if there was bodily injury as a result of the assault. As research is mixed on type of call being the most dangerous (Ellis, Choi & Blaus, 1993; Hirschel, Dean & Lumb, 1994; Stanford & Mowry, 1990), this analysis takes a summation of assaults on all possible call categories within a given state-month. Since research argues that aggravated assaults are far less likely to be underreported (Kaminski, Jefferis & Gu, 2003; Margarita, 1980), we reduced our analysis to examining only those assaults in which an injury was reported.

3.3.2 Independent variables

3.3.2.1 Purchases of material and operational militarization

As the 1033 program offered items at reduced cost, equipment transfers will be counted by quantity bought. This present research will be analyzing the militarization of police through two specific indicators of police militarization – of material and of operational (Kraska, 2007). Material militarization refers to visible qualities of militarization – weapons, body armor, and military clothing. Operational militarization is defined as “patterns of activity modeled after the military such as in the areas of intelligence, supervision, handling high-risk situations, or war-making/restoration” (Kraska, 2007, p. 3) and therefore includes sonar, radar, photography, bomb kits, disaster relief, and communication-based devices. In short, operational militarization should encompass all purchases that assist in surveillance or high-risk scenarios.

Equipment needs time to ship, unload, be trained, and potentially for it be noticed by the public. To account for this delay in effect, all equipment purchases will be lagged 6 months in time. This will control for directionality – purchases 6 months prior are being used to predict contemporary assaults. Because the equipment comes with a “use it or lose it” attachment (Walker, 2014), one can assume that the equipment has been used at least once (and therefore, should have an effect) and stays with the department and can be considered stockpiled over time. Sensitivity analysis will be checked at 3 and 12 month lagged effects to substantiate any results from the proceeding analyses (Bove & Gavrilova, 2017; Wickes, 2015).

3.4 Analytic strategy

We improve on prior research (Bove & Gavrilova, 2017; Harris et al., 2017) by using cross-time negative binomial regression model with state and month fixed effects (Dietz et al., 2003) to predict assaults on officers and purchases by the state. Negative binomial regressions were chosen, in comparison to instrumented panels (Harris et al., 2017) or linear regression (Bove & Gavrilova, 2017), due to the nature of the dependent variable. The dependent variable of interest (assaults on officers) is a highly negatively skewed discrete count variable with overdispersion, having a variance 162 times larger than the mean. Our choice of using month-level effects, instead of year-level effects (Bove & Gavrilova, 2017; Harris et al., 2017), allows for a more nuanced approach to these effects and provides us with more power to justify our results with the increase in observations per state. And, as stated in Analytic Sample, since crime has a seasonal, inter-temporal pattern within the year, using a month level analysis allows us a more nuanced examination of the results.

The negative binomial model includes an exposure variable in order to account for the fact that different states may have a different amount of face-time with citizens, which would increase the risk of being assaulted. In all models, we use the violent crime rate as the exposure variable within the negative binomial model. States with higher crime rates should have higher volumes of calls, higher volume of interactions with citizens, and more opportunity to expose citizens to their militarized equipment. Exposure variables adjust the dependent variable to become a rate of events (assaults) per unit exposure (crime).

We run three models. The first model will be the number of assaults with injury police officers in state i at time t as predicted by 6-month prior purchases of both material and operational militarization equipment. Notably, purchases are not lost at the next month, but states continually acquire more equipment. A more meaningful measure of purchases is the cumulative summation of purchases for each state i at time t , which will be the second model, scaled to every 100 purchases. The coefficients represent change in predicted assaults for every one hundred additional units of militarized equipment purchased since 1992, the first year in which the dataset reports purchases. The third model will add a quadratic term to each purchase category to examine if there are nonlinear marginal effects over time. All control and exposure variables will be used in all three models, along with state and month fixed effects.

4 Results

4.1 Descriptive statistics

Across all states, an average of 93 assaults (26 with injury) were reported per month with 16 weapons purchased and around 7 units of operational equipment purchased per month (see Table 1). There are an average of 1.7 officers per 1000 citizens and an average state population of around six million individuals. The crime rate is counted at the month level, and if scaled up by twelve, would hit the national average – about 358 crimes per 100,000 citizens.

Table 1: Descriptive statistics.

Variable	Mean	SD
Dependent		
1. Total assaults	93.17	123.88
2. Assaults with injury	25.66	36.75
Controls (percent)		
2. Crime rate	29.83	15.12
3. Population	5.93	6.61
4. Police rate	1.78	0.59
5. Unemploy. %	5.65	2.01
6. Log(income)	10.75	0.18
6. % State Black	10.54	9.41
Independent (per 100 units)		
7a. Clothing purchases	0.04	0.62
7b. Clothing stockpile	0.24	2.05
8. Armor purchases	0.01	0.27
8b. Armor stockpile	0.10	0.95
9. Weapons purchases	0.16	1.12
9b. Weapons stockpile	7.11	15.27
10. Operational purchases	0.07	0.99
10b. Operational stockpile	1.71	7.82

Data drawn from Defense Logistic Agency, FBI, Census, and Department of Labor.
Acquisitions are in terms of hundred units of purchases.

4.2 Cross-time negative binomial models predicting assaults that caused injury

Model 1 in Table 2 examines the impact of 6-month prior purchases on assaults with injury against officers. All estimates are displayed as incidence risk ratios (IRR). All controls were significantly associated with the assault rate. However, none of the main predictors were significantly associated with the assault rate, suggesting it is not possible to predict future assaults by a single month of purchases by a state.

Table 2: State and month fixed effects negative binomial regression predicting assaults with injury against police officers 6 month lag.

	Model 1		Model 2		Model 3	
	IRR	SE	IRR	SE	IRR	SE
Clothing _(t-6)	0.975	0.229				
Clothing stockpile _(t-6)			0.947	0.006****	0.917	0.014****
Clothing stockpile ² _(t-6)					1.001	0.001****
Armor _(t-6)	0.960	0.021 ⁺				
Armor stockpile _(t-6)			0.924	0.007****	0.819	0.027****
Armor stockpile ² _(t-6)					1.009	0.001****
Weapons _(t-6)	0.998	0.006				

Weapons stockpile _(t-6)			0.997	0.001****	0.998	0.001
Weapons stockpile ² _(t-6)					0.999	0.001
Operational stockpile _(t-6)	1.025	0.015 ⁺				
Operational stockpile ² _(t-6)			1.046	0.003****	1.080	0.006****
Officers per 1000	1.236	0.037****	1.143	0.035****	1.154	0.035****
Pop. in millions	1.039	0.003****	1.015	0.004****	1.017	0.003****
Log(Income)	2.263	0.222****	2.232	0.217****	2.406	0.233****
Unemployment %	1.011	0.006 ⁺	1.019	0.006***	1.015	0.006*
Percent Black	0.983	0.003****	0.990	0.003****	0.989	0.003****
Intercept	0.001	0.001****	0.001	0.001****	0.001	0.001****
Exposure (violent crime)	—		—		—	
Log likelihood		-41958.22		-30600.013		-30560.902
Wald χ^2		983.46		1144.64		1171.11
Likelihood-ratio test					LR $\chi^2(4) = 78.22$, $p < 0.0001$	

⁺p < 0.10, *p < 0.05, **p < 0.01, ***p < 0.001, ****p < 0.0001.

Acquisitions are in terms of hundreds of purchases.

Data drawn from Defense Logistic Agency, FBI, Census, and Department of Labor.

Model 2 examines the effect of additional cumulative purchases of militarization on assaults against police officers given a 6-month lag. Material militarization decreases assaults, but increases in operational militarization purchases increase assaults. Specifically, army clothing reduces assaults by 5.3% for each 100 purchases, armor reduces assaults by 7.6% per 100, and weapons reduce assaults by 0.3% per 100 purchases. Every 100 operational purchases increase the rate of assaults on officers by 4.6%. The control variables remain significant from the prior model and their interpretation remains the same, with every additional officer per 1000 citizens increasing assaults by 14.3%, slightly lower than Model 1.

Model 2 assumes that the marginal effect of each additional one hundred purchases is the same across time. However, it may be the case that there are decreased rates of return for these purchases, or that there is a tipping point of stockpile before it becomes too much. Model 3 uses a quadratic model, allowing the marginal impact of the independent variable to change at different levels of the independent variable. A likelihood ratio test shows a significant improvement in the model using the quadratic terms, LR $\chi^2(4) = 78.22$, $p < 0.0001$.

In this model, additional armor purchases reduce assaults to their lowest level, with 0.716 assaults with injury at 1125 cumulative purchases, holding all other variables at their means, a decrease from the 1.819 predicted assaults at 25 purchases. It then increases to the maximum amount of purchases in the dataset at 1.693 assaults for 2175 purchases of armor. To clarify the substantive meaning of this effect, we compare the number of assaults at the mean level of militarized armor gear in 2014 to a state-month with no amount of purchases. The average stockpile of armor in 2014 for a given state was about 159 purchases, which is estimated to be associated with 1.584 assaults. Given that the average amount of armor is well below the turning point, the average state only sees positive effects of fewer assaults from buying armor. Army clothing showed the second largest decrease in assaults, with a 8.3% reduction in assaults per crime rate for every 100 purchases of clothing. Holding all else at its mean, clothing reduces assaults from 1.818 assaults per crime rate to 1.733 assaults at the 2014 average stockpile of clothing of 145 purchases. There was no significant relation between weapon purchases and injurious assaults in this model. Operational militarization increases with decreasing rates, with the first one hundred purchases increasing assaults by 8.00%, and decreases in impact by less than one tenth of a percent per additional one hundred purchases. Examining the average stockpile of operational militarization in 2014, assaults increase from 1.703 assaults at 50 purchases to 2.076 assaults at 530 purchases.

Sensitivity analysis was applied to vary the lag length of purchases by twice the amount of time and half the amount of time (Table 3 and Table 4). A few trending results appear, and all significant results remain. Model 3 across Table 3 and Table 4 shows some clear variability in armor stockpile depending on time, with a

1 year lag showing a 51% decrease in injurious assaults at the first one hundred purchases, but with a sharp increasing rate as purchases continue, and a 3-month lag showing a 12.8% decrease on assaults with a much lower, albeit significant, increasing rate as purchases continue. However, weapons remain non-significant and both other models exhibit better rates of protection than the chosen 6-month model. Visualization of results using all three time points is provided (Figure 1).

Table 3: State and month fixed effects negative binomial regression predicting assaults with injury against police officers, 12 month lag.

	Model 1		Model 2		Model 3	
	IRR	SE	IRR	SE	IRR	SE
Clothing _(t-12)	1.104	0.050*				
Clothing stockpile _(t-12)			1.003	0.016	0.865	0.045**
Clothing stockpile ² _(t-12)					1.002	0.008**
Armor _(t-12)	0.828	0.128				
Armor stockpile _(t-12)			0.745	0.029****	0.490	0.060****
Armor stockpile ² _(t-12)					1.500	0.109****
Weapons _(t-12)	0.995	0.006				
Weapons stockpile _(t-12)			0.999	0.001	1.002	0.001
Weapons stockpile ² _(t-12)					1.000	0.001*
Operational _(t-12)	1.003	0.007				
Operational stockpile _(t-12)			1.041	0.004****	1.071	0.006****
Operational stockpile ² _(t-12)					0.999	0.001****
Officers per 1000	1.246	0.038****	1.145	0.036****	1.166	0.037****
Pop. in millions	1.040	0.040****	1.018	0.004****	1.022	0.004****
Log(income)	2.338	0.233****	2.480	0.244****	2.554	0.253****
Unemployment %	1.010	0.006	1.015	0.006*	1.008	0.006
Percent Black	0.982	0.003****	0.988	0.003****	0.987	0.003****
Intercept	0.001	0.001****	0.001	0.001****	0.001	0.001****
Exposure(violent crime)	–		–		–	
Log likelihood		–29843.446		–29768.461		–29742.783
Wald χ^2		793.45		1113.39		1155.44
Likelihood-ratio test					LR $\chi^2(4) = 51.36, p < 0.0001$	

*p < 0.10, *p < 0.05, **p < 0.01, ***p < 0.001, ****p < 0.0001.

Acquisitions are in terms of hundreds of purchases.

Data drawn from Defense Logistic Agency, FBI, Census, and Department of Labor.

Table 4: State and Month fixed effects negative binomial regression predicting assaults with injury against police officers, 3 month lag.

	Model 1		Model 2		Model 3	
	IRR	SE	IRR	SE	IRR	SE

Clothing _(t-3)	0.959*	0.019				
Clothing stockpile _(t-3)			0.949	0.006****	0.910	0.012****
Clothing stockpile ² _(t-3)					1.002	0.001****
Armor _(t-3)	0.957*	0.018				
Armor stockpile _(t-3)			0.930	0.006****	0.872	0.023****
Armor stockpile ² _(t-3)					1.007	0.001****
Weapons _(t-3)	1.003	0.005				
Weapons stockpile _(t-3)			0.998	0.001****	0.998	0.001 ⁺
Weapons stockpile ² _(t-3)					1.000	0.001
Operational _(t-3)	1.028*	0.012				
Operational stockpile _(t-3)			1.041	0.003****	1.067	0.005****
Operational stockpile ² _(t-3)					0.999	0.005****
Officers per 1000	1.228	0.036****	1.142	0.034****	1.151	0.034****
Pop. in millions	1.004	0.003****	1.018	0.004****	1.020	0.003****
Log(Income)	2.207	0.215****	2.151	0.208****	2.264	0.219****
Unemploy- ment %	1.011	0.006 ⁺	1.017	0.006**	1.012	0.006*
Percent Black	0.984	0.003****	0.989	0.003****	0.989	0.003****
Intercept	0.001	0.001****	0.001	0.001****	0.001	0.001****
Exposure(Vi- olent Crime)	—		—		—	
Log likelihood		-31,061.266		-30,972.984		-30,947.18
Wald χ^2		777.99		1141.67		1157.99
Likelihood- ratio test					LR $\chi^2(4) = 51.36$, $p < 0.0001$	

⁺p < 0.10, *p < 0.05, **p < 0.01, ***p < 0.001, ****p < 0.0001.

Acquisitions are in terms of hundreds of purchases.

Data drawn from Defense Logistic Agency, FBI, Census, and Department of Labor

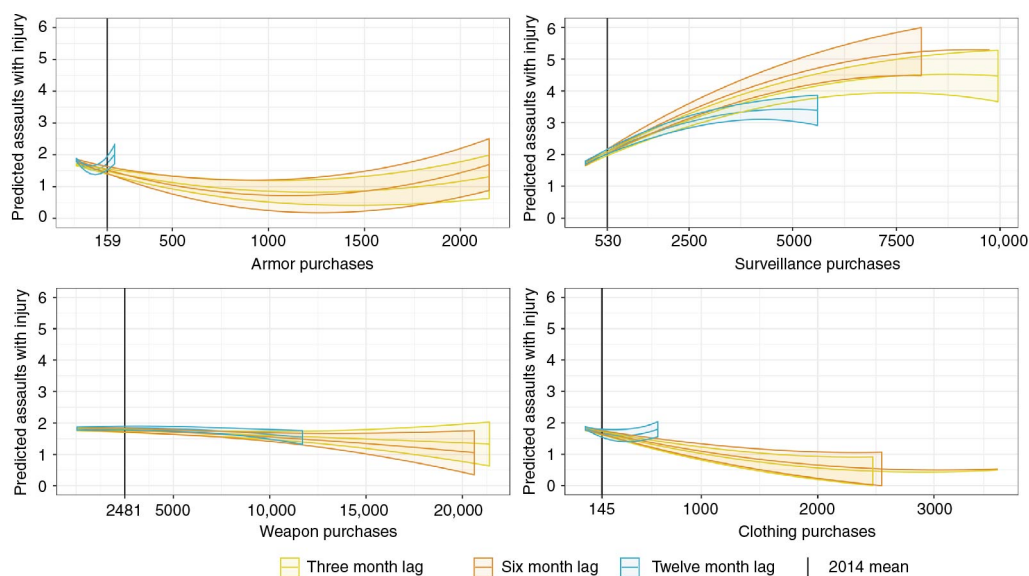


Figure 1: Militarization purchases and effects on assaults against police. Margins represent 95% confidence intervals.

5 Discussion

Since 1993, police forces across the country have been purchasing military gear in order to both more effectively prevent and fight crime and to keep their officers safe. This analysis explored empirically whether assaults against police officers were related to the purchase of military equipment from the 1033 Program. Results from this analysis were mixed; although some types of gear (armor and clothing) had a negative relationship with police assaults, some types of gear (sonar, radar, cameras, and recording devices) increased violence against police. Moreover, we found no significant relationship between one month's purchases and a future month's assaults, but instead found significant relationships when we accounted for the continual purchasing of equipment by states.

The results suggest that material militarization purchases are decreasing assaults against officers. However, the strength in the reduction comes mainly within the clothing and armor of the police officers, not the weapons, which had no effect on reducing assaults. This corroborates prior research showing no effect of weapon purchases on crime rate (Bove & Gavrilova, 2017). However, this work showed significant reductions in assaults due to armor and clothing purchases, in comparison to no effect (Bove & Gavrilova, 2017, Table 5) and an increase in assaults due to operational purchases, in comparison to all purchases reducing assaults (Harris et al., 2017, Table 9). The results of clothing and armor reducing assaults suggests that there is credence to the Velcro Effect (Buttle, 2005) – that the appearance an officer gives off is the most important factor influencing one's decision to aggress.

The novel key finding is that operational militarization was increasing assaults against police officers. The majority of purchases within this category were regular cameras, night vision goggles, and audio-visual technology, but also included bomb disposal robots, spotlights, and mine detectors. It may be the case that operational equipment is more readily assisting the officers with finding out more information on criminals, which is increasing their interactions with criminals and therefore increasing assaults. However, such an assumption should be controlled through the exposure variable of crime rate. Instead, we may be observing the same reaction police give when asked about the idea of a body camera (Ybarra, 2015) – that citizens feel an infringement on their rights to privacy. Further research should explore this result in more detail.

5.1 Limitations

There are a few limitations that must be considered in interpreting the results. While we collapsed our data to the state level in order to account for geographical spillover (Bronars & Lott, 1998), we were unable to account for any inter-state effects that may also arise from this spillover. Future work should explore how purchases from a neighboring state may or may not influence decision making in another state. While we believe our models are strong in their ability to reach causality through the exposure of crime rate and varying the lagged purchases (via monthly data), we should recognize that there may be differences between states in how military equipment is utilized, and, therefore, should note that our Incident Risk Ratios are not equal across all states. Different approaches to the deployment and use of such equipment may differ at a state level, and this was only able to be captured through the state fixed effects. Controls surrounding the demographic characteristics of the state, including race, income, and population could all only be obtained at a year-level basis, and were replicated across each year to fit a month-level analysis. This replication may be losing nuance in the variation across states. Yet, we believe it is a reasonable assumption that these controls are relatively stable across a given state, and that the variation is negligible.

A recent working group examined the usefulness of LEOKA data, and pointed out three caveats to the use of this data – it is released too slowly, it is underreported, and it is not often used in academic work (Kuhns et al., 2016, p. 6). The first – that it is released too slowly, is not a large issue, as we examined what should be a general trend visible across the whole time-series we have available. The third – that it is not used in academic work, we do not see as a deterrence, but instead simply motivation for continued exploration of this dataset, though support the call for a stronger maintenance and rigor to future waves of the data. The second problem – of underreporting – we recognize as an issue. However, as research argues that aggravated assaults are far less likely to be underreported (Kaminski, Jefferis & Gu, 2003; Margarita, 1980), we feel more confident in our outcomes and believe any missing data is otherwise random.

Our analysis is unable to examine other factors of discontent and legitimacy of police officers. While we found a reduction in assaults when purchases of armor, it does not mean that continued purchases of armor and

weapons are necessarily helping officers in other manners of their functionality. Citizens could still be increasing in their distrust and decreasing their willingness to assist police officers, but such measures were unable to be examined in this current study. Future work, especially in nationally representative samples, should continue to pursue the trust and legitimacy of police officers and the perception of the equipment they carry.

Finally, the major question this paper points to – but fails to answer – is the question of assaults on citizens by the police (for a starting discussion on this, see Maguire, Nix & Campbell, 2017). This work can only examine the reverse – when citizens strike out against officers, which still points to a growing tension between the two groups. If police are experiencing more assaults, they may react more impulsively in their interactions with citizens, and drawing their weapons at faster rates and making quicker decisions.

6 Policy implications and conclusions

Despite these limitations, the presented study still provides a necessary and unique insight into citizen and police relations. Through examining injurious assaults on police with lagged fixed effects negative binomial models, there was evidence that an increase in operational militarization purchases by states was associated with an increase in future assaults on police officers. There was also evidence that material militarization purchases were associated with decreases in assaults, the most substantive of effects being provided by armor-based purchases. However, weapon purchases – including pistols and M4 rifles, showed no benefit in reducing injuries among police officers.

These results bring a critical question to the continued use of the 1033 Program. In the more overt forms of protection, the 1033 transfers seem to be doing their job of protecting officers. However, it is not clear that protection of assaults strictly falls under the law's requirements of "suitable for use by the agencies in law enforcement activities, including counterdrug, counterterrorism, and border security activities" (Excess personal property: Sale or donation for law enforcement activities, 1997, section a.A). Even if it did, results suggest that decreased assaults are not a guaranteed outcome. Instead, these results may be picking up on a growing discontentment with police and their use of military-grade equipment, and further work exploring other options – such as the promising use of soft-policing (Ariel, Weinborn & Sherman, 2016) should be given more consideration.

Overall, this work is the one of the first to examine personal safety outcomes of officers from citizens in regards to the 1033 Program. Further research is required in order to more holistically understand why increased surveillance purchases is increasing assaults against officers, and at the same time, try and understand why weapons seem to have no effect on the amount of assaults officers receive. Whatever the outcome of future work, this research provides us with recognition of the potential unseen consequences of an increase in militarization.

Conflict of interest: The authors report no conflicts of interest regarding the manuscript or the data.

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Article

Militarization and Policing—Its Relevance to 21st Century Police

Peter B. Kraska*

Abstract This work examines the blurring distinctions between the police and military institutions and between war and law enforcement. In this article, the author asserts that understanding this blur, and the associated organizing concepts *militarization* and *militarism*, are essential for accurately analyzing the changing nature of security, and the activity of policing, in the late-modern era of the 21st century.

Simplicity is comforting. Modernity's basic dichotomies such as fact/value, private/public, and national/international simplify our thinking and lull us into intellectual complacency. Police academics in the United States, with only a few exceptions, have been quite comfortable with the military/police dichotomy. The US military handles external security through the threat and practice of war. The civilian police handle internal security through the enforcement of federal and local laws. Most assume that studying the police and military is a mutually exclusive undertaking. Taking this dichotomy for granted is understandable given that the clear demarcation between the police and military has been considered a pre-eminent feature of the modern nation-state (Giddens, 1985). The failure of a government

to clearly demarcate the two is usually seen as an indicator of repressiveness and lack of democracy.

My research and writing has been challenging this dichotomy since the late 1980s. Its central thesis has remained steadfast, and may be viewed at this point in history as an obvious point to the keenly observant: we have been witnesses to a little noticed but nonetheless momentous historical change—the traditional distinctions between military/police, war/law enforcement, and internal/external security are rapidly blurring. Over the past 15 years, I have researched and traced the evolution of two interrelated trends that embody this blur: the militarization of US police and crime control, and the police-ization of the US

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Policing, pp. 1–13

doi:10.1093/polic/pam065

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military. Empirical indicators of these converging trends include the following:

- the significant erosion of the 1878 Posse Comitatus Act by the United States, which previous to the early 1980s prohibited the military involvement in internal security or police matters, except under the most extreme circumstances, leading to an unprecedented level of US armed forces' involvement in internal security matters;
- the advent of an unprecedented cooperative relationship between the US military and US civilian police at both the highest and lowest level of organization, including technology transfers, massive military weapons transfers, information sharing between the military and police targeted at domestic security, a close operational relationship in both drug control and terrorism control efforts, and a high level of cross-training in the area of special weapons and tactics team (SWAT) and counter-civil disturbance, counterinsurgency, and antiterrorism exercises;
- the steep growth and normalization of police special operations units (e.g. SWAT teams) that are *modelled after* (not identical to) elite military special operations groups;
- a growing tendency by the police and other segments of the criminal justice system to rely on the military/war model for formulating crime/drug/terrorism control rationale and operations; and

- a redefining of criminality to 'insurgency,' and crime control to 'low-intensity conflict'—requiring counter-insurgency measures carried out by both the US military and civilian police.

This article submits that understanding this blur, and the associated organizing concepts *militarization* and *militarism*, are essential for accurately analyzing the changing nature of security, and the activity of policing, in the late-modern era of the 21st century. Police leaders, in particular, will have to be increasingly cognizant and wary of the implications and potential consequences of this convergence, and the attendant social forces of militarism and militarization. The aim of this article, then, is to expose and sensitize the reader to what we might call a martial theoretical orientation. The idea here is to employ this orientation as a type of conceptual lens, or interpretive construct, which when peered through, will help us assess and accurately make sense of current trends in the police institution, the activity of policing, crime control, and warfare.

The militarism/militarization conceptual lens applied to the police

The concepts in which I have centered the bulk of my work are 'militarization' and 'militarism.' Despite these terms' pejorative undertones for some, they are most often used in academe as rigorous organizing concepts that help us to think more clearly about the influence war and the military model have on different aspects of society.

Assessing whether a civilian police force, for example, is becoming 'militarized' should not be viewed as an antipolice or an antimilitary pursuit. Evaluating police militarization

is a credible and important endeavor, and it can be accomplished through empirical evidence and rigorous scholarship. Of course, the integrity of this endeavor hinges on the clarity of our concepts.

Militarism, in its most basic sense, is an ideology focused on the best means to solve problems. It is a set of beliefs, values, and assumptions that stress the use of force and threat of violence as the most appropriate and efficacious means to solve problems. It emphasizes the exercise of military power, hardware, organization, operations, and technology as its primary problem-solving tools. *Militarization* is the implementation of the ideology, militarism. It is the process of arming, organizing, planning, training for, threatening, and sometimes implementing violent conflict. To militarize means adopting and applying the central elements of the military model to an organization or particular situation.

Police militarization, therefore, is simply the process whereby civilian police increasingly draw from, and pattern themselves around, the tenets of militarism and the military model. As seen in Figure 1, four dimensions of the military model provide us with tangible indicators of police militarization:

- material—martial weaponry, equipment, and advanced technology;
- cultural—martial language, style (appearance), beliefs, and values;
- organizational—martial arrangements such as ‘command and control’ centers [e.g. (COMPSTAT)], or elite squads of officers patterned after military special operations patrolling high-crime areas (as opposed to the traditional officer on the beat);

- Operational—patterns of activity modeled after the military such as in the areas of intelligence, supervision, handling high-risk situations, or war-making/restoration (e.g. weed and seed).

It should be obvious that the police since their inception have been to some extent ‘militarized.’ After all, the foundation of military and police power is the same—the state sanctioned capacity to use physical force to accomplish their respective objectives (external and internal security) (discussed further in Kraska, 1994). Therefore, the real concern when discerning police militarization is one of degree—or put differently, the extent to which a civilian police body is militarized.

Police militarization, in all countries and across any time in history, must be conceived of as the degree or extent of militarization. Any assertion that the police are or are not militarized is simply misguided. This is a nuance easily overlooked by police analysts who react defensively to using these organizing concepts (Kraska, 1999). They reason that because a police paramilitary squad such as a US SWAT team retains key attributes of civilian police—for example not being allowed to indiscriminately kill—the concepts of ‘militarization’ or ‘militarism’ do not apply. This encourages a one-dimensional conceptual lens which sees police as either being militarized or not. The point here is that any analysis of militarization among civilian police has to focus on where the civilian police fall on the continuum—culturally, organizationally, operationally, and materially—and in what direction they are currently headed (Kraska, 1999).

It is worth noting that beyond the police, militarism and militarization can operate as powerful theoretical lenses to make

To militarize means adopting and applying the central elements of the military model to an organization or particular situation. Police militarization, therefore, is simply the process whereby civilian police increasingly draw from, and pattern themselves around, the military model. The figure below illustrates the four central dimensions of the military model that constitute tangible indicators of militarization.

Because the police have always been “militaristic” to some degree throughout their history, any analysis of militarization among civilian police has to focus on where the civilian police fall on the continuum and in what direction they are headed. This assessment will vary considerably when viewing not only different police forces around the world, but even different police agencies with a decentralized system such as in the U.S.

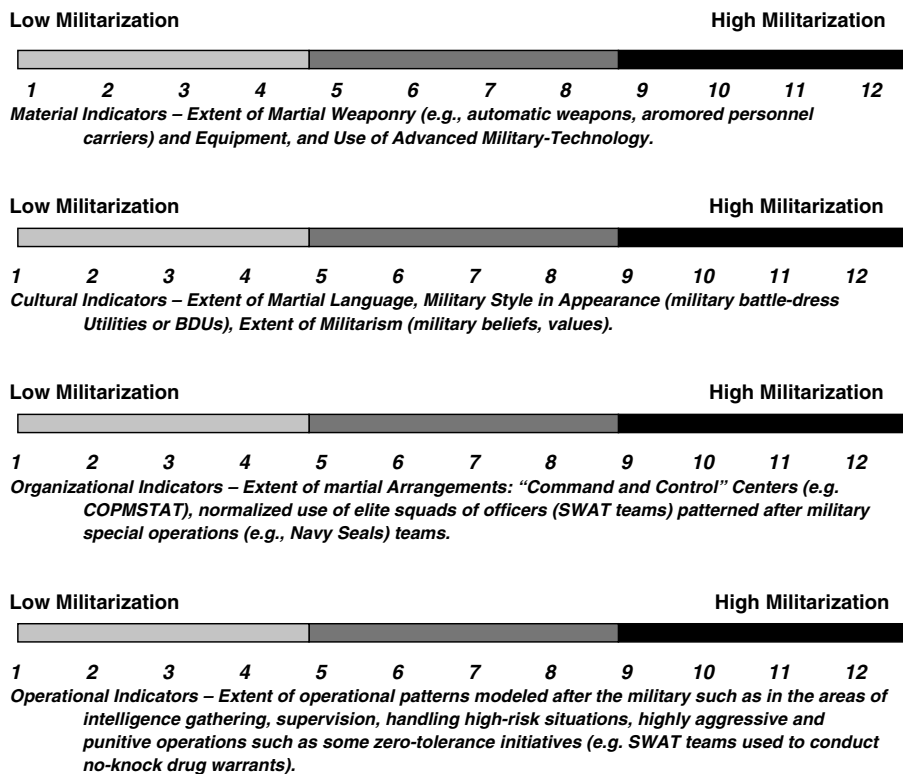


Figure 1 Assessing Police Militarization Using Continuums*

*A version of this figure can be found in Kraska and Neuman’s (2008) *Criminal Justice and Criminology Research Methods*. Prentice-Hall.

sense of many issues and trends in society—particularly those societies such as the United States that place a premium on military superiority. In fact, many analysts see these as dominant influences in foreign policy and increasingly domestic policies when it comes to issues of security.

For example, the US government has been rapidly redefining what constitutes a threat to national security by turning its gaze inward, thereby militarizing to a significant degree its domestic security efforts (referred to as the ‘national security syndrome’) (Sherry, 1985; Klare, 1980). Scholars such as Tonry (2004); Christie (2000) and Ericson and Carriere (1994) have illuminated the role that martial rhetoric has major role in this process—focusing specifically on the militarization of US domestic crime-control initiatives (and increasingly in other countries as well). Metaphors such as the war on drugs, crime, and terrorism play a powerful role in the construction of reality: they shape discursive practices, clarify values and understanding, and guide problem-solving processes. Framing the crime, terrorism, and drug problems using militaristic language, thus, will likely result in thoughts and actions which correspond with the war/military paradigm (Kraska, 2001).

Another useful insight came from Dwight D. Eisenhower’s (retired US Army general and former US President) thinking about the growing influence of the military paradigm. He dedicated his farewell speech to warning against the growing influence of militarism in US society. He coined the phrase, ‘military-industrial-complex’ (M.I.C.) in an attempt to raise the public consciousness about the undue influence of militarization in US society. Contemporary militarization in his view benefited not the public good, but politicians,

bureaucrats, and corporations; a charge often heard today from those critical of the US-led war against Iraq. Similarly, several academics have argued that the crime-control enterprise operates as an analogous industrial complex—complete with political, governmental, and private-growth pressures (Christie, 2000; others found in Kraska, 2004). This essay raises the distinct possibility that we are witnesses to a growing overlap between military and criminal justice complexes.

Detailing the police/military blur

A large body of literature documents the extent to which US police agencies have recently relied more heavily on the military model for various functions (Kraska, 2001; Maguire and King, 2004). A less well-developed literature has attempted to extend this thesis internationally (Lutterbeck, 2004; McCulloch, 2004). Likewise, both academic scholars and leading military analysts recognize the growing law-enforcement role and function of the US armed forces (Dunlap, 2001; Haggerty and Ericson, 2001; Dunn, 2001; Kraska, 2001; Zimmerman, 2005). The following, therefore, is a brief review of some of this work and its thinking.

Militarizing American police

I began inquiring into the contemporary role the military model has on the US police when conducting a 2-year long ethnography of multijurisdictional SWAT teams (Kraska, 1996). Spending hundreds of hours training and going on actual deployments, I learned a great deal about police paramilitary units (PPUs) at the ground level, and especially police paramilitary culture. I first learned that

PPUs derive their appearance, tactics, operations, weaponry, and culture to a significant extent from military special operations units (e.g. Navy Seals). (It is important to reiterate that PPU are only closely modeled after these teams—clearly there are also key differences between a PPU and a military special operations unit—this is why they are referred to as police *para* military.)

With BDUs, heavy weaponry, training in hostage rescue, dynamic entries into fortified buildings, and some of the latest military technology, it became clear that these squads of officers fall significantly further down the militarization continuum—culturally, organizationally, operationally, and materially—than the traditional, lone cop-on-the-beat or road-patrol officer.

I also learned that the paramilitary culture associated with SWAT teams is highly appealing to a *certain segment* of civilian police (certainly not all civilian police). As with special operations soldiers in the military, members of these units saw themselves as the elite police involved in real crime fighting and danger. A large network of for-profit training, weapons, and equipment suppliers heavily promotes paramilitary culture at police shows, in police magazine advertisements, and in training programs sponsored by gun manufacturers such as Smith and Wesson and Heckler and Koch. The ‘military special operations’ culture—characterized by a distinct technowarrior garb, heavy weaponry, sophisticated technology, hypermasculinity, and dangerous function—was nothing less than intoxicating for its participants.

I most importantly learned that my micro-level experience might have been indicative of a much larger phenomenon. I decided

to test empirically my ground-level observations by conducting two independently funded national-level surveys. These surveys of both large and small police agencies yielded definitive data documenting the militarization of a significant component of the US police (Kraska and Kappeler, 1997; Kraska and Cubellis, 1997). This militarization was evidenced by a precipitous rise and mainstreaming of PPU. As of the late 1990s, about 89% of police departments in the United States serving populations of 50,000 people or more had a PPU, almost double of what existed in the mid-1980s. Their growth in smaller jurisdictions (agencies serving between 25 and 50,000 people) was even more pronounced. Currently, about 80% of small town agencies have a PPU; in the mid-1980s only 20% had them.

While formation of teams is an important indicator of growth, these trends would mean little if these teams were relatively inactive. This was not the case. There has been more than a 1,400% increase in the total number of police paramilitary deployments, or callouts, between 1980 and 2000. Today, an estimated 45,000 SWAT-team deployments are conducted yearly among those departments surveyed; in the early 1980s there was an average of about 3,000 (Kraska, 2001). The trend-line demonstrated that this growth began during the drug war of the late 1980s and early 1990s.

These figures would mean little if this increase in teams and deployments was due to an increase in PPU traditional *and essential function*—a reactive deployment of high-risk specialists for particularly dangerous events already in progress, such as hostage, sniper, or terrorist situations. Instead, more than 80% of these deployments were for proactive

drug raids, specifically no-knock and quick-knock dynamic entries into private residences, searching for contraband (drugs, guns, and money). This pattern of SWAT teams primarily engaged in surprise contraband raids held true for the largest as well as the smallest communities. PPU had changed from being a periphery and strictly reactive component of police departments to a proactive force actively engaged in fighting the drug war.

As further evidence, a surprisingly high percentage of police agencies also deployed their teams to do routine patrol work in crime ‘hot spots,’ a strong indicator of PPU normalization. In fact, a number of US police departments are currently purchasing, through homeland security funding, military armored personnel carriers (APCs), some of which are being used for aggressive, proactive patrol work. The Pittsburgh police department, for example, purchased a \$250,000 APC using homeland security grant money (Deitch, 2007). It is being used to conduct ‘street sweeps’ in high-crime neighborhoods. The personnel involved are SWAT officers outfitted with full police paramilitary garb and weaponry.

No-knock/quick-knock SWAT raids

What exactly is a no-knock or quick-knock raid? In essence, they constitute a proactive contraband raid. The purpose of these raids is generally to collect evidence (usually, drugs, guns, and/or money) from inside a private residence. This means that they are essentially a crude form of drug investigation.

A surprise ‘dynamic entry’ into a private residence creates conditions that place the citizens and police in an extremely volatile position necessitating extraordinary measures.

These include conducting searches often during the predawn hours, usually in black military BDUs, hoods, and military helmets; a rapid entry into the residence using specialized battering rams or entry explosives; the occasional use of flash-bang grenades designed to temporarily disorient the occupants; a frantic room-by-room search of the entire residence where all occupants are expected to immediately comply with officers’ urgent demands to get into the prone position; and handcuffing all occupants. If a citizen does not comply immediately more extreme measures are taken—these situations may involve non-lethal and lethal weaponry. Finally, the police aggressively search the entire residence for contraband.

I receive at least two phone calls per week from journalists, lawyers, or police departments reporting a new botched raid, generally where a citizen has been killed under highly questionable circumstances. I have recorded more than 275 instances of seriously botched SWAT raids on private residences. Botched PPU raids often devastate the communities and police departments involved, sometimes resulting in disbanded SWAT teams, laws being passed prohibiting or curtailing no-knock deployments, and expensive litigation judgments (Balko, 2006).

I received a call while writing this article that involved a US Army Green Beret soldier—suffering from Post Traumatic Stress Disorder (PTSD) and despondent because he had just heard he was being redeployed to Iraq for the third time—who had been killed by a SWAT team under highly questionable circumstances. The state attorney general’s investigation of this botched raid concluded,

The tactics adopted by the Maryland State Police EST [SWAT

team] can be best considered as progressively assaultive and militaristic in nature This office is not unaware of the mounting criticism throughout our nation over the use of paramilitary units employing overly aggressive tactics against our civilian population. As State's Attorney, I can think of no greater threat to the good relations existing in our community as it relates to police/citizen relations than to witness the unbridled use of overly aggressive tactics by a faceless and shadowy paramilitary police unit (Fritz, 2007:12,15)

Only 20 years ago, forced investigative searches of private residences, using the military special operations model employed during hostage rescues, were almost unheard of and would have been considered an extreme and unacceptable police tactic. It is critical to recognize that these are not forced reaction situations necessitating use of force specialists; instead they are the result of police departments *choosing* to use an extreme and highly dangerous tactic, not for terrorists or hostage-takers, but for small-time drug possessors and dealers. Attempting to control the crime problem by conducting tens of thousands of paramilitary style raids on private residences is strong evidence that the US police, and the 'war on crime' in general, have moved significantly down the militarization continuum.

Of course, a militarized response is sometimes necessary and even unavoidable if done in self-defense or to protect lives in imminent danger. The crisis situation at Columbine High School is a solid example of the necessity of having a professional, paramilitarized response to a preexisting crisis. The bulk

of US SWAT activity (no-knock/quick-knock raids and aggressive patrol work), however, constitutes a proactive approach. Numerous departments are choosing, based on political pressures, to generate on their own initiative high-risk events.

A central critique of this trend, therefore, does not focus on SWAT's traditional and vital reactive function. It instead concentrates on the inappropriate manner in which its function has been essentially turned on its head—normalizing itself into a range of proactive and mainstream police functions such as contraband raids. This is a strong example of the potentiality of the misplaced application of the military model in civilian policing.

Militarized policing versus community policing?

Interestingly the rise and normalization of PPU's occurred simultaneously with the community policing (CP) 'revolution.' These two trends—one representing militarization and the other democratization—seem to contradict one another. One obvious explanation for this incongruity might be that militarization flourished as a backstage phenomenon, operating as a form of resistance, or corrective, to the immense political pressures put on the American police to adopt CP reforms. This view would be consistent with criminal justice theories put forward by academics such as Garland (2001) and O'Malley (1999). They posit that in our late-modern era of declining state sovereignty and conflicting ideologies, we can expect to see these types of incongruities and incoherence in police rationales and policies. The militarization/democratization paradox is a sign of the late-modern state attempting to

regain its legitimacy and power in a confused and incoherent manner.

While plausible, this explanation does not hold up to ground-level research evidence (DeMichelle and Kraska, 2001). Survey research and in-depth interviews with US police administrators revealed little incoherence between the expanding role and function of SWAT teams and CP reform efforts. When asked about the relationship, the following comment from a SWAT commander was typical:

We conduct a lot of saturation patrol. We do terry stops and aggressive field interviews. These tactics are successful as long as the pressure stays on relentlessly. The key to our success is that we're an elite crime fighting team that's not bogged down in the regular bureaucracy. We focus on quality of life issues like illegal parking, loud music, bums, troubles. We have the freedom to stay in a hot area and clean it up—particularly gangs. Our tactical team works nicely with our department's emphasis on community policing

Another quote from a police chief of a self-proclaimed CP department parroted the strategic mission of the US federal CP program known as 'Weed and Seed.'

The only people that are going to be able to deal with these problems (drugs, guns, gangs, and community disorder) are highly trained tactical teams with the proper equipment to go into a neighborhood and clear the neighborhood

and hold it; allowing community policing and problem oriented policing officers to come in and start turning the neighborhood around.

For these comments to make sense, we must remember that two competing strands of CP were evident within this reform movement. Police reformers such as Louis Radelet and Robert Trojanowicz promoted the first strand. It emphasized community empowerment, cultivating constructive relationships with disenfranchised minority groups, and establishing partnerships between the public and police. In this strand of CP, the end goal was for the community to police their own communities.

The second strand was touted by James Q. Wilson and George Kelling. It focused on creating a climate of order in the community through highly proactive police work. The police were to aggressively police the neighborhoods they took ownership and pride in—eliminating those signs of disorder (broken windows), which acted to breakdown community controls. This strand of CP has in many instances transformed into a zero-tolerance policing model, where the police strictly enforce all infractions of law and order using an array of aggressive tactics such as street sweeps, proactive enforcement of not just the law but community order, and a proliferation of drug raids on private residences.

Police administrators using SWAT teams to aggressively patrol hotspots and conduct investigatory drug raids viewed this as wholly consistent with Wilson and Kelling's vision. These police agencies are integrating a military-model approach—occupy, suppress through force, and restore the affected territory—with second strand CP ideology, which

emphasizes taking back the neighborhood, creating a climate of order, and aggressively enforcing minor law and order infractions; all in an effort to cultivate healthier communities. Consistent with the quote from the chief of police above, militarized police units and tactics do the weeding, thereby providing the opportunity for other programs to seed the community. (This of course is similar to the tact taken by the US military in the Iraq conflict).

Viewing these developments through the lenses of militarism and militarization demonstrates that despite efforts to do away with the military-professional approach of the mid-1900s, the specter of the military model still haunts the real world of contemporary policing. Militarism is obviously an enduring and flexible presence that can adapt to changing external forces. We should also note the remarkable ability of police practitioners to maneuver through the tensions and pressures of external influences. It is not uncommon for them to have to amalgamate seemingly contradictory messages so that their real-world thinking and practice exhibit a level of coherence and harmony that makes sense to them.

Police-icizing the American military

That the US military is currently operating more as a police force than a military one should be obvious to those familiar with the postinvasion conflicts in Iraq and Afghanistan. The bulk of its security work involves routine patrol operations, house-to-house searches (including no-knock contraband raids), and arresting law breakers. Its 'rules of engagement' (use of force policies) are more similar to police work than they are for warfare. Serious questions have been raised about the extent to which military soldiers trained for traditional

warfare are capable of effectively enforcing domestic peace in a foreign land. As many security analysts predicted (and some strongly advocated for), the line between war and law enforcement efforts has blurred considerably. In conducting operations known in military circles as 'low-intensity conflict,' distinctions between police and military mean little.

What is less known is the long history—predating the terrorist event of 9/11—of the US military's mission of creeping into functions traditionally viewed as the purview of police (Dunlap, 2001). Elsewhere I have documented the history of the US military's high level of involvement, both abroad and domestically, in drug control efforts beginning in the mid-to-late 1980s (Kraska, 1993). This was an unprecedented shift in the role and function of the US military—an attempt to make the military more 'socially useful' by engaging in drug control efforts. Military officials initially resisted this change until it was clear that the post-Cold War era would provide few justifications for continued funding.

By 11 September 2001, then, the stage was thoroughly prepared for a rapid acceleration of the military-police blur. The mission sprint of the US military into law-enforcement functions involved entirely new levels of cooperation and collaboration between civilian police and the armed forces, and the military has become a central player in a host of homeland security and war-on-terror initiatives. With little objection or discussion, the US Congress passed legislation that established the military as a central feature of homeland security known as Northcom. Its most controversial role, besides establishing close operational and training ties with civilian police, is a surveillance and information program that is

currently the largest federal domestic surveillance initiative outside of the Federal Bureau of Investigation (Pincus, 2005).

Conclusion: martial trends and issues

The purpose of this article is to use the concepts of militarism and militarization to illuminate and make more accurate theoretical sense of some disquieting trends in contemporary police and policing. Before I conclude with some final observations, I want to concede upfront that the positive virtues the military model brings to the policing table have not been discussed. As I have written elsewhere:

The debate on paramilitary policing in the British literature illustrates clearly that normative concerns play a central role in assessing its desirability (Jefferson, 1990; Reiner, 1992). This issue involves heartfelt beliefs, values, and morals. To many people, even among academics, the military model represents constraint, discipline, honor, control, competence, and a type of patriotism. To others it stands for tyranny, state violence, human rights abuses, war, and an ideology which sees social problems as being best-handled through state force (Kraska and Cubellis, 1997:627).

Please note that my analysis does leave room for the military model in policing (e.g. the original and essential reactive function of SWAT teams). This is unavoidable given that the foundation of police and military power is the

same—the ability to threaten and use force, lethal if necessary, to accomplish State objectives. It would be foolish to take an either-or position. However, the cautionary tone is justified if we keep in mind the importance of what has been and should be a central tenet of democratic policing: strive to keep the police as far left on the militarization continuum as possible.

Whether these two converging trends outlined—the militarization of police and the police-ization of the military—are alarming to the reader or encouraging, they are real. We are in the midst of a historic transformation—one that both police practitioners and academics should acknowledge and remain cognizant of. Attempting to control the crime problem by routinely conducting police special operations raids on people's private residences is strong evidence that the US police, and crime control efforts in general, have moved significantly down the militarization continuum. Moreover, the normalization of PPU's into routine police work, the patrol function, and in so-called 'order enforcement campaigns,' points to an enduring internal militarization not likely to recede anytime in the near future.

Of course, these developments were occurring previous to the 9/11 tragedy. Two recent wars, and the security crisis in Iraq, signal the dawn of a new era of serious armed conflict. The eerie stability provided by the Cold War and the specter of the Vietnam War has vanished. The on-going war on terrorism is accelerating dramatically the blurring distinction between the police and military, between internal and external security, and between war and law enforcement. Any broad-based academic analysis that relies heavily on these traditional demarcations will soon seem misplaced and obsolete.

In the midst of this perpetual war-footing, I think it is also plausible to assume that government officials entrusted to keep us secure from terrorism, will more readily gravitate toward the ideology of militarism—both for internal and external security threats—when problem-solving and administering justice. Processing crime, drug, and terrorism control through the filter of militarism will undoubtedly render a militarized response more appealing and likely.

A poignant example of this is the recent Hurricane Katrina catastrophe in the United States. The government's response to this disaster was far different than has been the norm for the past 50 years. Symbolic of the decline of the social welfare paradigm, and the ascendance of a militarized, governance model that revolves around crime and security, the central focus of the Department of Homeland Security (and its newly subsumed Federal Emergency Management Agency) was not humanitarian relief, but instead a massive security operation that included police paramilitary squads, Blackwater-incorporated private soldiers, and the US National Guard. By all accounts, the fixation on crime and insecurity and the militarized deployment delayed and complicated the humanitarian relief effort considerably.

What impact will this have on the future of US police militarization? It could be that the war on terrorism provides such strong justification for the existence of PPU's that they may cut back on proactive functions, returning to their original status: reactive units that primarily train for the rare terrorist or hostage incident. While I would welcome this development, I think we will still be left with the problem of the regular police—operating in the context of a society that places a high level

of emphasis on militarism—being increasingly seduced by the trappings of paramilitary subculture. Paramilitarism could exert even a stronger influence on what the regular police decide on for uniforms (e.g. military BDUs), how they think, the weaponry and technology they employ, the organizational models they adopt (e.g. COMPSTAT), and the crime control solutions they devise. The CP reform movement's call for democratization may be increasingly drowned out by the drumbeats of high-technology militarization.

Whatever trajectory the future takes, keeping track of the movement of civilian police on the militarization continuum, and the extent to which the military becomes more enmeshed in police functions, will be increasingly important for our understanding of 'policing' in contemporary society.

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***The Wars Are Here:
How the United States' Post-9/11 Wars Helped Militarize U.S. Police***

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September 16, 2020

Six years after the germinal United States protests against anti-Black police violence in Ferguson, MO, and months after the 2020 police killings of George Floyd and Breonna Taylor, police in mine-resistant vehicles have once again occupied both the streets and mass public attention. In 2014, images from the Ferguson protests—of snipers pointing semi-automatic rifles into crowds and officers tear-gassing unarmed civilians—prompted activists and politicians to compare the St. Louis suburb to occupied Gaza, Ukraine, or Iraq.² During the summer of 2020, as the U.S. witnessed its largest public uprisings since the 1960s, police militarization again came under scrutiny. The Department of Homeland Security flew surveillance aircraft over protests in 15 cities, as officers on the ground deployed flash-bang grenades, sound cannons, rubber bullets, and tear gas against peaceful demonstrators.³ Since protests began, at least 14 local law enforcement agencies in 10 states have received free mine-resistant vehicles built for the U.S. military.⁴ In response, some lawmakers have revived efforts to curtail such transfers of military equipment.⁵ Reform groups are

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² Palumbo-Liu, D. (2014). Ferguson and Gaza: The Definitive Study of How They Are and Are Not Similar. *Salon*.
https://www.salon.com/2014/08/22/ferguson_and_gaza_the_definitive_study_of_how_they_are_and_are_not_similar/

³ Kanno-Youngs, Z. (2020). U.S. Watched George Floyd Protests in 15 Cities Using Aerial Surveillance. *The New York Times*. <https://www.nytimes.com/2020/06/19/us/politics/george-floyd-protests-surveillance.html>

⁴ I calculate this number using publicly available data for the 1033 Program (discussed below).

⁵ Edmondson, C. (2020). Lawmakers Begin Bipartisan Push to Cut Off Police Access to Military-Style Gear. *The New York Times*. <https://www.nytimes.com/2020/06/01/us/politics/police-military-gear.html>; Edmondson, C. (2020). Senate Kills Broad Curbs on Military Gear for Police, Thwarting Push to Demilitarize. *The New York Times*. <https://www.nytimes.com/2020/07/21/us/politics/senate-police-military-equipment.html>

advocating to demilitarize the police by limiting when and how they can use armored vehicles and camouflage uniforms.⁶

In this moment of potential transformation, we must analyze both the deep roots and the recent upsurge of police “militarization” in order to grasp what calls for “demilitarizing” the police could mean. This paper argues that today’s high level of police militarization is one of the cruel, complex domestic costs of recent American wars abroad. **Police militarization is in a sense as old as U.S. policing itself, yet it has exploded since September 11, 2001 and its intensification must be counted among the costs of this country’s post-9/11 wars.**⁷

These wars have offered a new series of justifications for police militarization, which is to say the continuous flow of military equipment, funding, personnel, surveillance technologies, trainings, concepts, and strategies to domestic police. After 9/11, the U.S. government poured money into law enforcement in the name of counterterrorism and homeland security. Preparedness for domestic terrorism shot to the top of police priorities. The State Department explained that “this capacity must be considered as much a staple of law enforcement operations as crime analysis, criminal intelligence, and crime prevention.”⁸ Police departments raced to develop counterterror systems; meanwhile, the scale and profits of military-industrial corporations mushroomed as the U.S. invaded Afghanistan and then Iraq.⁹ These forces converged with the growth of specialized police training and tactics to combat the rising number of mass shootings,¹⁰ and with more recent military drawdowns from active war zones, to vastly inflate an existing pipeline from the military and the federal government to local police.¹¹

⁶ Demilitarization. Campaign Zero. Retrieved June 26, 2020, from

<https://www.joincampaignzero.org/demilitarization>

⁷ “Post-9/11 wars” refers to U.S.-led military operations that have grown out of the U.S. and coalition forces’ invasions of Afghanistan in 2001 and Iraq in 2003, and President George W. Bush’s “Global War on Terror.”

⁸ U.S. Department of State. (2005). Money Laundering and Terrorist Financing—A Global Threat. *Cited in* Davis, L. M., Pollard, M., Ward, K., Wilson, J. M., Varda, D. M., Hansell, L., & Steinberg, P. (2010). Long-Term Effects of Law Enforcement’s Post-9/11 Focus on Counterterrorism and Homeland Security. *The RAND Corporation*. <https://www.ncjrs.gov/pdffiles1/nij/grants/232791.pdf>

⁹ Hartung, W. D. (2011). The Military-Industrial Complex Revisited: Shifting Patterns of Military Contracting in the Post-9/11 Period. *Costs of War at Brown University*.

<https://watson.brown.edu/costsofwar/files/cow/imce/papers/2011/The%20Military-Industrial%20Complex%20Revisited.pdf>

¹⁰ According to *The Washington Post*, the pace of mass shootings (narrowly defined) has quickened from an average of one every 84 days between 1999 and 2015, to one every 47 days between 2015 and 2019.

Berkowitz, B., Blanco, A., Mayes, B. R., Auerbach, K., & Rindler, D. (2019). More and Deadlier: Mass Shooting Trends in America. *The Washington Post*. <https://www.washingtonpost.com/nation/2019/08/05/more-deadlier-mass-shooting-trends-america/?arc404=true>

¹¹ The U.S. military has also cross-trained with and gained tactics from domestic police, particularly SWAT teams. See Kraska, P. (2007). Militarization and Policing—Its Relevance to 21st Century Police. *Policing*, 1(4), 501-513. <https://academic.oup.com/policing/article-abstract/1/4/501/1440981?redirectedFrom=fulltext>; Musa, S., Morgan, J., & Keegan, M. (2011). *Policing and COIN Operations: Lessons Learned, Strategies and Future Directions*. Center for Technology and National Security Policy & The Combating Terrorism Technical Support Office. <https://apps.dtic.mil/dtic/tr/fulltext/u2/a546677.pdf>; I focus in this paper mainly on local police, the

The domestic costs of this expanding pipeline have been momentous—even for police departments that have gratefully accepted supplies ranging from laser printers and file cabinets to mine-resistant vehicles. **From a purely economic standpoint, maintaining complex military equipment, surveillance systems, and SWAT teams is expensive for taxpayers and local governments.** Furthermore, police reformers argue that overt militaristic spectacles in protest policing—such as during the recent George Floyd protests—compromise police legitimacy and further damage civilian trust in the idea that policing is designed to “protect and serve.”¹²

More significant than costs to the public purse and to the institution of policing have been the costs of intensified militarization for Black, Brown, Indigenous, and poor communities. Police militarization has always echoed American wars abroad, which have often involved terrifying home raids, and whose bombs rain the heaviest destruction on what are almost invariably racialized communities. The domestic effects of these wars overseas are a version of what Aimé Césaire in *Discourse on Colonialism* called the “boomerang effect of colonization”: American imperialism, perpetually returning to haunt its own people. Militarization underscores and intensifies the occupying, repressive role police play in hyperpoliced communities like Ferguson.¹³ Invasive surveillance systems tend to target oppressed minorities, further entangling them in the criminal justice system. Historically in the U.S., the most brutal forms of protest policing have been leveled against labor organizers and Black and Indigenous liberation movements. Meanwhile, SWAT teams, which derive tactics and equipment from the military, are disproportionately used against Black and Latinx people in raids like the one that killed 7-year-old Aiyana Stanley-Jones in Detroit, Michigan in 2010.¹⁴ More recently, in the midst of the coronavirus pandemic, plainclothes police in Louisville, Kentucky raided the home of 26-year-old emergency medical technician Breonna Taylor and shot her 8 times, killing her.¹⁵

This paper traces U.S. police militarization from its colonial and anti-Black roots through its intensification after 9/11, demonstrating how today’s mine-resistant vehicles and tear gas emerge from a deep lineage of “militarized” policing. It then charts how police militarization has exploded in the wake of U.S.-led post-9/11 wars, specifically examining the flows of military equipment to police, the burgeoning surveillance and intelligence

main frontline contact with civilians, although federal and state law enforcement agencies have also been affected by the trends discussed below.

¹² See for instance *Final Report*. (2015). The President’s Task Force on 21st Century Policing. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

¹³ Césaire, A. (2000 [1955]). *Discourse on Colonialism*. Monthly Review Press.

¹⁴ The military has also derived tactics from domestic police, especially since 9/11. See footnote 9 above; Latinx is a gender-neutral term for people of Latin American heritage. See Morales, E. (2019). *Latinx: The New Force in American Politics and Culture*. Verso. <https://www.versobooks.com/books/3036-latinx>; *War Comes Home: The Excessive Militarization of American Policing*. (2014). American Civil Liberties Union (ACLU). <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police>; Hackman, R. (2015). “She Was Only a Baby”: Last Charge Dropped in Police Raid That Killed Sleeping Detroit Child. *The Guardian*. <https://www.theguardian.com/us-news/2015/jan/31/detroit-aiyana-stanley-jones-police-officer-cleared>

¹⁵ Oppel, R. A. Jr. & Taylor, D. B. (2020). Here’s What You Need to Know About Breonna Taylor’s Death. *The New York Times*. <https://www.nytimes.com/article/breonna-taylor-police.html>

infrastructure, and police departments hiring military veterans. The paper concludes with a survey of the many different costs of post-9/11 police militarization.

What is Police Militarization?

Both in 2014 after Ferguson and today, many critical commentators have decried the armored vehicles and police in full riot gear rolling through American streets. Scholars of police militarization, however, consider the concept to encompass much more than the buildup of military-grade equipment. “Militarization” also includes departments’ use of military language and counterinsurgency tactics, the spread of police paramilitary units, and military-derived ideologies about legitimate and moral uses of violence.¹⁶ Indeed, all of these things have intensified since 9/11. But it is first important to note that what today we call police militarization emerged from much older and intertwined histories of anti-Black and colonial state violence, which remain the bedrock of militarization today.

The roots of police militarization are laced throughout America’s 400-year history of Black oppression.¹⁷ Police departments in the American South developed from slave patrols and colonial-era militias, both of which overlapped in various roles with the federal military.¹⁸ All labored to repress uprisings and terrorize enslaved people and, later, Black people living under Jim Crow. There has never been a pre-militarized “time zero” when domestic police embodied an Officer Friendly ideal distinct from military models and militaristic operations.¹⁹

“Militarized” policing has always been a reality for Black Americans, particularly poor Black people and Black liberation activists.²⁰ In the 1960s, while the U.S. military was fighting in Vietnam, police drew on military expertise to develop counterinsurgency tactics against Black liberation and anti-war movements. For instance, Los Angeles police inspector Daryl Gates championed the nation’s first SWAT team after consulting with local Marines.²¹ Gates saw the 1965 Watts Uprising in LA as “guerilla warfare,” akin to Vietnamese insurgency and requiring military training and equipment to suppress.²² Later, under President Nixon and especially President Reagan, the War on Drugs authorized police use of military tactics like

¹⁶ Kraska, “Militarization and Policing—Its Relevance to 21st Century Police”; see also Lutz, C. (2002). Making War at Home in the United States: Militarization and the Current Crisis. *American Anthropologist*, 104(3), 723-735.

¹⁷ Nopper, T. K. & Kaba, M. (2014). Itemizing Atrocity. *Jacobin*. <https://jacobinmag.com/2014/08/itemizing-atrocity/>

¹⁸ Archbold, C. A. (2012). Section 1: The History of the Police. *Policing: A Text/Reader*. Sage Publishing. https://www.sagepub.com/sites/default/files/upm-binaries/50819_ch_1.pdf

¹⁹ Bernazzoli, R., & Flint, C. (2009). From Militarization to Securitization: Finding a Concept That Works. *Political Geography*, 28(8), 449–450. <https://doi.org/10.1016/j.polgeo.2009.08.003>

²⁰ Baldwin, J. (1966). A Report from Occupied Territory. *The Nation*. <https://www.thenation.com/article/archive/report-occupied-territory/>

²¹ Haberman, C. (2014). The Rise of the SWAT Team in American Policing. *The New York Times*. <https://www.nytimes.com/2014/09/08/us/the-rise-of-the-swat-team-in-american-policing.html>

²² Balko, R. (2013). *Rise of the Warrior Cop: The Militarization of America’s Police Forces*. PublicAffairs. <https://www.publicaffairsbooks.com/titles/radley-balko/rise-of-the-warrior-cop/9781610392129/>

no-knock raids (which allow police to break into a home unannounced).²³ These tactics have been disproportionately used against Black civilians.²⁴ In 1985, U.S. police even dropped a satchel bomb on the compound of MOVE, a Black liberation group in Philadelphia, PA. The bomb and subsequent blaze killed five children and six adults, and destroyed the homes of over 250 people.²⁵

Some commentators have called militarized policing a “cancer” spreading through the body politic, but such analyses erase its origins. “Militarized policing” has always demarcated who is subject to SWAT raids and satchel bombs, and who is not.²⁶ Similarly, police militarization is historically inseparable from American colonial and imperialist projects abroad. Northern cities’ first formal police departments were patterned on the British model of policing, which drew its organization and hierarchy from the military. The architect of the British model, Sir Robert Peel, developed his famous principles of policing while overseeing Britain’s occupation of Ireland. Peel found that “peace preservation” police forces could quell rebellious crowds and undermine anticolonial resistance more effectively than could occupying troops.²⁷ Colonial management is built into the tenets of American policing, which widely cites Peel’s principles today.²⁸

The U.S. military and domestic police also openly shared ideas long before federal programs formalized their exchange.²⁹ For instance, prominent American police reformer August Vollmer served in the Philippine-American War and imported military tactics into modern U.S. policing.³⁰ He developed new record-keeping systems that tracked and predicted criminal activity, just as the U.S. military attempted to identify insurgent activity during its occupation of the Philippines.³¹ “I’ve studied military tactics and used them to good effect in rounding up crooks,” Vollmer once told an audience of American police officers. “After all we’re conducting a war, a war against the enemies of society.”³²

²³ Baum, D. (1996). *Smoke and Mirrors: The War on Drugs and the Politics of Failure*. Little, Brown and Company.

²⁴ *War Comes Home*.

²⁵ Norward, L. (2019). The Day Philadelphia Bombed Its Own People. *Vox*. <https://www.vox.com/the-highlight/2019/8/8/20747198/philadelphia-bombing-1985-move>

²⁶ Harwood, M. (2014). How Did America’s Police Get So Militarized? *Mother Jones*. <https://www.motherjones.com/politics/2014/08/america-police-military-swat-ferguson-westcott-tampa/>;

Gamal, F. (2016). The Racial Politics of Protection: A Critical Race Examination of Police Militarization. *California Law Review*, 104(4), 979–1008. <http://dx.doi.org/10.15779/Z385P1R>

²⁷ Vitale, A. (2017). *The End of Policing*. Verso. <https://www.versobooks.com/books/2426-the-end-of-policing>

²⁸ *Sir Robert Peel’s Policing Principles*. Law Enforcement Action Partnership. Retrieved June 26, 2020, from <https://lawenforcementactionpartnership.org/peel-policing-principles/>

²⁹ Schrader, S. (2020). Yes, American Police Act Like Occupying Armies. They Literally Studied Their Tactics. *The Guardian*. <https://www.theguardian.com/commentisfree/2020/jun/08/yes-american-police-act-like-occupying-armies-they-literally-studied-their-tactics>

³⁰ Go, J. (2020). The Imperial Origins of American Policing: Militarization and Imperial Feedback in the Early 20th Century. *American Journal of Sociology*, 125(5), 1193–1254. <https://doi.org/10.1086/708464>

³¹ McCoy, A. W. (2009). *Policing America’s Empire: The United States, the Philippines, and the Rise of the Surveillance State*. The University of Wisconsin Press. <https://uwpress.wisc.edu/books/4454.htm>

³² Go, “The Imperial Origins of American Policing.”

Every attack in the name of national security on Brown and Black countries in the Global South, every massive injection of public tax dollars into the U.S. military, has both ravaged communities abroad and rebounded on American subjects—particularly the most marginalized. Indeed, Indigenous peoples, the original (and ongoing) victims of North American settler colonialism, remain the racialized group most likely to be killed in confrontations with U.S. police.³³ In the U.S. as well as Canada, police have often deployed military-style equipment and tactics to violently suppress Indigenous and First Nations claims to land, water, and environmental justice, as was most visible in the 2016-2017 Dakota Access Pipeline protests at Standing Rock.³⁴

Police militarization, in other words, is no recently invading cancer but rather embedded in the DNA of U.S. policing. **The stakes of grasping this argument are high: if there was no pre-militarized “time zero,” then militarization is not a switch that can be turned off by simply shutting down equipment transfer programs.** Nor does it map neatly onto a spectrum from less to more militarized, much less fit within simple binaries like “foreign/domestic” and “civilian/military.”³⁵ The point is certainly not that demilitarization efforts are meaningless. Rather, they must be informed by a reading of history and a recognition that the conceptual division between policing and the military is a “vanishing horizon,” as the police and military have always been intertwined.³⁶ This history also helps explain why the post-9/11 surge of police militarization mobilizes especially against Black, Brown, Indigenous, and poor people.

Post-9/11 Police Militarization

After the 9/11 attacks, the U.S. military invaded Afghanistan, then Iraq. As the American security state metastasized, the federal government opened a free-flowing spigot of military equipment and expertise to local law enforcement. Billions of dollars in equipment and grant funding gushed to the police in the name of combating domestic terrorism. Dozens of fusion centers, hubs for sharing intelligence across all levels of law enforcement, popped up around the country. The newly established Department of Homeland Security (DHS) and other agencies began offering police trainings on bioterrorism and improvised explosive devices (IEDs). Officers started attending counterterror trainings

³³ According to a CNN review of Centers for Disease Control and Prevention data, from 1999 to 2015, 2.9 out of every 1 million Native Americans were killed every year by law enforcement. That mortality rate is 12 percent higher than for African Americans and more than 300 percent higher than for white people. Hansen, E. (2017). The Forgotten Minority in Police Shootings. *CNN*. <https://www.cnn.com/2017/11/10/us/native-lives-matter/index.html>; see also Woodard, S. (2016). The Police Killings No One is Talking About. *In These Times*. <http://www.inthesetimes.com/features/native-american-police-killings-native-lives-matter.html>

³⁴ See #NoDAPL Archive – Standing Rock Water Protectors. Retrieved August 15, 2020, from <https://www.nodaplarchive.com/>

³⁵ Schrader, S. (2019). *Badges without Borders: How Global Counterinsurgency Transformed American Policing*. University of California Press. <https://california.degruyter.com/view/title/571652?language=en>

³⁶ Seigel, M. (2019). Always Already Military: Police, Public Safety, and State Violence. *American Quarterly*, 71(2), 519-539.

in other countries, particularly Israel.³⁷ The federal government dramatically expanded immigration enforcement infrastructure, claiming that the 9/11 attacks “injected new urgency” into border security.³⁸ This presumptive urgency underwrote the formation of Immigration and Customs Enforcement (ICE), which began coordinating with local police.³⁹ Surveillance systems designed for the military began trickling into local departments. Many adopted “intelligence-led policing” tactics in their day-to-day work, gathering and sharing information—sometimes with state and federal agencies—in order to prevent rather than respond to crime and potential terror threats.⁴⁰ Under President Obama, millions of dollars in federal funding incentivized police departments to hire post-9/11 veterans, further enmeshing military training and outlooks in domestic policing.

Unprecedented in scale and scope, these investments draw local policing into tighter collaboration with the military and federal agencies such as ICE, outfitting cops with otherwise inaccessible aircraft and armored trucks, and training them to think of county dams and pumpkin festivals as potential targets for terrorism.⁴¹ Many police departments have absorbed the counterterror mandate and now see themselves as working “at the front lines of the domestic fight against terrorism.”⁴² Police often contend that militarization is purely defensive, allowing them to better protect themselves and their communities against various threats. Critics argue that it has intensified police violence by framing marginalized populations as internal enemies. Reckoning with the costs of militarization first requires understanding how resources have flowed to police, and who their targets have been.

Here I highlight three main themes among many: the expansion of surveillance and intelligence, police departments hiring veterans, and, especially, military equipment flows to police.

Equipment Flows to Police Departments

The U.S. military directly transfers military materiel to law enforcement via the Department of Defense’s (DoD’s) 1033 Program, the most widely recognized avenue of

³⁷ Speri, A. (2017). Israel Security Forces Are Training American Cops Despite History of Rights Abuses. *The Intercept*. <https://theintercept.com/2017/09/15/police-israel-cops-training-adl-human-rights-abuses-dc-washington/>

³⁸ Post-9/11. (2019). U.S. Citizenship and Immigration Services. <https://www.uscis.gov/history-and-genealogy/our-history/overview-of-ins-history/post-911>

³⁹ *Celebrating the History of ICE*. (2020, September 8.) U.S. Immigration and Customs Enforcement. <https://www.ice.gov/features/history>

⁴⁰ Price, M. (2013). *National Security and Local Police*. The Brennan Center for Justice. https://www.brennancenter.org/sites/default/files/publications/NationalSecurity_LocalPolice_web.pdf

⁴¹ Swanson, A. (2015). State Police Have Received Billions of Dollars of Military Equipment. Here’s Where It All Went. *Washington Post*. <https://www.washingtonpost.com/news/wonk/wp/2015/04/16/state-police-have-received-billions-of-dollars-of-military-equipment-heres-where-it-all-went/>; see also O’Keeffe, K. (2014). John Oliver on Ferguson: No Police Department Needs Giant Military Vehicles. *The Atlantic*. <https://www.theatlantic.com/culture/archive/2014/08/john-oliver-knows-no-police-department-needs-giant-military-vehicles/378668/>

⁴² Price, *National Security and Local Police*.

police militarization. This program functionally recycles excess military equipment by distributing unneeded property to police departments—including campus, school, and park police—for free, minus the cost of shipping, maintenance, and storage. Launched in 1990, the program formalized and expanded an already existing pipeline of surplus material, including both “non-controlled” items like office supplies and “controlled” items like semi-automatic rifles. Around 8,200 federal, state, and local law enforcement agencies from 49 states and 4 U.S. territories currently participate in the program.⁴³ The 1033 Program excludes certain overtly military items such as tanks, armed drones, large-caliber weapons, body armor, and explosives; President Trump revoked President Obama’s additional injunction on tracked armored vehicles, grenade launchers, and bayonets (which the 1033 Program clarifies are merely “utility knives”).⁴⁴ The program prioritizes counter-drug and counterterrorism requests, incentivizing police to describe their need for equipment in such terms. However, it does not allow departments to simply stockpile in case of an emergency. Instead, they must certify that they will use all property within one year of receipt or else return it to the DoD.⁴⁵ Thus even if departments originally claimed to need armored vehicles and sniper rifles to defend against vanishingly rare terrorist attacks, they must often find other rationales to deploy such items, or else risk losing free equipment.

I found that the 1033 Program has transferred at least **\$1.6 billion worth of equipment** to law enforcement agencies since 9/11, compared to at least **\$27 million** before 9/11.⁴⁶ This is the most updated and comprehensive accounting of post-9/11 1033 Program equipment transfers to date. Other analyses focus on shorter timeframes and tend to pivot around Ferguson in 2014.⁴⁷

⁴³ *1033 Program FAQs*. U.S. Defense Logistics Agency. Retrieved June 26, 2020, from <https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx>

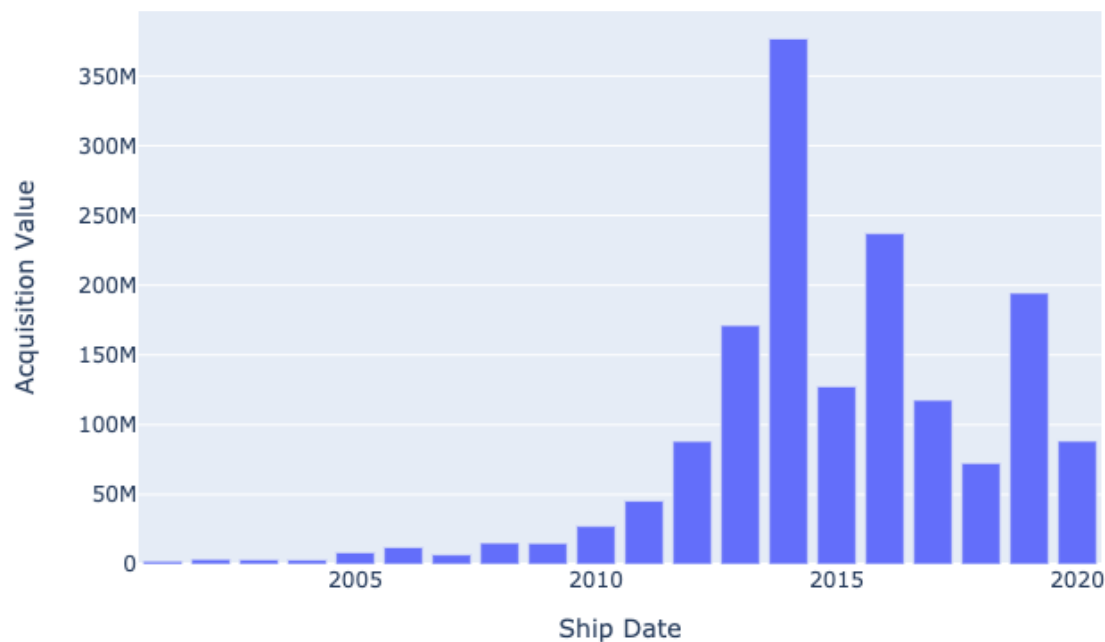
⁴⁴ *1033 Program FAQs*.

⁴⁵ *Review: Federal Support for Local Law Enforcement Equipment Acquisition*. (2014). Executive Office of the President. https://obamawhitehouse.archives.gov/sites/default/files/docs/federal_support_for_local_law_enforcement_equipment_acquisition.pdf; see also *War Comes Home*.

⁴⁶ See below for caveats to the data on which our calculations are based. Credit and thanks for these calculations, and the ones below, go to Yueshan Li (Aubrey), a Costs of War intern at Brown University.

⁴⁷ For instance, National Public Radio charted transfers between 2006 and early 2014, finding over \$1.5 billion worth of transfers in the top 10 categories alone: Rezvani, A., Pupovac, J., Eads, D., & Fisher, T. (2014). MRAPs And Bayonets: What We Know About the Pentagon’s 1033 Program. *National Public Radio*. <https://www.npr.org/2014/09/02/342494225/mraps-and-bayonets-what-we-know-about-the-pentagons-1033-program>; see also Radil, S., Dezzani, R., & McAden, L. (2015). The Road to Ferguson: Geographies of U.S. Police Militarization and the Role of the 1033 Program. *ResearchGate*. <https://doi.org10.13140/rg.2.1.2589.3604>. More recently, BuzzFeed found that the program has transferred over \$850 million worth of equipment since Ferguson in 2014, and that as of March 2020, local police arsenals nationwide included 494 mine-resistant vehicles, over 6,500 rifles, and at least 76 aircraft acquired since Ferguson: Templon, J. (2020). Police Departments Have Received Hundreds of Millions of Dollars In Military Equipment Since Ferguson. *BuzzFeed News*. <https://www.buzzfeednews.com/article/johntemplon/police-departments-military-gear-1033-program>

Figure 1. 1033 Program Equipment Transfers by Acquisition Value, January 2001 - June 2020⁴⁸



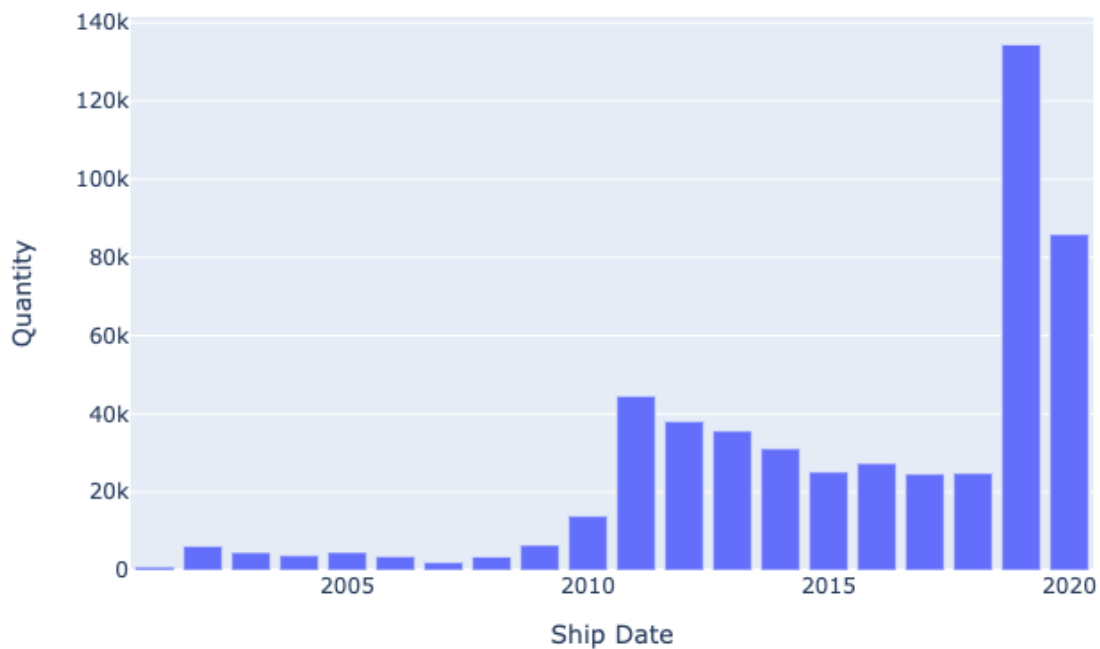
As shown in the above graph, 1033 Program transfers represent a lagging indicator for U.S. military demobilization, particularly after the drawdown from Iraq in 2010. Beginning around 2009, the total value of transfers steadily ramped up as the 1033 Program began funneling more expensive items, like mine-resistant vehicles and helicopters, to law enforcement.

The total quantity of items transferred further demonstrates the program's post-9/11 expansion. I found that the 1033 Program transferred nearly **520,000 individual items** to law enforcement after 9/11, compared to nearly **17,000 items** before 9/11 (see Figure 2, below). The majority of these items were non-controlled equipment such as office supplies.⁴⁹

⁴⁸ All graphs in this paper were created by Yueshan Li (Aubrey).

⁴⁹ For instance, the 1033 Program reported that 92 percent of property issued in 2019 was non-controlled—although it failed to note that controlled items made up most of the transfers' dollar value. See *1033 Program FAQs*.

Figure 2. 1033 Program Equipment Transfers by Quantity, January 2001 - June 2020



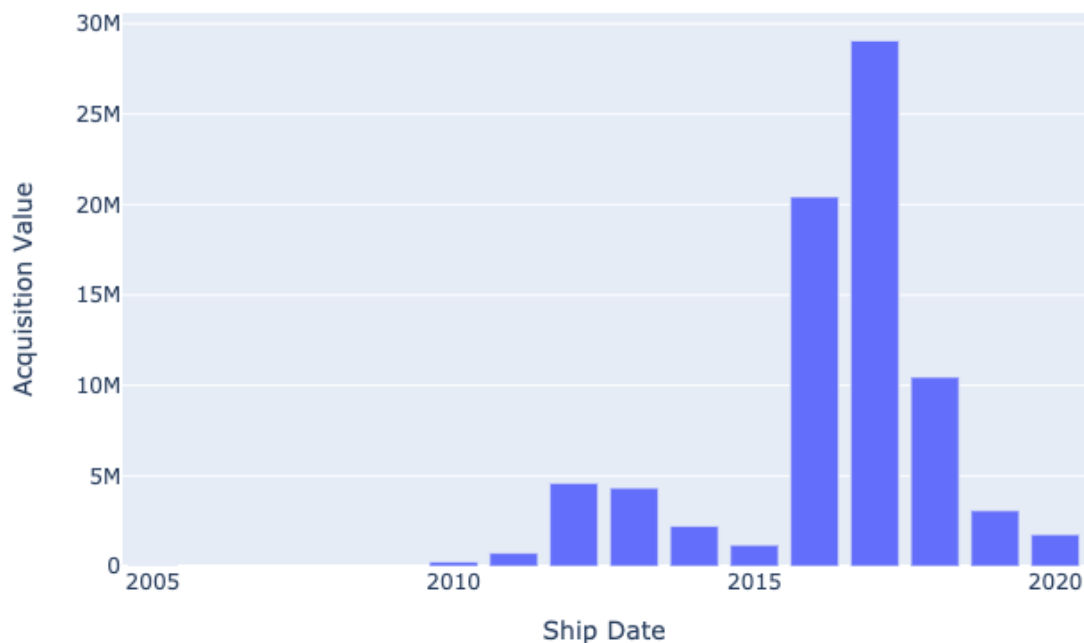
These post-9/11 transfers included at least **1,114 mine-resistant vehicles**, valued at approximately **\$300,000-\$850,000 each** and over **\$755 million overall**. Mine-resistant vehicle transfers began in 2009, with Texas receiving the most since then, followed by Tennessee, Florida, California, and Ohio.

Figure 3. Top Five State Recipients of 1033 Program Mine-Resistant Vehicles through June 2020

State	Mine-Resistant Vehicles Total Quantity	Mine-Resistant Vehicles Total Acquisition Value
Texas	116	\$78,885,221
Tennessee	86	\$59,041,829
Florida	72	\$47,541,844
California	54	\$36,512,080
Ohio	43	\$30,125,720

The 1033 Program began transferring unmanned vehicles and robot equipment to law enforcement even earlier, starting in 2005. The U.S. military has relied heavily on unmanned vehicles after 9/11, most prominently via its various drone warfare campaigns.⁵⁰ While the 1033 Program does not transfer armed drones, it does transfer unarmed unmanned vehicles, often used for reconnaissance and handling bomb threats. The 1033 Program has transferred over **1,000 individual robot items** to law enforcement, valued at over **\$77 million total**.⁵¹

Figure 4. Robot Equipment Transfers by Acquisition Value, January 2001 - June 2020



These figures should all be considered proxies for a recent upsurge. Tracking equipment transfers through the program is complex, despite its relative (and recent) public transparency.⁵² For one, reported equipment values are only estimates. They reflect what the military originally paid for the item, not the current depreciated value in today's dollars. Furthermore, while equipment like mine-resistant vehicles and weapons remain DoD property in perpetuity, more ordinary items like office supplies become part of police inventory after one year and thus fall off the books. Returned or disposed-of items are not

⁵⁰ See for instance *The Drone Papers*. (2015). The Intercept. <https://theintercept.com/drone-papers/>; Feroz, E. (2020). Death by Drone: America's Vicious Legacy in Afghanistan. *Foreign Policy*. <https://foreignpolicy.com/2020/03/27/afghanistan-drones-america-legacy-taliban/>

⁵¹ To determine the names of robot equipment in 1033 Program data, we relied on the comprehensive data compiled in Gettinger, D., & Michel, A. H. (2016). *Law Enforcement Robots Datasheet*. Center for the Study of the Drone at Bard College. <https://dronecenter.bard.edu/law-enforcement-robots-datasheet/>

⁵² LESO was only required to begin posting quarterly records in 2016. On tracking equipment transfers: Musgrave, S. (2014). How We Got the Pentagon to Reveal What Gear They Gave Cops. *MuckRock*. <https://www.muckrock.com/news/archives/2014/dec/09/how-we-got-pentagon-reveal-what-gear-they-gave-cop/>

publicly tracked either. My analysis only includes the DoD-tracked items in police arsenals as of June 30, 2020.

All of these issues certainly make my figures an underestimate. The DoD's Law Enforcement Support Office (LESO), which operates the program, reports that it has transferred \$7.4 billion worth of equipment since the program's inception in 1990.⁵³ Thus, over \$5.7 billion worth of equipment transferred since 1990 has either been disposed of or returned or has become police property and, either way, cannot be tracked.

The 1033 Program has come under the most scrutiny by far, but many other, more opaque federal programs transfer military-style equipment to police, provide grants to buy new material, or allow local law enforcement to enjoy the federal government's discounts on new equipment.⁵⁴ Department of Homeland Security (DHS) funding for such programs, for instance, eclipses the total value of equipment transferred through the 1033 Program.

In 2003, DHS instituted a grant program designed to ensure "a secure and resilient nation" by channeling over \$1 billion per year to lower levels of government, which can then use the funding for preparedness training, equipment such as helicopters (although not weapons), or even transport and storage costs of 1033 Program equipment.⁵⁵ Even though DHS specifies that only 25 percent of its Homeland Security Grant Program (HSGP) funding must be used for law enforcement counterterrorism efforts, it continues to dole out grant funding on the basis of terrorism risk assessments.⁵⁶ The agency invests in projects that have a demonstrated "nexus to terrorism preparedness," while acknowledging that proposals can simultaneously support "enhanced preparedness for other hazards unrelated to acts of terrorism."⁵⁷ In other words, DHS both requires agencies to speak in the specifically post-9/11 language of counterterrorism and allows them to use up to 75 percent of funds for non-terror-related activities, such as responding to "major disasters" like hurricanes, or to "pre-operational activity and other crimes that are precursors or indicators of terrorist activity."⁵⁸ DHS made over \$1.1 billion available through HSGP in fiscal year 2020.⁵⁹

⁵³ *1033 Program FAQs*.

⁵⁴ *Review: Federal Support for Local Law Enforcement Equipment Acquisition*.

⁵⁵ *The Federal Emergency Management Agency's Requirements for Reporting Homeland Security Grant Program Achievements*. (2012). U.S. Department of Homeland Security: Office of Inspector General. https://www.oig.dhs.gov/assets/Mgmt/2012/OIG_12-92_Jun12.pdf; *Review: Federal Support for Local Law Enforcement Equipment Acquisition*.

⁵⁶ *Fiscal Year (FY) 2019 Homeland Security Grant Program (HSGP) Frequently Asked Questions (FAQs)*. U.S. Department of Homeland Security: Federal Emergency Management Agency (FEMA). Retrieved August 15, 2020, from https://www.fema.gov/media-library-data/1555008515875-3e335349f5d330de3f265af17c7e3409/FY19_HSGP_FAQ_FINAL_508.pdf

⁵⁷ *FEMA Preparedness Grants Manual*. (2020, February). FEMA Grant Programs Directorate. https://www.fema.gov/sites/default/files/2020-06/fema_preparedness-grants-manual.pdf

⁵⁸ *DHS Announces Funding Opportunity for Fiscal Year 2020 Preparedness Grants*. (2020). Department of Homeland Security. <https://www.dhs.gov/news/2020/02/14/dhs-announces-funding-opportunity-fiscal-year-2020-preparedness-grants>

⁵⁹ *Homeland Security Grant*. FEMA. Retrieved August 15, 2020, from <https://www.fema.gov/grants/preparedness/homeland-security>

Federal programs aside, departments also buy new equipment directly from private companies.⁶⁰ Many of these expenditures are extremely difficult to track. Elected officials overseeing department budgets can allocate funding to purchase this equipment. Alternatively, departments can buy new equipment using the proceeds from asset forfeiture, a less transparent process that allows law enforcement to seize and profit from the cash and property of people convicted or even merely suspected of a crime. Since 9/11, police across the country have ramped up their use of civil asset forfeiture, which allows seizures without search warrants or indictments.⁶¹ *Washington Post* investigations found that state and local police gained over \$1.7 billion through federal civil asset forfeiture between 9/11 and 2014; police used that funding to buy armored vehicles, sniper gear, and electronic surveillance equipment such as cellphone trackers.⁶² Civil asset forfeiture is a tool so ripe for abuse that two of its architects called it “unreformable”: “having failed in both purpose and execution, it should be abolished.”⁶³ However, it remains a powerful and often murky means by which police can obtain the kinds of equipment provided by the Departments of Defense or Homeland Security.

Surveillance & Intelligence Expansions

As information-sharing between U.S. agencies became a major domestic priority in the wake of the 9/11 attacks, local police took up a novel role in the counterterror intelligence infrastructure: as the first line of homeland defense, the on-the-ground experts equipped to spot nascent terror threats. Local law enforcement began joining FBI-run Joint Terrorism Task Forces and federally funded fusion centers, of which there are now 80, including at least one in every state.⁶⁴ Meanwhile, many larger departments beefed up their designated intelligence units. This process was epitomized by the New York Police Department’s Muslim surveillance program. Over more than a decade, this infamous program secretly spied on, mapped, criminalized, and undermined the freedom and safety

⁶⁰ Departments that can afford to do so may prefer purchasing new equipment, whether with asset forfeiture funds, federal grant money, or city budgetary allocations, over 1033 Program equipment transfers—which can be decades old. Private companies like Lenco, which produces armored vehicles such as BearCats, provide free grant-writing assistance to police to encourage precisely this choice; see *Grant Help*. Lenco Armored Vehicles. Retrieved June 26, 2020, from <https://www.lencoarmor.com/grant-help/>

⁶¹ Under both state and federal civil asset forfeiture, law enforcement can seize assets suspected of being used to commit crimes or obtained through criminal means. Even if the property owner is never convicted of or even indicted for a crime, the government can keep their assets unless the owner can prove, through an onerous and expensive legal process, that their property was acquired legally.

⁶² Sallah, M., O’Harrow Jr., R., Rich, S., & Silverman, G. (2014). Stop and Seize. *The Washington Post*. <https://www.washingtonpost.com/sf/investigative/2014/09/06/stop-and-seize/?hpid=z3>; O’Harrow Jr., R., Rich, S., & Tan, S. (2014). Asset Seizures Fuel Police Spending. *The Washington Post*. <https://www.washingtonpost.com/sf/investigative/2014/10/11/asset-seizures-fuel-police-spending/>

⁶³ Yoder, J., & Cates, B. (2014). Government Self-Interest Corrupted a Crime-Fighting Tool Into an Evil. *The Washington Post*. https://www.washingtonpost.com/opinions/abolish-the-civil-asset-forfeiture-program-we-helped-create/2014/09/18/72f089ac-3d02-11e4-b0ea-8141703bbf6f_story.html

⁶⁴ *Fusion Center Locations and Contact Information*. (2020, April 16). U.S. Department of Homeland Security. <https://www.dhs.gov/fusion-center-locations-and-contact-information>

of Muslim communities in the name of counterterrorism—apparently without producing even a single lead.⁶⁵

Surveillance technology too has flowed to local police. For instance, *Bloomberg* reported in 2016 that the Baltimore Police Department had been secretly working with a company called Persistent Surveillance Systems (PSS) to broadly surveil majority-Black West Baltimore, using wide-angle cameras mounted on a small plane.⁶⁶ PSS's founder and president originally designed this technology to provide aerial surveillance of Fallujah, Iraq for invading U.S. Marines.⁶⁷ The surveillance plane program returned to Baltimore this year for a controversial six-month trial run.⁶⁸ Some local police have also gained access to facial recognition software and mass cellphone-tracking technology like Stingray devices.⁶⁹ Others have worked with ICE to track and identify suspected deportable immigrants.⁷⁰ During the recent George Floyd protests, local police departments alongside federal agencies like Customs and Border Protection (CBP) used military-developed tools like Predator drones to track and target activists.⁷¹

While police surveillance of protesters and racialized groups is nothing new, the post-9/11 influx of intelligence funding, organization, and technology dramatically intensified the sweep of police power.⁷² These systems also represent immense potential for future surveillance. Some states have acknowledged this danger and preemptively banned the use of facial recognition technology in police body cameras, while Amazon and Microsoft, under

⁶⁵ Shamas, D., & Arastu, N. (2013). *Mapping Muslims: NYPD Spying and its Impact on American Muslims*. The Muslim American Civil Liberties Coalition (MACLC), Creating Law Enforcement Accountability & Responsibility (CLEAR), & The Asian American Legal Defense and Education Fund (AALDEF).

<https://www.law.cuny.edu/wp-content/uploads/page-assets/academics/clinics/immigration/clear/Mapping-Muslims.pdf>; Goldman, A., & Apuzzo, M. (2012). NYPD Muslim Spying Led to No Leads, Terror Cases. *The Associated Press*. <https://www.ap.org/ap-in-the-news/2012/nypd-muslim-spying-led-to-no-leads-terror-cases>

⁶⁶ Reel, M. (2016). Secret Cameras Record Baltimore's Every Move From Above. *Bloomberg Businessweek*. <https://www.bloomberg.com/features/2016-baltimore-secret-surveillance/>

⁶⁷ Mims, C. (2019). When Battlefield Surveillance Comes to Your Town. *The Wall Street Journal*. <https://www.wsj.com/articles/when-battlefield-surveillance-comes-to-your-town-11564805394>

⁶⁸ Prudente, T. (2020, September 11). Spy Planes Provide Modest Help to Baltimore Crime Fight Over Three Months, Researchers Find. *The Baltimore Sun*. <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-spy-plane-study-20200911-wzd3nhyp6vg3blejk3rjz7dxza-story.html>

⁶⁹ *Stingray Tracking Devices: Who's Got Them?* (2018, November). American Civil Liberties Union (ACLU). <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them>

⁷⁰ *How ICE Uses Local Criminal Justice Systems to Funnel People Into the Detention and Deportation System*. (2014). National Immigration Law Center. <https://www.nilc.org/issues/immigration-enforcement/localjusticeandice/>;

Rivlin-Nadler, M. (2019). How ICE Uses Social Media to Surveil and Arrest Immigrants. *The Intercept*. <https://theintercept.com/2019/12/22/ice-social-media-surveillance/>

⁷¹ Heilweil, R. (2020). Members of Congress Want to Know More About Law Enforcement's Surveillance of Protesters. *Vox*. <https://www.vox.com/recode/2020/5/29/21274828/drone-minneapolis-protests-predator-surveillance-police>

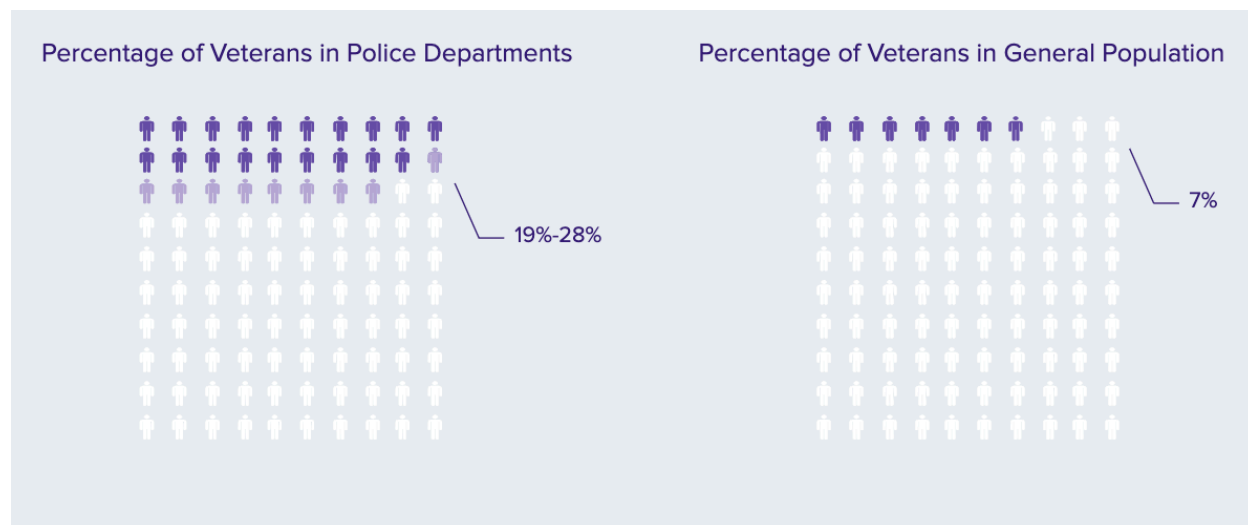
⁷² Marcetic, B. (2016). The FBI's Secret War. *Jacobin*. <https://jacobinmag.com/2016/08/fbi-cointelpro-new-left-panthers-muslim-surveillance>

pressure during the recent uprisings, have announced moratoriums on police use of their facial recognition software.⁷³

Veteran Hiring into Police Departments

Personnel from post-9/11 wars have also flowed to police departments, particularly under President Obama. Today, while no public database collects national data on police veteran status, analyses suggest that between 19 percent and 28 percent of police officers have current or prior military service, compared to about 7 percent of the general population.⁷⁴

Figure 5. Veterans in Police Departments Versus in the General Population



In 2012, the Department of Justice provided over \$100 million to hire post-9/11 veterans into law enforcement positions as part of an effort to address these veterans' unemployment rate, then at 12 percent.⁷⁵ State-level veterans' preference laws also

⁷³ Metz, R. (2019). California Lawmakers Ban Facial-Recognition Software from Police Body Cams. *CNN Business*. <https://www.cnn.com/2019/09/12/tech/california-body-cam-facial-recognition-ban/index.html>; Heilweil, R. (2020). Big Tech Companies Back Away from Selling Facial Recognition to Police. That's Progress. *Vox*. <https://www.vox.com/recode/2020/6/10/21287194/amazon-microsoft-ibm-facial-recognition-moratorium-police>

⁷⁴ The Marshall Project estimates that 19 percent of all police officers are veterans, while Pew Research Center estimates that this number is 28 percent. See Weichselbaum, S., & Schwartzapfel, B. (2017). When Warriors Put on the Badge. *The Marshall Project*. <https://www.themarshallproject.org/2017/03/30/when-warriors-put-on-the-badge>; Morin, R., & Mercer, A. (2017). A Closer Look at Police Officers Who Have Fired Their Weapon on Duty. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2017/02/08/a-closer-look-at-police-officers-who-have-fired-their-weapon-on-duty/>; For the percentage of veterans in the U.S. population, see *Census Bureau Releases New Report on Veterans*. (2020, June 2). United States Census Bureau. <https://www.census.gov/newsroom/press-releases/2020/veterans-report.html>

⁷⁵ The Department of Justice specified that all new law enforcement positions funded through its 2012 grants must be filled by veterans who had served at least 6 months since 9/11. For the announcement of funds to hire recent veterans into law enforcement positions: *White House, Justice Department Announce Law Enforcement Grants for Hiring of Veterans*. (2012). U.S. Department of Justice: Office of Public Affairs.

encourage civil service agencies like police departments to give hiring advantages to veterans. As the Marshall Project documents, these preferences can obstruct efforts to hire people of color and/or women: 91 percent of the veteran population is male compared to 48.5 percent of the general population, and 77 percent is non-Latinx white versus 63 percent of the general population.⁷⁶

The recent legacy of veterans in policing is a complex one. Some data suggest that veterans, trained in rules of engagement that teach them to wait for overt hostile intent rather than use-of-force policies that allow for much greater legal discretion, are less likely to needlessly shoot civilians in fear.⁷⁷ In this framework, the military imposes harsher liability for misdeeds (although one might recall Abu Ghraib and other largely unpunished U.S. military atrocities) and mandates more extensive de-escalation training than do police departments.⁷⁸ On the other hand, other data indicate veteran-officers are more likely than non-veterans to have fired their service weapons at least once in their careers,⁷⁹ and that they receive more complaints from civilians.⁸⁰ One recent study of a single police department found that even after controlling for deployment status, length of military service, and demographic variables, veteran-officers were more likely than non-veterans to have shot a civilian while in police uniform.⁸¹

Law enforcement leaders have long recognized the ambiguous place of veterans, particularly combat veterans, in policing. On the one hand, according to a 2009 study by the International Association of Chiefs of Police, police departments value veterans for their technical and firearms skills, physical fitness, discipline, and tactical training. On the other, the study found that veterans' mental health struggles can "create a low tolerance for citizen complaints." It recommended agencies train veterans in "differentiating between hostile war zones and local community environments, and [retrain them in] the use-of-force

<https://www.justice.gov/opa/pr/white-house-justice-department-announce-law-enforcement-grants-hiring-veterans>; For the veterans' unemployment rate: *Building Job Opportunities for Returning Veterans*. (2013). U.S. Congress: Joint Economic Committee Democratic Staff.

https://www.jec.senate.gov/public/_cache/files/368731bc-cc81-48ea-915d-abd605064b51/building-job-opportunities-for-returning-veterans---final.pdf

⁷⁶ Weichselbaum & Schwartzapfel, *When Warriors Put on the Badge: Veteran Status*. (2018). United States Census Bureau. <https://data.census.gov/cedsci/table?q=S2101&tid=ACST1Y2018.S2101>

⁷⁷ Lawrence, Q., & Kaste, M. (2016). Military-Trained Police May Be Less Hasty To Shoot, But That Got This Vet Fired. *NPR*. <https://www.npr.org/2016/12/08/504718239/military-trained-police-may-be-slower-to-shoot-but-that-got-this-vet-fired>

⁷⁸ Hersh, S. M. (2004). Torture at Abu Ghraib. *The New Yorker*.

<https://www.newyorker.com/magazine/2004/05/10/torture-at-abu-ghraib>; Boal, M. (2011). The Kill Team: How U.S. Soldiers in Afghanistan Murdered Innocent Civilians. *Rolling Stone*. <https://www.rollingstone.com/politics/politics-news/the-kill-team-how-u-s-soldiers-in-afghanistan-murdered-innocent-civilians-169793/>;

Tecott, R., & Plana, S. (2016) Maybe U.S. Police Aren't Militarized Enough. Here's What Police Can Learn from Soldiers. *The Washington Post*.

<https://www.washingtonpost.com/news/monkey-cage/wp/2016/08/16/maybe-u-s-police-arent-militarized-enough-soldiers-are-better-trained-to-deescalate/>

⁷⁹ Morin & Mercer.

⁸⁰ Weichselbaum & Schwartzapfel.

⁸¹ Reingle Gonzalez, J. M., Bishopp, S. A., Jetelina, K. K., Paddock, E., Gabriel, K. P., & Cannell, M. B. (2018). Does Military Veteran Status and Deployment History Impact Officer Involved Shootings? A Case-control Study. *Journal of Public Health*, 41(3), e245–e252. <https://doi.org/10.1093/pubmed/fdy151>

techniques.”⁸² Notably, Derek Chauvin, the former Minnesota police officer charged in George Floyd’s death, served for eight years as a military policeman in the Army Reserve.⁸³

The Costs of Intensified Police Militarization

Economic. Militarization is expensive. Most notably, grant programs that funnel government money through police departments to private companies that sell military-style equipment have cost, at minimum, tens of billions of taxpayer dollars since 9/11.⁸⁴ Outcomes are murky, even in terms of the programs’ own goals. For instance, DHS’s Office of Inspector General noted in 2012 that the Homeland Security Grant Program had no system to assess funding effectiveness, did not know the amount of funding required to “achieve needed preparedness and response capabilities,” and did not require states to report their progress.⁸⁵ Even for programs like the 1033 Program that purport to save taxpayer money, local police sometimes pay to maintain and store military equipment that is rarely or never used for its declared purpose. All levels of government also spend uncountable sums on police counterterrorism trainings and surveillance technologies.⁸⁶

Furthermore, as the Costs of War project has shown with military spending, the price of police militarization entails massive opportunity costs.⁸⁷ Investments in drones, armored vehicles, and surveillance systems are dollars denied to education, infrastructure, and renewable energy. Militarization sits alongside other elements of current massive government operations—including prisons, the military, immigration enforcement, etc.—that involve spending on punishment, racialized control, and profit for private companies.

Erosion of police legitimacy. What is obtained for the public in exchange for these expenses and opportunity costs? Militarization certainly curries little public favor.⁸⁸ Visibly

⁸² *Employment Returning Combat Veterans as Law Enforcement Officers*. (2009, September). International Association of Chiefs of Police, Bureau of Justice Assistance, & Klein Associates.

<https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/IACPEmployingReturningVets.pdf>

⁸³ Thayer, R. L. (2020). Ex-Minneapolis Cop Charged in George Floyd’s Death Served Eight Years in Army Reserve. *Stars and Stripes*. <https://www.stripes.com/news/us/ex-minneapolis-cop-charged-in-george-floyd-s-death-served-eight-years-in-army-reserve-1.632456>

⁸⁴ Ackerman, S. (2014). US Police Given Billions from Homeland Security for ‘Tactical’ Equipment. *The Guardian*. <https://www.theguardian.com/world/2014/aug/20/police-billions-homeland-security-military-equipment>; Parlapiano, A. (2014). The Flow of Money and Equipment to Local Police. *The New York Times*.

<https://www.nytimes.com/interactive/2014/08/23/us/flow-of-money-and-equipment-to-local-police.html>

⁸⁵ *The Federal Emergency Management Agency’s Requirements for Reporting Homeland Security Grant Program Achievements*. (2012, June). Department of Homeland Security Office of Inspector General.

https://www.oig.dhs.gov/assets/Mgmt/2012/OIG_12-92_Jun12.pdf

⁸⁶ The sheer distribution of homeland security spending across federal agencies, state and local governments, and private companies makes counterterrorism spending particularly difficult to track.

⁸⁷ See for instance Garrett-Peltier, H. (2017). Job Opportunity Cost of War. *Costs of War at Brown University*. <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2017/Job%20Opportunity%20Cost%20of%20War%20-%20HGP%20-%20FINAL.pdf>

⁸⁸ Liebllich, E., & Shinar, A. (2018). The Case Against Police Militarization. *Michigan Journal of Race and Law*, 23(1 & 2). <https://repository.law.umich.edu/mjrl/vol23/iss1/4>; Mummolo, J. (2018). Militarization Fails to Enhance Police Safety or Reduce Crime but May Harm Police Reputation. *Proceedings of the National Academy of Sciences of the United States of America*, 115(37), 9181–9186. <https://doi.org/10.1073/pnas.1805161115>

militaristic tactics and imagery breed fear and mistrust, particularly among poor and hyperpoliced communities of color. This can erode police legitimacy—a problem for those who support the broad goals of policing. The racialized aggression inherent in militarization can obstruct crime-solving by rendering civilians less likely to cooperate with investigators, and can undermine community policing efforts by making people less likely to trust their local police officers.

Increased police violence and racialized control. Military equipment may encourage police aggression and violence. One study found that even when controlling for civilian demographics, violent crime rates, and rates of drug use, 1033 Program transfers correlated with increased police killings of civilians.⁸⁹ Police aggression must also be understood relative to how it is used. Police often justify intimidating “controlled equipment”—the kind that attracts accusations of militarization—on the basis of preparedness for threat, particularly terrorism. In practice, it is more often used in the routine counter-drug work of SWAT and narcotics teams and, as we have seen recently, for protest policing.

A CNN analysis in the wake of the George Floyd uprisings found that the 1033 Program has transferred over \$5.3 million worth of potentially protest-related gear, such as riot shields, to law enforcement nationwide since August 2017.⁹⁰ While police claim their use of such gear, along with armored vehicles, is a simple matter of officer safety, protesters often cite it as intimidating, frightening, and escalatory. While it is impossible to quantify against whom military equipment is used, it is quite clear from police responses to protests ranging from Watts in 1965 to Standing Rock, Ferguson, and Baltimore in 2014-2017: mine-resistant vehicles, tear gas, and heavy weapons are consistently rolled out against Black- and Indigenous-led movements, while they were nowhere to be found at the majority-white Women’s March.⁹¹ This is no accident but a direct outgrowth of how protest policing has always operated.

Controlled equipment also flows to SWAT teams, which use body armor and armored personnel carriers for protection and intimidation, primarily while serving search warrants for drug investigations. The post-9/11 flood of resources to paramilitary units has worked in tandem with the broader expansion of SWAT begun during the War on Drugs. The number of search warrant raids, particularly for drugs, has dramatically escalated across the country.⁹² (A 2014 ACLU report found that 79 percent of SWAT deployments in the report’s

⁸⁹ Delehanty, C., Mewhirter, J., Welch, R., & Wilks, J. (2017). Militarization and Police Violence: The Case of the 1033 Program. *Research and Politics*, 4(2). <https://doi.org/10.1177/2053168017712885>

⁹⁰ Tolan, C., & Hernandez, S. (2020). As Demand for Police Reform Grows, Military Equipment Program Faces New Scrutiny. *CNN*. <https://www.cnn.com/2020/06/17/politics/protests-police-reform-military-supplies-invs/index.html>

⁹¹ Taylor, A. (2016). Water Cannons Used Against Dakota Pipeline Protesters. *The Atlantic*. <https://www.theatlantic.com/photo/2016/11/water-cannons-and-tear-gas-used-against-dakota-access-pipeline-protesters/508370/>; Ramanathan, L. (2017). Was the Women’s March Just Another Display of White Privilege? Some Think So. *The Washington Post*. https://www.washingtonpost.com/lifestyle/style/was-the-womens-march-just-another-display-of-white-privilege-some-think-so/2017/01/24/00bbdcca-e1a0-11e6-a547-5fb9411d332c_story.html

⁹² Kraska, “Militarization and Policing—Its Relevance to 21st Century Police”; Norwood, C. (2020). The War on Drugs Gave Rise to ‘No-Knock’ Warrants. Breonna Taylor’s Death Could End Them. *PBS News Hour*.

sample were for warrants, usually for drug investigations.)⁹³ Here too people of color suffer most: the ACLU found that 42 percent of those affected by a SWAT search warrant were Black and 12 percent were Latinx. Moreover, police were more likely to use paramilitary tactics to execute a search warrant against groups composed exclusively of people of color versus white people (84 percent versus 65 percent). As many have also documented, the rise of SWAT teams—with their battering rams, explosives, and no-knock raids—represents a particular danger to both civilians and officers in a country where 4 in 10 Americans live in a home with a gun.⁹⁴

Around 9,000 U.S. law enforcement agencies now have SWAT teams.⁹⁵ Nationwide, these teams deploy approximately 60,000 times per year, or nearly 165 times per day—a number that does not include raids conducted separately by narcotics units, federal agencies, or ordinary police.⁹⁶ According to one recent study, this SWAT explosion has neither lowered crime rates nor promoted officer safety.⁹⁷ It has, however, produced a series of disastrous and deadly botched raids, such as when a Georgia sheriff's office conducted a no-knock SWAT raid, detonating a flash-bang grenade in the playpen of 19-month-old Bounkham (Bou Bou) Phonesavanh. Bou Bou, who was severely burned, was placed into a medically induced coma and has since undergone a series of over 25 surgeries that cost his uninsured parents over \$1 million.⁹⁸

At a deeper level, SWAT raids and militaristic protest policing intensify state surveillance and control of racialized communities, while diverting attention and resources from the more broadly impactful white-collar crime. Black, Brown, Indigenous, and poor people have historically faced down the tear gas and armored vehicles of American police, both on the streets and in their homes. This structural reality endures today, making it

<https://www.pbs.org/newshour/politics/the-war-on-drugs-gave-rise-to-no-knock-warrants-breonna-taylors-death-could-end-them>

⁹³ *War Comes Home*.

⁹⁴ See Michaels, S. (2020). Breonna Taylor Is One of a Shocking Number of Black People to See Armed Police Barge Into Their Homes. *Mother Jones*. <https://www.motherjones.com/crime-justice/2020/05/breonna-taylor-is-one-of-a-shocking-number-of-black-people-to-see-armed-police-barge-into-their-homes/>; Dolan, B. (2019). To Knock or Not to Knock? No-Knock Warrants and Confrontational Policing. *St. John's Law Review*, 93(1). <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=7117&context=lawreview>; Sack, K. (2017). Door-Busting Drug Raids Leave a Trail of Blood. *The New York Times*.

<https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html>; For data on American gunowners, see: Gramlich, J., & Schaeffer, K. (2019). 7 Facts About Guns in the U.S. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2019/10/22/facts-about-guns-in-united-states/>

⁹⁵ Mummolo.

⁹⁶ MacDonnell, T. C. (2016). When More is Less—SWAT and Procedural Justice. *Washington and Lee Journal of Civil Rights and Social Justice*, 23(1).

<https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1428&context=crsj>

⁹⁷ Mummolo.

⁹⁸ Sullum, J. (2015). When Drug Warriors Burn a Baby, Who's to Blame? *Forbes*.

<https://www.forbes.com/sites/jacobsullum/2015/07/23/when-drug-warriors-burn-a-baby-whos-to-blame/#6a0ca11f1ea4>; Pransky, N. (2020, July 6). Cops' Love for SWAT May Be Putting Your Community in Danger. *NBC LX*. <https://www.lx.com/community/cops-love-for-swat-may-be-putting-your-community-in-danger/15029/>. In 2016, a federal judge awarded Bou Bou's parents \$3.6 million in settlement payments; see Penny, A. (2016). Parents of "Baby Bou Bou" Awarded \$3.6 Million. *Fox 5 Atlanta*. <https://www.fox5atlanta.com/news/parents-of-baby-bou-bou-awarded-3-6-million>

impossible to separate militarization from racism and white supremacy. Militarized force presumes an intense, even existential, threat, thus reinforcing the idea that hyperpoliced communities of color are internal enemies.⁹⁹ In the post-9/11 world, where police have more resources at their disposal than ever, their use of such resources to enforce racial control has been normalized.

Obstructing critical analysis. Finally, the sheer spectacle involved in public displays of police militarization serves another function: it narrows the terms with which we can understand our current situation. For one, many widely circulating critiques of militarization rely on an unspoken agreement that *some* police violence is acceptable: “The problem with casting militarization as *the* problem is that the formulation suggests it is the *excess* against which we must rally. We must accept that the ordinary is fair, for an extreme to be the problem.”¹⁰⁰ The seeming extremity of “tanks” on American streets galvanizes public outrage, while making it seem as if ratcheting back racialized police violence is primarily a question of limiting how many armored personnel carriers departments can obtain. In truth, the history of police militarization reveals that such violence runs much deeper than equipment transfers.

The sheer spectacle of militarization can further narrow the terms of analysis by implicitly legitimizing U.S. military interventions. One gesture progressive commentators often make during “militarized” policing of U.S. protests is to mark their visual similarity to a generic “Third World” country, as we saw in Ferguson. This, they argue, should not happen *at home*, implying that state repression and U.S. military violence *elsewhere* are simply to be expected. These analyses serve to naturalize the destruction of non-American targets of the U.S. military—from Afghanistan and Iraq to Yemen and Somalia—and to obscure the connections between racist state violence in the U.S. and abroad. As Césaire said, tactics, equipment, and expertise developed during colonial interventions rebound back onto that empire’s own citizens. In this case, the post-9/11 expansion of the U.S. counterterror state has intensified the militarization of a police force founded in, and inextricable from, white supremacy and the violence of a state at permanent war overseas.

⁹⁹ Liebllich & Shinar.

¹⁰⁰ Nopper & Kaba.

**Public Servants or Police Soldiers? An Analysis of Opinions on the
Militarization of Policing from Police Executives,
Law Enforcement, and Members of the 114th Congress U.S. House of Representatives**

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Abstract:

Despite the dramatic rise in use of militarized weapons, equipment, and tactics by police departments across the nation, no study has examined the opinions of those responsible for designing, funding, and implementing police militarization in the United States. Therefore, this study collected and analyzed opinion data from 465 key stakeholders from the 114th Congress U.S. House of Representatives, law enforcement executives, and local police officers regarding police militarization. Results suggest that while most practitioners and policymakers favor police militarization, Congress and law enforcement differ in support of critical issues such as oversight of military procurement programs, use of surplus military weapons and vehicles, and overall support for the militarization of policing in the United States.

Keywords: policing, police militarization, policy, opinion survey

This article should be cited as:

Turner, F.W., & Fox, B. H. (2017). Public servants or police soldiers? An analysis of opinions on the militarization of policing from police executives, law enforcement, and members of the 114th Congress U.S. House of Representatives. *Police Practice and Research*, doi: 10.1080/15614263.2017.1371600.

**Public Servants or Police Soldiers? An Analysis of Opinions on the
Militarization of Policing from Police Executives,
Law Enforcement, and Members of the 114th Congress U.S. House of Representatives**

“Is this a war zone or a US city?”

-U.S. Representative Justin Amash (R-Michigan), on the police response in the aftermath
of events in Ferguson. Tweeted on August 13, 2014.

While the “militarization” of law enforcement in the United States has been a topic of political and public discourse for several decades, the police response to events in Ferguson, Missouri in 2014 instantaneously raised the topic to an issue of intense national debate. Specifically, images of heavily armed police officers confronting unarmed civilians, often with military grade weapons and equipment, sparked a renewed interest in police militarization among policymakers, practitioners, academics, and the public.

Despite this increased scrutiny and interest in policy militarization, little is known about the support for police militarization by the stakeholders primarily responsible for funding, implementing, and supporting the policy: police practitioners and lawmakers. While no study has specifically examined the opinions of the key stakeholders of police militarization, anecdotal evidence suggests that there is significant variation in support for this policy among the critical sponsors of this policy. For instance, after the police response in Ferguson, Republican Senator Rand Paul of Kentucky wrote in *Time Magazine* that “there should be a difference between a police response and a military response” (Paul, 2014). Similarly, Democratic Senator Claire McCaskill stated that the police response in Ferguson “has become the problem instead of the solution” (Trujillo & Byrnes, 2014). In 2015, former President Barack Obama created the President’s Task Force on 21st Century Policing in an effort to review the policies of American law enforcement, namely the purchase and use of military weapons and equipment through the federal “1033 Program” (Else, 2014; President's Task Force on Policing, 2015). “There is a big difference between our military and local law enforcement”, Obama stated, “and we don’t want those lines blurred” (Holland & Shalal, 2014).

However, other stakeholders have different perspectives. Republican Representative Richard Nugent of Florida said, “As a past sheriff, we utilized that equipment in a responsible way. End of the day, you can always find misuses of any equipment that’s given or utilized by law enforcement” (Bendery & Grim, 2014). Indeed, the viewpoint of sheriffs, chiefs, and other

police executives on this topic would be extremely beneficial towards understanding when and why law enforcement would support the use of military tactics, weapons, and equipment on their citizens. Take for instance former Dallas Police Chief David Brown, now known for setting world precedent by using a robot to kill a suspect in an active shooter standoff. Chief Brown, who would otherwise appear to be supportive of police militarization, was asked in *Time Magazine* if he felt police had become too militarized. Chief Brown responded, “I think [the equipment] has been used in the wrong way. It’s not being used to protect officers. It’s being used to intimidate citizens who are protesting” (Luscombe, 2017).

With the rise in terroristic attacks in Europe, law enforcement agencies may have reason for the new norm of a militarized police force. There for this study has implications for the U.S. and abroad where law enforcement departments may decide to use military grade weapons. This study may provide chief policy makers and police executives better understanding behind the rational for procuring military grade weapons and aid in better decisions when acquiring military grade equipment and ultimately how it may be used. As there is currently no research available on the support for police militarization by the key stakeholders of the policy, this study takes the first step towards understanding opinions on police militarization by sitting members of Congress, who are primarily responsible for development and funding of police militarization programs, as well as current policing executives and police officers, who utilize the military weapons and equipment in their role as law enforcement. This study also utilizes a sociological theoretical framework to examine key factors underlying the support for police militarization, and better understand why these stakeholders support or do not support this policy. The perceptions of these stakeholders are particularly important, as they are ultimately responsible for the implementation, regulation, funding, and utilization of military weapons and equipment by police agencies across the nation.

Police Militarization

Police militarization is the process in which civilian law enforcement draws from and patterns themselves after military culture and behavior (Kraska, 2007). Police militarization in the United States can be traced back to 1967, when the Los Angeles Police Department developed the first “special weapons and tactics” (SWAT) team, which was tasked to respond to critical incidents that required more specialized training, techniques, or weaponry than the “typical” police incident. By the 1970s, the use of SWAT teams in police departments were

quickly growing as the “War on Drugs” increased in intensity. SWAT teams were also tasked to respond to additional tense or dangerous situations, such as those involving hostages or acts of terrorism. By the 1980s, the use of SWAT teams and other police paramilitary units (PPUs) exploded as the War on Drugs was reaching its most violent and aggressive period to date. In 1982 about 59% of police departments had a PPU or SWAT team, but by 1995, almost 90% of all police departments in the United States had paramilitary units such as PPUs or SWAT teams (Kraska & Kappeler, 1997).

In 1997 Congress passed the National Defense Authorization Act, establishing the federal “1033 Program” which allowed the U.S. Department of Defense to transfer excess military supplies, weapons and to police agencies for use in their law enforcement duties (Else, 2014; Kraska, 2005). Since then, the federal government has allocated more than \$6 billion worth of military equipment, including M-16 assault rifles, grenade launchers, and “mine-resistant ambush protected” armored personnel carriers (MRAPs) to over 8,000 local police departments in the United States (Else, 2014; Hall & Coyne, 2013, p. 486). Furthermore, SWAT deployments have also increased over 1400% between 1980 and 2000 (Kraska, 2001), rising from a few thousand instances per year in the 1980’s to more than 80,000 deployments in 2014 (Kraska, 2005; Balko, 2014).

While the proliferation of police militarization has taken place over the past four decades, it was not until recent events that the issue has garnered significant attention and interest by the media, public, and policymakers. Specifically, the events on August 9, 2014 in Ferguson, Missouri made national news due to the death of Michael Brown by a local police officer, who was not indicted by a grand jury for any criminal charges. This led to days of violent protests and civil disorder in Ferguson. In response, the Ferguson Police Department utilized military grade armored MRAP vehicles, tactical gear, and high grade semi-automatic rifles in an attempt to settle the disorder (Bauer, 2014; Kesling & Shallwani, 2014). These events in Ferguson brought to light the militarization of policing, leaving many across the nation perplexed as to why our city streets looked so eerily similar to battlefields abroad (Jefferis, Butcher, & Hanley, 2011).

Therefore, the current study aims to evaluate and compare the opinions on key stakeholders regarding their support for various measures of police militarization. Drawing on Black's (1976, 1998) pure sociology paradigm, and using surveys of sitting members of Congress, police executives, and line-level officers, we ask three research questions: (1) What

are the opinions of the members of the 114th U.S. House of Representatives, police executives, and local police officers with respect to the militarization of civilian police departments?, (2) Do opinions on police militarization differ among these stakeholders, and (3) Do demographic traits such as gender, ethnicity, prior military service, and political party affiliation impact opinions on police militarization? Examining the opinions of police and policymakers can assist in the development of new guidelines on the distribution and utilization of military grade equipment and weapons, and provide increased oversight on the use of military grade equipment and weaponry.

Theoretical Perspective

From a sociological standpoint, Black's (1976) theory of law is a framework that can be used to help predict and understand support for police militarization by various stakeholder groups. Specifically, Black's theory suggests that certain aspects of social context, particularly the degree of "relational distance" and "cultural distance" among actors, can predict the form and quantity of social control likely to occur (Black, 1993). Relational distance refers to the "scope, frequency, and length of interaction" between actors (Black, 1976, p. 40-46). Therefore, with respect to developing law or policy for social control, Black hypothesizes that as relational distance increases, the amount of law delivered will also increase. In other words, people are most likely to support and aspects of social control that benefit people most like themselves.

Of course, there are many other complex factors at play when evaluating social policy and human decision-making, the least of which include internal and external pressures surrounding the policy or decision, potential biases due to personal traits or experiences, or the potential consequences that could transpire. Black's theory accounts for these issues through the concept of "cultural distance", whereby "conceptions of what ought to be, what is right and wrong, proper and improper" also impact decision-making and use of law among actors (1976, p. 61). In this case, as the cultural distance between groups increases, the amount of law delivered also increases. In other words, people are more likely to support and develop laws that they believe will benefit those of their own "cultural perspective", so what they consider to be right and the best response to internal and external pressures will be enacted.

In the case of police militarization, which is a relatively strong method of government social control, Black's theory would predict that there is a low relational distance between the public and the police, as law enforcement officers tend to be members of the community that

they police. However, the strong internal and external pressures that law enforcement often face to prevent and control crime may lead to a large cultural distance from the general public. Specifically, police face an intense pressure not to “fail”, particularly when it comes to high-visibility offenses such as terrorism, violent crime, and illegal drugs in the community; the exact crimes which police militarization is often utilized and justified for. This large cultural distance could lead to more support for policies that support law enforcement needs and methods of social control, and not necessarily the general public.

Conversely, while Congress is relationally distant from the public, as they generally have infrequent contact with their constituents, the cultural distance between Congress and the general public should be minimal, as Congressional representatives are elected to enact the will of the constituents that they represent. Similarly, Congress tends not to be held “responsible” for crime that takes place, and therefore has significantly less internal and external pressure to exert strong social control measures. Brown (2007) asserts that legislatures pass counterterrorism measures that typically comprise of highly aggressive tactics. According to Black’s model, Congress should be more likely to support policies that benefit their constituents, whom they are elected to defend and represent.

Nevertheless, the rate at which federal government policy, funding, and implementation of military grade equipment, weapons, and tactics in local law enforcement has increased rapidly in recent years, while very little research has been conducted to understand the theoretical causes or outcomes of this policy. Even less research has been conducted on the impact of police militarization on the public and citizens’ attitudes towards police officers, and no published study has examined the support of key stakeholders, including law enforcement officers, policing executives, and Congressional leaders, on the militarization of police departments taking place in communities across the nation.

Current Study

The purpose of this study was to collect, analyze, and compare the opinions of members of the 114th Congress U.S. House of Representatives, police executives, and local police officers on the recent trend toward the militarization of law enforcement in the United States. This study evaluates the level of support for this trend by members of these critical groups. It also assesses what, if any, gaps exist between the policymakers, who develop policy and allocate funding for police militarization, and police executives and officers, who utilize the military weapons and

equipment while protecting and serving their communities as law enforcement. It should also be noted that while law enforcement is relationally close to the communities in which this form of social control is being implemented, they are culturally distant (see e.g., Mears, Stewart, Warren, & Simons, 2016). Congress, on the other hand, is relationally distant from their constituents, but culturally closer to those that they represent. However, as other factors may influence relational and cultural distance, including many key demographic traits and group affiliations, this research also aims to examine if opinions on police militarization are influenced by gender, race/ethnicity, prior military service, and political party affiliation. Specifically, this study has three research questions:

- 1) What are the opinions of the members of the 114th U.S. House of Representatives, police executives, and local police officers with respect to the militarization of civilian police departments?
- 2) Do opinions on police militarization differ among the members of the 114th U.S. House of Representatives, police executives, and local police officers?
- 3) Do demographic traits such as gender, ethnicity, prior military service, and political party affiliation impact opinions on police militarization?

Drawing from Black's (1976, 1998) pure sociology paradigm, we anticipate significant differences between groups in their support for police militarization. Further, we hypothesize that military service should be a significant correlate of this support due to the close cultural and relational distance between the military and aspects of police militarization.

Data and Methods

Three distinct populations were identified for inclusion in this research: 1) Members of the 114th Congress U.S. House of Representatives; 2) police executives; and 3) law enforcement officers across the United States. Participants were selected using purposive sampling, a non-probability sampling method.

Data collection was conducted for approximately 5 weeks for the law enforcement samples, and 3 months for the U.S. House of Representatives (as Congress was in-between sessions). Using an online survey research tool, Survey Monkey, a questionnaire was emailed to the law enforcement participants and self-administered through the online platform. A hard copy of the survey was distributed to 33 Chiefs of Staff of the 114th Congress U.S. House of

Representatives at their Washington, D.C. offices on Capitol Hill. The 114th Congress U.S. House of Representatives, which had 434 total members, served from January 3, 2015 through January 2, 2017. During the first round of survey distribution 18 lawmakers completed the survey, and a second follow up acquired an additional seven completed surveys, totaling 25.

For the law enforcement sample, a combined total of 511 police executives and local law enforcement officers were contacted to participate in the survey, identified through membership rosters for professional law enforcement associations across the country. As there are nearly 18,000 police agencies in the United States (Reaves, 2015), contacting each agency directly for participation in the study was not feasible. Therefore, members of five of the largest and most nationally representative police organizations, which include the Florida Police Chiefs Association, Virginia Association of Chiefs of Police, North Carolina Police Executives Association, Southwest Florida Police Chiefs Association, and American members of the International Association of Chiefs of Police were invited to participate in this study. This resulted in a nationwide sampling frame of police officers and police executives¹. Of the 511 surveys distributed, a total of 440 completed surveys were completed (for a response rate of 86%). At the conclusion of the data collection period in July 2016, a total of 465 surveys consisting of 279 police officers, 161 police executives, and 25 sitting members of Congress were completed.

Survey Design

A brief (22 question) survey was administered to the sample participants, after receiving Institution Review Board approval (IRB # 2016-103) from the lead author's university. After providing informed consent, participants were asked a series of demographic questions (gender, race/ethnicity, political affiliation, and veteran status) to gauge key correlates of support for various forms of police militarization and related policies². The remaining 18 questions

¹These professional law enforcement organizations were selected as they are among the largest and most nationally representative organizations in the United States. This allowed for a more diverse sample with varied perspectives to be included in the study. Only members that provided an e-mail address in the online membership rosters were contacted for participation. While the responses were anonymous, IP address locations indicated responses from California, Maine, Virginia, Florida, Texas, and many states in between had participated in the survey.

² The largest and most recent study examining placement of demographic questions on response rates and validity of responses using web-based surveys among 75,000 respondents. Results suggest that placing demographic items at the beginning of the survey increased response rate for those items, and did not affect responses to future measures, compared to when demographic questions were asked last (Teclaw, Price & Osatuke, 2011). These results, which support the use of demographic questions at the front of a survey, have also been found in several earlier studies (e.g., Babbie, 2008; Colton & Covert, 2007; Frick et al., 1999).

addressed six substantive areas relating to police militarization. Based upon Kraska's (2007) four dimensions of police-military model, this survey evaluated participant support for the following topics: (1) Support for *Material* Aspects of Police Militarization (e.g. police use of military weapons, vehicles), (2) Support for *Cultural* Aspects of Police Militarization (e.g. military style appearance of officers), (3) Support for *Organizational* Aspects of Police Militarization (e.g. use of SWAT teams and paramilitary units in law enforcement), and (4) Support for *Operational* Aspects of Police Militarization (e.g., use of no-knock warrants, broad use of SWAT teams, police behaviors patterned after the military). According to Kraska, these dimensions represent the four essential but unique components of police militarization, and therefore, support for each of these four dimensions may potentially differ. As no study has evaluated the variation in support for each dimension, particularly among the key stakeholders of those who fund and implement each dimension of police militarization, examination of Kraska's model is essential. This survey also addressed relevant topics including (5) Support for Civil Asset Forfeiture in Law Enforcement and (6) Belief that Events in Ferguson Highlighted Use of Police Militarization. These items represent two related issues, as civil asset forfeiture is a policy closely associated with police militarization and the 1033 program. Finally, as stated previously, the events in Ferguson are widely believed to have raised police militarization to an issue of national importance, and evaluating the salience of the practice among stakeholders is beneficial to evaluate Black's theory in terms of cultural distance between constituents and stakeholder. Participation in this survey was entirely voluntary, and no compensation was provided.

Dependent Variables

To answer this study's specific research questions, participants' opinions on eight of the 18 aspects of police militarization are used as dependent variables in this study and were measured using the following items: (1) belief that SWAT teams are an essential function of a police department; (2) belief that tactical operations units are vital to modern policing; (3) belief that military procurement programs (i.e., 1033 Program) for local law enforcement should be supported; and (4) belief that there should be strict oversight of military procurement programs by the United States Congress. These items were scored on a four-point Likert scale with potential response categories ranging from 1 (Strongly Disagree) to 4 (Strongly Agree). Positive responses for items 1, 2, and 3 represent support for police militarization, while item 4 was reverse coded so strongly disagree represents stronger support for police militarization.

The second set of dependent variables are a series of dichotomous indicators, where "0" reflects a negative response and "1" reflects an affirmative response, and include the following items: (5) should local police departments should have access to military grade weapons (such as M-16's, grenade launchers, etc.); (6) should local police departments have access military vehicles (such as MRAP armored vehicles, tanks, etc.); (7) did the 2014 events in Ferguson, Missouri bring to light the use of military grade equipment and weapons by local police departments; and (8) do you support the use of military weapons and equipment by police departments? Positive responses for each item represent support for police militarization.

Independent Variables

Demographic data was collected on each participant, which served as the key independent variables in this study. These measures include the respondent's professional affiliation (e.g., member of Congress, patrol officer, Police Chief, etc.), the participants' gender (male or female), race/ethnicity (white, black, Hispanic, or Asian/Native American), political affiliation (Democrat, Republican, or Independent), and if the respondent had previously served in the U.S. military (non-veteran or veteran).

Analytical Technique

To answer our research questions, the analysis proceeded in three stages. The first research question was addressed by examining descriptive statistics on the overall level of support for police militarization. These descriptives offer an important baseline for understanding overall stakeholder perceptions of police militarization. Second, to determine if there are any significant difference in levels of support for police militarization by police executives, police officers, and members of Congress, a series of chi-square tests assessing participants' current position and their support for measures of police militarization were conducted. Additionally, an analysis of variance (ANOVA) for each measure was also conducted to determine if there is a statistically significant difference between mean values for each group's opinions of police militarization. Tukey's HSD tests helped identify which group's means are significantly different. A partial eta squared (η^2) was also be used to measure the amount of variance in the dependent variable (i.e., opinions about police militarization) that is explained by the three participant groups.

Finally, a binomial logistic regression was conducted to determine if, and how much, demographic traits including gender, race/ethnicity, political affiliation, and veteran status, as

well as current position, influence individual level of support for police militarization.

Results

Descriptive Statistics

Table 1 shows frequencies and descriptive statistics for the three participant groups, based upon the demographic variables collected in the study. Police officers made up 60% of the 465 respondents, while 35% were police chiefs/executives, and 5% of the sample were current members of the 114th Congress U.S. House of Representatives.

Among all three study groups there were substantially more male than female participants, a figure that reflects the skewed gender demographics in the law enforcement and Congressional professions. The largest gender disparity was among policing executives, where nearly 96% of those surveyed were male. Similarly, over 91% of police officer participants were male. There were over twice as many male Congressional participants compared to female Congressional participants, at 78% versus 32% in the sample.

Along the same lines, there was a skewed distribution of race and ethnicity among the law enforcement and Congressional participants, although this again reflects the disparate makeup of these professions at large (Manning, 2011). Specifically, over 85% of the surveyed police executives, police officers, and congressional members were White, while only 8% of police executives and 9% of police officers were Black. Sixteen percent of the Congress members were Black, and 12% identified as Hispanic, as compared to 3% of police executives and about 2% of police officers. Finally, just over 2% of the sample identified as Asian or Native American, with 3% of police chiefs and 2% of police officers identifying as such. There were no Asian or Native American Congressional participants. In total, approximately 15% of the sample identified as non-Caucasian racial or ethnic groups.

Approximately one quarter of participants had previously served in the military. Of the 122 sampled military veterans, only one was currently serving in Congress. Regarding political affiliation, slightly over half of the sample was made up of Republicans, a third identified as Independents, and just over 10% were Democrats. This makeup was also reflected among the law enforcement executives and police officers in this sample. Among Congressional respondents, 60% were Republicans and 40% were Democrats. No Independent members of Congress participated in this study. A series of Z-scores calculated using independent samples proportion tests suggest there are no statistically significant differences in terms of political

affiliation, gender, and race between the present sample and the 114th Congress (see also Manning, 2011)³. In other words, any potential selection bias regarding participation in the study is unlikely to have taken place, as the Congressional sample closely mirrors the makeup of the full population.

<<INSERT TABLE 1 ABOUT HERE>>

Research Question #1

To answer the first research question on the overall level of support for police militarization, an analysis of support for each measure of police militarization was conducted (see Table 2). Initially, it appears that there is support for all aspects of police militarization among the practitioners and policymakers in this study, as each item had an acceptance level of 54% or higher for the entire sample. However, there were some differences in the level support among participants in different positions, particularly on certain key measures of police militarization.

For instance, among the police executives, almost 99% supported military procurement programs, which provide military weapons and vehicles for police departments, and 95% felt that police departments should have military grade weapons. Similarly, 95% of police officers supported military procurement programs, and 92% felt that police should have military weapons. In contrast, members of Congress were far more reserved on their support of these measures. Specifically, only 40% supported military procurement programs for police departments, and 48% felt that police should have military weapons. Further, only 44% of the surveyed Congressional representatives felt police should have military vehicles, compared to 89% and 87% of police chiefs and officers, respectively.

Regarding the importance of SWAT teams and military tactics, there was generally strong support for both measures in the sample, as 88% of Congress members, 94% of police executives, and 95% of police officers agree that SWAT teams are essential to police departments. Additionally, 80% of Congress members, 96% of police chiefs, and 98% of officers

³ The 114th Congress was comprised of 246 Republicans (57%) and 187 Democrats (43%). In the present sample, there were 15 Republicans (60%) and 10 Democrats (40%) (Republican: $Z = -25.28$, $p = .768$. Democrat: $Z = -18.94$, $p = .768$). There were 88 women in the 114th Congress (20%), and in the present sample there were 7 female Representatives (28%) ($Z = -17.04$, $p = .335$). Finally, 45 members of the 114th Congress were Black (10%), 38 were Hispanic (8%), and 351 (81%) were White. In the present sample, 4 (16%) of Congress representatives were Black, 3 (12%) were Hispanic, and 18 (72%) were White (Black: $Z = -12.96$, $p = .338$. Hispanic: $Z = -10.98$, $p = .479$. White: $Z = -27.76$, $p = .270$). These figures suggest the present sample closely resembles the 114th Congress in terms of gender, race, and political affiliation, as no statistically significant differences between the two groups were found.

felt that tactical operations were vital to modern policing.

Most participants also agreed that Congress should oversee the funding and implementation of military procurement programs in local police departments, as 88% and 89% of police chiefs and officers agreed to this, while 100% of the sampled U.S. Representatives agreed that Congressional oversight was needed for these programs.

The greatest discrepancies arose among the participants' perception that the 2014 events in Ferguson highlighted police militarization to the American public, and the overall level of support for the militarization of police departments in the United States. Specifically, while 80% of surveyed Congress members felt that Ferguson highlighted police militarization, only half of police officers and 57% of police executives agreed. Finally, while approximately 61% of police executives and 62% of law enforcement officers support the militarization of police departments, when asked directly, only 16% of the surveyed members of Congress agreed that police departments should be militarized.

<<INSERT TABLE 2 ABOUT HERE>>

Research Question #2

To address the second research question, whether significant differences exist in the level of support for police militarization among policymakers and practitioners, a series of chi-square tests and ANOVAs assessing the relationship between participants' position and their support for police militarization were conducted.

First, the strength of relationship between various measures of police militarization and participation position were examined using a chi-square analysis (see Table 3). Results suggest that there is a significant relationship between the position of the survey respondents and strength of the belief that SWAT teams are essential to policing ($\chi^2 = 29.98, p < .0001$). Specifically, there is considerably stronger agreement that SWAT teams are essential to police departments among police executives and police officers than members of Congress. In fact, over three times the proportion of police officers strongly agree with this statement (76%) as compared to Congress members (25%). Similarly, there was also a strong significant relationship shown between the participants' position and the opinion that tactical operations are vital to modern policing ($\chi^2 = 40.43, p < .0001$). Again, a large difference in opinion was found between police officers that strongly agree with this statement (61%) compared to representatives from Congress (16%). A slightly smaller proportion of police executives strongly support each of these statements on

SWAT teams and tactical operations (67% and 53%, respectively).

Regarding the issue of military procurement programs, results indicate that there is significant variation in opinions among the three groups on the issue of military procurement for local law enforcement ($\chi^2 = 126.76, p < .0001$), but not for the oversight of these programs ($p = .168$). Police executives showed the strongest support for the use of military procurement programs (64%) while Congress had a significantly smaller proportion indicating strong support (13%). Few (less than 1%) of police executives disagreed with military procurement in any way. Over half of surveyed members of Congress disagreed with military procurement programs for local law enforcement. Although no Congressional representative disagreed with oversight of military procurement programs, as the vast majority of police executives and officers agreed with this statement, no significant difference in groups was found.

There was a significant difference in support for the use of military weapons by police departments between the three participant groups ($\chi^2 = 64.55, p < .0001$). Nearly double the proportion of police executives (97%) and police officers (95%) agreed that local police should have military weapons, such as grenade launchers and M-16 assault rifles, as compared to the proportion of surveyed members of Congress (52%). There was also a significant variation in support for military vehicles being used by police agencies among the practitioners and policymakers ($\chi^2 = 45.01, p < .0001$). Less than half of Congressional representatives supported the use of military vehicles, such as tanks and armored vehicles by local law enforcement, while 89% of police officers and 95% of police executives agreed with the policy.

Finally, whether the Ferguson events highlighted police militarization, as well as the overall support for the militarization of law enforcement agencies in the United States were also examined. Results indicate that a significant relationship exists between the position of the survey respondents and the belief that the events in Ferguson, Missouri in 2014 highlighted the militarization of police departments ($\chi^2 = 9.37, p < .01$). While approximately half of surveyed police officers, and 59% of police executives believe that Ferguson highlighted police militarization, 80% of Congress members agreed with this statement.

A strong significant relationship was also found between the participants' position and the support for the militarization of policing in the United States ($\chi^2 = 21.69, p < .0001$). Again, a large difference in opinion was found, as the majority of police officers and executives agree with the militarization of policing (63% and 62%, respectively) compared to only 16%

agreement from surveyed representatives from Congress. This finding illustrates that police militarization has nearly four times as much support from practitioners in law enforcement compared to federal policymakers in Congress.

<<INSERT TABLE 3 ABOUT HERE>>

Table 4 presents results from ANOVAs conducted to determine if there is a significant difference in mean values for each measure of police militarization across police executives, police officers, and members of Congress. Table 4 also includes F statistics, p -values, and the partial eta squared values for each analysis, to indicate the amount of variance in the dependent variable (i.e., opinions about police militarization) that is explained by the three participant groups. Partial eta squared values are interpreted categorically as indicative of small (0.01), moderate (0.06), or large effects (0.14).

The ANOVAs conducted on the eight measures of support for police militarization showed that seven yielded statistically significant differences in opinions across the participant groups. One item, whether events in Ferguson highlighted police militarization, bordered on statistical significance.

A significant difference among police executives, police officers, and congressional representatives was found in mean agreement on if SWAT teams are essential to police ($F= 6.83$, $p< .0001$) and whether tactical operations are vital to modern policing ($F= 14.64$, $p< .0001$). The effect of the three study groups on agreement about the importance of tactical operations was moderate, with a partial eta squared of .06, while the effect size for SWAT teams being essential to police departments was considered weak.

There were also significant differences across police executives, police officers, and members of Congress on agreement that military procurement programs should be supported ($F= 14.48$, $p< .0001$) and whether these programs should receive oversight from Congress ($F= 3.84$, $p<.05$). The effect size for support for military procurement programs was strong ($\eta^2= .17$), while the partial eta squared for oversight of these programs was weak.

ANOVAs indicated that the three participant groups differed significantly on opinions of whether police should have military weapons ($F= 37.40$, $p<.0001$) and military vehicles ($F= 24.86$, $p<.0001$). The effect size for variation in support for police having military grade weapons was strong ($\eta^2=.14$), while the effect size for police having military vehicles was moderate, with a partial eta squared of .10.

The ANOVAs showed that there was a significant difference in mean agreement with militarizing local police among police executives, police officers, and congressional representatives ($F= 14.19, p<.0001$), but the variance among groups on whether events at Ferguson highlighted police militarization only bordered on statistical significance ($F= 2.93, p=.052$). The effect size of support for police militarization was bordering on strong ($\eta^2=.13$, and the effect size for the events at Ferguson highlighting police militarization was moderate ($\eta^2=.10$).

<<INSERT TABLE 4 ABOUT HERE>>

Research Question #3

To evaluate the additional influence of demographic traits such as gender, race/ethnicity, political affiliation, and veteran status, as well as the participant's current position, on the overall support for police militarization, a multivariate binomial logistic regression was conducted. Table 5 presents the results of this analysis, where item eight, participants' overall level of support for police militarization, was the dichotomous outcome variable. The participants' position, in addition to gender, race/ethnicity, political affiliation, and veteran status were included as predictors in the model.

Results of the binary logistic regression indicate that the model was statistically significant ($p=.008$), and rather successful at predicting a participant's opinion of police militarization, as 95.2% of those who agreed with police militarization were correctly identified by the measures in this model. The respondents' current position was a strong and significant predictor of support for police militarization, even when controlling for gender, race, political affiliation, and veteran status ($\text{Exp}[B]= .632, p=.013$). Specifically, the odds of supporting police militarization decreased by 37% between the police executives and police officers, and between the police officers and members of Congress. In other words, being a police executive increased the odds of supporting police militarization by 74%, compared to members of Congress.

Only one other covariate, veteran status, was found to be significant in the model ($\text{Exp}[B]= 1.85, p=.012$). In this case, the odds of supporting police militarization increased by 85% among veterans, compared to those who did not serve in the military, even when other demographic factors were controlled for in the model. No other measures, including race, gender, or political affiliation, were shown to be a significant predictor of support for police

militarization among the law enforcement and Congressional samples.

<<INSERT TABLE 5 ABOUT HERE>>

Discussion

This study aimed to examine the opinions of members of the 114th U.S. House of Representatives, police executives, and police officers on the militarization of local police departments in the United States. These populations were of considerable interest given the significant role each plays in the militarization process, and the fact that no previous research has examined the opinions of these critical groups on police militarization. Furthermore, this study examined how opinions on police militarization by the major stakeholders in this policy may be influenced (or not) by additional demographic traits including gender, race/ethnicity, prior military service, and political party affiliation.

This research aims to serve as a guide for the public, academics, law enforcement agencies, and other policymakers to better understand how those involved in the passing of national policy and the funding of military programs, as well as those implementing such policies and programs, perceive this trend towards militarization in law enforcement.

Theoretical and Practical Implications

There are several important theoretical implications for these findings. As law enforcement were found to have stronger support for police militarization than members of Congress, particularly among critical measures such as police utilizing military weapons and vehicles, and police militarization overall, there is partial support for Black's (1976) theory on the use of social control. Specifically, Black's predictions regarding cultural distance were upheld, while the predictions on relational distance were not.

For instance, the police, who have frequent contact and close relational distant to those that they patrol, felt stronger support for the use of strong government social control (i.e., military weapons, equipment, etc.) on the public. Conversely, while Congress tends to not have much contact with the public and have high relational distance to their constituents, they felt less support for the use military weapons and tactics for social control. Both of these findings are in stark contradiction to the predictions made by Black.

However, Black's prediction regarding the impact of cultural distance on social control was supported by the results of this study. Specifically, while Congress members are elected to enact the will of their constituents and tend to feel few internal or external pressures to enforce

social control onto the people they represent, police have a very distinct and intense culture, and feel immense pressures internally and externally (particularly at the executive level) to prevent and solve crimes when they occur. Together, these factors lead to Congress having a relatively low cultural distance from their constituents, while law enforcement has a significant cultural distance from the communities they patrol. It is therefore possible that cultural distance, not relational distance, had a larger impact on the use of social control for the policymakers and practitioners in this study.

With respect to policy implications, one clear recommendation is for future policy concerning procurement and use of military weapons and vehicles for law enforcement to be accompanied by legislative oversight, as well as an evaluation of impact and effectiveness on crime reduction and prevention in the community. This appeared to be one area that both practitioners and policymakers strongly agreed upon. Furthermore, given the disparity of support seen on many aspects of police militarization between Congress and law enforcement, attempts should be made to reconcile this gap and ideally gravitate towards the option that has the most beneficial outcomes and support from the communities that the lawmakers and police departments serve. In a recent CATO study of the public's opinion on police militarization (Ekins, 2016), there appeared to be a significant difference in support depending on an individual's political affiliation. In the present study, results of the logistic regression surprisingly indicated that after controlling for all other factors, political affiliation was not a significant predictor of support for police militarization by either the police executives, police officers, or even Congress.

Limitations and Future Research

Of course, the current study is not without its limitations, and there are several issues and paths for future research which must be noted. First, the final sample size of Congressional representatives is not large. Despite attempts to encourage additional lawmakers to complete the survey, several congressional offices advised that per current office policy their Congressional representatives would not take part in academic research of any kind. Lack of engagement in academic research is a common occurrence for studies using samples based upon highly guarded and public entities, such as politicians, sitting judges, and high ranking officials, which often results in low response rates in research on numerous topics. While there is little research using such samples, one study conducted on perceptions of media coverage by Congressional

Representatives serving in 2006 drew upon a small non-random sample of 39 total Representatives (Gershon, 2012). Similarly, a 2013 study conducted by the Congressional Management Foundation (CMF) surveyed the 112th Congress U.S. House of Representatives. Out of the 194 members randomly selected to participate, the study received 25 responses, yielding a response rate of 13% (CMF, 2013). A 2016 study on racial disparity in the criminal justice system conducted by two Harvard researchers and published in *Criminology* used a non-random sample of 59 judges (for a response rate of 36%), adding the response rate was higher as only 165 judges from the state were contacted for inclusion in the study (Clair & Winter, 2016).

In short, such response rates appear to be standard for studies using samples of those in “highly guarded” professions in the public arena. Furthermore, the current sample’s demographics closely aligns with the makeup of the 114th Congress, in terms of political affiliation, gender, and race (Manning, 2011), and results of a 2015 Congressional vote closely mirrored the results in this study, as the majority of Congress voted not to restrict the militarization of police departments through the 1033 program (Bendery & Grim, 2014). It therefore appears that the current sample, while small, is a reflection of the 114th Congress.

It is also possible that despite the relatively high response rates, inaccurate information on respondents’ opinions may have been reported, as the fear of consequences from potential disclosure of the truthful response may have influenced responses. To combat this, it was made clear that no identifying information (e.g., name, date of birth, or agency affiliation) was collected, and participants were given multiple assurances regarding confidentiality. Furthermore, as the findings in this study closely align with known responses on the topic, such as prior votes on the 1033 Program by Congress, inaccurate responses do not appear to have been given.

Third, the survey was specifically designed for police officers, police executives, and members of Congress, and the demanding schedules each of these professions entail. The survey was designed to be quick, straightforward, and completed in a short period of time. Therefore, some qualitative information that could have shed additional light on certain issues was not available. Future research should aim to collect more information on stakeholder opinions on police militarization, and specifically focus on why the stakeholders developed their opinions. This information could provide deeper insight into reasons for acquiring and administering military grade equipment and weaponry for local police departments, use of SWAT teams,

funding for military procurement programs, and the perception of effectiveness of these tools by these populations. Additional research should also be conducted on the opinions of more lawmakers in Congress, however, due to policies implemented by many members of Congress against participation in research, such studies could prove difficult to accomplish. However, as many laws are enacted at the state or local level, future studies could also survey opinions not only from members of Congress, but also policymakers at the state or city levels such as City Commissioners and State Senators or Representatives.

Finally, as only one public opinion poll has been conducted on the public's response to police militarization to date, additional scientific research and analyses should be conducted on those who are arguably most affected by the police militarization policy. As public opinion can have a profound effect on forming public policy, perhaps even as much as the key stakeholders themselves, it is important that the public's opinions are better understood, particularly as there appears to be a gap in opinion between the public (as identified in the CATO poll) and the key stakeholders who are implementing and funding police militarization policies. Furthermore, research could also look deeper into opinions of police militarization and its impacts on public opinion of police legitimacy (and other perceptions of law enforcement) held by the general public, and by those most affected by police militarization across the United States.

Conclusion

While this study has indicated that in general, there is considerable support for police militarization measures among both law enforcement and Congressional officials, it also highlighted the blurring effect between military and law enforcement operations that Kraska (1996, 1999, 2001, 2007) and other academic scholars have asserted (Bittner, 1970; den Heyer, 2011; Easton, 2012; Enloe, 1980; Kraska & Cubellis, 1997; Kraska & Kappeler, 1997). Furthermore, this study revealed that Congress appeared to be in considerably less agreement with the idea that local police departments should be militarized, as compared to police officers and executives.

Looking to the past as a guide for the future, Sir Robert Peel, the father of modern policing, said in a speech to the British House of Commons in 1814 that the semi-militarized Royal Irish Constabulary "made the people look upon them as their adversaries rather than as their protectors" (Tobias, 1972, p. 214). Indeed, there is concern that the dramatic increase in militarized tactics, weapons, and equipment by law enforcement may be eroding the public's

trust in the police, and perceptions of legitimacy (Meeks, 2006). Unfortunately, no research has directly evaluated the impact of militarization on police legitimacy, trust, and confidence in police, however, such an evaluation was another key concern noted in Obama's Presidential Task Force on 21st Century Policing (2015).

In short, both law enforcement and Congress should be aware of the rising trend of police militarization, and carefully consider the causes, impact, and fundamental differences between law enforcement and the military when developing future policy on the issue. The opinions of police and policymakers can also guide the development of new guidelines on the distribution and utilization of SWAT teams, military grade equipment and weapons, and provide increased oversight on the use of military grade equipment and weaponry. As Kraska (2007) stated, evaluating police militarization "should not be viewed as 'antipolice' or 'antimilitary'", but as an effort to further police effectiveness and the safety of law enforcement, citizens, and policing technique (p. 2-3).

While Congress has not yet taken legislative action on the issue, in 2014 Representative Alan Grayson (D-FL) proposed an amendment to the 2015 Department of Defense Appropriations Act which would stop providing certain surplus military equipment such as MRAPs and M-16 assault rifles to local police agencies. The House voted against it 355 to 62, to which Rep. Grayson responded, "I think we should help our police act like public servants, not like warriors at war" (Bendery & Grim, 2014). This begs the question: Is the role of American law enforcement as public servants or police soldiers? Time will certainly tell.

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Table 1. *Demographic Characteristics of Surveyed Participant Groups*

<i>Demographics</i>	<i>Participant Position</i>			<i>Total</i>
	<i>Police Executives</i>	<i>Police Officers</i>	<i>Congress</i>	
Gender				
Male	150 (95.5%)	253 (91.3%)	18 (72.0%)	421 (91.5%)
Female	7 (4.5%)	24 (8.7%)	7 (28.0%)	39 (8.5%)
Race/Ethnicity				
White	138 (85.7%)	242 (87.1%)	18 (72.0%)	398 (85.8%)
Black	13 (8.1%)	25 (9.0%)	4 (16.0%)	42 (9.1%)
Hispanic	5 (3.0%)	5 (1.8%)	3 (12.0%)	13 (2.8%)
Asian/Native American	5 (3.1%)	6 (2.1%)	-	11 (2.4%)
Political Affiliation				
Democratic	21 (13.3%)	30 (10.8%)	10 (40.0%)	61 (13.2%)
Republican	80 (50.6%)	161 (57.7%)	15 (60.0%)	256 (55.4%)
Independent	57 (36.1%)	88 (31.5%)	-	145 (31.4%)
Veteran Status				
Non-Veteran	117 (72.7%)	202 (72.4%)	24 (96.0%)	343 (73.8%)
Veteran	44 (27.3%)	77 (27.6%)	1 (4.0%)	122 (26.2%)
Total	161 (34.6%)	279 (60.0%)	25 (5.4%)	465 (100%)

Note. Missing values excluded.

Table 2. *Percent of Respondent's in Agreement with Police Militarization*

<i>Police Militarization Measures</i>	Total	<i>Participant Position</i>		
		Police Executives	Police Officers	Congress
SWAT Teams Are Essential to Police Departments	94.2%	94.4%	94.6%	88.0%
Tactical Operations Are Vital to Modern Policing	96.6%	96.3%	98.2%	80.0%
Military Procurement for Police Departments	93.5%	98.7%	95.3%	40.0%
Congress Should Oversee Military Procurement Programs [#]	89.2%	88.2%	88.8%	100%
Police Should Have Military Weapons	90.5%	95.0%	91.7%	48.0%
Police Should Have Military Vehicles	85.4%	89.4%	86.7%	44.0%
Ferguson Highlighted Police Militarization	54.4 %	57.1%	50.5%	80.0%
Support for Police Militarization	59.4%	60.8%	62.4%	16.0%
Total	465	161	279	25

Note: Percentages reflect proportion of “yes”, “agree” or “strongly agree” responses for each statement.

Table 3. *Participant Position by Police Militarization Measures*

Police Militarization Measure	Participant Position				χ^2
	Police Executives	Police Officers	Congress	Total	
SWAT Teams Essential to Police Departments					
Strongly Disagree	3 (1.9%)	6 (2.2%)	1 (4.2%)	10 (2.2%)	29.98***
Disagree	5 (3.1%)	7 (2.5%)	1 (4.2%)	13 (2.8%)	
Agree	45 (28.1%)	54 (19.5%)	16 (66.7%)	115 (24.9%)	
Strongly Agree	107 (66.9%)	210 (75.8%)	6 (25.0%)	323 (70.1 %)	
Total	160 (100%)	277 (100%)	24 (100%)	461 (100.0%)	
Tactical Operations Vital to Modern Policing					
Strongly Disagree	2 (1.3%)	1 (0.4%)	1 (4.0%)	4 (0.9%)	40.43***
Disagree	3 (1.9%)	3 (1.1%)	4 (16.0%)	10 (2.2%)	
Agree	70 (43.8%)	105 (37.8%)	16 (64.0%)	191 (41.3%)	
Strongly Agree	85 (53.1%)	169 (60.8%)	4 (16.0%)	258 (55.7%)	
Total	160 (100%)	278 (100%)	25 (100%)	463 (100.0%)	
Military Procurement for Police Departments					
Strongly Disagree	0 (0.0%)	4 (1.4%)	3 (13.0%)	7 (1.5%)	126.76***
Disagree	1 (0.6%)	8 (2.9%)	10 (43.5%)	19 (4.1%)	
Agree	56 (35.0%)	118 (42.4%)	7 (30.4%)	181 (39.3%)	
Strongly Agree	103 (64.4%)	148 (53.2%)	3 (13.0%)	254 (55.1%)	
Total	160 (100%)	278 (100%)	23 (100%)	461 (100.0%)	
Congress Should Oversee Military Procurement Programs					
Strongly Disagree	5 (3.2%)	5 (1.8%)	0 (0.0%)	10 (2.2%)	9.09
Disagree	11 (7.0%)	25 (9.0%)	0 (0.0%)	36 (7.8%)	
Agree	95 (60.1%)	170 (61.2%)	12 (48.0%)	277 (60.1%)	
Strongly Agree	47 (29.7%)	78 (28.1%)	13 (52.0%)	138 (29.9%)	
Total	160 (100%)	278 (100%)	23 (100%)	461 (100.0%)	
Police Should Have Military Weapons					
No	5 (3.2%)	15 (5.5%)	11 (47.8%)	31 (6.9%)	64.55***
Yes	153 (96.8%)	256 (94.5%)	12 (52.2%)	421 (93.1%)	
Total	158 (100%)	271 (100%)	23 (100%)	452 (100.0%)	
Police Should Have Military Vehicles					
No	8 (5.3%)	29 (10.7%)	12 (52.2%)	49 (11.0%)	45.01***
Yes	144 (94.7%)	242 (89.3%)	11 (47.8%)	397 (89.0%)	
Total	158 (100%)	271 (100%)	23 (100%)	446 (100.0%)	
Ferguson Highlighted Police Militarization					
No	65 (41.4%)	138 (49.5%)	5 (20.0%)	208 (45.1%)	9.37**
Yes	92 (58.6%)	141 (50.5%)	20 (80.0%)	253 (54.9%)	
Total	157 (100%)	279 (100%)	25 (100%)	461 (100.0%)	
Overall Support for Police Militarization					
No	60 (38.0%)	101 (36.7%)	21 (84.0%)	182 (39.7%)	21.69***
Yes	98 (62.0%)	174 (63.3%)	4 (16.0%)	276 (60.3%)	
Total	158 (100%)	275 (100%)	25 (100%)	458 (100.0%)	

Note: Missing values excluded from analyses. * indicates $p < .05$, ** indicates $p < .01$, *** indicates $p < .0001$.

Table 4. ANOVA Test Summary for Opinions on Police Militarization

<i>Police Militarization Measure</i>	<i>F</i>	<i>df</i>	<i>p</i>	η^2	Police Executives (M)	Police Officers (M)	Congress (M)
SWAT Teams Essential to Police	6.83	2, 423	.0001	.04	3.62	3.68	3.13*
Tactical Operations Vital to Modern Policing	14.64	2, 423	.0001	.06	3.49	3.57	2.92*
Military Procurement Programs	14.48	2, 424	.0001	.17	3.64	3.49	2.43*
Military Procurement Oversight	3.84	2, 422	.022	.02	3.18	3.15	3.52*
Police Should Have Military Weapons	37.40	2, 452	.0001	.14	0.97	0.94	0.52*
Police Should Have Military Vehicles	24.86	2, 446	.0001	.10	0.95	0.89	0.48*
Ferguson Highlighted Police Militarization	2.93	2, 461	.052	.13	2.55	2.52	2.92*
Support for Police Militarization	14.19	2, 458	.0001	.06	1.62	1.63	1.16*

*Indicates significantly different mean value on the item in Tukey HSD, at the $p < .05$ level. η^2 = Partial eta squared, M = mean.

Table 5. *Binary Logistic Regression on Predictors of Support for Police Militarization*

Measures	B	S.E.	Wald	<i>p</i>	Exp(B)
Participant Position	-.459	.186	6.11	.013	.632
Gender	-.276	.368	.564	.453	.759
Race/Ethnicity	-.208	.327	.405	.525	.812
Political Affiliation	-.242	.172	1.99	.158	.785
Veteran Status	.613	.243	6.37	.012	1.85
Constant	.929	.295	9.90	.002	2.53

Note: Model Nagelkerke $R^2 = .046$, Cox & Snell $R^2 = .034$, $p = .008$

WAR COMES HOME

The Excessive Militarization of American Policing

June 2014



War Comes Home

The Excessive Militarization of American Policing

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EXECUTIVE SUMMARY

Across the country, heavily armed Special Weapons and Tactics (SWAT) teams are forcing their way into people's homes in the middle of the night, often deploying explosive devices such as flashbang grenades to temporarily blind and deafen residents, simply to serve a search warrant on the suspicion that someone may be in possession of a small amount of drugs. Neighborhoods are not war zones, and our police officers should not be treating us like wartime enemies. However, the ACLU encountered this type of story over and over when studying the militarization of state and local law enforcement agencies.

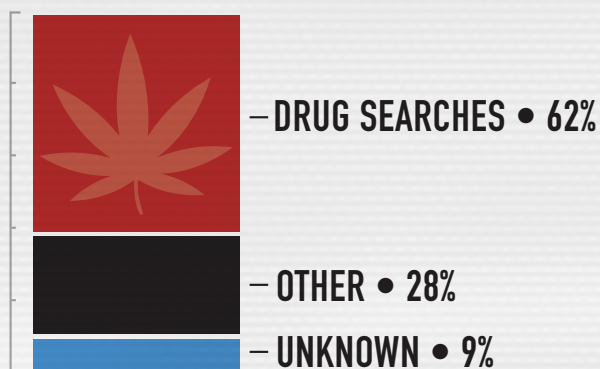
This investigation gave us data to corroborate a trend we have been noticing nationwide: American policing has become unnecessarily and dangerously militarized, in large part through federal programs that have armed state and local law enforcement agencies with the weapons and tactics of war, with almost no public discussion or oversight.¹ Using these federal funds, state and local law enforcement agencies have amassed military arsenals purportedly to wage the failed War on Drugs, the battlegrounds of which have disproportionately been in communities of color. But these arsenals are by no means free of cost for communities. Instead, the use of hyper-aggressive tools and tactics results in tragedy for civilians and police officers, escalates the risk of needless violence, destroys property, and undermines individual liberties.

This report provides a snapshot of the realities of paramilitary policing, building on a body of existing work demonstrating that police militarization is a pervasive problem. Analyzing both existing secondary source materials and primary source data uncovered through the ACLU's public records investigation, this report examines the use of SWAT teams by state and local law enforcement agencies and other aspects of militaristic policing.² As explained in the Methodology section, our statistical analysis included more than 800 SWAT deployments conducted by 20 law enforcement agencies during the years 2011-2012.³

SWAT was created to deal with emergency situations such as hostage, barricade and active shooter scenarios. Over time, however, law enforcement agencies have moved away from this original purpose and are increasingly using these paramilitary squads to search people's homes for drugs.

Aggressive enforcement of the War on Drugs has lost its public mandate, as 67 percent of Americans think the government should focus more on treatment than on policing and prosecuting drug users.⁴ This waning public support is warranted, as evidence continues to document how the War on Drugs has destroyed millions of lives, unfairly impacted communities of color, made drugs cheaper and more potent, caused countless deaths of innocent people caught up in drug war-related armed conflict, and failed to eliminate drug dependence and addiction. The routine use of heavily armed SWAT teams to search people's homes for drugs, therefore, means that law enforcement agencies across the country are using this hyper-aggressive form of domestic policing to fight a war that has waning public support and has harmed, much more than helped, communities.

Majority of SWAT Deployments for Drug Searches (2011-2012)



Source: Data provided by local law enforcement agencies for ACLU investigation.

SWAT raids are undoubtedly violent events: numerous (often 20 or more) officers armed with assault rifles and grenades approach a home, break down doors and windows (often causing property damage), and scream for the people inside to get on the floor (often pointing their guns at them). During the course of this investigation, the ACLU determined that SWAT deployments often and unnecessarily entailed the use of violent tactics and equipment, including Armored Personnel Carriers (APCs), and that the use of these tactics and equipment often increased the risk of property damage and bodily harm. Unnecessarily aggressive SWAT raids can have disastrous consequences, including injury and death. The ACLU also uncovered numerous instances in which SWAT teams deployed when there were children present (and some in which the SWAT team knew in advance that children would be present).

To scale back the militarization of police, it is important to document how law enforcement agencies have stockpiled their arsenals. Law enforcement agencies have become equipped to carry out these SWAT missions in part by federal programs such as the Department of Defense's 1033 Program, the Department of Homeland Security's grants to local law enforcement agencies, and the Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) Program, each of which is examined in this report.

De-escalating militarized policing will also require analysis of how the presence of these weapons and tactics has impacted policing culture. Our analysis shows that the militarization of American policing is evident in the training that police officers receive, which encourages them to adopt a "warrior" mentality and think of the people they are supposed to serve as enemies, as well as in the equipment they use, such as battering rams, flashbang grenades, and APCs. This shift in culture has been buoyed by the U.S. Supreme Court's weakening of the Fourth Amendment (which protects the right to privacy in one's home) through a series of decisions that have given the police increased authority to force their way into people's homes, often in drug cases.

Additionally, solving the problem of police militarization requires discussion of how SWAT teams should be

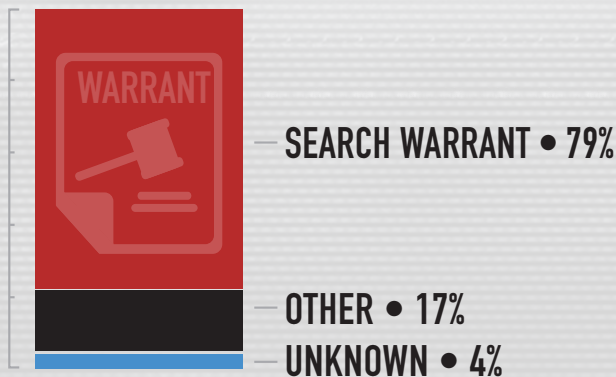


In the ACLU's study, SWAT teams forced entry into a person's home using a battering ram or other breaching device in 65% of drug searches.

Militarization of policing encourages officers to adopt a "warrior" mentality and think of the people they are supposed to serve as enemies.

appropriately used and when their deployment is counterproductive and dangerous. Even though paramilitary policing in the form of SWAT teams was created to deal with emergency scenarios such as hostage or barricade situations, the use of SWAT to execute search warrants in drug investigations has become commonplace and made up the overwhelming majority of incidents the ACLU reviewed—79 percent of the incidents the ACLU studied involved the use of a SWAT team to search a person's home, and more than 60 percent of the cases involved searches for drugs. The use of a SWAT team to execute a search warrant essentially amounts to the use of paramilitary tactics to conduct domestic criminal investigations in searches of people's homes.

Majority of SWAT Deployments for Search Warrants (2011–2012)



Source: Data provided by local law enforcement agencies for ACLU investigation.

The use of SWAT teams to serve search warrants could perhaps be justified if there were reason to believe that these situations truly presented a genuine threat to officer safety, but that did not appear to be the case from the documents that the ACLU examined; of the incidents in which officers believed a weapon would be present, a weapon (typically a firearm such as a handgun but rarely an assault rifle) was actually found at the scene in only 35 percent of cases. Even when officers believed a weapon was likely to be present, that belief was often unsubstantiated. Unfortunately, reasonable standards for deploying SWAT teams appear to be virtually nonexistent. Further, given that almost half of American households

An estimated 500 law enforcement agencies have received Mine Resistant Ambush Protected (MRAP) vehicles built to withstand armor-piercing roadside bombs.

have guns, use of a SWAT team could almost always be justified if the “presence of a firearm” was the sole factor determining whether to deploy.⁵ However, because the use of SWAT increases the likelihood that the occupants will use weapons to defend themselves, which increases the risk of violence, presence of a weapon alone should not automatically result in a SWAT deployment.

These problems have been allowed to occur in the absence of public oversight. Data collection has been sparse and inadequate: among the law enforcement agencies studied, the ACLU found that data collecting and reporting in the context of SWAT was at best sporadic and at worst virtually nonexistent.

In addition, there is typically no single entity at the local, state, or federal level responsible for ensuring that SWAT is appropriately restrained and that policing does not become excessively militarized. Maryland passed a law in 2010 requiring local law enforcement agencies to submit regular reports on their use of SWAT, but that law will sunset this year. Utah passed a similar law this year, which looks promising, but much more oversight is needed.

Attorney General Eric H. Holder, Jr., has announced broad criminal justice reforms, including guidelines to curtail the use of mandatory minimum sentencing laws by federal prosecutors in certain drug cases and a \$4.75 million project funded by the federal government and designed to ease mistrust between local police departments and minority communities by collecting and studying data on searches, arrests, and case outcomes in order to help assess the impact of possible bias. These developments have real potential to reduce America’s excessive reliance on overly aggressive approaches to policing and punishing drug crimes, but there is a danger that these federally-funded efforts could be undermined by the federal government’s role in subsidizing the use of paramilitary weapons and tactics in localities, particularly in many communities of color. Without rethinking its role in militarizing local police departments, the federal government may end up sabotaging the very same reforms it is championing.

From our review of both primary and secondary source materials, we are able to present two sets of findings: one set of general findings based on our review of the existing

research, which our data supports, and one set of time-bound specific findings from our statistical analysis of the raw data we collected in connection with our investigation.

Our general findings, based on our review of existing research and supported by our data, are the following:

1. Policing—particularly through the use of paramilitary teams—in the United States today has become excessively militarized, mainly through federal programs that create incentives for state and local police to use unnecessarily aggressive weapons and tactics designed for the battlefield. For example, the ACLU documented a total of 15,054 items of battle uniforms or personal protective equipment received by 63 responding agencies during the relevant time period, and it is estimated that 500 law enforcement agencies have received Mine Resistant Ambush Protected (MRAP) vehicles built to withstand armor-piercing roadside bombs through the Department of Defense’s 1033 Program.⁶
2. The militarization of policing in the United States has occurred with almost no public oversight. Not a single law enforcement agency in this investigation provided records containing all of the information that the ACLU believes is necessary to undertake a thorough examination of police militarization. Some agencies provided records that were nearly totally lacking in important information. Agencies that monitor and provide oversight over the militarization of policing are virtually nonexistent.

Our more specific findings from the statistical analysis we conducted of time-bound raw data received in connection with this investigation are the following:

3. SWAT teams were often deployed—unnecessarily and aggressively—to execute search warrants in low-level drug investigations; deployments for hostage or barricade scenarios occurred in only a small number of incidents. The majority (79 percent) of SWAT deployments the ACLU studied were for the purpose of executing a search warrant, most commonly in drug investigations. Only a small handful of deployments (7 percent) were for hostage, barricade, or active shooter scenarios.

CASUALTY REPORT

LIMA, OHIO
JANUARY, 2008

SWAT Officers Kill 26-Year-Old Mother Holding Infant Son



Tarika Wilson wasn’t the suspect. She died when SWAT officers broke down her front door and opened fire into her home. Ms. Wilson was holding her 14-month-old son when she was shot. The baby was injured, but survived. The

SWAT team had been looking for Ms. Wilson’s boyfriend on suspicion of drug dealing when they raided Ms. Wilson’s rented house on the Southside of Lima, the only city with a significant African-American population in a region of farmland.

4. The use of paramilitary weapons and tactics primarily impacted people of color; when paramilitary tactics were used in drug searches, the primary targets were people of color, whereas when paramilitary tactics were used in hostage or barricade scenarios, the primary targets were white. Overall, 42 percent of people impacted by a SWAT deployment to execute a search warrant were Black and 12 percent were Latino. This means that of the people impacted by deployments for warrants, at least 54 percent were minorities. Of the deployments in which all the people impacted were minorities, 68 percent were in drug cases, and 61 percent of all the people impacted by SWAT raids in drug cases were minorities. In addition, the incidents we studied revealed stark, often extreme, racial disparities in the use of SWAT locally, especially in cases involving search warrants.

INCIDENT REPORT

HUNTINGTON, WEST VIRGINIA
OCTOBER 14, 2011

SWAT Team Throws Flashbang into Home of Pregnant Woman

Knowing there would likely be a pregnant woman inside, a SWAT team still opted to break down the door of a home and throw a flashbang grenade inside in order to execute a search warrant in a drug case. Once inside the home, SWAT officers found one man, one pregnant woman, and a four-year-old child. While this particular report contained no information about the race of the people impacted by the deployment, the majority of the Huntington SWAT deployments the ACLU studied were conducted in connection with drug investigations, and the majority of the people impacted were Black.

5. SWAT deployments often and unnecessarily entailed the use of violent tactics and equipment, including armored personnel carriers; use of violent tactics and equipment was shown to increase the risk of bodily harm and property damage. Of the incidents studied in which SWAT was deployed to search for drugs in a person's home, the SWAT teams either forced or probably forced entry into a person's home using a battering ram or other breaching device 65 percent of the time. For drug investigations, the SWAT teams studied were almost twice as likely to force entry into a person's home than not, and they were more than twice as likely to use forced entry in drug investigations than in other cases. In some instances, the use of violent tactics and equipment caused property damage, injury, and/or death.

Reform must be systemic; the problems of overly aggressive policing are cultural and cannot be solved by merely identifying a few “bad apples” or dismissing the problem as a few isolated incidents.

Reform must be systemic; the problems of overly aggressive policing are cultural and cannot be solved by merely identifying a few “bad apples” or dismissing the problem as a few isolated incidents.

To begin to solve the problem of overly militarized policing, reform must happen at all levels of government that have contributed to this trend.

The federal government should take the lead by reining in the programs that create incentives for local police to engage in excessively militarized tactics, especially in drug cases. The federal government holds the purse strings, and easing the flow of federal funds and military-grade equipment into states and localities would have a significant impact on the overuse of hyper-aggressive tactics and military-grade tools in local communities.

Additionally, state legislatures and municipalities should impose meaningful restraints on the use of SWAT. SWAT deployments should be limited to the kinds of scenarios for which these aggressive measures were originally intended: barricade, hostage, and active shooter situations. Rather than allow a SWAT deployment in any case that is deemed (for whatever reason the officers determine) to be “high risk,” the better practice would be for law enforcement agencies to have in place clear standards limiting SWAT deployments to scenarios that are truly “high risk.”

SWAT teams should never be deployed based solely on probable cause to believe drugs are present, even if they have a warrant to search a home. In addition, SWAT teams should not equate the suspected presence of drugs with a threat of violence. SWAT deployment for warrant service is appropriate only if the police can demonstrate, before deployment, that ordinary law enforcement officers cannot safely execute a warrant without facing an imminent threat of serious bodily harm. In making these determinations, it is important to take into consideration the fact that use of a SWAT team can escalate rather than ameliorate potential violence; law enforcement should take appropriate precautions to avoid the use of SWAT whenever possible. In addition, all SWAT deployments, regardless of the underlying purpose, should be proportional—not all situations call for a SWAT deployment consisting of 20 heavily armed officers in an APC, and partial deployments should be encouraged when appropriate.

Local police departments should develop their own internal policies calling for appropriate restraints on the use of SWAT and should avoid all training programs that encourage a “warrior” mindset.

Finally, the public has a right to know how law enforcement agencies are policing its communities and spending its tax dollars. The militarization of American policing has occurred with almost no oversight, and it is time to shine a bright light on the policies, practices, and weaponry that have turned too many of our neighborhoods into war zones.

METHODOLOGY

This report is intended to provide a snapshot of the militarization of policing, a little-understood phenomenon that has not been adequately studied. It includes analysis of both existing secondary source materials and primary source data uncovered through the ACLU's public records investigation, which is described below.

On March 6, 2013, the ACLU sent public records requests to more than 260 law enforcement agencies in 25 states (we later added the District of Columbia and a number of cities in a 26th state).⁷ We asked the law enforcement agencies to produce all incident reports (or other records) documenting each time a SWAT team was deployed between 2011 and 2012⁸—with such incident reports breaking down SWAT deployments by suspected crime, requesting agency, and purpose for the deployment—as well as any post-deployment documents relating to the use of no-knock warrants in conjunction with the SWAT deployment or the use of force during the deployment, including documentation relating to any injuries/deaths at the scene of the SWAT operation. As of September 30, 2013, we had received 3,844 records in response to these requests.⁹

In order to analyze the information contained in these records, we first identified the type of document (e.g., SWAT incident report, training document, grant request, 1033 record, etc.). For each document type, we identified several individual data points to collect.

For each SWAT deployment, we considered the following:

- The number, race, ethnicity, and sex of people impacted
- The number of children present, if any
- The number of mentally ill civilians impacted, if any
- The number of officer deaths/injuries, if any
- Whether forcible entry was made
- Whether a flashbang grenade or other distraction device was used
- The purpose of the SWAT deployment (e.g., to execute a search warrant, in response to a barricade, hostage, or active shooter scenario, etc.)
- In search warrant cases, whether the warrant was a no-knock warrant
- Whether the deployment was in connection with a drug offense
- Whether weapons were believed to be present
- Whether weapons were found
- Whether drugs and/or other contraband were found
- Whether the deployment resulted in property damage

For weapons transfers and federal grants, we considered the following:

- The amount and type of equipment received
- The type of grant program being applied for
- The amount of funding requested/received
- Whether the justification provided for the grant was related to drugs or terrorism

Some SWAT incident reports specifically include some form of check box or tick box allowing for a simple yes-or-no answer to one or more of the above questions (e.g., the incident report indicated whether a distraction device was employed by expressly requiring law enforcement personnel to check a box indicating “Yes” or “No”). When reports include such boxes, it is straightforward to transform the information contained in the incident

reports received into a coherent categorical variable representing the various responses of law enforcement personnel to the above questions.

The vast majority of the incident reports considered, however, did not consistently and systematically document information in such an easily transcribable manner, instead communicating or expressing answers—if any at all—to the above questions in a textual narrative (often located at the end of the incident report). It is, of course, relatively more difficult to generate a categorical variable from purely narrative text, and, in particular, one must decide how to deal with narratives that are silent or ambiguous with respect to one or more of the questions posed above.

For these types of incident reports, the following coding procedure was employed: If the narrative affirmatively answers one of the preceding questions, then the relevant categorical variable is coded as “Yes” (e.g., if the narrative explicitly indicates that a flashbang grenade was used during the SWAT operation, then the “Was a Distraction Device Used” variable is coded as “Yes”). Likewise, if the narrative explicitly answers one of the above questions in the negative, then the relevant variable is coded as “No.” Further, if the narrative strongly suggests a positive answer to one of the preceding questions (e.g., with respect to the question of whether forcible entry was made, the incident report refers to extensive damage to the front door), then the variable is coded as “Likely Yes.” Importantly, if the narrative is silent or ambiguous with respect to one of the above questions, then the relevant variable is coded as “Likely No,” based on the theory that police officers are unlikely to affirmatively state in an incident report that a particular action was *not* undertaken. With respect to the use of a distraction device, for instance, police officers are unlikely, arguably, to expressly write down or indicate in the incident report that a distraction device was *not* used (when a distraction device was, in fact, not used at any point during the SWAT operation). It is simply too time-consuming or otherwise costly for police officers, in creating a post-deployment narrative, to mention all of the possible actions not undertaken during the SWAT operation; i.e., the narrative will contain mainly a description of what was done as opposed to what was not done. Finally, if the narrative is simply left blank—occurring with surprisingly high frequency in the

CASUALTY REPORT

FRAMINGHAM, MASSACHUSETTS
JANUARY, 2011

SWAT Officer Shoots Grandfather of Twelve



Eurie Stamp was in his pajamas, watching a baseball game, when SWAT officers forced a battering ram through his front door and threw a flashbang grenade inside. Stamp, a 68-year-old grandfather of twelve, followed the officers' shouted orders to

lie facedown on the floor with his arms above his head. He died in this position, when one of the officers' guns discharged. Stamp wasn't the suspect; the officers were looking for his girlfriend's son on suspicion of selling drugs. The suspect was arrested outside the home minutes before the raid. Even though the actual suspect didn't live in Stamp's home and was already in custody, the SWAT team still decided to carry out the raid. Framingham has since disbanded its SWAT team.

incident reports considered, then the relevant categorical variable is coded as “Unknown.” No inferences are drawn in this instance. In the discussion that follows, data that was captured as “Likely Yes” or “Likely No” is described as being “probably” or “probably not” true.

To ensure that certain results are not merely a function of a small number of observations, the analysis considers only those law enforcement agencies that produced more than 15 incident reports in response to the original public records requests, with the exception of the Bay County Sheriff's Office, which was included in the analysis for the purpose of greater geographic diversity. It is important to note that the data analysis in the report does not seek to make statistical estimates about the larger universe

of SWAT deployments nationwide. Rather, the analysis is descriptive in nature, providing a general picture of SWAT deployments for this small cross section of otherwise randomly chosen law enforcement agencies—the information contained in the documents received is not used to make more general, broader statements about the use and impact of SWAT nationwide.

Narrowing the set of local law enforcement agencies that we considered as described in the preceding paragraph, the total number of SWAT incidents analyzed is 818, and these SWAT incidents are distributed over 20 local law enforcement agencies located in the following 11 states: Arkansas, Connecticut, Florida, Georgia, Mississippi, North Carolina, Pennsylvania, Texas, Utah, Washington and West Virginia. The agencies were diverse in terms of type (including municipal police departments, county sheriff's offices, a police department covering multiple unincorporated areas, and a state patrol), size of population covered (ranging from 35,000 to 778,000), region (covering the Mid-Atlantic, Appalachian, Northeast, South, West, and Northwest regions of the United States, with the South most heavily represented), and racial composition (with Black percentage population ranging from two percent to 42 percent). The SWAT incidents considered span the following time period: July 20, 2010, to October 6, 2013, with the vast majority of incidents occurring in years 2011 and 2012.



Photo: Keep Columbia Free via FIO/Sunshine request.
<http://www.youtube.com/watch?v=Ng6mfpZ2kR4>

In the ACLU's study, SWAT teams were more than twice as likely to force entry into a person's home when searching for drugs than for other deployments.

For the most part, the data analysis consists of one- and two-way tabulations of the variables discussed above. Notably, the analysis treats missing values like other values, denoting missing or unknown values as "U." Rather than drop missing values from the calculations, missing values are explicitly recorded in the tabulations in order to highlight the substantial degree to which large sections of the incident reports received from the local law enforcement agencies are incomplete or simply left blank, with no explanation or additional reason given for the missing information.

Also, a significant component of the data analysis investigates racial disparities in the use and impact of SWAT deployments. To consider this issue, it is necessary to classify the "race" of a SWAT deployment in terms of the race of individuals impacted by SWAT operations (note that the challenge posed in doing so is that there may be multiple individuals of varying races impacted in a single SWAT deployment). This classification is accomplished in one of two distinct ways. Under the first approach, we create a variable called "Minority." Minority is defined here as referring only to Black or Latino individuals; our definition does not include other minority groups (e.g., Asian, Arab, and so forth). Any given SWAT incident is then described as "All White," meaning that all of those impacted by a given SWAT deployment were white; "All Minority," meaning that all of the individuals impacted by a given SWAT deployment were either Black or Latino; or "Mixed," meaning that the SWAT incident involved a mix of minority and non-minority individuals.

Under the second approach, we count the total number of individuals impacted by a given SWAT incident who were either white, Black, or Latino. That is, three numbers are calculated for each SWAT incident: (1) the total number of whites impacted by the SWAT operation, (2) the total number of Blacks impacted by the SWAT operation, and (3) the total number of Latinos impacted by the SWAT operation. Tabulations are then run, not with respect to the total number of individual SWAT incidents as above, but, rather, with respect to the total number of individuals impacted by SWAT operations. So, for example, when calculating the frequency of SWAT deployments by race in a given jurisdiction, under this second approach, we calculate the percentage of the total number of individuals

impacted by SWAT operations who are either white, Black, or Latino. In other words, the total number of Blacks impacted by SWAT operations in the jurisdiction is compared to the total number of individuals (of all races) impacted by SWAT operations.

Under the first approach, the relevant unit of measurement is the total number of SWAT *incidents*; under the second approach, the relevant unit is the total number of *individuals* impacted by SWAT operations. Note that these two measures may generate differing results insofar as the average number of individuals impacted per SWAT deployment varies by race. Suppose, for instance, that one SWAT deployment can be classified as “All White” and another as “All Minority.” Even though there is no racial disparity with respect to SWAT incidents in this example, there may still be a racial disparity with respect to the total number of individuals impacted by SWAT operations if the total number of individuals impacted in the “All Minority” SWAT incident is larger than the corresponding number of individuals impacted in the “All White” SWAT incident.

Racial disparities in SWAT impact *rates* (as opposed to the total number of individuals impacted by SWAT deployments) are also considered. By examining impact rates, it is possible to control for racial disparities in the underlying populations impacted by SWAT deployments. Rates are expressed in terms of individuals impacted by SWAT deployment per 100,000 individuals. In particular, to calculate the white, Black, or Latino SWAT impact rate in a given jurisdiction, the number of white, Black, or Latino individuals impacted by SWAT deployments is divided by the total white, Black, or Latino population in that jurisdiction; the corresponding ratio is then multiplied by 100,000 to obtain the impact rate per 100,000. In this report, the measure of racial disparity in a given jurisdiction in terms of SWAT deployments is calculated as the ratio of either the Black or Latino impact rate to the white impact rate. So, for example, a Black/white racial disparity measure (or ratio) of three implies that the rate at which Blacks are impacted by SWAT operations is three times the rate at which whites are impacted by SWAT operations. Likewise, a Latino/white racial disparity measure of three implies that the rate at which Latinos are impacted by SWAT operations is three times the rate at which whites are impacted by SWAT operations.

We also examined information pertaining to transfers of military equipment to 63 local law enforcement agencies located in the following eight states: Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, North Carolina, and Pennsylvania. The report provides totals by agency for different types of equipment, including bomb suits, night-vision goggles, drones, shock-cuffs, rifles, cell phone sniffers, facial recognition technology, forced-entry tools, biometric devices, utility trucks, APCs, helicopters, GPS devices, and personal protective armor.

Finally, we considered information pertaining to the type and amount of state and federal grant awards to 27 local law enforcement agencies located in the following 13 states: Arizona, Arkansas, Delaware, Florida, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, Pennsylvania, Texas, and Utah. Grants were coded to indicate whether the justification for a particular grant was drug-related (“Yes” or “No”) or terrorism-related (“Yes” or “No”). Agencies in our dataset received funding from the following grant programs, among others: Federal Department of Homeland Security Grant Programs, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, the Department of Justice Community Oriented Policing Services (COPS) Grant Program, State Homeland Security Grant Programs, and National Drug Control Policy State and Local Initiatives.

INTRODUCTION



Photo: Keep Columbia Free via FIO/Sunshine request.
<http://www.youtube.com/watch?v=Ng6mfpZ2kR4>

Imagine that you are at home with your family, sleeping soundly in the early morning hours. You awaken suddenly to a loud explosion and the sound of glass shattering. A bright light blinds you and there is a terrible ringing in your ears. You cannot see anything, but through the ringing you hear the harrowing sound of your front door being broken down as your children begin to scream in the next room. As you come to your senses, you look outside your window and see what appears to be a tank in your driveway. Suddenly, people—you have no idea how many—break through your bedroom door. In the darkness, all you can see is that they are wearing black and carrying assault rifles, and their faces are masked. You hear people yelling at you and your partner to get on the floor and put your hands behind your back. Your children are still screaming in the next room and your dog is barking loudly. The people lead you, wearing whatever you wore to sleep that night, into the living room, pointing assault rifles at you the entire time. You are ordered to sit, and someone quickly handcuffs you to the chair. More people then bring your partner and your children into the living room at gunpoint. Your dog is still barking, and

one of the people shoots it, killing it instantly, in front of you and your children. They then proceed to ransack your home, breaking down doors and shattering windows. You can see that the explosion you heard earlier came from a grenade that now lies near your feet, scorch marks covering the floor from the blast. They hold you and your family at gunpoint for the next several hours, refusing to answer any questions about why they are there or what they are looking for. Once they have finally left, you find your home in shambles. Broken glass litters the floor, and doors are broken from where the police kicked holes in them. Your dog lies breathless in a pool of its own blood. Tables are overturned, papers are strewn about, and electronic equipment has been ripped from the walls and left on the floor. Your partner is desperately trying to calm your hysterical children.

Unfortunately, this is not a scene from an action movie, and it did not happen during the course of a protracted battle in an overseas war. This is the militarization of our state and local police, and events like this are happening every day in homes throughout America.

Massive Military-Grade Weapons Caches in Arizona

The police department in Maricopa County, Arizona – led by the infamous Sheriff Joe Arpaio – has a .50 caliber machine gun that shoots bullets powerful enough to blast through the buildings on multiple city blocks. That’s not all: the department has stockpiled a combined total of 120 assault rifles, five armored vehicles, and ten helicopters. This arsenal was acquired mainly through the Department of Defense’s 1033 program, which transfers military-grade weaponry to state and local police departments, free of charge.

Maricopa County is not unique. According to our research, law enforcement agencies in Arizona have acquired a staggering cache of military weaponry, primarily through the 1033 program, including:

- 32 bomb suits
- 704 units of night vision equipment, e.g., night-vision goggles
- 1034 guns, of which 712 are rifles
- 42 forced entry tools, such as battering rams
- 830 units of surveillance and reconnaissance equipment
- 13,409 personal protective equipment (PPE) and/or uniforms
- 120 utility trucks
- 64 armored vehicles
- 4 GPS devices
- 17 helicopters
- 21,211 other types of military equipment

All 1033 equipment coming into Arizona goes through the Payson Police Department and makes its way to state and local law enforcement agencies. A two-year investigation by the Arizona Republic revealed that one local agency, the Pinal County Sheriff’s Office, doled out millions of dollars’ worth of military equipment to non-law enforcement agencies and planned to auction off some of its arsenal to raise revenue for itself.

A great deal of military-grade equipment in Arizona is ostensibly obtained for purposes of securing the U.S. border with Mexico, but the track record of federal grant programs suggests that this equipment may well be diverted to other activities, such as the investigations and warrants detailed elsewhere in this report. The bottom line is that Arizona law enforcement agencies at and well beyond the actual border have become unnecessarily and dangerously militarized. The Pinal County Sheriff’s office, for example, obtained 94 rifles, two armored vehicles, and three helicopters. The Coconino County Sheriff’s office obtained six armored vehicles, and the Mojave County Sheriff’s office has four helicopters. Arizona law enforcement, designed to serve and protect communities, is instead equipped to wage a war.

Arming border communities for battle gives the ACLU serious cause for concern. For more on why the militarization of the United States-Mexican border is dangerous and counter-productive, see ACLU, “Border Communities Under Siege: Border Patrol Agents Ride Roughshod Over Civil Rights.”

SWAT Raid Ends with Toddler in Medically-Induced Coma

After the Phonesavanh family's home in Wisconsin burned down, they drove their minivan to stay with relatives in a small town just outside of Atlanta, Georgia. On the back windshield, the family pasted six stick figures: a dad, a mom, three young girls, and one baby boy.

This van, containing several car seats, was parked in the driveway of the home where they were staying when, just before 3:00am on a night in May of 2014, a team of SWAT officers armed with assault rifles burst into the room where the family was sleeping. Some of the kids' toys were in the front yard, but the Habersham County and Cornelia police officers claimed they had no way of knowing children might be present. One of the officers threw a flashbang grenade into the room. It landed in Baby Bou Bou's crib.

“My three little girls are terrified of the police now. They don't want to go to sleep because they're afraid the cops will kill them or their family.”

—Alecia Phonesavanh

It took several hours before Alecia and Bounkahm, the baby's parents, were able to see their son. The 19-month-old had been taken to an intensive burn unit and placed into a medically induced coma. When the flashbang grenade exploded, it blew a hole in 19-month-old Bou Bou's face and chest. The chest wound was so deep it exposed his ribs. The blast covered Bou Bou's body in third degree burns. At the time of this report's publication, three weeks after the



The crib where Baby Bou Bou was sleeping, damaged by an exploding flashbang grenade.

“This is about race. You don't see SWAT teams going into a white collar community, throwing grenades into their homes.”

—Alecia Phonesavanh

raid, it was still unclear whether Baby Bou Bou would live. Bounkahm spent this Father's Day in the hospital with his son.

The SWAT team was executing a “no knock” warrant to search for someone who did not live in the home that was raided: Bounkahm's nephew, who was suspected of making a \$50 drug sale. “After breaking down the door, throwing my husband to the ground, and screaming at my children, the officers—armed with M16s—filed through the house like they were playing war,” said Alecia. The officers did not find any guns or drugs in the house and no arrests were made. Bounkahm's nephew was eventually arrested without



Bounkham Phonesavanh, nicknamed “Baby Bou Bou,” loves French fries, the theme song from *Frozen*, and playing with his three older sisters.

incident at another location, holding a small amount of drugs on him.

Bounkahm, the baby’s father, was born in Laos during wartime. He remembers communist soldiers breaking down the door of his childhood home. “It felt like that,” he said. “This is America and you’re supposed to be safe here, but you’re not even safe around the cops.”

The Phonesavanhs have three daughters who are now scared to go to bed at night. One night after the raid, their 8-year-old woke up in the middle of the night screaming, “No, don’t kill him! You’re hurting my brother! Don’t kill him.” Alecia and Bounkahm used to tell their kids that if they were ever in trouble, they should go to the police for help. “My three little girls are terrified of the police now. They don’t want to go to sleep because they’re afraid the cops will kill them or their family,” Alecia said.

When asked about the prevalence of SWAT raids to fight the War on Drugs, Alecia told us, “This is all about race and class. You don’t see SWAT teams going into a white collar community, throwing grenades into their homes.”

Learn more at www.justiceforbabyboubou.com.



Bounkahm and Alecia spent the three weeks following the raid at the hospital. At the time the report was published, their son was still in a medically-induced coma.

“After breaking down the door, throwing my husband to the ground, and screaming at my children, the officers—armed with M16s—filed through the house like they were playing war.”

—Alecia Phonesavanh

BACKGROUND

American policing has become unnecessarily and dangerously militarized.¹⁰ For decades, the federal government has equipped state and local law enforcement agencies with military weapons and vehicles, as well as military tactical training, for the (often explicit) purpose of waging the War on Drugs. Not all communities are equally impacted by this phenomenon; the disproportionate impact of the War on Drugs in communities of color has been well documented.¹¹ Police militarization can result in tragedy for both civilians and police officers, escalate the risks of needless violence, cause the destruction of personal property, and undermine civil liberties. Significantly, the militarization of American policing has been allowed to occur in the absence of public discourse or oversight.

The militarization of American policing has occurred as a direct result of federal programs that use equipment transfers and funding to encourage aggressive enforcement of the War on Drugs by state and local police agencies. One such program is the 1033 Program, launched in the 1990s during the heyday of the War on Drugs, which authorizes the U.S. Department of Defense to transfer military equipment to local law enforcement agencies.¹² This program, originally enacted as part of the 1989 National Defense Authorization Act, initially authorized the transfer of equipment that was “suitable for use by such agencies in counterdrug activities.”¹³ In 1996, Congress made the program permanent and expanded the program’s scope to require that preference be given to transfers made for the purpose of “counterdrug and counterterrorism activities.”¹⁴ There are few limitations or requirements imposed on agencies that participate in the 1033 Program.¹⁵ In addition, equipment transferred under the 1033 Program is free to receiving agencies, though they are required to pay for transport and maintenance. The federal government requires agencies that receive 1033 equipment to use it within one year of receipt,¹⁶ so there can be no doubt that participation in this program creates an incentive for law enforcement agencies to use military equipment.

“The detection and countering of the production, trafficking, and use of illegal drugs is a high-priority national security mission of the Department of Defense.”

—*Then Secretary of Defense Dick Cheney, 1989*¹⁷

It is inappropriate for the U.S. military to be actively supporting the domestic War on Drugs, which has destroyed millions of lives, unfairly impacted communities of color, made drugs cheaper and more potent, caused countless deaths of innocent people caught up in drug war-related armed conflict, and failed to eliminate drug dependence and addiction. Even if an argument could be made that providing local law enforcement with military equipment for counterdrug purposes ever made sense—which is dubious—there is no way to justify such policies today. Indeed, the U.S. Attorney General has suggested that the drug war has gone too far. Beginning in August 2013, Attorney General Eric H. Holder, Jr., announced plans to curtail the use of mandatory minimum sentencing laws by federal prosecutors in certain drug cases, agreed not to challenge state laws allowing the medicinal or recreational use of marijuana, and supported a move by the U.S. Sentencing Commission to reduce many drug sentences.

The DOJ plays an important role in the militarization of the police through programs such as the Edward Byrne Memorial Justice Assistance Grant (JAG) program. Established in 1988, the program, originally called the Edward Byrne Memorial State and Local Law Enforcement

Assistance Program, provides states and local units of government with funding to improve the functioning of their criminal justice system and to enforce drug laws. JAG funding can be used for any of the following purposes:

- Law enforcement
- Courts (prosecution and indigent defense)
- Crime prevention and education
- Corrections and community corrections
- Drug treatment and enforcement
- Program planning, evaluation, and technology
- Crime victim and witness programs

However, JAG grantees spend much more of their funding on law enforcement than on other program areas. Between April 2012 and March 2013, JAG grantees spent 64 percent of their JAG funding on law enforcement. In contrast, grantees spent 9 percent on courts, including both prosecution and indigent defense, and a mere 5 percent on drug treatment and 6 percent on crime prevention and education.¹⁸ Grantees use a portion of JAG funds allocated to law enforcement to purchase numerous types of weapons. In 2012-2013, state and local agencies used JAG funds to purchase hundreds of lethal and less-lethal weapons, tactical vests, and body armor.¹⁹

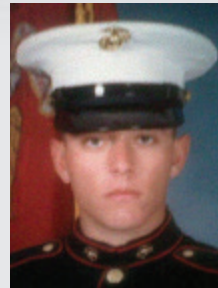
The militarization phenomenon has gained even greater zeal since the events of September 11, 2001, the creation of the Department of Homeland Security (DHS), and the declaration of the so-called “War on Terror.” Since the early 2000s, the infusion of DHS money and assistance to state and local law enforcement anti-terrorism work has led to even more police militarization and even greater military-law enforcement contact, and DHS grants have allowed police departments to stockpile specialized equipment in the name of anti-terror readiness.

The main source of DHS funding to state and local law enforcement is the Homeland Security Grant Program (HSGP) and its two main components, the State Homeland Security Program (SHSP) and the Urban Areas Security Initiative (UASI).²⁰ Both grant programs require recipients to dedicate at least 25 percent of grant funds to “terrorism

CASUALTY REPORT

TUCSON, ARIZONA
2011

SWAT Team Shoots Veteran 22 Times



Jose Guerena, a 26-year-old Iraq war veteran, returned home and crawled into bed after working the graveyard shift at the Asarco Mission mine. Around 9:30am, his wife became nervous when she heard strange noises and saw the

outline of a man standing outside her window. She woke Guerena, who asked his wife to hide in a closet with their 4-year-old son. Guerena picked up his rifle, with the safety on, and went to investigate. A SWAT team fired 71 shots at Guerena, 22 of which entered his body and killed him. Guerena died on his kitchen floor, without medical attention. The SWAT officers raided multiple homes in the neighborhood, and in another home they did find a small bag of marijuana. No drugs were found in the Guerenas' home.

prevention-related law enforcement activities,” though that phrase does not appear to be clearly defined.²¹ The stated justification for DHS grants to state and local law enforcement is to support efforts to protect against terrorism, but even the DHS acknowledges that it has a larger mission, which includes ordinary law enforcement activities. In 2010, the DHS announced a new “anticrime campaign,” which appears to have a minimal nexus to terrorism prevention.²²

By invoking the imagery of war, aggressively funding the enforcement of U.S. drug laws, and creating an over-

hyped fear of siege from within our borders, the federal government has justified and encouraged the militarization of local law enforcement. The ACLU found throughout the course of this investigation that the excessive militarism in policing, particularly through the use of paramilitary policing teams, escalates the risk of violence, threatens individual liberties, and unfairly impacts people of color. In addition, because use of unnecessarily aggressive techniques has a documented impact on public confidence in law enforcement, there is reason to be concerned that excessive militarization undermines public trust and community safety as well.

Interestingly, members of the law enforcement community are far from unified on the topic of police militarization.

INCIDENT REPORT

GWINNETT COUNTY, GEORGIA
JUNE 23, 2012

Full SWAT Team Deployed, Despite Presence of Children and Elderly

In a search for marijuana, a SWAT team raided a home at 6:00 in the morning. Despite the fact that the department had previously decided that a SWAT deployment was unnecessary in this case, officers used the fact that one of the people thought to be in the home had been convicted of weapon possession in 2005 in another state as the basis for concluding people inside the residence might be armed. Therefore, the department changed its mind and deemed a full SWAT deployment necessary, despite knowing that there were likely to be children and an elderly woman present in the home when they executed the warrant. There is no indication as to whether any guns or weapons were found after the home was raided. All but one of the people thought to be involved were Black.

Some fully embrace militarism in policing: “We trainers have spent the past decade trying to ingrain in our students the concept that the American police officer works a battlefield every day he patrols his sector.”²³ The most common rationale put forth to support the notion that the police in fact should be militarized is to protect life: “A warrior cop’s mission is to protect every life possible and to only use force when it’s necessary to accomplish that mission.”²⁴ Others suggest that policing has in fact not become militarized at all: “Advocates from every corner of the political compass have produced a mountain of disinformation about the ‘militarization’ of American law enforcement.”²⁵ Still others express concern that American policing has become too militarized; Salt Lake City police chief Chris Burbank recently stated, “We’re not the military. Nor should we look like an invading force coming in.”²⁶ Diane Goldstein, a retired lieutenant, agrees. Speaking of the drug war zeal of the 1980s, she stated that “[The] ever-increasing federalization of what traditionally had been a state and local law enforcement effort received massive funding as politicians, presidents and the Drug Czar increased the rhetoric of war.” Even the U.S. Department of Justice has questioned the wisdom of militarizing local police departments: “According to the U.S. Department of Justice, Bureau of Justice Statistics, Report on State and Local Law Enforcement Training Academies (BJS Report), the majority of police recruits receive their training in academies with a stress-based military orientation. This begs the question; is this military model—designed to prepare young recruits for combat—the appropriate mechanism for teaching our police trainees how to garner community trust and partner with citizens to solve crime and public order problems?”²⁷

One of the more dramatic examples of police militarization is the use of SWAT and other paramilitary teams to conduct ordinary law enforcement activities.²⁸ SWAT teams were created in the late 1960s as “quasi-militaristic” squads capable of addressing serious and violent situations that presented imminent threats such as riots, barricade and hostage scenarios, and active shooter or sniper situations.²⁹ The first SWAT team, at the Los Angeles Police Department, was developed in the wake of a series of emergency situations in which local police felt unable to respond as swiftly or as effectively as was necessary.³⁰ SWAT teams have since expanded in number, and are used with

Salt Lake City police chief Chris Burbank recently stated, “We’re not the military. Nor should we look like an invading force coming in.”

greater frequency and, increasingly, for purposes for which they were not originally intended—overwhelmingly to serve search warrants in drug investigations.

Of course, aggressive policing tactics extend well beyond the scope of this report, and examples of particularly aggressive policing, in which police officers appear more as an invading force than as protectors of a community, abound. Take Paragould, Arkansas, where at a December 2012 town hall meeting, Chief of Police Todd Stovall announced that police conducting routine patrols would “be in SWAT gear and have AR-15s around their neck.”³¹ He also asserted that the police would be stopping anyone they wanted to and that the fear of crime in Paragould gave his officers probable cause to stop anyone at any time, for any reason or no reason at all. Chief Stovall later issued a statement reassuring the residents of Paragould



It is not unusual for family pets to be shot unnecessarily.

Photo: Keep Columbia Free via FIO/Sunshine request
<http://www.youtube.com/watch?v=Ng6mfPZ2kR4>

that the police would not be violating their constitutional rights, but the fact that the Chief of Police felt comfortable announcing a plan for police officers on routine patrol to stop and question residents without justification while dressed in SWAT gear and carrying AR-15s is a foreboding sign. While unquestionably of grave concern, routine patrols using SWAT gear, stop-and-frisk,³² and other aggressive policing tactics are beyond the scope of this report. Another important area is the use of military surveillance equipment and other forms of intelligence gathering, which also falls outside the scope of this report.³³ Finally, the militarization of the U.S. border is a critically important issue; we touch on this in our discussion of the enormous caches of weapons Arizona law enforcement agencies have received through the 1033 Program, but the broader issue of border militarization is also outside the scope of this report.³⁴

This report builds on a body of existing work establishing that police militarization is indeed a problem. For example, Dr. Peter Kraska, Professor of Justice Studies at Eastern Kentucky University, has surveyed police departments across the country on their use of SWAT teams and estimates that the number of SWAT teams in small towns grew from 20 percent in the 1980s to 80 percent in the mid-2000s, and that as of the late 1990s, almost 90 percent of larger cities had them. He also estimates that the number of SWAT raids per year grew from 3,000 in the 1980s to 45,000 in the mid-2000s.³⁵ David Klinger and Jeff Rojek, both at the University of Missouri-St. Louis’s Department of Criminology and Criminal Justice, conducted a study using SWAT data from 1986 to 1998 and found that the overwhelming number of SWAT deployments studied were for the purpose of executing a warrant (34,271 for warrant service, in contrast to 7,384 for a barricaded suspect and 1,180 for hostage-taking cases).³⁶

Some scholars have proposed additional analytic frameworks for examining the militarization of policing. For example, Abigail R. Hall and Christopher J. Coyne, both in the Department of Economics of George Mason University, have developed a “political economy” of the militarization of policing.³⁷ In addition, Stephen M. Hill and Randall R. Berger, both professors in the Political Science Department at the University of Wisconsin-Eau Claire, place the issue within an international context,

arguing that the militarization of domestic policing is part of a broader “paramilitary policing juggernaut.”³⁸ Journalist Radley Balko discusses the issue of police militarization at length in his recent book “Rise of the Warrior Cop” and the topic has received considerable, if episodic, attention in the mainstream media.³⁹ Our analysis adds to this body of work by incorporating an analysis of raw data—actual SWAT incident reports collected from numerous law enforcement agencies across the country.

From our review of both primary and secondary source materials, we are able to present two types of findings: one set of general findings based on our review of the existing research, which our data supports, and one set of time-bound specific findings from our statistical analysis of the raw data we collected in connection with our investigation. As explained in more detail below, our more general findings are that policing in the United States has become excessively militarized and that this militarization has occurred with almost no transparency, accountability, or oversight. We also found, based on our analysis of the raw data we collected, that of the SWAT deployments studied, (1) the overwhelming majority were for the purpose of searching people’s homes for drugs, (2) troubling racial disparities existed, and (3) the use of violent tactics and equipment often resulted in property damage and/or bodily harm.

This report should not be read as an indictment of the police generally or of any individual police officers. It is also not an argument against the use of SWAT in appropriate circumstances—some scenarios undoubtedly merit an emergency response, and SWAT teams are often the best equipped to handle those scenarios. Finally, the report should not be understood to suggest that the incidents uncovered during the course of the ACLU’s investigation did not necessarily merit some form of law enforcement response—many did. Instead, we argue that American law enforcement can reverse the militarization trend in a way that promotes safe and effective policing strategies without undermining public confidence in law enforcement.

American law enforcement can reverse the militarization trend in a way that promotes safe and effective policing strategies without undermining public confidence in law enforcement.

DISCUSSION AND FINDINGS

Policing and Militarism

FINDING #1

Policing—particularly through the use of paramilitary teams—in the United States today has become excessively militarized, mainly through federal programs that create incentives for state and local police to use unnecessarily aggressive weapons and tactics designed for the battlefield.

Use of Military Equipment by SWAT Teams

It is clear from this investigation and other research⁴⁰ that American policing has become excessively militarized. We can see this in the use of military-style equipment—weapons and tactics designed for the battlefield—to conduct ordinary law enforcement activities. Police officers use these weapons routinely, across the United States, to force their way into the people’s homes, disrupting lives and destroying communities.

One such weapon is the battering ram—“a large and heavy piece of wood or other material that is used to hit and break through walls and doors”⁴¹—which is nearly always carried on deployments, and the primary tool used to breach doors and windows (though explosive breaching—the use of explosives to cut through doors—seems to be gaining popularity).

Another device often used by SWAT teams is the flashbang grenade (sometimes referred to generically as a “distraction device”), an explosive device that is used to

distract the occupants of a building while a SWAT team is attempting to secure the scene.⁴² Flashbang grenades produce an extremely bright flash of light that temporarily overstimulates the retina and causes temporary blindness (lasting 5 to 10 seconds). They also make a deafening noise that makes people feel disoriented and can cause a lingering ringing. Although they are generally considered to be nonlethal, they have been known to set homes on fire⁴³ and induce heart attacks,⁴⁴ both sometimes resulting in death. In 2010, 7-year-old Aiyana Stanley-Jones was killed when, just after midnight, a SWAT team threw a flashbang grenade through the window into the living room where she was asleep. The flashbang burned her blanket and a member of the SWAT team burst into the house, firing a single shot, which killed her.⁴⁵

Both battering rams and flashbang grenades can cause extensive property damage—half of the incidents the ACLU reviewed involved property damage such as damage to doors and/or windows (in another 30 percent of cases, it was impossible to know whether there was property damage in connection with a SWAT deployment, so the



Aiyana Stanley-Jones

Photo: Family of Aiyana Stanley-Jones

total may be higher). SWAT incident reports almost never included an estimate of the amount of damage, and none of the incident reports reviewed suggested that the owners or residents of a home damaged by use of a battering ram or flashbang grenade would be reimbursed for repairs.

When SWAT teams deploy, they typically wear combat helmets and “battle dress uniforms” (BDUs), fatigues designed for use by the U.S. Army throughout the 1980s and 1990s. The ACLU documented a total of 15,054 battle uniforms or other personal protective equipment received by 63 responding agencies during the relevant time period. The use of BDUs is another trend in the militarization of policing; as retired police officer Bill Donnelly stated in a letter to the editor in the Washington Post, “One tends to throw caution to the wind when wearing ‘commando-chic’ regalia, a bulletproof vest with the word ‘POLICE’ emblazoned on both sides, and when one is armed with high tech weaponry...Police agencies face tactical challenges that do require a specialized and technically proficient team approach, but fortunately these incidents are relatively infrequent even in the largest cities. It would appear that U.S. law enforcement, even in the smallest and safest communities, is suffering from a collective ‘inferiority complex’ that can be relieved only by military-style clothing and arsenals of formidable firepower.”⁴⁶

Another piece of equipment that seems to be gaining popularity among SWAT teams is the armored personnel carrier (APC). APCs were created to transport infantry and provide protection from shrapnel and small arms fire on the battlefield. One version popular with law enforcement agencies is the Ballistic Engineered Armored Response Counter Attack (BearCat) APC, but more modern APCs include the MRAP (Mine Resistant Ambush Protected) vehicle, which provides additional protection from improvised explosive devices (IEDs). In the battlefield, APCs are typically armed with machine guns mounted on top of the vehicle in a turret; when used domestically, the guns are removed and the vehicle is used primarily for protection by law enforcement responding to SWAT call-outs and emergencies. Thus, APCs are not typically armed when in use by domestic law enforcement; however, they appear threatening and observers do not necessarily have reason to know whether an APC is armed.

In 2013, the Department of Defense started giving away MRAPs through the 1033 Program. According to the Department of Defense, MRAPs are designed to protect occupants against armor-piercing roadside bombs.⁴⁷ In 2007, the United States spent \$50 billion to produce 27,000 MRAPs and deploy them to Iraq and Afghanistan.⁴⁸ No longer needed overseas, MRAPs have made their way into local communities. Because the ACLU launched this investigation in early 2013 and requested records only from 2011-2012, we did not ask the jurisdictions studied to send documentation of MRAP requests, so it is not possible to know from this investigation how many towns have acquired such vehicles through the 1033 Program. Media accounts put the number at around 500.⁴⁹ Dallas, Texas, has one.⁵⁰ So does Salinas, California,⁵¹ as well as the Utah Highway Patrol.⁵² And, perhaps most bizarrely, the Ohio State University Police has one—in order to provide “presence” on football game days.⁵³



Police in South Carolina pose with their Bearcat

Photo: Supplied by Lt. Chris Cowan

Military Training

The militarization of policing culture is also apparent in the training that tactical teams receive—SWAT team members are trained to think like soldiers. The ACLU asked hundreds of law enforcement agencies to submit copies of SWAT training materials. One response from the Farmington, Missouri, Special Response Team consisted of a piece written by Senior PoliceOne Contributor Chuck Remsberg for Killology Research Group. The piece summarizes a presentation given at a conference of the International Association of Law Enforcement Firearms Instructors and warns that “preparations for attacks on American schools that will bring rivers of blood and staggering body counts are well underway in Islamic

terrorist camps.” It further states that “police agencies aren’t used to this... We deal with acts of a criminal nature. This is an act of war, but because of our laws we can’t depend on the military to help us... [T]he U.S. in [sic] the one nation in the world where the military is not the first line of defense against domestic terrorist attack. By law, you the police officer are our Delta Force.” It provides “‘4 Ds’ for Thwarting Terrorists’ Plans to Massacre Our School Children” and concludes with an admonition to “Build the right mind-set in your troops.”⁵⁴

Even if there were merit to the argument that training SWAT teams to think like soldiers in the context of a school shooting would provide them with the skills that they need to respond effectively, it appears that training in how to develop a “warrior” mentality is pervasive and extends well beyond hostage situations and school shootings, seeping into officers’ everyday interactions with their communities. For example, the Cary, North Carolina, SWAT team provides a training session explicitly titled “Warrior Mindset/Chemical Munitions” for all Emergency Response Team personnel. A PowerPoint training presentation sent by the National Tactical Officers Association urges trainees to “Steel Your Battlemind” and defines “battlemind” as “a warrior’s inner strength to face fear and adversity during combat with courage. It is the will to persevere and win. It is resilience.” Neither of these training documents suggests that SWAT teams should constrain their soldier-like tactics to terrorism situations. Additionally, in the documents reviewed for this report, the majority of SWAT raids took place in the context of serving search warrants at people’s homes—not in response to school shootings or bombings.

Training programs like these impact how some SWAT officers view the people in their communities. For example, in one of the cases examined for this report, a SWAT team drove a BearCat APC into a neighborhood for the sole purpose of executing a warrant to search for drugs. Once the SWAT officers arrived at the home, they drove the APC to the residence, broke down the front and back doors, destroyed a glass table, deployed a distraction device, and pried a lock off a shed, all to find the house empty. One of the officers noted in his report that the house was “empty of suspects and civilians.” The distinction between “suspects” and “civilians” is telling. If police see suspects

INCIDENT REPORT

BURLINGTON, NORTH CAROLINA
NOVEMBER 13, 2012

SWAT Officers Shoots Dog During No-Knock Raid

At 6:00 in the morning, a SWAT officer shot a dog during a no-knock raid and search of a home. The suspect was a single Black male who was suspected of selling marijuana at his home. Solely on the basis of information provided by a confidential informant (which is often unreliable), the SWAT team believed that the man possessed firearms. No information was provided about what kind or how many firearms the man was believed to possess. The team deployed a distraction device and broke down the door, causing damage and surprise. They found two unarmed men inside, along with a dog that bit one of the officers. The officer was carrying a shotgun, against the team’s own policy. Using this shotgun, the officer shot the dog. Seventy percent of the people impacted by the Burlington SWAT deployments the ACLU studied were Black.

less as civilians and more as enemies, what effect does that have on police-suspect interactions?

Legality of Forced Entry Into People’s Homes

Generally speaking, the Fourth Amendment to the U.S. Constitution prohibits the police from entering a person’s home without a warrant. Historically, if the police had a warrant to search a person’s home, they were required by law to knock on the door, announce their presence, and wait for someone to answer.⁵⁵ When a person answered

the door, the police were required to show the warrant and were then entitled to demand entry to conduct a search.

Although the “knock-and-announce” rule still exists, today police executing a search warrant need not follow the rule if they have “reasonable suspicion” that the circumstances present a threat of physical violence or that evidence would be destroyed if advance notice were given.⁵⁶ Further, if they believe in advance of executing the search warrant that either of these circumstances will exist, they can obtain a “no-knock warrant,” which allows them to enter a person’s home without knocking. In either case, the police are permitted to force their way into a person’s home. As a consequence, even though the police are not allowed to barge their way into a person’s home simply because they believe drugs are present,⁵⁷ given that any time they have reasonable suspicion that knocking and announcing their presence would “inhibit the investigation of the crime by ... allowing the destruction of evidence,”⁵⁸ the reality is that drug cases often provide police with vast discretion to use forced entry into a person’s home to execute a search warrant. Even when a court finds that the police have violated the knock-and-announce rule, the Supreme Court has held that the prosecution can still use the evidence seized as a result of a subsequent search at trial, significantly diluting the knock-and-announce requirement’s value as a deterrent to police overreach.⁵⁹

While search warrants authorize the police to search a given place for a particular item or items, they rarely delineate the tactics the police may use in executing the warrant (other than no-knock warrants, which, as explained above, authorize the police to enter without knocking or announcing their presence, and sometimes specifically authorize use of a night-time search). And though the Supreme Court has held as a general matter that the method of police entry into a home is a factor to be considered in assessing the reasonableness (and, hence, constitutionality) of the search,⁶⁰ there is no *per se* prohibition on the use of any particular method. Therefore, the fact that the police obtained a warrant in a given case does little to constrain their broad discretion to decide whether to deploy a SWAT team, break down a door with a battering ram, deploy a distraction device, etc.

In sum, while courts can at times provide recourse to violations of Fourth Amendment rights, by and large they

do not offer robust protection from police use of aggressive equipment and tactics to execute search warrants in people’s homes.

Federal Incentives to Militarize Policing

The Department of Defense operates the 1033 Program through the Defense Logistics Agency’s (DLA) Law Enforcement Support Office (LESO), whose motto is “from warfighter to crimefighter.” According to LESO, the program has transferred \$4.3 billion worth of property through the 1033 Program.⁶¹ Today, the 1033 Program includes more than 17,000 federal and state law enforcement agencies from all U.S. states and territories. The amount of military equipment being used by local and state police agencies has increased dramatically—the value of property transferred through the program went from \$1 million in 1990 to \$324 million in 1995 and to nearly \$450 million in 2013.⁶²

The 1033 statute authorizes the Department of Defense to transfer property that is “excess to the needs of the Department,”⁶³ which can include new equipment; in fact, 36 percent of the property transferred pursuant to the program is brand new.⁶⁴ Thus, it appears that DLA can simply purchase property from an equipment or weapons manufacturer and transfer it to a local law enforcement agency free of charge. Given that more than a third of property transferred under the program is in fact new, it appears that this practice happens with some regularity.

A statistical analysis of the transfer of equipment under the 1033 Program is beyond the scope of this report, but we uncovered numerous examples of transfers that give cause for concern. For example, during the years covered by the investigation, the North Little Rock, Arkansas, police obtained at least 34 automatic and semi-automatic rifles, two MARCbots (robots designed for use in Afghanistan that are capable of being armed), several ground troop helmets, and a Mamba tactical vehicle.⁶⁵ The Arkansas state coordinator found that the LESO application for participation and the state memorandum of agreement were outdated, in addition to many weapons being unaccounted for in the inventory. Despite this, the coordinator signed off on a form that said all the inventory



forms were accurate. Bay County, Florida, received several military-style rifles, a forklift, and several utility trucks. The same county also has on inventory numerous M-16s, M-14s, sniper rifles, submachine guns, and ballistic shields, though it is not clear from the records whether Bay County obtained those items through the 1033 Program, from another federal source, or otherwise. Gwinnett County, Georgia, received nearly 60 military-style rifles, as well as numerous combat vests and Kevlar helmets.

In addition, agencies are permitted to transfer equipment obtained through the 1033 Program between each other. The ACLU uncovered numerous examples of state and local law enforcement agencies transferring equipment that they had obtained through the 1033 Program. There do not appear to be any limitations on or oversight of this practice.

As the saying goes, if all you have is a hammer, everything looks like a nail.⁶⁶ Likewise, if the federal government gives the police a huge cache of military-style weaponry, they are highly likely to use it, even if they do not really need to. Gwinnett County, Georgia, for example, received at least 57 semi-automatic rifles, mostly M-16s and M-14s, through the 1033 Program during the relevant time period. A third of Gwinnett County's SWAT deployments were for drug investigations; in half of them, the SWAT team broke down the door to get inside, and there was no record in any of the reports that weapons were found. In several of these cases, damage resulted to people's homes; in one case, the SWAT team deployed tear gas into a home in order to serve an arrest warrant, knowing there were people inside who were not subjects of the warrant. It is not possible to prove definitively that the weapons procured through the 1033 Program incentivized these deployments in Gwinnett. However, it is reasonable to infer that the program—the very purpose of which is to equip local police officers to use military equipment in drug investigations—has

increased the likelihood that local police departments, not just in Gwinnett County but across the country, will deploy military weapons and tactics in drug investigations when possible.

Mission Creep

It is clear that local law enforcement agencies use DHS funds ostensibly obtained for the purpose of fighting terrorism to conduct ordinary law enforcement activities. In New Hampshire, for example, three police departments—in Concord, Keene, and Manchester (cities that are separated from each other by approximately 30 miles)—each used DHS grants to fund the purchase of an armored BearCat (the amount of grants received by these agencies ranged from \$215,000 to \$286,000). Justifications offered for these grants included prevention, protection, response, and recovery activities pertaining to weapons of mass destruction and the threat of terrorism. The Keene, New Hampshire, police department, for example, stated in its application for DHS grant funding to purchase an APC that “[t]he terrorism threat is far reaching and often unforeseen. Terrorist’s [sic] goals, regardless of affiliation,

“Our application talked about the danger of domestic terrorism, but that’s just something you put in the grant application to get the money. What red-blooded American cop isn’t going to be excited about getting a toy like this? That’s what it comes down to.”

—Keene, N.H. City Councilmember

usually encompass the creation of fear among the public, convincing the public that their Government is powerless to stop the terrorists, and get immediate publicity for their cause.” The application goes on to cite Keene’s annual pumpkin festival as a potential terrorism target in need of protection with an APC.⁶⁷

Not even Keene city officials believed that the city actually needed the BearCat to thwart terrorism. To explain why the police included the word “terrorism” on their application for federal funding for this purchase, a city councilmember said, “Our application talked about the danger of domestic terrorism, but that’s just something you put in the grant application to get the money. What red-blooded American cop isn’t going to be excited about getting a toy like this? That’s what it comes down to.”⁶⁸

The police chief in San Diego, California, expressed the same sentiment when asked about his agency’s decision to purchase an armored personnel carrier: “‘If we had to take on a terrorist group, we could do that,’ said William Lansdowne, the police chief in San Diego and a member of the board of the Major Cities Chiefs Association. Though his force used federal grants to buy one of those fancy armored vehicles—complete with automatic-gun portals—he said the apparatus was more useful for traditional crime-busting than counter-terrorism.”⁶⁹

It is equally clear that the DOJ’s Byrne JAG funding is being used to conduct unnecessarily aggressive activities in drug cases. Approximately 21 percent of all law enforcement JAG funds go to task forces, the majority of which are drug task forces, which routinely employ paramilitary tactics in drug investigations.⁷⁰ Byrne JAG drug task forces have been widely criticized for incentivizing unnecessarily aggressive, often militarized, tactics—particularly in communities of color.⁷¹ As of 2011, 585 multi-jurisdictional task forces were funded through the JAG program.⁷² JAG funds often support drug task forces by paying for the salaries or overtime hours of task force officers as well as for vehicles and equipment; in 2012-2013, more than 680,000 law enforcement overtime hours were paid for using JAG funds.⁷³

According to documents uncovered by the ACLU, local law enforcement agencies often received substantial funding

from the DHS and DOJ during the time period studied. The city of Austin, Texas, for example, received \$2.2 million in federal grant funding from August 2010 through January 2012. Fort Worth, Texas, received \$1.2 million in 2011 and 2012 combined. Similarly, since August 2013, the Salt Lake City Police Department has received almost \$2 million in federal grant awards. However, awards are not limited to large cities. In Montana, the Helena Police Department received \$733,000 in DHS grants, and the Montana Department of Justice received more than \$1 million in DHS grants. Likewise, Gastonia, North Carolina, has received more than \$180,000 in federal funding since 2009, while the Bay County, Florida, Sheriff’s Department has received approximately \$360,000 in federal funding since late 2011. In 2011, the Raleigh Police Department received \$120,000 as part of the 2011 State Homeland Security Program.

A 2004 classified memo all but confirms the blurring of the lines between the drug war and the U.S. military by calling the Drug Enforcement Agency (DEA) The “Other” Warfighter and stating that the War on Drugs “has all the risks, excitement, and dangers of conventional warfare.”⁷⁴

Simply put, American policing has become excessively militarized.

Lack of Transparency and Oversight

FINDING #2

The militarization of policing in the United States has occurred with almost no public oversight.

Limitations of Data Collection on SWAT Use

Data concerning the prevalence of SWAT is difficult to collect.⁷⁵ The ACLU filed public records requests with more than 255 law enforcement agencies during the course of this investigation. One hundred and fourteen of the agencies denied the ACLU's request, either in full or in part. Even if the ACLU had received and examined responsive documents from all 255 law enforcement agencies that received public records requests, this would represent only a sliver of the more than 17,000 law enforcement agencies that exist throughout the United States, and thus would shine only a dim light on the extent of police militarization throughout the country.

The agencies that refused to comply with our requests offered various justifications for the refusals, including the following:

- The requested documents contained trade secrets.
- Concerns about jeopardizing law enforcement effectiveness.
- The requested documents did not constitute “public records.”
- The request was “overbroad and voluminous.”
- The costs associated with producing the documents were simply prohibitive.

It strains credibility to believe that the information contained in SWAT incident reports contains “trade secrets.” A trade secret is a commercially valuable plan, formula, process, or device. It is “a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.”⁷⁶ A police report is not a “commercially valuable plan.” Furthermore, most law enforcement agencies contacted did in fact provide some records, belying the notion that the records requested did not constitute “public records,” that there were legitimate concerns about law enforcement effectiveness, or that the request was “overbroad and voluminous.” These are simply excuses to avoid complying with the ACLU's request. In fact, the public should not even have to resort to public records requests to obtain information about policing practices—this information should be readily available.

The records that were produced revealed an extremely troubling trend: that data collecting and reporting in the context of SWAT was at best sporadic and at worst virtually nonexistent. Not a single law enforcement agency in this investigation provided records containing all of the information that the ACLU believes is necessary to undertake a thorough examination of police militarization. Some agencies (e.g., Tupelo, Mississippi) provided records that were nearly totally lacking in important information. Others (e.g., Salt Lake City, Utah) provided records that were quite lengthy, though still incomplete and extremely difficult to analyze because of their lack of organization. Others (e.g., Fort Worth, Texas) provide fairly comprehensive information, though often in narrative form, making statistical analysis difficult. This variation has two immediate results: (1) any analysis of the data will necessarily have to contend with a large number of

Data collecting and reporting in the context of SWAT was at best sporadic and at worst virtually nonexistent.

unknowns (as demonstrated above) and (2) it makes systematic, thorough, and uniform collection of SWAT data, at any level of government, impossible.

Lack of State and Local Oversight

There is almost no oversight of SWAT at the state or local level. Maryland is the exception—in 2009, Maryland enacted a law requiring law enforcement agencies that maintain a SWAT team to report, semi-annually, specific activation and deployment information.⁷⁷ The law required the Police Training Commission, in consultation with the Governor's Office of Crime Control and Prevention, to develop a standardized format for each agency to use in reporting data.⁷⁸ It also provided that if a law enforcement

agency failed to comply with the reporting provisions, the fact of noncompliance by that particular agency would be reported to the state legislature.⁷⁹ Utah enacted a similar bill this year.⁸⁰

The Maryland law did not come out of nowhere. The year before, the Prince George's County Sheriff's SWAT team had raided the home of Cheye Calvo, the mayor of a small Prince George's County municipality. The county police department then held Calvo and his family at gunpoint for hours and killed his two dogs, on the basis of a misguided investigation in which Calvo and his wife were wrongly suspected of being involved in a marijuana transaction.⁸¹ Calvo responded by drafting legislation, securing bill sponsors, attracting media, organizing grass-roots support, coordinating with other SWAT victims, knocking on doors, and personally appealing to the governor to sign the new law (over the objection of law enforcement), all a testament to the concerted efforts that must be taken to bring about SWAT reform. Although in the end the law did not contain everything he wanted, Calvo hoped that the law would bring change. He testified before the state legislature: "This bill is an important first step that doesn't restrict [police] use [of SWAT teams]. It merely brings transparency. Hopefully, it will ensure that the people who fund and authorize these SWAT teams have the information they need to set good public policy."⁸²

The Maryland law resulted in some fairly robust reporting on SWAT use by local law enforcement. The Governor's Office of Crime Control and Prevention was able to collect, aggregate, analyze, and report on this data annually for the years 2010-2012, and more reports should be forthcoming.⁸³ Highlighting the importance of thorough documentation and transparency, these reports, which are available to the public, demonstrated that in Maryland, SWAT deployments are used principally for search warrants, focus on nonviolent felonies and misdemeanors, and typically result in forced entries, regardless of whether the warrant is standard or no-knock. Unfortunately, the story seems to end there, at least in Maryland. The state legislature has not used the information contained in the reports to enact any meaningful policy reform, as Calvo had hoped, and the law is scheduled to sunset this year, with no indication that it will be extended (though both the Prince George's police and the Prince George's Sheriff's

INCIDENT REPORT

BAY COUNTY, FLORIDA
JANUARY 6, 2011

SWAT Team Shatters Windows for to Search for Marijuana

Officers had no reason to believe that the man they suspected of selling marijuana out of his home was armed. Yet, they still classified their investigation as "high risk" to justify deploying a SWAT team. Instead of knocking and demanding to search the premises, the SWAT team burst into the man's home, igniting a flashbang grenade, shattering a window, and breaking down the man's front door. The suspect was not inside the home at the time of the raid, but a different man, a woman, and an infant were, none of whom were suspects in the investigation. The suspect was found in the backyard. No guns or weapons were found.

office will continue to provide the data required by the law as a condition of a lawsuit Calvo brought after the raid). Calvo has expressed disappointment that elected officials have not used the data to mandate reforms. Putting aside the limitations of Maryland's law, it should not take an incident like the raid on the Calvos' home to get this kind of oversight.

At the local level, among the agencies that submitted documents pertaining to their policies and procedures to the ACLU, most had some form of after-action reporting or internal review procedures in place that varied in terms of the amount of oversight provided. For example, in Cary, North Carolina, all specialty assignments, including the SWAT team, are required to conduct an annual review containing a statement of purpose for the specialty assignment, evaluation of the initial conditions that required implementation of the specialized assignment, and justification for the continuation of the specialized assignment. In Huntington, West Virginia, the Office of Professional Standards is required to present findings regarding all incidents to the chief of police in an annual report. Many other SWAT teams are subject to similar internal oversight.

However, as discussed above, the after-action reports we received were, for the most part, woefully incomplete, raising serious questions about their utility for internal review of SWAT deployment practices. Furthermore, the records indicated that internal reviews mostly pertain to proper weapons use and training and not to evaluating important civil rights implications of SWAT use. In addition, purely internal oversight is insufficient to guard against excessive, aggressive, and disproportionate use of SWAT. Greater oversight is needed.

Lack of Federal Oversight

In addition to insufficient state oversight, there is no federal agency mandated to collect information related to local law enforcement use of SWAT. The Bureau of Justice Statistics (BJS), housed within the Department of Justice's Office of Justice Programs, collects and publishes information pertaining to state prison systems, court administration,

crime, victimization, justice employment information (e.g., the number of people employed by various criminal justice agencies), and information pertaining to justice systems on tribal lands.⁸⁴ It collects and publishes some information pertaining to law enforcement administration, but mostly in the areas of training, coroner activities, crime laboratories, and a slew of other categories that do not pertain directly to the militarization of policing. While BJS does collect information on some policing activity, such as hate crimes, it does not collect information pertaining to incidents of SWAT deployment, uses of military weapons or tactics in connection with such deployments, or the underlying purposes of such deployments.⁸⁵ Taking responsibility for collecting, maintaining, and analyzing information pertaining to the use of SWAT teams throughout the country would present certain challenges for BJS, but if local agencies improved their own record keeping on the use of SWAT—potentially aided by BJS through development of a data collection tool—BJS would enhance its ability to compile, aggregate, and analyze data collected and provided by local agencies.

Oversight of the federal programs that incentivize militarized policing is also needed.

Oversight of the 1033 Program exists, but there are gaps.⁸⁶ The only significant responsibilities placed on participating law enforcement agencies are that they not sell equipment obtained through the program and that they maintain accurate inventories of transferred equipment.

The state coordinator is required to approve or disapprove applications for participation, but there appear to be only two criteria that must be satisfied in order for a request to be approved: (1) that the agency intends to use the equipment for a "law enforcement purpose" (counterdrug and counterterrorism efforts are emphasized by law); and (2) that the transfer would result in a "fair and equitable distribution" of property based on current inventory. The Memorandum of Agreement (MOA) also provides that as a general matter, "no more than one of any item per officer will be allocated."⁸⁷ Most of the state coordinator's other responsibilities are administrative in nature (e.g., ensuring that LESO has current and accurate points of contact, that only authorized agency requests are submitted

to LESO, that participating agencies update their account information annually, etc.).

There is a biannual Program Compliance Review using a checklist.⁸⁸ The compliance review is not rigorous, however, and simply requires the state coordinator to certify that appointed personnel are proficient with DLA websites, that participating agencies are in fact eligible (the sole eligibility requirement is that the agency is a law enforcement agency), that the agency has in place proper records management and retention processes and inventory control, that there is a compliance review process in place, that there are steps in place to ensure that 1033 property is not sold, whether an agency has sold 1033 property or received property for the sole purpose of selling it, and that property transferred complies with the MOA.

The state coordinator is also required to state what steps are taken to ensure that participating agencies do not requisition unnecessary or excessive amounts of property. However, the ACLU did not uncover any records pursuant to its investigation to suggest that any of the agencies studied had a single request for equipment denied by the state coordinator during the two years studied.

States or agencies can be suspended for failure to conduct a required inventory, but there are no consequences for overly aggressive use of equipment.

LESO conducts an annual briefing for law enforcement personnel in each state.⁸⁹ This briefing includes information on technical support and training available to agencies via the LESO program. One person from each state is required to attend. The briefing does not appear to address the importance of exercising restraint in the acquisition and use of military equipment by local law enforcement agencies.

There appears to be no requirement that the Department of Defense make any certification to Congress regarding the performance or impact of the program.

There is virtually no oversight over DHS support to state and local law enforcement through the Homeland Security Grant Program.⁹⁰ In 2013, DHS distributed nearly a billion dollars to state and local law enforcement agencies through the HSGP to “enhance the ability of states, territories, and Federally recognized tribes to prevent,

protect against, respond to, and recover from potential terrorist acts and other hazards,”⁹¹ but as discussed above, this money was often spent on ordinary law enforcement activities. Oklahoma Senator Tom Coburn conducted an investigation into DHS funding to state and local law enforcement agencies in 2012. Senator Coburn concluded, on the basis of information contained in DHS reports, briefings with the DHS Office of the Inspector General, and project data and spending plans from 29 urban areas, that “taxpayer money spent on homeland security grant programs has not always been spent in ways obviously linked to terrorism or preparedness” and that “[DHS] has done very little oversight of the program, allowing cities to spend the money on almost anything they want, as long as it has broad ties to terror prevention.”⁹²

There is also minimal oversight over expenditures of DOJ funds. The Bureau of Justice Assistance conducts some oversight over JAG funds, and has been strengthening its oversight in recent months, particularly with regard to potential use of JAG funds to subsidize racially biased marijuana possession arrests. However, there is virtually no oversight over weapons expenditures or use of paramilitary tactics in drug investigations.

There does not appear to be much, if any, local oversight of law enforcement agency receipt of equipment transfers under the 1033 Program or grants from the DHS or DOJ. None of the documents the ACLU reviewed relating to policies and procedures contained any provisions regarding internal oversight of such transfers and grants. The ACLU is also not aware of any formal procedures that have been imposed at the local level requiring public oversight of requests for equipment transfers or grants, though some municipalities have held ad hoc hearings when their local law enforcement agencies have proposed a transfer or grant that may be controversial.⁹³ The public has a right to know what weapons and tactics are being used to police it and how its tax dollars are being spent.

The Purpose of SWAT

FINDING #3

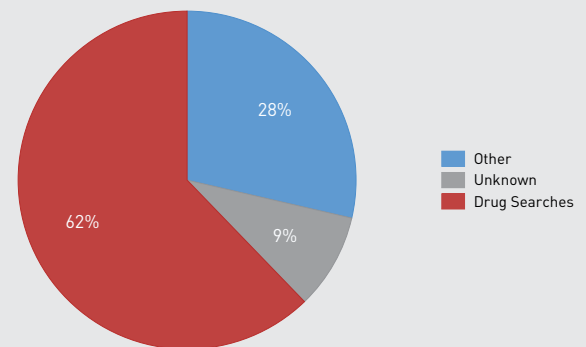
SWAT teams were often deployed—unnecessarily and aggressively—to execute search warrants in low-level drug investigations; deployments for hostage or barricade scenarios occurred in only a small number of incidents.

Use of SWAT to Search for Drugs

Even though paramilitary policing in the form of SWAT teams was created to deal with emergency scenarios such as hostage or barricade situations, the use of SWAT to execute search warrants in drug investigations has become commonplace and made up the majority of incidents the ACLU reviewed. When the police are executing a search warrant, there has been no formal accusation of a crime; rather, the police are simply acting on the basis of probable cause to believe that drugs will be present. There is no criminal case, no formal suspects, and often little if any proof that a crime has been committed; it is simply an investigation. Thus, the use of a SWAT team to execute a search warrant essentially amounts to the use of paramilitary tactics to conduct domestic drug investigations in people's homes.

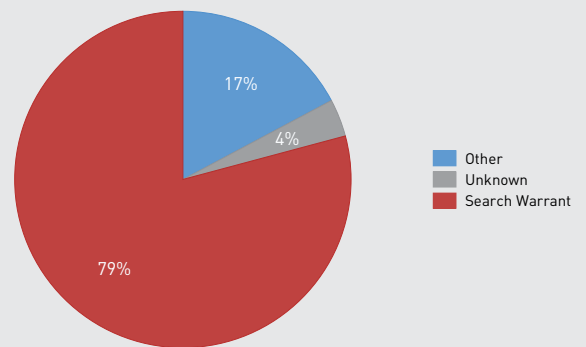
The majority (79 percent) of SWAT deployments the ACLU studied were for the purpose of executing a search warrant, most commonly in drug investigations. Only a small handful of deployments (7 percent) were for hostage, barricade, or active shooter scenarios. The remaining deployments were for other purposes such as protecting visiting dignitaries, capturing fleeing suspects, and responding to emergencies. Our investigation found that in the majority of deployments the police did not face genuine threats to their safety and security.

FIGURE 1
Majority of SWAT Deployments for Drug Searches (2011-2012)



Source: Data provided by local law enforcement agencies for ACLU investigation.

FIGURE 2
Majority of SWAT Deployments for Search Warrant (2011-2012)



Source: Data provided by local law enforcement agencies for ACLU investigation.

Further, often the quantity of drugs found did not seem to justify a SWAT deployment. For example, the Allentown SWAT team was deployed to search someone's house for drugs. They executed the warrant at 6:00 a.m., knowing children were likely to be present. When gathering intelligence the day before, the team did not see any weapons. Nonetheless, the team deployed a distraction device, broke the door down with a battering ram, and entered the residence to find three adults and three children asleep in the home. The team found no weapons and what the report described as a "small amount of marijuana."

This finding supports Kraska's earlier research. Kraska found, based on his survey data, that 80 percent of deployments during the time period he studied were for the purpose of executing a search warrant, not to deal with situations for which SWAT teams were created, such as hostage, sniper, or terrorist situations.⁹⁴ He concluded on the basis of his research that "[SWAT teams have] changed

from being a periphery and strictly reactive component of police departments to a proactive force actively engaged in fighting the drug war.”⁹⁵ Based on our statistical analysis, we agree with this conclusion.

Lack of Standards

Most police departments have in place standards that allow for SWAT deployment in cases involving hostage, barricade, active shooter, or other emergency scenarios, or in “high-risk” warrant scenarios. But what constitutes a “high-risk” scenario depends largely on the subjective beliefs of the officers involved. This lack of clear and legitimate standards for deploying SWAT may result in the excessive and unnecessary use of SWAT deployments in drug cases.

One reason for thinking that serving a warrant may be “high risk” would be the presence of a person who is armed and dangerous. More often than not, we found that SWAT records contained no information to explain why the officers believed a particular scenario was “high risk.” Even in incidents in which the police believe an armed person would be present, very often there was insufficient information to know what formed the officer’s belief; often, the SWAT team was called out based on an officer’s subjective belief that a person involved was “known to carry weapons” or “had been found to carry weapons in the past.” SWAT officers seemed to make no effort whatsoever

More often than not, we found that SWAT records contained no information to explain why the officers believed a particular scenario was “high risk.”

to distinguish between weapons that were lawfully owned versus those that a suspect was thought to possess illegally.

In nearly every deployment involving a barricade, hostage, or active shooter, the SWAT report provided specific facts that gave the SWAT team reason to believe there was an armed and often dangerous suspect. For example, the Concord, North Carolina, SWAT team was called out to a barricade situation involving a man who had barricaded himself in his home, was making explosives, and was considered mentally unstable. All of this information was provided to police by a member of the man’s family. The man had previously been arrested for making bombs and was known by family members to possess a large number of firearms. The team safely took the man into custody and seized at least four firearms, large amounts of ammunition, several axes and hatches, and bomb-making materials that had to be detonated by the bomb squad.

In contrast, incident reports for search warrant executions, especially in drug investigations, often contained no information about why the SWAT team was being sent in, other than to note that the warrant was “high risk,” or else provided otherwise unsubstantiated information such as “suspect is believed to be armed.” In case after case that the ACLU examined, when a SWAT team was deployed to search a person’s home for drugs, officers determined that a person was “likely to be armed” on the basis of suspected but unfounded gang affiliations, past weapons convictions, or some other factor that did not truly indicate a basis for believing that the person in question was likely to be armed at the moment of the SWAT deployment. Of course, a reasonable belief that weapons are present should not by itself justify a SWAT deployment. Given that almost half of American households have guns, use of a SWAT team could almost always be justified if this were the sole factor.⁹⁶ However, because the use of SWAT increases the likelihood that the occupants will use weapons to defend themselves, which increases the risk of violence and thus of harm to both law enforcement and civilians, presence of a weapon alone should not automatically result in a SWAT deployment.

Some agencies have checklists or matrices that they employ to determine whether a situation is “high risk.” In using these lists, officers check off various risk factors that

they believe to be present and, presumably on the basis of the risk factors present, calculate a risk score. SWAT deployment is considered (and sometimes mandated) on the basis of whether the risk level meets a predetermined threshold. Unfortunately, though, having such mechanisms in place does not obviate the problem of unnecessarily aggressive SWAT deployments because using an internal checklist or matrix does not eliminate subjectivity. In one case, the officer completing the threat matrix, and perhaps knowing that the woman who was the subject of the warrant had no serious criminal history, included the histories of other people (not even confined to other people at the residence) in calculating the threat score. This elevated the score to the level needed to justify a SWAT deployment. In addition, whether a person is likely to be armed is often considered a risk factor, but as discussed above, making that determination is highly subjective.

Some of the threat matrices examined in connection with this investigation contained factors and counting procedures that were themselves problematic. For example, the Concord, North Carolina, threat matrix considers “religious extremist” to be a risk factor. In addition to possibly violating the First Amendment,⁹⁷ predicting risk on the basis of religious ideology is ineffective for two reasons: (1) there is no simple link between the adoption of an ideology and violent action; and (2) it is exceedingly difficult to craft a coherent model of the kinds of ideologies or beliefs that could be expected to lead to violence.⁹⁸ Other jurisdictions that use a matrix often consider the fact that the deployment is part of a drug investigation as having a high point value, but simply having drugs in one’s home should not be considered a high-risk factor justifying a paramilitary search. Without consistency, clarity, meaningful metrics, and the use of appropriate risk factors, these matrices seem to cause more problems than they resolve.

In addition, the ACLU did not uncover any policies or practices encouraging partial responses. It appeared that deployments almost always involved a complete deployment, including numerous officers armed with assault rifles, battering rams, and distraction devices. Many deployments—to the extent they were justified at all—would seem to have warranted a much less aggressive

response, including perhaps fewer officers and less military weaponry.

Accuracy of Assessing Threats

One way to evaluate the reliability of a SWAT officer’s unsubstantiated beliefs concerning the threat danger and likely presence of weapons is to measure the likelihood that an officer’s subjective belief in the presence of weapons resulted in the SWAT team actually finding weapons at the scene. We found in the course of our investigation that the SWAT team found weapons (the overwhelming majority of which were firearms such as handguns, but rarely assault rifles) in just over one-third of the incidents in which they predicted finding them, which suggests the police are not particularly good at accurately forecasting the presence of weapons. Furthermore, if SWAT were being used for the limited purposes for which it was created, we would expect them to find weapons in nearly all of the incidents studied.

TABLE 1
Weapons Predicted v Weapons Found

Weapons Believed To Be Present	Weapons Located		
	Yes	No	Unknown
Yes	35%	32%	33%
No	13%	43%	44%

No-knock warrants were used (or probably used) in about 60 percent of the incidents in which SWAT teams were searching for drugs, even though many resulted in the SWAT team finding no drugs or small quantities of drugs. For example, the Burlington County, North Carolina, SWAT team was deployed to search for drugs in a person’s home. Upon executing the warrant, all that was found was drug paraphernalia (such as a pipe) and a residue amount of cocaine (presumably the residue found in the pipe). Given that the ostensible purpose of forcing entry into a home is to prevent the destruction of “evidence” (i.e., the presumed purpose of the no-knock being issued in this case), this result is troubling. One would expect to

see a much higher rate of SWAT deployments resulting in the seizure of large amounts of drugs. Of course, as with the presence of weapons, the mere fact that there might be drug evidence that residents could, in theory, attempt to destroy upon the police knocking and announcing themselves, should not justify the use of militaristic SWAT teams forcing themselves into homes as if they are sweeping enemy territory in a war zone.

TABLE 2
Drugs Predicted v Drugs Found

SWAT Deployed for a Drug Offense	Contraband Located		
	Yes	No	Unknown
Yes	35%	36%	29%
No	11%	27%	62%

Of the cases we studied, in 36 percent of SWAT deployments for drug searches, and possibly in as many as 65 percent of such deployments, no contraband of any sort was found. When also considering that the mere presence of contraband should not be enough, by itself, to justify SWAT, this seems to suggest strongly that SWAT is overused.

Some Appropriate Uses of SWAT

The ACLU came across some incidents during the course of the investigation that appeared on the face of the records to demonstrate appropriate use of, and restraint in deploying, SWAT. In one such incident, an officer was asked by a neighboring agency to deploy a SWAT team. The officer went to the scene to investigate, and what he saw concerned him. In his report, he noted that officers from other agencies were involved in breaking down all the doors and windows of a person's residence. He asked if there was a warrant and was told there was none. When requested to deploy tear gas, he responded that his team does not simply deploy gas but rather conducts a careful evaluation to ensure that if gas is deployed, proper procedures are followed. The officer declined to assist

the neighboring agency without a warrant being issued, and said that if a warrant were produced, he would then consider the request. The officer called his superior and apprised him of the situation, and the superior concurred with the decision to hold off. The chief of police eventually got involved, and he also concurred with the decision to hold off. Eventually a warrant was secured. On the basis of the warrant, and with the knowledge that a woman was in the residence, possibly being held against her will, the team decided to deploy. This demonstrates a hesitation to engage in activity that was possibly unconstitutional, restraint in the use of SWAT, insistence on following proper procedure, and professionalism in keeping superiors apprised of the situation.

Another example demonstrating restraint in the use of SWAT occurred in Hialeah, Florida, in July 2013. A man had set his apartment on fire, killed six building residents, and taken another two residents hostage. The chief of police tried to negotiate with the man for several hours before eventually calling in the SWAT team. He later told reporters that “[i]t was a very difficult decision because I not only have [sic] the lives of the two hostages that we want to rescue, but I have in my hands the lives of the six police officers that I’m sending in to confront this man.”⁹⁹ The hostages survived, though the man did not. Exercising restraint in deploying a SWAT team honors individual liberties and maximizes public safety. If restraint was warranted in this case, it is difficult to justify the routine deployment of SWAT teams to serve search warrants in drug investigations in which no clear threat is presented.

If paramilitary tactics were limited to scenarios like these, there would be much less cause for concern. Unfortunately, these instances are the exception, not the norm.

Race and SWAT

FINDING #4

The use of paramilitary weapons and tactics primarily impacted people of color; when paramilitary tactics were used in drug searches, the primary targets were people of color, whereas when paramilitary tactics were used in hostage or barricade scenarios, the primary targets were white.

Race, SWAT, and Drugs

It is widely known that policing tactics across the country often unfairly target communities of color—the recent controversies surrounding stop-and-frisk programs in numerous cities across the country document the ineffective and unfair racial disparities associated with the practice.¹⁰⁰ According to the incident reports studied in the course of this investigation, the use of paramilitary tactics appears to be no different.

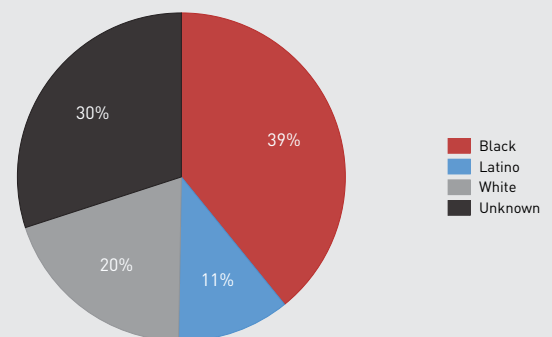
Unfortunately, many of the SWAT teams we looked at either do not record race information or record it unsystematically (in more than one-third of the incidents studied, the race of the people impacted was not clear from the incident report).¹⁰¹ According to the records that did contain race information, SWAT team deployment primarily impacted people of color.

In looking at race data, we examined two variables: the race of the people impacted by each deployment and the race of the overall number of people impacted by SWAT raids in a given area during the studied time period. So the unit of measurement in the data presented in this section is either “number of deployments impacting people of a certain race” or “race of individual people impacted.”

Where race was known, deployments that impacted people of color (the majority being Black) constituted 28 percent of the total, whereas deployments that impacted white people constituted 31 percent of the total. A small percentage (6 percent) impacted a mix of white people and people of color.

Breaking this down further into actual numbers of people impacted by SWAT deployments shows that of all the incidents studied where the number and race of the people impacted were known, 39 percent were Black, 11 percent were Latino, 20 were white, and race was unknown for the rest of the people impacted. This means that even though there were more deployments that impacted only white people or a mix of white people and minorities, many more people of color were impacted. This may relate to the fact that white people were more likely to be impacted by deployments involving hostage, barricade, or active shooter scenarios, which most often involve domestic disputes impacting small numbers of people, whereas people of color were more likely to be impacted by deployments involving drug investigations, which often impact large groups of people and families.

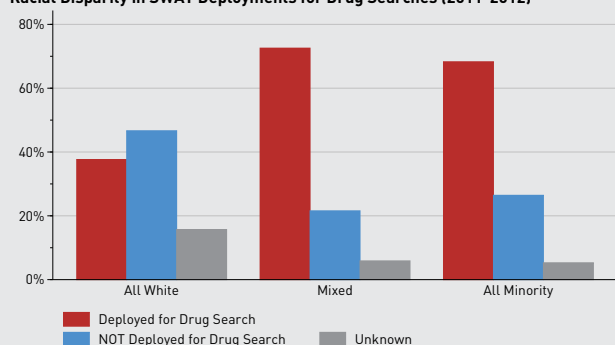
FIGURE 3
SWAT Deployments by Race of Individuals Impacted (2011-2012)



Source: Data provided by local law enforcement agencies for ACLU investigation.

Of the deployments in which race was known, there was a significant racial difference in whether the deployment was conducted in a drug case.¹⁰² Of the deployments that impacted minorities (Black and Latino), 68 percent were for drug searches, whereas of deployments that impacted white people, only 38 percent were for drug searches. Of the deployments that impacted a mix of white people and minorities, 73 percent were for drug investigations.

FIGURE 4
Racial Disparity in SWAT Deployments for Drug Searches (2011-2012)



Source: Data provided by local law enforcement agencies for ACLU investigation.

Sixty-one percent of all the people impacted by SWAT raids in drug cases were minorities.

Racial Differences in Use of SWAT for Search Warrants

The numbers become even more troubling when examining the racial breakdowns for search warrants. Of the deployments in which all of the people impacted were minorities, the deployment was for the purpose of executing a search warrant in 80 percent of cases, and where the

people impacted were a mix of white people and minorities, the deployment was for the purpose of executing a search warrant in 84 percent of cases. In contrast, when all of the people impacted were white, the purpose was to execute a search warrant in 65 percent of cases.

When the number of people impacted by a deployment was known, 42 percent of people impacted by a SWAT deployment to execute a search warrant were Black and 12 percent were Latino. So overall, of the people impacted by deployments for warrants, 54 percent were minorities. In contrast, nearly half of the people impacted by deployments involving hostage, barricade, or active shooter scenarios were white, whereas only 22 percent were minorities (the rest were people who were known to have been impacted by hostage, barricade, or active shooter scenarios but whose race was not known, so the difference could be even greater).

In addition, when the data was examined by agency (and with local population taken into consideration), racial disparities in SWAT deployments were extreme. As shown in the table and graph below, in every agency, Blacks were disproportionately more likely to be impacted by a SWAT raid than whites, sometimes substantially so. For example,

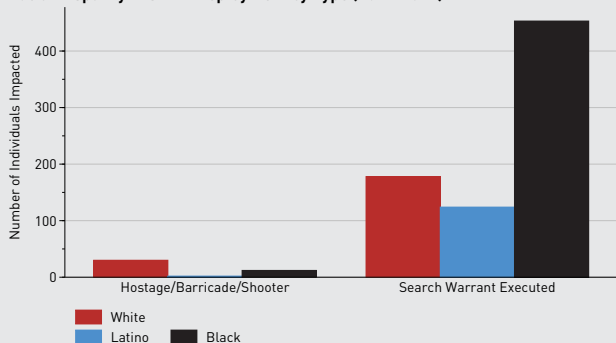
TABLE 3
SWAT Impact Rates by Agency (2011-2012)

Law Enforcement Agency	SWAT Impact Rates per 100,000				
	White	Latino	Black	Times More Likely Latinos Impacted	Times More Likely Blacks Impacted
Allentown, PA, Police	12	348	281	29.09	23.51
Bay County, FL, Sheriff	6	0	39	0.00	6.56
Burlington, NC, Police	9	0	414	0.00	47.05
Caldwell County, NC, Sheriff	54	0	215	0.00	4.01
Chatham County, NC, Sheriff	74	0	1,146	0.00	15.51
Concord, NC, Police	44	92	485	2.09	11.06
Fort Worth, TX, Police	12	11	154	0.90	12.86
Gwinnett County, CA, Sheriff	1	1	7	0.53	5.49
Huntington, WV, Police	11	0	415	0.00	37.12
Little Rock, AR, Police	3	26	40	9.29	14.13
North Little Rock, AR, Police	6	0	200	0.00	34.54
Ogden, UT, Police	8	85	300	11.16	39.55
Salt Lake City, UT, Police	5	25	36	4.93	7.33
Spokane County, WA, Sheriff	57	14	588	0.25	10.35
Unified, UT, Police	3	13	26	5.18	10.26
Wilson County, NC, Sheriff	16	0	98	0.00	6.02

Source: Data provided by local law enforcement agencies for ACLU investigation.
NOTE: Agencies that do not record data on race/ethnicity are excluded.

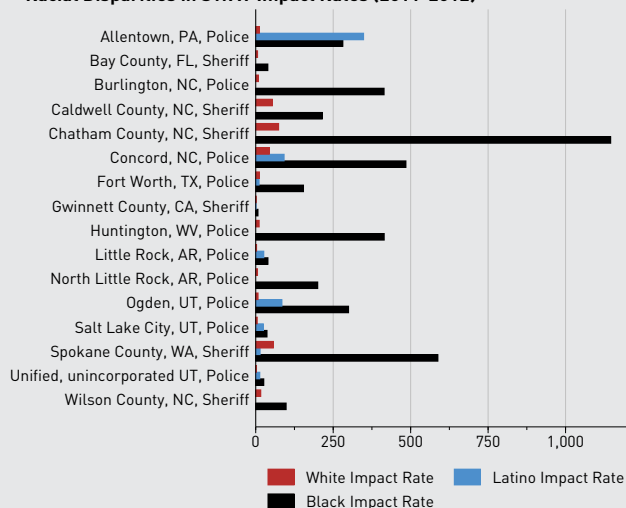
in Allentown, Pennsylvania, Blacks were nearly 24 times more likely to be impacted by a SWAT raid than whites were, and in Huntington, West Virginia, Blacks were 37 times more likely. Further, in Ogden, Utah, Blacks were 40 times more likely to be impacted by a SWAT raid than whites were.

FIGURE 5
Racial Disparity in SWAT Deployment by Type (2011-2012)



Source: Data provided by local law enforcement agencies for ACLU investigation.

FIGURE 6
Racial Disparities in SWAT Impact Rates (2011-2012)



NOTE: Agencies that do not record data on race/ethnicity are excluded.

Source: Data provided by local law enforcement agencies for ACLU investigation.

It is well established that the War on Drugs has been waged primarily and unfairly on people of color—from being disproportionately targeted for low-level drug arrests to serving longer prison sentences for the same drug crimes. Our findings add the unfair and disproportionate use of paramilitary home raids to this shameful list of racially biased drug enforcement.

Use of Violent Tactics and Equipment

FINDING #5

SWAT deployments often and unnecessarily entailed the use of violent tactics and equipment, including APCs; use of violent tactics and equipment was shown to increase the risk of bodily harm and property damage.

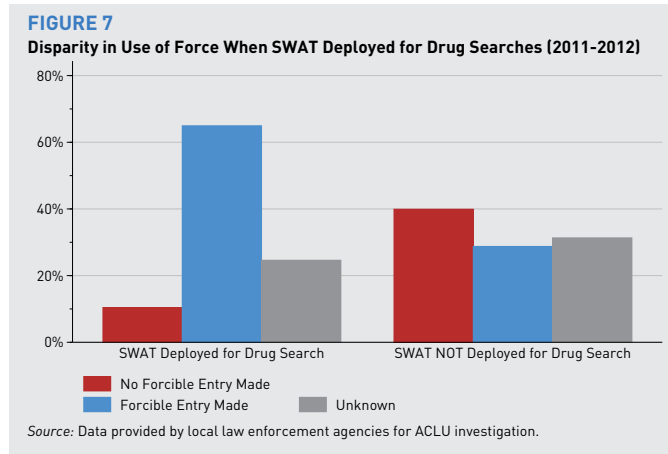
Use of Violent Tactics to Force Entry

Of the incidents studied in which SWAT was deployed to search for drugs in a person's home, the SWAT teams either forced (or probably forced) entry into a person's home using a battering ram or other breaching device 65 percent of the time. This means that for drug investigations, the SWAT teams studied were almost twice as likely to force entry into a person's home than not, and they were more than twice as likely to use forced entry in drug investigations than in other cases.

Forcing entry into a person's home did not necessarily result in the discovery of weapons, drugs, or other contraband. Drugs or other contraband were either found or probably found in only a quarter of the deployments in which the SWAT team forced entry. In 54 percent of deployments in which the SWAT team forced entry into a person's home using a battering ram or other breaching device, the SWAT team either did not or probably did not find any weapons. For example, the New Haven, Connecticut, SWAT team deployed at 11:00 p.m. to execute a search warrant. The team broke down the front door, deployed a distraction device, and detained two people inside the home, but it did not find any weapons or contraband. Given the relatively small amount of drugs and

weapons found during the course of these deployments, it is difficult to justify the forcible entry into private homes.

The SWAT teams studied were much more likely to force entry in drug search cases than in other scenarios. When SWAT was deployed to search a home for drugs, the squad forced entry in more than 60 percent of incidents. In contrast, when SWAT was deployed for a reason other than searching a home for drugs, the squad forced entry in fewer than 40 percent of cases.



Very little information was discernable regarding the use of flashbang grenades, but in the cases in which information was available, we discovered that of the incidents in which SWAT teams were searching people's homes for drugs, they were 14 times more likely to use a flashbang grenade, and they were three times more likely to use a flashbang grenade in drug investigations than in other cases.

Use of Armored Personnel Carriers During SWAT Raids

It was nearly impossible to track the use of BearCats and other APCs by SWAT teams. On the face of the documents examined, some law enforcement agencies (e.g., New Haven, Connecticut; Allentown, Pennsylvania; Unified Police Department, Utah) appear to deploy a BearCat almost routinely. Others (e.g., Gwinnett County, Georgia) do not appear to use an APC at all, though it is not clear whether that is because they do not have one or because they have one but do not use it (or even whether they use it

routinely but do not record that fact). Still others (e.g., Bay County, Florida) seem to make selective use of APCs. In addition, some agencies used APCs that go by other names, and it is not always possible to know whether an APC is being referenced in an incident report.

From our review of the incident reports and discussions with members of law enforcement, we conclude that the use of BearCats or other APCs was rarely necessary for the types of deployments in which they were used based on two observations: (1) the numerous incidents in which an APC was deployed but not used for any obvious purpose; and (2) the numerous incidents in which the SWAT team was able to accomplish its objective without the use of an APC.

There were numerous incidents in which a BearCat was deployed but not put to any obvious use during the course of the deployment. For example, SWAT officers in Allentown, Pennsylvania, were deployed to search someone's home for drugs. They deployed at 6:45 a.m., with both a BearCat and an emergency van, knowing that a toddler was likely to be present. They broke down the door, entered the home, and handcuffed one man, while a woman tried to comfort her child, who was presumably upset by the commotion. There is no indication that the officers made any use of the BearCat, other than for transport. The ACLU uncovered numerous incidents such as this, when there was some attendant danger, perhaps, but this does not justify using an armored military vehicle directly in front of someone's home in the middle of a residential neighborhood.

There were several incidents in which a SWAT team was able to accomplish its objective without use of an APC.¹⁰³ For example, in the Concord, North Carolina, case described above involving a man who had barricaded himself, suffered from mental illness, and was suspected of making bombs, the SWAT team was able to convince the man to surrender, and there was no indication on the face of the document that a BearCat was used. In another incident, the Allentown SWAT team was called out to deal with an armed robbery investigation. No BearCat was deployed, and the suspects surrendered without incident. SWAT teams consist of heavily armed, highly professional tactical officers trained to handle extremely high-risk scenarios. Such officers have proven themselves

to be effective when they are deployed to handle high-risk situations without the use of an APC.

While officer safety is sometimes a concern during the execution of a search warrant in which SWAT is deployed, it is not a concern in all such deployments. Importantly, there are effective alternatives to use of APCs, such as making ordinary police vehicles built for domestic law enforcement (as opposed to combat), bullet-proof.

Use of an APC can also *endanger*, not protect, both officers and civilians, and can increase the risk of property damage. In one case we examined, the SWAT team was deployed to handle a dangerous barricade scenario in which officers knew that a man was armed with a firearm. The team deployed with a BearCat. At one point, the man disappeared from view and exited the home through the garage; he started walking toward officers who were not aware of his presence because they were watching the front door. The officers should have been able to provide cover, but the BearCat literally obstructed their view of the garage. Eventually the man surrendered, but the situation could have had tragic results.

Use of a BearCat or other APC can also increase the risk of property damage. In one case, a SWAT team used a BearCat to break down a front gate. In another, a SWAT team used a BearCat to break through the front door of a man known



It is not unusual for people to mistake a SWAT deployment in the middle of the night for an armed burglary, and both civilians and police have been killed in resulting shootouts.

Photo: Keep Columbia Free via FIO/Sunshine request
<http://www.youtube.com/watch?v=Ng6mfpZ2kR4>

to suffer from paranoid schizophrenia, after already forcing entry through multiple other sites and shattering a sliding glass door.

Consequences of Using Violent Tactics

Using aggressive tactics in drug raids can have disastrous consequences. In the deployments the ACLU examined, seven civilian deaths occurred in connection with deployment, two of which appeared to be the result of suicide (in at least one of these cases, the suspect stated that he was willing to come outside but then shot himself upon learning that the SWAT team was waiting for him). In the incidents we examined, 46 civilians were injured in the course of a deployment, often as the result of a use of force by a member of the SWAT team.¹⁰⁴

Examples of the tragic results of SWAT officer-involved shootings are widely available. For example, earlier this year, the Albuquerque Police Department sent a heavily armed unit to confront James Boyd, a homeless man who was “camping illegally” in the Sandia Foothills. The encounter ended with officers shooting and killing him. Though it did not involve the search of a home, this example fits the militarization pattern for a number of reasons. First, the police approached Boyd in full SWAT gear simply because he was illegally camping in an Open Space area in the foothills outside of Albuquerque. Second, the officers purposefully escalated the conflict to the point where the use of lethal force was inevitable. The action that set it all off was the deployment of a flashbang grenade. Finally, the weapon that killed Boyd appears to have been an assault rifle or some other high-powered weapon (ironically, the SWAT officers fired live ammunition alongside beanbag rounds). Again, this demonstrates the alarming tendency of paramilitary policing to *escalate*, rather than *ameliorate*, the risk of violence.¹⁰⁵

Although no SWAT officers were killed in any of the deployments that the ACLU examined, deaths to officers have indeed resulted from the use of paramilitary policing tactics. Take the case of Henry McGee, who was asleep with his pregnant girlfriend when the police forced their way into his home at dawn to look for a marijuana grow

operation. Believing his home was being burglarized, McGee drew a firearm and shot and killed an officer. He was initially charged with capital murder, but the grand jury refused to indict him. Investigators found a few marijuana plants in the home.¹⁰⁶ Thus, although some police officers often argue that excessively militarized weapons and tactics are needed to prevent violence, these wartime tools and tactics often have the opposite effect of *escalating* the risk of violence.

Use of Violent Tactics With Children Present

During the course of this investigation, we noted another troubling trend: the deployment of SWAT when children were present or without sufficient intelligence to know whether children would be present. As documented above, a SWAT deployment can involve significant levels of violence, including breaking down doors, shattering windows, and the detonation of explosive devices. In addition, SWAT officers also typically deploy wearing “BDUs” (battle dress uniforms), carry large semi-automatic rifles, which they sometimes point at people during deployment, and often use force, throwing people onto the floor and handcuffing them. Experiencing violent events can have serious and long-term impacts, particularly on children.¹⁰⁷

Determining the number of SWAT deployments in which children were present was challenging because many reports did not indicate whether children were present. While some agencies specifically documented the presence and number of children through use of a check box or other data collection mechanism, others mentioned the presence of children only in passing, in the narrative portion of the report. In reviewing the documents, we noted when the presence (and, where possible, the number) of children was documented. We also drew inferences about incidents in which children were almost certainly not present (for example, reports involving hostage-taking related to domestic violence were almost always careful to note the presence of children, such that we inferred the absence of children when a report of a domestic hostage-taking did not mention them). In the rest of the cases, we made what inferences we could to determine

when children were probably not present and counted the remaining incidents as unknown. Using this methodology, we determined that of the 818 deployments studied, 14 percent involved the presence of children and 13 percent did not. Thirty-eight percent probably did not involve the presence of children and 35 percent were unknown. This evaluation is necessarily unscientific because the reports provided simply did not provide enough information to draw a conclusion about the presence of children. In addition, SWAT teams should be more deliberate and precise in documenting the presence of children in order to avoid subjecting children to SWAT deployments whenever possible.

RECOMMENDATIONS

The militarization of policing is one example of how contemporary policing in America is failing to deliver on its primary objective of protecting and serving communities. The culture of policing in America needs to evolve beyond the failed War on Drugs, and the police should stop perceiving the people who live in the communities they patrol—including those the police suspect of criminal activity—as enemies.

This type of reform must be achieved systemically and include a transformation in police culture; the problems of overly aggressive policing cannot be solved by disciplining a few officers or dismissing the problem as a few isolated incidents. These recommendations are aimed at ensuring that law enforcement responses minimize harm to civilians and property and maximize as oppose to jeopardize the safety of everyone involved.

The federal government should take the lead by reining in programs that incentivize local police to engage in excessively militarized tactics, especially in drug cases. The federal government holds the purse strings, and restricting the flow of federal funds and military-grade equipment into states and localities, and/or conditioning funds on the appropriate use and training with regards to such equipment, would significantly reduce the overuse of hyper-aggressive tactics and military-grade tools in local communities.

Additionally, state legislatures and municipalities should impose meaningful restraints on the use of SWAT. SWAT deployments should be limited to the kinds of scenarios for which these aggressive measures were originally intended – barricade, hostage, and active shooter situations. Rather than allowing for a SWAT deployment in any case that is deemed (for whatever reason the officers determine) to be “high risk,” the better practice would be for law enforcement agencies to have in place clear standards limiting SWAT deployments to scenarios that are truly “high risk.”

SWAT teams should never be deployed based solely on probable cause to believe drugs are present, even if they have a warrant to search a home. In addition, SWAT teams should not equate the suspected presence of drugs with a threat of violence. SWAT deployment for warrant service is appropriate only if the police can demonstrate, before deployment, that ordinary law enforcement officers cannot safely execute a warrant without facing an imminent threat of serious bodily harm. In making these determinations it is important to take into consideration the fact that use of a SWAT team can escalate rather than ameliorate potential violence; law enforcement should take appropriate precautions to avoid the use of SWAT whenever possible. In addition, all SWAT deployments, regardless of the underlying purpose, should be proportional—not all situations call for a SWAT deployment consisting of 20 heavily armed officers in an APC, and partial deployments should be encouraged when appropriate.

Local police departments should develop their own internal policies calling for restraint and should avoid all training programs that encourage a “warrior” mindset.

Finally, the public has a right to know how the police are spending its tax dollars. The militarization of American policing has occurred with almost no oversight, and greater documentation, transparency, and accountability are urgently needed.

A requirement that SWAT officers wear body cameras would create a public record of SWAT deployments and serve as a check against unnecessarily aggressive tactics. The ACLU generally takes a dim view of the proliferation of surveillance cameras in American life, but body cameras are different because of their potential to serve as a check on police overreach. Any policy requiring SWAT officers to wear body cameras should have in place rigorous safeguards regarding data retention, use, access, and disclosure.¹⁰⁸

To further advance these principles, the ACLU makes the following specific recommendations.

To State Governments

1. States should enact laws encouraging the restrained and appropriate use of SWAT teams and similar tactical teams. Tactical deployments should be limited to scenarios in which there is a likelihood that the situation for which the SWAT team is being deployed presents an imminent threat to the lives of civilians and/or police personnel. When SWAT is deployed for warrant service, the basis for believing such a likelihood exists should have to be established explicitly and approved by a supervisor or other high-ranking official before the deployment.
2. States should remedy the problem created by the Supreme Court's decision in *Hudson v. Michigan* by enacting laws requiring that evidence obtained in violation of the traditional rule that requires that the police knock and announce their presence should be excluded from any subsequent legal proceedings.
3. States should enact laws requiring transparency and oversight of state and local law enforcement use of SWAT teams.
 - States should require local law enforcement agencies that maintain a SWAT team to use a standardized form to record specific data related to SWAT deployments. These forms should be used to generate quarterly reports.
 - States should require every state or local law enforcement agency that maintains a SWAT team to submit a quarterly report to the legislature that contains the number of times the SWAT team was activated or deployed, as well as the following for each activation/deployment: the address of the location of activation/deployment; the reason for each activation/deployment; the specific factors establishing compliance with the applicable deployment standard; whether forcible entry or a breach was conducted and, if so, the equipment used in forcing the entry or conducting the breach and for what purpose; whether a distraction device was used and, if so, what type and for what purpose; whether an APC was used and, if so, for what purpose; the race, sex, and age of each individual

encountered during the deployment, whether as a suspect or bystander; whether any civilians, officers, or domestic animals sustained any injury or death; and a list of any controlled substances, weapons, contraband, or evidence of crime found on the premises or any individuals.

- States should ensure that there is an agency responsible for overseeing and monitoring SWAT activity, and for implementing necessary reforms, including developing a process for addressing civilian complaints regarding SWAT tactics.

To City and County Governments and Law Enforcement Agencies

4. As an immediate step, law enforcement agencies should adopt internal deployment standards as a matter of local policy. Tactical deployments should be limited to scenarios in which there is a likelihood that the situation for which the SWAT team is being deployed presents an imminent threat to the lives of civilians and/or police personnel. When SWAT is deployed for warrant service, the basis for believing such a likelihood exists should have to be established explicitly and approved by a supervisor or other high-ranking official before the deployment.
5. Law enforcement agencies should adopt local policies requiring the implementation of the following best practices in the use of SWAT teams:
 - Each deployment should be pre-approved by a supervisor or other high-ranking official.
 - Each deployment should be preceded by a written planning process that documents the specific need for the deployment, describes how the operation is to be conducted, and states whether children, pregnant women, and/or elderly people are likely to be present (except in emergency scenarios in which engaging in such a process would endanger the lives or well-being of civilians or police personnel).
 - All SWAT deployments should include a trained crisis negotiator.

- SWAT officers should wear “on-officer recording systems” (so-called “body cameras”) during deployments, and police departments should have in place rigorous safeguards regarding the retention, use, access, and disclosure of data captured by such systems.
 - All deployments should be proportional to the need; a full deployment consisting of numerous heavily armed officers in an APC is often excessive. Many scenarios do not necessitate the use of a SWAT team at all, and partial deployments involving the minimal amount of military equipment necessary should be encouraged.
 - For each SWAT deployment, a post-deployment record should be made that documents the following, in a manner that allows for the data to be easily compiled and analyzed:
 - The purpose of the deployment
 - The specific reason for believing that the situation for which the SWAT team was being deployed presented an imminent threat to the lives or safety of civilians and/or police personnel.
 - Whether forcible entry or a breach was conducted and, if so, the equipment used and for what purpose
 - Whether a distraction device was used and, if so, what type and for what purpose
 - Whether an APC was used and, if so, for what purpose
 - The race, sex, and age of each individual encountered during the deployment, whether as a suspect or bystander
 - Whether any civilians, officers, or domestic animals sustained any injury or death
 - A list of any controlled substances, weapons, contraband, or evidence of crime that is found on the premises or any individuals
 - A brief narrative statement describing any unusual circumstances or important data elements not captured in the list above.
 - Law enforcement agencies should provide training programs for all SWAT teams that do not promote an overly aggressive or “warrior” mentality.
6. Local and county governments should ensure that there is an agency responsible for ensuring that its police are not excessively militarized, which could include civilian review boards. Such responsibilities should include the following:
- Approving/disapproving all (a) requests for the receipt of weapons and vehicles under the 1033 Program; (b) requests for grant funding from the federal government that will be used to purchase military-style weapons and vehicles; and (c) proposals to purchase military-style weapons and vehicles from vendors
 - Developing a process for addressing civilian complaints regarding SWAT tactics, including a system for submitting complaints, conducting hearings, and providing for individual remedies
 - Making appropriate recommendations for agency-wide reforms
 - Considering, on an annual basis, whether continued maintenance of a SWAT team is appropriate and, if not, to recommending the dissolution of the agency’s SWAT team.

To Congress

7. Congress should condition state and local law enforcement agencies’ receipt of federal funds on an agreement not to use the funds to purchase automatic or semi-automatic rifles or APCs. This condition should be applied to grants made through the Department of Homeland Security’s Homeland Security Grant Program, the Department of Justice’s Byrne JAG grant program, and all other funding streams through which money is transferred from the federal government to state and law enforcement agencies.

8. With respect to the 1033 Program, 10 U.S.C. 2576a(a) (1), Congress should prohibit the transfer of automatic and semi-automatic weapons and APCs; remove the words “counter-drug” each time they appear in the statute; and require the Secretary of Defense to submit to Congress an annual written certification that each agency that participates in the 1033 Program has provided documentation accounting for all equipment transferred to the agency and prohibiting additional transfers to any agency for which the Secretary cannot provide such certification.

To the Administration

9. The Department of Justice’s Bureau of Justice Statistics (BJS) should work with representatives of local law enforcement to develop a data collection tool to assess the militarization of policing, by monitoring the use of SWAT teams as well as the receipt and purchase of military weapons and tactics. Once the tool is developed, BJS should collect, compile, and analyze the available data on the use of military weapons and tactics, including SWAT deployments by state and local law enforcement agencies annually.
10. The Department of Defense should promulgate regulations pursuant to 10 U.S.C. 2576a(a)(1) clarifying that automatic and semi-automatic weapons and APCs are not suitable for use by state and local law enforcement agencies for the purpose of equipment transfers under the 1033 Program.
11. The Department of Defense should make the following changes to the 1033 Program, either by promulgating regulations or through the MOA that it enters into with local law enforcement agencies:
 - Require specific, individualized justification to receive 1033 equipment
 - Impose reasonable limitations on the number of weapons and vehicles local law enforcement agencies should be entitled to receive under the program
 - End the requirement that 1033 equipment be used within one year
 - Require that new applications for equipment under the 1033 Program take into account a law enforcement agency’s existing inventory
 - Require that agencies receiving 1033 equipment through interagency transfer comply with the same application and reporting requirements as agencies that receive 1033 equipment directly from DLA
 - Develop a clear compliance review process that addresses both proper inventory management and documentation of each use of 1033 equipment.
12. The Department of Homeland Security should impose meaningful conditions on the receipt of funds to local law enforcement agencies. In order to receive funds, local law enforcement agencies should have to agree to the following:
 - Not to use the funds to purchase automatic or semi-automatic rifles or APCs
 - To certify to DHS that agencies receiving funds have not in fact used equipment purchased with DHS money except in actual high-risk scenarios
 - To require agencies receiving DHS funds to make a record of each equipment purchase made using DHS funds, which should be made available to the public.
13. The Department of Justice should improve oversight of the Byrne JAG program by providing guidance to grantees on the importance of exercising restraint when using paramilitary weapons and tactics and tracking the race, ethnicity, sex, and age of all people impacted by the use of paramilitary weapons and tactics purchased using Byrne JAG funds.

CONCLUSION

As public support for the War on Drugs reaches its lowest ever, it is important that we start to not only roll back battle plans but encourage law enforcement agencies to stop overusing the wartime tools and tactics that have fought these battles.

American policing has become excessively militarized through the use of weapons and tactics designed for the battlefield. Militarization unfairly impacts people of color and undermines individual liberties, and it has been allowed to happen in the absence of any meaningful public discussion.

It is generally accepted that public perception of the legitimacy of law enforcement turns on how the police treat people when exercising their regulatory authority, and people are more likely to obey the law when they perceive law enforcement authorities as legitimate.¹⁰⁹ There is some evidence that people perceive police militarization as threatening, which suggests that police militarization itself could undermine public safety.¹¹⁰ More research should be done on this topic.

There is also a “large and persistent racial gap” in confidence in policing.¹¹¹ Because police militarization tends to be concentrated in communities of color, it threatens to undermine public confidence more dramatically in those communities, where such confidence in law enforcement is already strained. More research should be done in this area as well.

As previously mentioned, Attorney General Eric H. Holder, Jr., has announced broad reforms, including guidelines to curtail the use of mandatory minimum sentencing laws by federal prosecutors in certain drug cases and a \$4.75 million project funded by the federal government and designed to ease mistrust between local police departments and minority communities by collecting and studying data on searches, arrests, and case outcomes in order to help assess the impact of possible bias. These developments have real potential to reduce America’s

excessive reliance on overly aggressive approaches to policing and punishing drug crimes, but there is a danger that these federally-funded efforts could be undermined by the federal government’s role in subsidizing the use of paramilitary weapons and tactics in localities, particularly in many communities of color. Without rethinking its role in militarizing local police departments, the federal government may end up sabotaging the very same reforms it is championing.

The use of paramilitary weapons and tactics to conduct ordinary law enforcement—especially to wage the failed War on Drugs and most aggressively in communities of color—has no place in contemporary society. It is not too late to change course—through greater transparency, more oversight, policies that encourage restraint, and limitations on federal incentives, we can foster a policing culture that honors its mission to protect and serve, not to wage war.

ACKNOWLEDGMENTS

This report has been a project of the American Civil Liberties Union (ACLU). The primary author is Kara Dansky, Senior Counsel at the ACLU's Center for Justice. Will Bunting, the ACLU's Fiscal Policy Analyst, conducted the statistical analysis and contributed to the drafting of the report. Sarah Solon, ACLU Communications Strategist, also contributed to the drafting of the report. Additional contributors included Allie Bohm, ACLU Advocacy and Policy Specialist; Emma Andersson, Staff Attorney at the ACLU's Criminal Law Reform Project; and Jesselyn McCurdy, Senior Lobbyist at the ACLU's Washington Legislative Office. A special thank you goes to Iman Boukadoum, who provided project management assistance.

The authors would also like to thank ACLU Deputy Legal Director Vanita Gupta and Criminal Law Reform Project Director Ezekiel Edwards, who reviewed and edited the report; ACLU Media Strategist Alexandra Ringe, who provided media expertise; ACLU paralegal Alex Stamm, who helped with the document review and statistical analysis and ACLU intern Jason Clayton who helped with research and editing. ACLU interns Ian Wahrenbrock, Makeba Rutahindurwa, and Aron Milberg conducted hours of document review.

This report would not have been possible without the participation and contributions of the ACLU affiliates in Arizona, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

The ACLU would like to thank Tom Nolan, Associate Professor and Chair of the Department of Criminal Justice at the State University of New York (SUNY) at Plattsburgh and a 27-year veteran of the Boston Police Department, for serving as a consultant and for his expertise on policing and criminal justice.

APPENDICES

APPENDIX A

Public Records Request letter sent from the ACLU to law enforcement agencies

NAME
TITLE
AGENCY
OFFICE
ADDRESS 1
ADDRESS 2

DATE

Re: Public Records Request / SWAT Teams and Cutting-Edge Weapons and Technology

To Whom It May Concern:

This letter is a request under the _____ by the American Civil Liberties Union of _____. This request seeks records regarding your Special Weapons and Tactics (SWAT) teams, as well as your acquisition and use of cutting-edge technology.

Records Requested

A. Special Weapons and Tactics (SWAT) Teams

Please provide copies of the following created, updated, or edited, records from January 1, 2011, to the present:

1. All incident reports or other records documenting each time a SWAT team was deployed. All reports showing breakdowns of SWAT team deployments by crime, requesting agency, or purpose for the raid (i.e. to serve a warrant, arrest someone, diffuse a hostage crisis, etc.) and all post-deployment documentation, including:
 - a. All documents relating to the number of no-knock warrants applied for, and the number of no-knock warrants granted, denied, or modified, in conjunction with a SWAT team deployment;
 - b. All documents relating to uses of force by all SWAT teams and all incident reports documenting all injuries incurred by anyone at the scene of a SWAT team operation.
2. All procedures, regulations, or guidelines relating to SWAT teams, including the protocols and legal standards that must be met before SWAT team deployment.
3. All documents relating to the structure or mission of SWAT teams, including chain of command and the selection of team personnel, as well as the ranks, salaries, and lengths of service of team personnel.

4. All documents or training materials used to instruct SWAT teams in any aspect of their operation, including information about any training, including but not limited to, with military units and other outside agencies and private contractors, when and where training sessions took place, and who conducted them.
5. All records relating to the procurement, maintenance or deployment of SWAT team weapons and other equipment, including guns, vehicles, personal protective equipment and uniforms, surveillance and reconnaissance equipment, less than lethal devices, apparatuses and systems for augmented detainee restraint (also known as shock-cuffs), forced entry tools, facial recognition technology, Cellebrite or other mobile forensics units, biometric technology, cell phone sniffers, and deep packet sniffers, including how it is stored, and who has access to it.
6. All written mutual aid agreements or memoranda of understanding with federal, state and local agencies, including any branch of the military and private entities concerning SWAT teams.
7. All records relating to funding sources and grants your SWAT team applied for, and whether or not the application was successful; and
8. All internal or external audits of SWAT team performance or records of cost effectiveness.

B. Cutting Edge Weapons and Technology

Please provide copies of the following created, updated, or edited, records from January 1, 2011, to the present:

1. The number of Mobile Forensic Data Extraction devices, GPS tracking devices, biometric technology, cell phone sniffers, deep packet sniffers, unmanned aerial vehicles (sometimes called “drones”), apparatuses and systems for augmented detainee restraint (also known as shock-cuffs), Cellebrite or other mobile forensics units, and devices capable of facial or behavioral recognition currently owned, leased, or borrowed or proposed for purchase or acquisition by your agency and the unit or division of your agency given primary use of each device.
2. All practices, procedures, and trainings governing use of all such devices.
3. All policies relating to the maintenance and retention of information obtained through such devices, including but not limited to, policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, circumstances under which they are deleted, and circumstances under which they may be shared with other government agencies or nongovernmental entities.

4. The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the agency requires or proffers prior to using such devices.
5. All applications submitted by your Department for equipment through the Department of Defense's "1033" program¹ (either directly to the Department of Defense or to your state's administering agency), including whether the application was granted, denied, or granted in part (and if so, how).
6. All "1033" program inventories created and maintained pursuant to the May 22, 2012, moratorium (see <https://www.dispositionservices.dla.mil/rtd03/leso/index.shtml>).
7. All applications submitted by your Department for funding through the Department of Homeland Security's Homeland Security Grant Program or Urban Area Security Initiative program (including applications submitted to your state's administering agency), including whether the application was granted, denied, or granted in part (and if so, how).

Because this request is on a matter of public concern and because it is made on behalf of a non-profit organization, we request a fee waiver. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than . Please send us documents in electronic form if at all possible.

According to , a custodian of public records shall comply with a request within days after receipt. Thank you for your prompt attention to this matter. Please furnish all applicable records to . If you have questions, please contact me at (phone number/email address).

Sincerely,

¹ Section 1033 of the National Defense Authorization Act for Fiscal Year 1997, codified at 10 U.S.C. § 2576a, permits the Secretary of Defense to transfer excess Department of Defense supplies and equipment to state and local law enforcement agencies. has entered into an agreement with the Defense Logistics Agency, which governs the transfer of military property to for use in civilian policing.

Appendix B

Agreement Between the Defense Logistics Agency and the State of _____

AGREEMENT BETWEEN
THE DEFENSE LOGISTICS AGENCY
AND
THE STATE OF _____

PURPOSE:

This Memorandum of Agreement (MOA) is entered into between the Defense Logistics Agency (DLA) and the State of _____, to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 USC § 2576a and to promote the efficient and expeditious transfer of the property and to ensure accountability of same.

AUTHORITY:

The Secretary of Defense is authorized by 10 USC § 2576a to transfer to Federal and State Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counter-drug/counter-terrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the DLA in determining whether property is suitable for use by agencies in law enforcement activities. DLA defines law enforcement activities as activities performed by government agencies whose primary function is the enforcement of applicable Federal, State, and local laws and whose compensated law enforcement officers have powers of arrest and apprehension.

TERMS AND CONDITIONS:

The DOD, through the DLA, has final authority to determine the type, quantity, and location of excess DOD personal property suitable for law enforcement activities, if any, which will be transferred to the State. This agreement creates no entitlement in the State to receive excess DOD personal property. Property available under this agreement is for the current use of authorized program participants; it will not be requested nor issued for speculative use/possible future use with the exception of authorized Transitional Distribution Points (TDPs) and/or Customer Reserve Stock (CRSs), which are required to utilize property within one year or schedule its return to the nearest Defense Reutilization Marketing Office (DRMO). Property will not be obtained for the purpose of sale, lease, rent, exchange, barter, to secure a loan, or to otherwise supplement normal Law Enforcement Agency (LEA) or State/local governmental entities budgets. All requests for property will be based on bona fide law enforcement requirements. Requests for property for the purpose of cannibalization will be considered for approval on a case by case basis. A memorandum must be submitted to the Director of the Law

Enforcement Support Office (LESO) requesting approval. Any transportation, repair, maintenance, insurance, disposal, or other expenses associated with this excess DOD personal property is the sole responsibility of the State/LEA.

The State will establish and submit to the DLA, a State Plan of Operation, developed in accordance with Federal and State law and conforming to the provisions of this MOA. This State Plan of Operation will detail organizational and operational authority including staffing and facilities. It will also address procedures for making determinations of LEA eligibility, allocation and equitable distribution of material, accountability and responsibility concerning excess DOD personal property, training and education, Operational Effectiveness Reviews (OERs), and procedures for turn-in, transfer, and disposal. Property obtained under this MOA must be placed into use within one (1) year of receipt and utilized for a minimum of one (1) year, unless the condition of the property renders it unusable. Only in special circumstances will property be obtained and held for the minimum time frames and then sold, bartered, exchanged, or traded. Approval will be considered on a case by case basis. A memorandum must be submitted to the Director of LESO requesting approval. Property will not physically move until the approval process is complete. If property is not put into use by the recipient within one (1) year, the State/LEA must contact the DLA LESO to coordinate the return of the property to the nearest DRMO for proper disposition. Once the DLA LESO is notified and a DRMO is identified, property must be returned within thirty (30) days. The State/LEA will bear the burden of returning the property to the nearest DRMO. Under no circumstances will property be sold or otherwise transferred to non-U.S. persons or exported.

Only the Governor appointed State Coordinator identified at the end of this document is authorized to enter into this Agreement on behalf of the State. An Appointment Letter from the State Coordinator, authorizing the State Point of Contact (POC) signature authority or to act on the behalf of the State Coordinator must be on file with the DLA LESO in order to actively participate in the program. The State Coordinator is required to sponsor LEAs that want to actively participate in the program and the State Coordinator must screen all LEAs requests for excess DOD personal property. The State Coordinator will validate that all approved requests for property are legitimate and for law enforcement purposes. In so doing, the State Coordinator assumes the responsibility to maintain records ensuring LEA accountability for all excess DOD personal property received through the 1033 Program for his/her state. In conjunction with each request, the State Coordinator will furnish a detailed justification for the property. Property received through the 1033 Program can only be distributed to an authorized LEA for whom the initial request was made and justification was provided, unless the property was requested for a TDP or from CRS.

The DOD has authorized the transfer and use of excess Federal property to the State/LEA and as such reserves the right to recall any and all property issued through the 1033 or 1208 Programs. As stipulated in Federal regulation, title may be conditionally granted to the State/LEA upon receipt of the property, however approval will be considered on a case by case basis. A memorandum must be submitted to the Director of LESO requesting approval before the disposal, sale, auction, trade-in, salvage or transfer of any 1033 or 1208 property can occur. Property will not physically move until the approval process is complete. Costs of shipping or repossession of the excess DOD personal property by the U.S. Government will be borne by the

LEA. To the extent permitted by law, the State Coordinator/LEA shall indemnify and hold the U.S. Government harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of or damage to property and injuries, illness or disabilities to or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the State/LEA, its agents, servants, employees, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or while the property is in the possession of, used by or subject to the control of the State/LEA, its agents, servants, or employees after the property has been removed from U.S. Government control. The State will maintain or assure that the LEA maintains adequate insurance to cover damages or injuries to persons or property relating to the use of the property. Self-insurance by the State/LEA is considered acceptable. The U.S. Government assumes no liability for damages or injuries to any person(s) or property arising from the use of the property.

All excess DOD personal property will be managed utilizing property accounting records. These records will be concise, accurate, and be able to provide timely and relevant information. Records will be maintained in accordance with the DLA Record Management Procedures and Records (DLA Directive (DLAD) 5025.30 - See Appendix).

The DLA LESO will conduct an OER for all Federal Agencies, States, and U.S. Territories enrolled in the 1033 Program every two (2) years. If a Federal Agency, State, or U.S. Territory fails an OER, the DLA LESO will temporarily suspend their operations. If a Federal Agency, State, or U.S. Territory fails to correct identified deficiencies the DLA LESO will permanently suspend their operations. The Federal Agency, State, or U.S. Territory will bear all expenses related to the turn-in to the nearest DRMO, the transfer to an approved Federal Agency, State, or U.S. Territory or the disposal of all excess DOD personal property.

All property missing, lost, stolen, damaged, or destroyed must be reported to the DLA LESO. Excess DOD personal property with a Demilitarization Code of C, D, E, F, or G must be reported to the DLA LESO within twenty-four (24) hours. Excess DOD personal property with a Demilitarization Code of A, B, or Q must be reported to the DLA LESO within seven (7) days. Extensions will be granted on a case by case basis.

In the event of a domestic disaster, accountability of excess DOD personal property must be conducted by every Federal Agency, State, and U.S. Territory within the effected area. Excess DOD personal property with a Demilitarization Code of C, D, E, F, or G must be reported to the DLA LESO within seven (7) days. Excess DOD personal property with a Demilitarization Code of A, B, or Q must be reported to the DLA LESO within thirty (30) days. Extensions will be granted on a case by case basis.

All aircraft (fixed wing and rotary wing), Flight Safety Critical Aircraft Parts (FSCAP), Demilitarization required Munitions List Items (MLI), Commerce Control List Items (CCLI) may be transferred to the State for its use in law enforcement activities. The State Plan of Operation must ensure that all LEAs and all subsequent users are aware of and agree to

provide all required controls in accordance with applicable laws and regulations for these items. Additionally, the following conditions apply:

A. LEAs may transfer aircraft and FSCAP with other authorized LEAs, provided the aircraft and components are maintained in accordance with applicable airworthiness standards and procedures for maintenance and repair and provided further that the LEAs perpetuate repair and maintenance documentation. The LEA must request the transfer of aircraft and FSCAP through the State Coordinator, who in turn must request approval from the LESO. Aircraft and FSCAP will not physically move until the approval process is complete. All costs related to the transfer of aircraft and FSCAP will be borne by the State/LEA.

B. LEAs may transfer FSCAP and MLI items requiring demilitarization (Demilitarization Codes C, D, E, and F) to another authorized LEA within their State or they must be turned-in to the nearest DRMO when no longer required for law enforcement use. The LEA must request the transfer or turn-in of FSCAP and MLI items through the State Coordinator, who in turn must request approval from the LESO. Aircraft and FSCAP will not physically move until the approval process is complete. All costs related to the transfer or turn-in of FSCAP and MLI items will be borne by the State/LEA.

C. LEAs enrolled in the 1208 Program can sell, trade or barter aircraft and aircraft parts issued on or before September 30, 1996. LEAs that received aircraft or aircraft parts after September 30, 1996 have the following options: retain the aircraft or aircraft parts, transfer them to another LEA or turn them in to the nearest DRMO. The LEA must request to sell, trade, barter, transfer or turn-in aircraft and aircraft parts through the State Coordinator, who in turn must request approval from the LESO. Aircraft and aircraft parts will not physically move until the approval process is complete. All costs related to the sell, trade, barter, transfer or turn-in will be borne by the State/LEA.

LEAs may transfer weapons provided through the 1033 or 1208 Program to an authorized LEA within their State, to an authorized LEA in another participating State, or they must turn-in their weapons to the U.S. Army Tank-Automotive and Armaments Command (TACOM) when no longer required for law enforcement use. The LEA must request the transfer or turn-in of weapons through the State Coordinator, who in turn must request approval from the LESO. Weapons will not physically move until the approval process is complete. All costs related to the transfer or turn-in of weapons will be borne by the State/LEA.

When the State Coordinator/LEAs no longer require MLI/CCLI (Demilitarization B and Q), the State Coordinator/LEA must transfer the equipment to another authorized LEA or turn-in to the nearest DRMO. The State Plan of Operation must reflect these two options. The LEA must request the transfer or turn-in to the nearest DRMO through the State Coordinator, who in turn must request approval from LESO. MLI/CCLI (Demilitarization Codes B and Q) property will not physically move until the approval process is complete. All costs related to transfer, turn-in, or disposal of property will be borne by the State/LEA.

Except where indicated in this MOA, the State/LEAs may transfer, turn-in to the nearest DRMO, or dispose of other types of property (Demilitarization Code A items) in accordance with applicable Federal, State, and local laws when it is determined that the State/LEA no longer requires the property for law enforcement use. The LEA must request the transfer, turn-in to the nearest DRMO, or disposal through the State Coordinator, who in turn must request approval from LESO. Demilitarization Code A property will not physically move until the approval process is complete. All costs related to transfer, turn-in, or disposal of property will be borne by the State/LEA.

By signing this MOA or accepting excess DOD personal property under this MOA, the State pledges that it and each LEA agrees to comply with applicable provisions of the following national policies prohibiting discrimination:

- A. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) as implemented by DOD regulations 32 CR Part 195.
- B. On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90.
- C. On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, P.L. 93-516 (29 U.S.C. 794), as implemented by Department of Justice regulations in 28 CFR Part 41 and DOD regulations at 32 CFR Part 56.

These elements are considered the minimum essential ingredients for establishment of a satisfactory business agreement between the State and the DOD. The State Plan of Operation is subject to Federal review and will require DLA LESO approval prior to any subsequent transfer of excess DOD personal property.

THE DLA LESO SHALL:

1. Maintain an accessible website that will provide timely and accurate guidance, information, and links for all individuals who work or have an interest in the 1033 Program.
2. Receive and approve/disapprove applications for participation by a State in the 1033 Program.
 - A. Receive and approve/disapprove applications for an approved State to conduct a TDP. Approved States will receive an Authorization Letter from DLA LESO.
 - B. Receive and approve/disapprove applications for an approved State to conduct a CRS. Approved States will receive an Authorization Letter from DLA LESO.
 - C. Maintain a current and accurate approved/disapproved list of all State Coordinators and all State POCs.

3. Receive and approve/disapprove applications for participation by a LEA in the 1033 Program.

A. LEAs must be certified by their State Coordinator as having powers of arrest and apprehension.

4. Provide a comprehensive overview of the 1033 Program to all State Coordinators prior to or within thirty (30) days of their assumption of their duties.

A. Encourage and assist State Coordinators and LEAs in the use of electronic screening of the Defense Reutilization and Marketing Service (DRMS) world-wide inventory and the procedures to search for, identify, and request property.

B. Encourage and assist State Coordinators and LEAs with scheduling formalized instruction from the DLA/LESO and/or DRMS.

5. Upon receipt of a valid Request for property through LESO Automation, ensure equitable distribution and proper identification of the property.

A. Identify High Profile (Weapons/Night Vision Devices (NVDs), Aircraft/Watercraft, High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs)/Armored Personnel Carriers (APCs)), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property, and then issue-free of charge-to the State Coordinator or designee for further transfer to an authorized LEA. All transportation costs will be borne by the State/LEA.

B. Provide the State Coordinator/LEAs with the available flight historical records and related documentation to FSCAP components. This documentation will be available for inspection by LEAs prior to transfer. The documentation will be sufficient to be accepted by a Federal Aviation Administration (FAA) authorized repair facility for evaluation and possible determination for use on an aircraft. DOD makes no representation as to the property's conformance to FAA requirements. The LEA must subject the assets to safety inspection, repair, and/or overhaul by a competent manufacturer or other entity such as those certified by the FAA prior to placing into use. The property that is provided to the State Coordinator/LEA may not meet FAA design standards, and/or may have been operated outside the limitations required by the Federal Aviation Regulations.

6. Maintain all records in accordance with the DLA Record Management Procedures and Records (DLAD 5025.30 - See Appendix). All files records, with the exception of consumable items, will be retained for five (5) fiscal years (Example: October 1, 2007 to September 30, 2008 constitutes a fiscal year).

A. All excess DOD personal property records of consumable items will have their files maintained in an active status for (1) year, then placed in an inactive status for (1) year, then may be destroyed.

- B. All excess DOD personal property records that are more than five (5) fiscal years old may be purged with the exception of Demilitarization Code B through Q excess DOD personal property, property deemed “sensitive to theft”, and property deemed “high dollar”. The DLA LESO defines “high dollar” as excess DOD personal property that has an Acquisition Value of more than \$20,000.
 - C. All excess DOD personal property with a Demilitarization Code A will have their files maintained in an active status for two (2) years, then placed in an inactive status for three (3) additional years, then may be destroyed.
 - D. All excess DOD personal property with a Demilitarization Code B through Q will have their files maintained through the life cycle of the property. If an item is approved for turn-in, transfer, or disposal, then the file will move to an inactive status and will be maintained for an additional three (3) fiscal years, then may be destroyed.
7. Maintain LESO Automation to approve/disapprove transfer, turn-in, and disposal requests from a State/LEA.
- A. Assist State Coordinators with request procedures.
 - B. Assist State Coordinators/LEAs with transfer, turn-in, and disposal procedures.
8. Provide Reconciliation Reports through the Law Enforcement Equipment Database System (LEEDS) so that State Coordinators and DLA LESO can conduct monthly reconciliations of property records.
9. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property annually with the State Coordinator.
10. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property with the State Coordinator following a domestic disaster within the timeframes established in this MOA.
11. Conduct an OER of each State participating in the program, at a minimum, every two (2) years or as needed. OER results will be provided electronically and in hard copy within thirty (30) days.
- A. If a State fails an OER, they will be verbally notified by DLA LESO that their operations have been suspended. The OER results will be provided within fourteen (14) days.
 - B. The State Coordinator will have twenty-one (21) days to draft a Corrective Action Plan for approval/disapproval by the DLA LESO. The State Coordinator has ninety (90) days to implement an approved Corrective Action Plan. At, or before the end of the

ninety (90) day Corrective Action Plan, the State Coordinator should schedule a second OER with the DLA LESO. Failure to properly execute the Corrective Action Plan and receive a Mission Capable grade on a second OER may result in termination from the 1033 Program.

C. If a State is terminated from the 1033 Program, the State/LEA will bear all expenses related to the turn-in to the nearest DRMO, the transfer to an approved Federal Agency, State, or U.S. Territory or the disposal of all excess DOD personal property.

12. Suspend or terminate a State from the 1033 Program if a State Coordinator or a LEA materially fails to comply with any term of this MOA, any Federal statute or regulation, any assurance provided in a State Plan of Operation or application, or a State MOA with a LEA.

A. Temporarily Suspend Operations-Pending Review (TSO-PR): withhold approval of excess DOD property or release of property under previously approved requests, transfers, turn-ins, or disposals pending administrative or legal review by the DLA LESO or appropriate Federal or State agency and/or LEAs.

B. Temporarily Suspend Operations-Pending Deficiency Corrections (TSO-PD): withhold approval of excess DOD property or release of property under previously approved requests, transfers, turn-ins, or disposals pending correction of administrative or legal deficiencies identified by the DLA LESO or appropriate Federal or State agency and/or LEAs.

C. Suspend Operations (SO): withhold approval of excess DOD property or release of property under previously approved requests, transfers, turn-ins, or disposals until major deficiencies are corrected and personnel changes are effected as recommended following administrative or legal review/action by the DLA LESO or appropriate Federal or State agency and/or LEAs.

D. Terminate Operations (TO): at the expense of the State/LEA(s) require the State Coordinator and/or identified LEA(s) to transfer, turn-in, or dispose of all property previously received through the 1033 or 1208 Program. DLA LESO will provide oversight.

THE STATE SHALL:

1. Access the DLA LESO website on a weekly basis for timely and accurate guidance, information, and links concerning the 1033 Program and ensure that all relevant information is passed on to participating LEAs.
2. Create a comprehensive State Plan of Operation, forward to the DLA LESO for approval/disapproval, and implement to conduct operations in accordance with the regulations of the 1033 Program. Maintain the approved MOA and State Plan of Operation on file.

- A. If operating as a TDP, create a comprehensive TDP Plan of Operation, forward to the DLA LESO for approval/disapproval, and implement to conduct operations in accordance with regulations of the 1033 Program. Maintain TDP Authorization Letter and TDP Plan of Operation on file.
 - B. If operating as a CRS, create a comprehensive CRS Plan of Operation, forward to the DLA LESO for approval/disapproval, and implement to conduct operations in accordance with regulations of the 1033 Program. Maintain CRS Authorization Letter and CRS Plan of Operation on file.
 - C. Ensure the DLA LESO has a current and accurate listing of the State Coordinator and State POC Listing. Allow a maximum of four (4) screeners. The screeners must be full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "Data Sheet", provided and approved by the State Coordinator, and approved by the DLA LESO and in the LEEDS/LEA File. Notify DLA LESO immediately upon notification of change of Governor or State Coordinator.
 - D. Enter into written agreement with each LEA, via the State Plan of Operation, to assure they fully comply with the terms, conditions, and limitations applicable to property transferred pursuant to this agreement. The State Plan of Operation must be signed by the Chief Law Enforcement Officer of the respective LEA.
3. Receive and approve/disapprove applications for participation by a LEA in the 1033 Program.
- A. The State Coordinator will only certify LEAs that have powers of arrest and apprehension.
4. Provide a comprehensive overview of the 1033 Program to all LEAs once they are approved.
- A. Encourage and assist LEAs in the use of electronic screening of DRMS world-wide inventory and the procedures to search for, identify, and request property.
 - B. Encourage and assist LEAs with scheduling formalized instruction from the State Coordinator, DLA LESO and/or DRMS.
5. Create requests or upon receipt of a valid Request for property from a LEA, ensure equitable distribution within the State and properly identify all property. Properly justify all requests and ensure identification of TDP, CRS or LEA.
- A. Ensure LEAs are aware that High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property is identified by DLA LESO and is subject to additional controls.
 - B. Request from the DLA LESO all available flight historical records and related documentation to FSCAP components. This documentation will be available for

inspection by LEAs prior to transfer. The documentation will be sufficient to be accepted by a FAA authorized repair facility for evaluation and possible determination for use on an aircraft. DOD makes no representation as to the property's conformance to FAA requirements. The LEA must subject the assets to safety inspection, repair, and/or overhaul by a competent manufacturer or other entity such as those certified by the FAA prior to placing into use. The property that is provided to the State Coordinator/LEA may not meet FAA design standards, and/or may have been operated outside the limitations required by the Federal Aviation Regulations.

C. If a State/LEA request is approved, the State Coordinator or a designee will receipt for property-free of charge-for a TDP (if approved), CRS (if approved), or further transfer to an authorized LEA. All transportation costs will be borne by the State/LEA.

D. The State Coordinator will bear responsibility for the allocation, receipt, transfer, turn-in, and disposal of all excess DOD property received through the 1033 Program (TDP, CRS, or LEA).

6. Maintain all records in accordance with the DLA Record Management Procedures and Records (DLAD 5025.30 - See Appendix). All files records, with the exception of consumable items, will be retained for five (5) fiscal years (October 1, 2007 to September 30, 2008 constitutes a fiscal year). These records must provide an audit trail for all excess DOD property from receipt "cradle" to transfer, turn-in, or disposal "grave". These documents include, but are not limited to the following: DRMS Form 103 (Screener Tally Sheet) optional for TDPs, with all justifications or printouts of automated requests, DD Form 1348 (Disposal Turn-In Document (DTID)), all requests for transfer, turn-in, or disposal, approved Bureau of Alcohol, Tobacco, and Firearms (ATF) Form 5, ATF Form 10, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC 8050-1) and any pertinent documentation associated with the 1033 Program.

A. All excess DOD personal property records of consumable items will have their files maintained in an active status for (1) year, then placed in an inactive status for (1) year, then may be destroyed.

B. All excess DOD personal property records that are more than five (5) fiscal years old may be purged with the exception of Demilitarization Code B through Q excess DOD personal property, property deemed "sensitive to theft", and property deemed "high dollar". The DLA LESO defines "high dollar" as excess DOD personal property that has an Acquisition Value of more than \$20,000.

C. All excess DOD personal property with a Demilitarization Code A will have their files maintained in an active status for two (2) years, then placed in an inactive status for three (3) additional years, then may be destroyed.

D. All excess DOD personal property with a Demilitarization Code B through Q will have their files maintained through the life cycle of the property. If an item is approved

for turn-in, transfer, or disposal, then the file will move to an inactive status and will be maintained for an additional three (3) fiscal years, then may be destroyed.

E. The records must also satisfy any and all pertinent requirements under applicable Federal statutes and regulations for the 1033 Program and for this property.

7. Maintain access to LESO Automation to approve/disapprove transfer, turn-in, and disposal requests from an LEA or to generate these requests at the State level and forward, all approvals to the DLA LESO for action.

A. Assist the LEAs with request procedures.

B. Assist the LEAs with transfer, turn-in, and disposal procedures.

8. Review Reconciliation Reports through LEEDS and conduct monthly reconciliations of property records.

9. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property annually with each LEA by having them conduct and certify a physical inventory. All inventories will be maintained on file indefinitely.

10. Validate the accountability of all High Profile (Weapons/NVDs, Aircraft/Watercraft, HMMWVs/APCs), High Value (Acquisition Cost of \$20,000 or more) and/or High Awareness (Demilitarization required, MLI, CCLI, FSCAP) property with each LEA following a domestic disaster within the timeframes established in this MOA by having them conduct and certify a physical inventory. All inventories will be maintained on file indefinitely.

11. Conduct an OER of LEAs participating in the program in order to ensure accountability, responsibility, and program compliance.

12. Suspend or terminate a LEA from the 1033 Program if a LEA materially fails to comply with any term of this MOA, any Federal statute or regulation, any assurance provided in a State Plan of Operation or application, or a State MOA with an LEA. Report all LEA terminations to the DLA LESO immediately upon termination.

NOTICES:

Any notices, communications or correspondence related to this agreement shall be provided by the United States Postal Service, express service, or facsimile to the cognizant DLA office. The DLA LESO, may, from time to time, propose modifications or amendments to the provisions of this MOA. In such cases, reasonable opportunity will, insofar as practicable, be afforded the State Coordinator to conform changes affecting their operations.

TERMINATION:

This MOA may be terminated by either party, provided the other party receives thirty (30) days notice, in writing, or as otherwise stipulated by Public Law.

The undersigned State Coordinator hereby agrees to comply with all provisions set forth herein and acknowledges that any violation of the terms and conditions of this MOA may be grounds for immediate termination and possible legal consequences, to include pursuit of criminal prosecution if so warranted.

IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

Type/Print State Coordinator Name

State Coordinator Signature

Date (MM/DD/YYYY)

Type/Print DLA/LESO Representative Name

DLA/LESO Representative Signature

Date (MM/DD/YYYY)

Attachment

Appendix C

Examples of SWAT incident reports and weapons transfers received in connection with the ACLU's investigation

Examples include:

- A Concord, North Carolina, threat matrix, showing that a person's religious views is a factor in determining whether SWAT should be deployed in that city
- A SWAT incident report from El Paso, Texas, describing a SWAT raid in which the squad used a Bearcat APC to break through the door of a man known to suffer from mental illness, after already forcing entry through multiple other sites and shattering a sliding glass door, then beat and tased the obviously-confused man
- Documentation of receipt by the Keene, New Hampshire, Police Department of the purchase of a Lenco Bearcat APC, using homeland security funds
- A SWAT incident report from New Haven, Connecticut, describing a nighttime SWAT raid in which the squad arrived at the home in a Bearcat APC, broke down the front door with a battering ram, deployed a distraction device inside the home, and detained two people inside a home, but did not report finding any weapons or evidence
- Documentation of receipt by the North Little Rock, Arkansas, Police Department of two Marcbots (robots capable of being armed) and a Mamba tactical vehicle
- A training document from the National Tactical Officer's Association showing that officers are being trained to have a soldier mentality

Concord Police Department
Threat Matrix Assessment for SOT Activation for Warrant Service

Warrant Type and Location
75 Kerr St NW Concord NC

Date: 06-21-2012

Investigator Responsible:
Detective Kelly Seagraves

Supervisor Approval:

Tactical Commander Approval:

Location Factor Points

Multiple persons present X

Armed Counter Surveillance

Chemicals /Lab

Children on site X

Counter Surveillance

Dogs X

Vicious Dogs

Fortifications

Geographic Barriers

Possible Booby Traps

Security screens

Burglar bars

Use of Undercover Personnel

Video/Audio counter surveillance

General Risk Factors

Drug / Alcohol Abuse / Use X

Hate Group

Gang Association X

Terrorist

Suicidal

Mentally Unstable

Military Experience

Police Experience

Militia

Religious extremist

Weapon Factors

Assault Weapons

Explosives

Fully Automatic Weapons

Pistol

Revolver

Rifle

Shotgun

Edged Weapon / Instrument

Suspect Criminal History

Homicide

ADW

ADW On Officer

Resist Obstruct Delay X

Firearms X

Robbery

Sexual Assault

Probation / Parole X

Drugs X

Operation Risk Level

Level I (Low) 0-20

Level II (Moderate) 21-39

Level III (High) 40 +

Total Points Assessed _____

Risk Level Assessed _____



EL PASO POLICE DEPARTMENT
SUPERVISOR'S DAILY LOG

Name: Sgt. Gabriel Peralta #1923
Division: O.S.S.D
Section: SWAT

Date: 02-14-12 Page 2
Type of Incident: Forced Entry
If other, please specify: Use of Force - Taser and LLBB
Use of Force- Hard Empty Hand

Date of Incident: 02-14-12 Time of Incident: 0015 Address of occurrence: 3022 Dublin

Involved Employee Name 1: Abascal, Victor ID # 1: 2231
Involved Employee Name 2: Guerra, Alex ID # 2: 2078
Peralta, Gabe ID # 3: 1923

Citizen's Complaint: ☐ Yes ☒ No

Case Number: 12-044/225

Subject or Citizen's Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Brief explanation of events:

SWAT Team members responded to the listed address reference to a barricaded subject with a weapon call. Operators were provided information from Command Post that the listed subject was a mental health patient diagnosed with paranoid schizophrenia. After failed negotiations and deployment of chemical agents, operators were able to restrict the movement of subject [REDACTED] to the garage area. Operators made make forced entry through multiple entry sites, the front door was pushed inward into the house using the BearCat push bar. The sliding glass door was shattered using two less lethal rounds.

Operators designated an arrest team, less lethal and lethal team to confront subject [REDACTED]. After several loud verbal commands to surrender and to visibly show his hands to officers [REDACTED] refused to comply. Officer Guerra deployed two less lethal bean bag rounds, one to subjects left upper thigh and left upper bicep. Officers did not get the desired results, due to subject still refusing to show his hands. Officer Abascal followed up with a Taser cartridge deployment, which struck [REDACTED] in the middle back area.

This temporarily impaired [REDACTED] so officers could affect an arrest. [REDACTED] refused to comply and actively resisted officer from placing handcuffs on him. While officers were attempting to place [REDACTED] hands behind him, Sgt. Peralta struck [REDACTED] in the face with a closed fist. Sgt. Peralta received the desired results because [REDACTED] immediately stopped resisting and provided officers his hands. [REDACTED] was subsequently taken into custody and released to patrol officers. Patrol officers obtained a medical release from Del Sol Hospital and was later booked into EPCDF. Lt. Ransom and Sgt. Law were advised on tactics used to subdue [REDACTED].

**It should be noted that complete details of damage to the residence is documented in the After Action Report created by Sgt. Mark Fernandez. Taser No# X00-055316 was taken to IAD and memory log down loaded.

CC: Risk Management

EPPD 36-15-123 REV 07/2006

035241

Attachments: None ☐ Enclosed ☒

List below:

Use of Force Template - Taser

Use of Force Template - Less Lethal Bean Bag

Supervisor Taser Use Report

Event Call Card - Event #P2012079596 & #P2012079759

8- Photographs of [REDACTED] injuries

54-Photographs of damages to residence

Copy of After Action Report

Comments:

Shift Commander: Lt. David Ranson

Date: 2/14/2012

Division Commander's Use Only:

Counseling ☐

Training ☐

Entered into Personnel File ☐

Complaint Requires Additional Follow-Up ☐

Initiate PID ☐

Complaint Resolved ☐

Approved ☐

Forward to:

Comments:

Division Commander: _____

Date: _____

EPPD 36-15-123 REV 07/2006

035242



City of Keene

Police Department 400 Marlboro Street New Hampshire 03431

PRESS RELEASE

Keene Police Department Special Mission Rescue Vehicle Acquisition

November 20th, 2012

On Friday, November 16th, 2012, members of the Keene Police Department and the City's Fleet Services took possession of the Department's Special Mission Rescue Vehicle from Lenco Industries. Lenco provided training on the vehicle and its equipment prior to release of the vehicle.

On that date the vehicle was dropped off with a private contractor to have a police radio installed. This is the only additional piece of equipment needed that the vehicle did not come built and equipped with.

Upon completion of the radio installation on Tuesday, November 20th, 2012, the vehicle was driven to the Keene Police Department and placed into service.

Training on the vehicle and its on-board equipment and capabilities will be ongoing. This vehicle was purchased through Department of Homeland Security and the New Hampshire Department of Safety – Grants management unit grant funding upon approval of the City Council.

Information concerning any incident may be provided anonymously via email on our website at:

<http://www.ci.keene.nh.us/departments/police/anonymous-crime-tips>

045225

**NH Department of Safety - Grants Management Unit
FY 2010 Homeland Security Grant Application**

Please address all points in sequence. The NH State Strategy is approved to support the preparedness, prevention, protection and recovery needs of NH's PRIMARY First Responders (see http://www.nh.gov/safety/divisions/homeland/2009/exe_summary.html). Responses should include all jurisdictions participating in the applications. Responses to each Section should be labeled; however do not exceed page limits for each Section. Please use the standard Times New Roman font, 12 pt. with 1" margins.

SECTION I: STRATEGY

(Maximum of 3 pages- use the letter for information pertaining to each Key item)

Describe your problem and solution in three pages or less. This narrative should include the following:

A. The acquisition of a **Specialized Mission CBRNE/WMD Rescue Vehicle** will help to guard against a terrorist or CBRNE/WMD incident as the vehicle is capable of deflecting blast fragmentation behind a wall of shielding, thereby protecting support and/or rescue personnel. This ability allows specialized personnel to respond to or enter into an area and effectively diffuse or render harmless any terrorist or CBRNE/WMD situation thus limiting a potential mass casualty incident.

The vehicle will be equipped with the latest in Radiation Detection and Explosive Gas Detection equipment to further enhance the safety and capabilities of the mission personnel. The vehicle will be equipped with a radio system that will meet APCO (Association of Public Safety Communications Officials) Project 25 specifications, assuring the interoperability between law enforcement and fire agencies throughout the State of New Hampshire. The system capable of integrating with future system designs.

B. The terrorism threat is far reaching and often unforeseen. Terrorist's goals, regardless of affiliation, usually encompass the creation of fear among the public, convincing the public that their Government is powerless to stop the terrorists, and get immediate publicity for their cause. Keene currently hosts several large public functions to include: an annual Pumpkin Festival, which draws upwards of 70,000 patrons to the City, the Clarence DeMar Marathon which has been held for the last 33 years and is an official qualifying race for the US Olympic Time trials as well as an official qualifying race for the Boston Marathon. This race brings in runners and spectators from all over the United States. Keene State College, part of the university system of New Hampshire, is located in the downtown area of the City of Keene and brings 6000 students to its environs daily. There are other city events that draw large crowds and all are susceptible to terrorist attacks. It is known that the use of Radiological Dispersion Devices by terrorists is much more likely than the use of a nuclear device. Cheshire County currently does not have a transport vehicle capable of protecting personnel in a critical incident or measure such radiation. The closest Specialized Mission Vehicle is well over 1 hour away and this does not include the time it takes to mobilize and prepare the personnel necessary to drive it to Cheshire County.

Highways passing through Keene, Routes 9 and 101, provide the major east/west corridor for trucking from Interstate 91 in Vermont to the Concord, Manchester, Nashua and the seacoast. Many of these trucks carry hazardous materials and are subject to terrorism, natural disasters and motor vehicle accidents.

045240

CITY OF NEW HAVEN
DEPARTMENT OF POLICE SERVICES

SPECIAL WEAPON AND TACTICS

AFTER ACTION REPORT

Case Number: 13-7061	District: 6	
Date of Operation: 02/15/2013	Time Initiated: 1054	Time Secured: 1116
Location of Operation: [REDACTED]		

TYPE OF OPERATION

<input type="checkbox"/> Arrest Warrant	<input checked="" type="checkbox"/> Search Warrant	<input type="checkbox"/> Vehicle Stop	<input type="checkbox"/> Other
---	--	---------------------------------------	--------------------------------

REPORT

Explain Activity (Route, Point of entry, Tools used , Activity upon gaining entry)

Members of the New Haven Police Shooting Task Force secured a search warrant for [REDACTED] NHPD SWAT was briefed at 710 Sherman PKWY along with NHPD investigators. NHPD SWAT travelled to this target location utilizing the Bearcat. NHPD SWAT deployed from the vehicle in front of the residence. The front common door was breached utilizing a one man battering ram. Two subjects were detained within the residence. NHPD SWAT secured the location until relieved by New Haven Patrol and investigators.

Subjects located on scene (Arrested, Detained, Interviewed):

1 Males
1 Female
1 Infant Male

Diversion used (Distraction device, Other):

Distraction device deployed within residence

Damage to property (Front door, broken windows, equipment):

First floor front interior door

This Document has been prepared by the New Haven Police Department
036788
FOR LAW ENFORCEMENT USE ONLY

CITY OF NEW HAVEN
DEPARTMENT OF POLICE SERVICES

Injuries: (LEO, Subjects):
No reported injuries during execution.

Weapons Located (Firearms, Other):

Evidence Located:

Prepared By: Officer D. Acosta Jr.

Reviewed By: _____
SWAT Commander

Approved By: _____
OIC

This Document has been prepared by the New Haven Police Department
FOR LAW ENFORCEMENT USE ONLY



ARKANSAS 1033 PROGRAM
OPERATIONAL EFFECTIVENESS REVIEW
AGENCY INFORMATION



LAW ENFORCEMENT AGENCY (LEA): North Little Rock Police Department

DATE OF VISIT: 11/2/2011

LEA POINT OF CONTACT: John Breckon, Lieutenant

LEA ID: AR18787

STATE LESO REPRESENTATIVE: Tim Hicks, Arkansas LESO Manager

NEXT OER DUE: 2016

LESO FOLDER CONTENTS

FOLDER ITEM	YES	NO	N/A	COMMENTS
LESO APPROVAL LETTER	X			Needs to be updated.
LAW ENFORCEMENT AGENCY (LEA) APPLICATION	X			Needs to be updated.
ARKANSAS STATE OPERATION PLAN (SIGNED PAGE 13)	X			Needs to be updated.
DD FORM 103			X	
DD FORM 1348 RECEIPT	X			
DD FORM 1348 TURN IN			X	
DISPOSAL DOCUMENTATION			X	
TRANSFER DOCUMENTATION	X			
ATF FORM 10 (REQUIRED AFTER ACQUISITION)		X		No copies on file at the State LESO Office
ATF FORM 5 (REQUIRED AFTER TRANSFER)			X	
AC FORM 8050-1, CERTIFICATE OF AIRCRAFT REGISTRATION			X	
INVENTORY SUMMARY	X			Some items are no longer accounted for.

PHYSICAL INVENTORY CHECK & RECONCILIATION

PROPERTY	LEADS	ON HAND	EXPLANATION OF DIFFERENCE
AIRCRAFT	0	0	N/A
APC	0	0	N/A
WEAPONS	24	24	N/A
OTHER VEHICLES	1	1	N/A
HMMWVS	0	0	N/A
WATERCRAFT	0	0	N/A

VISIT OVERVIEW

I met with Lieutenant John Breckon at approximately 10:00 hours at the North Little Rock Police Department. I visually inspected (1), Rifle, 5.56 Millimeter, Serial Number 4791495. The remaining weapons are stored in a secure room and issued for officer use. Lt Breckon had a log available reflecting the weapon serial number and the individual whom it is issued to. Each weapon in the inventory has a metal tag attached for accountability and a photograph is attached as an example. Lt. Breckon maintains files for all 1033 Program actions to include a weapons folder, equipment folder, vehicle folder, and application folder. A review was conducted of the equipment listed on inventory and several items obtained during the 1990s are unaccounted for. The procedure for property adjustment was explained and Lt. Breckon was given the necessary forms to complete the request. Also noted was the fact the LESO Application for Participation is outdated along with the State Memorandum of Agreement. Those forms were also provided during the visit. Lt. Breckon took me to the city garage where the department's latest acquisition is being repaired and updated. The Mamba Tactical Wheeled Vehicle, DTID H9DEB112816796, was inspected and photographed from the front and the driver's side (front); no data plate could be located. (Photographs are attached.) The department is in need of a repair/maintenance manual. Ms. Madden, LESO Vehicle Lead, was contacted and she stated no manuals are available through them, to contact the manufacturer. Overall had a great visit and expect no issues in regards to accountability of 1033 Program equipment or of accompanying paperwork.

<- 030613 ->

PRAISE: Accountability of items is a major concern to Lt. Breckon, understands responsibilities associated with the 1033 program.

AREAS OF CONCERN: No real deficiencies were noted, accountability of equipment is high.

RECOMMENDATIONS: Update Application Forms and submit a Property Adjustment Request Form.

FOLLOW UP ACTIONS: None scheduled at this time.

CONCLUSION: The compliance review results were found to be: ☒ SATISFACTORY ☐ UNSATISFACTORY

Timothy F. Hicks, Law Enforcement Support Office (LESO) Manager

NAME & TITLE

SIGNATURE

<- 030614 ->

Not yet in service - Robots 2

DLA Disposition Services Law Enforcement Support Office
Transfer Request

CLEAR

Date of the Request: 2/12/13

Releasing Agency: Little Rock Police Dept	ID: 2YTGUC	Receiving Agency: North Little Rock PD	ID: 2YT107
Address: 700 West Markham		Address: 200 W. PERSHING BLVD	
City, State, Zip: Little Rock, AR 72201		City, State, Zip: NORTH LITTLE ROCK, AR 72114	
Phone: 501-371-4622		Phone: 501-812-5101	
Releasing Agency Signature: <i>[Signature]</i> #11817		Receiving Agency Signature: <i>[Signature]</i> 1021	
State Coordinator/Federal Approval: YES <input checked="" type="radio"/> NO <input type="radio"/>		State Coordinator/Federal Approval: YES <input type="radio"/> NO <input type="radio"/>	
Printed Name: <i>[Signature]</i>		Printed Name: _____	
Signature: <i>[Signature]</i>		Signature: _____	

The State Coordinator or Federal Chief Executive Official must approve the transfer request. The property may not physically move until the LEA receives approval from the LESO. This form must be signed by the Releasing LEA and State Coordinator or Federal Chief Executive Official as well as the Receiving LEA and State Coordinator or Federal Chief Executive Official (only if the property is being transferred to another State or Federal Agency).

Additional Comments:

	Item Name	NSN/Serial #	File #	DTID	Requisition Number	DEMIL CODE	QTY TO TRANSFER
FOR LARGE QUANTITY INVENTORIES, A SPREADSHEET MAY BE CREATED AND SUBMITTED WITH THIS TEMPLATE							
1	Marcbot / Robot Exp. <i>[Signature]</i>	1385015744707	23390429	W90Y2523263006	2YTGUC23390429	D	1
2	Marcbot / Robot Exp. <i>[Signature]</i>	1385015744707	23390430	W90Y2523263007	2YTGUC23390430	D	1
3							
4							
5							

LESO USE ONLY:

Adjustment Approved: YES ☐ NO ☐ Completed in LEEDS: YES ☐ NO ☐

LESO OFFICIAL: _____ DATE: _____

Reason if Disapproved: _____

Version March 31, 2012

<- 030622 ->

C5 - RTD Program

Enclosure 8 - Letter of Authorization to Remove Property

Date: 10-13-2011

To: DRMO
DLA DISPOSITION SERVICES SITE
SIERRA ARMY DEPOT

From: LESO HEADQUARTERS
74 WASHINGTON AVE
BATTLE CREEK, MI

I, CASANDRA MADDEN the undersigned, hereby authorize
(PRINT NAME)

Susanville Towing to remove the below listed requisitions on my behalf.
(PRINT NAME)

Extent of Authority: To remove property.

SIGNATURE OF CUSTOMER: Cassandra Madden

LIST ITEM(S) by Requisition/DTID Number:

ONLY ONE OF THE MAMBA ARMORED VEHICLES:

NS-33

Lt John Breckon

501-351-6686

501-812-5101

North Little Rock Police Department

North Little Rock Arkansas

The provisions of this publication apply to all Remaining Government personnel at impacted, non-impacted and non-competed sites. This publication may be mandatory or advisory to the MEO, as stipulated in or modified by the Performance Work Statement.

Section 4, Supplement 2

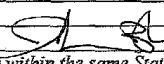

S2-123

<- 030627 ->

1033 Program Transfer Request

CLEAR

Date of the Request: _____

Releasing Agency: LESO HEADQUARTERS	ID:	Receiving Agency: NORTH LITTLE ROCK PD	ID:
Address: 74 N. WASHINGTON AVE		Address: 200 W. PERSHING BLVD	
City, State, Zip: BATTLE CREEK, MI		City, State, Zip: NORTH LITTLE ROCK, AR	
Phone: 1-800-532-9945		Phone: -501-812-5101	
Releasing Agency Signature:		Receiving Agency Signature: 	
		<i>The below is N/A if the transfer is within the same State or Federal Agency</i>	
State Coordinator/Federal Approval: YES NO		State Coordinator/Federal Approval: YES NO N/A	
Printed Name: CASANDRA MADDERN		Printed Name: J. J. J.	
Signature: 		Signature:	

The State Coordinator or Federal Chief Executive Official must review and approve the transfer request. The property may not physically move until the LEA receives approval from the LESO. This form must be signed by the Releasing LEA and State Coordinator or Federal Chief Executive Official as well as the Receiving LEA and State Coordinator or Federal Chief Executive Official (only if the property is being transferred to another State or Federal Agency).

	Item Name	NSN/Serial #	File #	DTID	Requisition Number	QTY	DEMIL Code
1	MAMBA TACT I CAL WHEELED	235SDSCOMBTV2				1	D
2							
3							
4							
5							
6							

LESO Use Only

Transfer approved by LESO: YES ☐ NO ☐

Transfer complete in LEEDS: YES ☐ NO ☐

The Transfer was not approved due to the following: _____

LESO Coordinator: _____ Date: _____

<- 030628 ->

TACTICAL MINDSET

Not proud of taking a life
but realize satisfaction from
performing a task learned
through repetition and rehearsal.

"Pride"

"teamwork"

"faith in teammates"

FEAR = EXILIRATING
NOT COWARDICE

PRACTICE –TRAINING – REPETITION
OVERCOMES FEAR

ACTION - REACTION - COUNTERACTION

WIN

Always Evolving
to scenario

over changing

Action can begin with officers
or suspects

SUSPECT THINKING RESIST

DOESN'T EXPECT OUR
COUNTERACTION

FBI Studies interviewing
predators indicates they
look for weaker targets in
suspects as well as officers

neat "professional" squared away
in command
"ALPHA DGE"

DOMINATE THE SITUATION

PREVAIL

OODA Loop

Observe Orient Decide Act

TALK – FIGHT- SHOOT - LEAVE

“STEEL YOUR BATTLEMIND”



WHAT IS BATTLEMIND?

- A WARRIORS INNER STRENGTH TO FACE FEAR AND ADVERSITY DURING COMBAT WITH COURAGE. IT IS THE WILL TO PERSEVERE AND WIN. IT IS RESILIENCE.

- **EXPECT SUCCESS**

- OBSTACLES AND SETBACKS ARE PART OF LIFE

Appendix D

Fact Sheet: Responses on Excess Property Program



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6221

JAN 14 2014


The Honorable Henry Johnson
U.S. House of Representatives
Washington, DC 20515

Dear Representative Johnson:

This letter is in response to your inquiry requesting additional information on military-grade equipment to civilian police through the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) program. Attached is a Fact Sheet with responses to your questions.

If you have any additional questions regarding this issue or need further details, please contact Mr. Robert Wimple, Director, DLA Legislative Affairs at (703) 767-5264 or robert.wimple@dla.mil.

Sincerely and Very Respectfully,



MARK HARNITCHEK
Vice Admiral, USN
Director

Attachment
As stated

FACT SHEET

SUBJECT: Responses on Excess Property Program for Representative Henry Johnson

DISCUSSION:

- ***In regards to your question, are new, used or both types of property transferred through the 1033 program? What percentage of new property is being transferred to law enforcement agencies? What percentage of the property is used?***

- Both new and used property is issued through the 1033 program. Approximately 36% of the property issued is new and 64% is used

- ***What percentage of this property is military-grade weapons as opposed to non-military grade weapons?***

- All weapons issued through the 1033 program are military grade.

- ***What does DLA do with the property not transferred to state and local law enforcement agencies?***

- Excess DOD property is offered for reuse based on a priority cycle and the military services have the first priority before law enforcement agencies. If the property is not reutilized by those programs, it is offered to federal civil agencies and then to eligible state or local government recipients.

- ***Is there a Department of Defense budget line item associated with the 1033 Program? If so, what was that budget line for FY2011 and FY2012?***

- Yes, FY2011 budget was \$2.1M and FY2012 budget was \$2.6M.

- ***According to various reports, DLA instituted a Moratorium on Weapons transactions in May of 2012. Is this or any other moratorium of the transfer of property or weapons in place?***

- No, the moratorium was lifted in October 2013 based on a phased approach. States will be allowed to requisition weapons only if they are in good standing with LESO, receive all weapons into the LESO property accounting system, and provide photos of all weapons.

- ***How does DLA define the word "weapon" for the purposes of this moratorium?***

- A weapon is defined as a firearm. The federal law that established the program uses the term "small arms" to define the kinds of firearms the Law Enforcement Support Office

can allocate to eligible law enforcement agencies. Small arms are considered those firearms that are .50 caliber and smaller.

- *What was the reason (s) for this moratorium? What is the scope of the moratorium (i.e., the entire country or certain jurisdiction?) Do you expect the moratorium to expire? If so, when?*

- The suspension was enacted to ensure mandatory inventories of all issued firearms were verified as required by the DLA Memorandum of Agreement with the State. The moratorium applied to all states that requisitioned property.

- *Does the moratorium apply to interagency transfers (i.e., transfers between state and local law enforcement agencies) or just to DLA transfers?*

- Weapons could be transferred between law enforcement agencies that were enrolled in the LESO Program when approved by the state coordinator and LESO.

- *What current federal statutes and regulations are recipients of unused military goods distributed through the 1033 program required to comply with in order to receive and maintain military property? Are there any specific regulations that apply to military weapons that are transferred under the program?*

- 10 USC 2576a states that the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is suitable for use by agencies in law enforcement activities, including counter-drug and counter-terrorism activities and is excess to the needs of the Department of Defense. The DLA Memorandum of Agreement outlines annual inventory and other requirements for weapons.

- *A September 14, 2012, article in USA Today (available at: <http://usatoday30.usatoday.com/news/nation/story/2012/09/14/ariz-sheriff-ordered-to-return-military-goods/57781594/1>) suggested that DLA was going to undertake a new rulemaking related to the 1033 program before the moratorium will be lifted. Is this correct? If the rulemaking has not occurred can you provide a citation to the new regulation? If not, what is the current status of the rulemaking?*

- The issues that led to the weapons moratorium led to changes in the DLA Memorandum of Agreement between the LESO and the States. Those revised Memorandum of Agreements are currently out for signature with the States. A copy of the agreement is provided.

- *According to the LESO website, the 1033 program required a biannual compliance review in which the law Enforcement Support program staff must “visit each state coordinator and assist him or her in ensuring that property accountability records are properly maintained, minimizing the potential for fraud, waste and abuse.” Is there any specific form, standard, or rubric used?*

- Yes. I have included a checklist that is used for compliance reviews.

- ***What criteria is used by the State Coordinator and LESO to approve or reject LEA requests for equipment? Does DLA have any performance metrics in terms of monitoring the recipients of equipment transferred through the 1033 program?***

- Governor-appointed state coordinators screen and recommend law enforcement agencies for participation. Requisitions for property are first approved by the state coordinator and then submitted to LESO with a justification that includes a brief description of law enforcement use. The LESO staff reviews each requisition, looking at such factors as the number of officers and the type and quantity of property requested, before items are approved. DLA monitors compliance with program requirements. Bi-annual compliance checks are conducted utilizing a checklist and the DLA Memorandum of Agreement outlines accountability, general terms and condition of the program and other requirements.

RECOMMENDATION: None

Appendix E

DLA Performance Review Checklist

Date: [Click here to enter a date.](#)

MEMORANDUM FOR THE STATE OF TENNESSEE 1033 PROGRAM STATE COORDINATOR

SUBJECT: Program Compliance Review (PCR) Checklist

I. LESO will Verify:

- | | |
|---|-----------------|
| *1. Is the State Coordinator appointed, in writing, by the current Governor of the State? | Choose an item. |
| 1a. Appointment letter effective date: 7/9/12 | |
| *2. Is the State Coordinator appointment letter on-file with the Law Enforcement Support Office (LESO)? | Choose an item. |
| *3. Has the current State Coordinator signed the current Defense Logistics Agency (DLA) Memorandum of Agreement (MOA)? | Choose an item. |
| 3a. MOA date: 12/18/13 | |
| 4. If applicable, are State Points of Contact (SPOCs) appointed, in writing, by the current Governor appointed State Coordinator? | Choose an item. |
| 4a. Is SPOC appointment letter (s) on-file with the LESO? | Choose an item. |
| 5. Has the State Coordinator delegated his/her authority to anyone other than a SPOC? | Choose an item. |
| 5a. Is delegation of authority letter (s) on-file with the LESO? | Choose an item. |

Comments: [Click here to enter text.](#)

II. Website Knowledge:

- | | |
|---|-----------------|
| 1. Appointed personnel performing the duties with the State 1033 Program, are proficient and knowledgeable when utilizing the following DLA websites: | |
| 1a. AMPS Website: https://amps.dla.mil | Choose an item. |
| 1b. RTD Website: https://business.dla.mil/landing/index.jsp | Choose an item. |
| 1c. DLA Disposition Services Website: https://www.dispositionservices.dla.mil/index.shtml | Choose an item. |
| 1d. LESO Website: https://www.dispositionservices.dla.mil/rtd03/leso/ | Choose an item. |

Comments: [Click here to enter text.](#)

III. Eligibility Requirements:

- | | |
|---|-----------------|
| 1. Are Applications for Participation submitted by Law Enforcement Agencies (LEA) with arrest and apprehension authority signed by the Chief Executive Official (CEO), then forwarded to the State Coordinator? | Choose an item. |
| 2. Does the State Coordinator and/or SPOC (s) verify that the LEA is authorized to participate in the 1033 Program? | Choose an item. |
| 3. Are State Coordinator-approved Applications for Participation forwarded to the LESO for approval? | Choose an item. |

Comments: [Click here to enter text.](#)

IV. Records Management:

- *1. Is there a current State Plan of Operation on file for the State? Choose an item.
1a. State Plan of Operation effective date: Click here to enter a date.
- *2. Does the State Coordinator keep current copy of the State Plan of Operation, signed by the LEA CEO in LEA file? Choose an item.
3. Does each LEA keep current copy of the State Plan of Operation, signed by their CEO on file? Choose an item.
4. Does the State Plan of Operation address the following areas:
- 5a. Purpose Choose an item.
 - 5b. Authority Choose an item.
 - 5c. Terms and Conditions:
 - LEA Eligibility Criteria Choose an item.
 - How to enroll in the 1033 Program Choose an item.
 - LEA Screener Criteria Choose an item.
 - Identification/Acquisition of Property Choose an item.
 - Transportation of Property Choose an item.
 - Storage of Property Choose an item.
 - Distribution of Property Choose an item.
 - Security of Property Choose an item.
 - Accountability of Property Choose an item.
 - Establish an Inactive File Choose an item.
 - Utilization of Property Choose an item.
 - State internal compliance reviews Choose an item.
 - Transfer of property Choose an item.
 - Disposal of property Choose an item.
 - Turn-in of property Choose an item.
 - 5d. DEMIL Property requirements Choose an item.
 - 5e. Training opportunities Choose an item.
 - 5f. State responsibilities in the 1033 Program Choose an item.
 - 5g. LEA responsibilities in the 1033 Program Choose an item.
 - 5h. Suspension and/or Termination Criteria Choose an item.
 - 5i. Signature requirements (ie. LEA CEO/State Coordinator/SPOC) Choose an item.
- *5. Transfers of high visibility property are approved by the DLA LESO. Choose an item.

Comments: Click here to enter text.

V. Records Retention:

1. Are the following documents on-file with the State Coordinators Office and/or LEA?
- 1a. DLA Form 103s (aka Manual Requisitions) Choose an item.
 - 1b. DD Form 1348-1A (for all 1033 Program property currently on the LEA inventory) Choose an item.
 - 1c. DD Form 1348-1A (for all turn-ins) Choose an item.
 - 1d. DD Form 1348-1A (for all transfers) Choose an item.
 - 1e. Transfer documentation Choose an item.

- | | |
|---|-----------------|
| 1f. Turn-in documentation | Choose an item. |
| 1g. Inventory adjustment documentation for authorized property | Choose an item. |
| 1h. ATFE Form 10 | Choose an item. |
| 1i. ATFE Form 5 | Choose an item. |
| 1j. FAA Certificate of Aircraft Registration (Form 8050-1) | Choose an item. |
| 1k. Exception to policy memorandums (if applicable) | Choose an item. |
| 1l. Other documentation as applicable [justification forms, Memorandum for Record (s), etc] | Choose an item. |

Comments: [Click here to enter text.](#)

VI. Property and Inventory Control:

- | | |
|--|---|
| 1. Is 1033 Program property properly stored in a controlled storage area with limited access? | Choose an item. |
| 2. Have all reports of missing, lost, stolen, damaged or destroyed 1033 Program property been reported to the appropriate State Coordinators Office? | Choose an item. |
| 3. Have all reports of missing, lost, stolen, damaged or destroyed 1033 Program property been reported to the appropriate Local/State/Federal Officials and the LESO? Note: If the property is DEMIL Coded B, C, D, E, F, G or Q3 you have (24) Hours for notification. If your property is DEMIL Code A, or Q (with an Integrity Code of 6) you have within (7) days to report. | Choose an item. |
| 4. In determining State Coordinator's recommendation for approval of LEA request, is consideration given to the needs and resources of its LEAs (i.e. size of LEA, mission requirement and like property on hand)? NOTE: LESO personnel must conduct a random search of records. | Choose an item. |
| 5. Are annual reconciliations of property receipts being conducted? | Choose an item. |
| 6. Has the State submitted the previous Fiscal Year's certified inventory to the LESO? | Choose an item. |
| 6a. Date submitted: | Click here to enter a date. |
| *7. Are photographs of Front, Side and Data Plates provided to the LESO for Aircraft, Watercraft and Tactical Vehicles? | Choose an item. |
| *8. Are photographs of Weapons Data Plates provided to the LESO? | Choose an item. |

Comments: *No issues to report.*

VII. Transitional Distribution Point (TDP):

- | | |
|---|-----------------|
| *1. Is there an authorization document from DLA, on hand, authorizing your State to operate as a TDP? | Choose an item. |
| 2. Are TDP property requests earmarked for a specific LEA identifying them as the end user? | Choose an item. |
| 3. Is 1033 property identified and stored separate from other categories of property such as 1122 and State Agencies for Surplus Property (SASP)? | Choose an item. |
| 4. Does the State Coordinator and/or SPOC understand that transfers | Choose an item. |

of 1033 Program property from the TDP to LEAs within his/her State still need to be processed via the LESO prior to physical movement of property?

Comments: [Click here to enter text.](#)

VIII. Compliance and Utilization Reviews:

*1. Is there a State-level 1033 Program Compliance Review process in-place, that ensures that 5% of State LEAs are inspected within the 2-year reporting period since the last PCR? [Choose an item.](#)

(Current MOA-2009 states that “The State shall: Conduct an OER of LEAs participating in the program in order to ensure accountability, responsibility, and program compliance.” Therefore, until new MOA is signed and effective, the “PASS/FAIL” criteria is based on proof that the State Coordinator/SPOC has an internal review process in place that ensures accountability, responsibility and program compliance of LEAs within their State.)

2. Does the State Coordinator follow through with LEAs to rectify cases on non-compliance found on State Level PCRs? [Choose an item.](#)

3. Does the State Coordinator provide documentation to the DLA LESO in cases of non-compliant LEAs? [Choose an item.](#)

4. What steps are taken to resolve cases of non-compliance to the terms and conditions of the 1033 Program?

[Click here to enter text.](#)

Comments: [Click here to enter text.](#)

IX. Non-Utilized 1033 Program Property:

1. Are current procedures in place for LEAs to identify and report serviceable property when no longer needed? [Choose an item.](#)

2. What steps does the State Coordinator take to ensure LEAs do not requisition unnecessary or excessive amounts of property?

[Click here to enter text.](#)

3. What steps does the State Coordinator take to ensure 1033 Program property is not sold?

[Click here to enter text.](#)

4. Has there been an incident, since the last conducted PCR, where an LEA has sold property received under the 1033 Program or received 1033 Program property for the sole purpose of selling it? [Choose an item.](#)

4a. If yes, provide detail and supporting documentation of the outcome (who, what, when, where, how much).

N/A

Comments: [Click here to enter text.](#)

X. Compliance to LESO MOA:

1. Is all property transferred consistent with requirements of the DLA MOA? [Choose an item.](#)

- | | |
|--|-----------------|
| 2. Is the State Coordinator's Office aware that they must ensure that the LEA maintains adequate insurance to cover damages or injuries to persons or property relating to the use of the property. (Self-insurance by the State/LEA is acceptable) | Choose an item. |
| 3. Is the State Coordinators Office aware that property available under the MOA is for the current use of authorized program participants; it will not be requested nor issued for speculative use? | Choose an item. |
| 4. Is the State Coordinators Office aware that property will not be obtained for the purpose of sale, lease, loan rent, exchange, barter, to secure a loan, or to otherwise supplement normal Law Enforcement Agency (LEA) or State/Local governmental entity budgets? | Choose an item. |
| 5. Is the State Coordinator Office aware that any transportation, repair, maintenance, insurance, disposal or other expenses associated with the excess Department of Defense (DOD) personal property is the sole responsibility of the State/LEA? | Choose an item. |
| 6. Is the State Coordinators Office aware that all property obtained under the MOA must be placed into use within one (1) year of receipt and utilized for a minimum of one (1) year, unless the condition of the property renders it unusable? | Choose an item. |
| 7. Is the State Coordinators Office aware approval of any variation to the above standard for property no longer needed by an LEA must be approved by the LESO through the State Coordinators Office? | Choose an item. |
| 8. Is the State Coordinator's Office aware that the DOD has authorized the transfer and use of excess DoD property to the State/LEA and as such reserves the right to recall any and all property issued at the state or LEA expense? | Choose an item. |
| 9. Is the State Coordinators Office aware that excess DEMIL A & Q (with Integrity Code of 6) property will transfer title to the State/LEA after receipt, placement into use and utilization for a minimum of one (1) year? | Choose an item. |
| 10. Is the State Coordinators Office aware that to the extent permitted by law, the State Coordinator/LEA shall indemnify and hold the U.S. Government harmless from any and all actions, claims, debts, demands, judgments, liabilities, cost, and attorney's fees arising out of, claimed on account of, or in any manner predicated upon loss of or damage to property and injuries, illness or disabilities to or death of any and all persons whatsoever, including members of the general public, or to the property of any legal or political entity including states, local and interstate bodies, in any manner caused by or contributed to by the State/LEA, its agents, servants, employees, or any person subject to its control while in, upon or about the sale site and/or the site on which the property is located, or while the property is in the possession of, used by or subject to the control of the State/LEA, its agents, servants, or employees after the property has been removed from U.S. Government control. The U.S. Government assumes no liability for damages or injuries to any person(s) or property arising from the use of the property. | Choose an item. |
- Comments: [Click here to enter text.](#)

XI. Conclusion:

XII. Areas of concern:

XIII. Areas of Recommendation:

Click here to enter text.

XIV. Areas of Praise:

XV. PCR Inventory Results:

	STATE OF TENNESSEE 1033 PROGRAM PROPERTY					
	STATE TOTALS	*REQUIRED SAMPLE SIZE	TOTAL REVIEWED DURING PCR		TOTAL ON-HAND	% ACCURACY
WEAPONS			*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD		
AIRCRAFT			*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD		
WATERCRAFT			*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD		
TACTICAL VEHICLES			*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD		
GENERAL PROPERTY			*ITEMS PHYSICALLY INVENTORIED	*ITEMS REVIEWED VIA APPROVED CUSTODY CARD		
TOTALS						
**OVERALL STATE INVENTORY ACCURACY RATE (%):						

* The DLA LESO PCR Team is required to physically inventory or obtain a copy of an acceptable custody card for 100% of the 1033 Program Weapons, Aircraft, Watercraft and Tactical Vehicles, as appearing on the accountable record, for each LEA that has been selected for review during the PCR. The LEA must provide the DLA LESO PCR Team a copy of any custody card (s) used, at the time of the site visit, and must maintain the custody card (s) on-file as part of substantiating records. An acceptable version of a custody card must contain the following elements: 1) LEA name, 2) Name of individual responsible for physical custody of item, 3) Item nomenclature (Name), 4) Serial number of item (if applicable), 5) QTY of item (if more than one), 6) Printed name of individual responsible for physical custody of item 7)

Signature of individual responsible for physical custody of the item and 8) Date.

****Overall State Inventory Accuracy Rate (%)** is determined by adding required Weapons (A), Aircraft (B), Watercraft (C), Tactical Vehicles (D) and General Property (E) at LEAs selected for review during the PCR, and dividing by the actual # of the property that was physically inventoried (X) or verified via an approved custody card (Y) during the course of the PCR

$\frac{A + B + C + D + E}{(X \text{ or } Y)}$	= Overall State Inventory Accuracy Rate (%)
---	---

XVI. PCR Training provided to the State:

PCR Training Date:

<u># of Agencies Trained</u>	<u># of Officers Trained</u>	<u># of State Coordinator/SPOC trained</u>	<u># of DLA Disposition Services Field Representatives Trained</u>
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Thank you for the hospitality and professionalism shown to us during our visit. As always, we at the LESO stand ready to support and serve. If you have any questions or concerns, please feel free to contact us at 1-800-532-9946 or via email at DRMSLESO@dla.mil.

XVII. Program Compliance Review Team:

X _____
Deborah Smith

X _____
Dan Arnold

Dates of Program Compliance Review: Click here to enter a date. to Click here to enter a date.

Appendix F

(U) DEA - The "Other" Warfighter

FROM: [REDACTED]
DEA Account Manager (S112)
Run Date: 04/20/2004

(U//FOUO) When you think about our top national security threats, chances are that terrorism and military conflict come quickly to mind - and for good reason. But how many of us list illegal narcotics among the top threats to our society? Our national leadership recognized the seriousness this problem poses and declared a war on drugs two decades ago. This "war" has all the risks, excitement, and dangers of conventional warfare, and the stakes are equally high.

(U//FOUO) We are all aware that the Drug Enforcement Administration (DEA) is leading our nation's counternarcotics (CN) efforts. But many are not aware that from the start NSA has been at the forefront of Intelligence Community (IC) support to this seemingly unconventional DOD mission. The novel collection and analysis techniques NSA developed and refined against these criminal hard targets have not only resulted in major successes in the war on drugs, but they have also proven invaluable to other critical SIGINT missions, particularly counterterrorism, sometimes blurring the lines between the two missions.

(C) DEA has close relationships with foreign government counterparts and vetted foreign partners. The results of this team approach regularly make the headlines in the form of major drug busts and arrests. Less known is the critical supporting role that NSA continues to play in key DEA operations to disrupt the flow of narcotics to our country and thwart other, related crimes. DEA, however, recognizes the unique access and sole source information NSA provides and coordinates major cases with the S2F/ICN Product Line.

(C) As a result, both agencies enjoy a vibrant two-way information sharing relationship that enhances their common mission. Processes have been carefully established to exchange lead (foreign intelligence) information while protecting NSA equities. The Customer Relationships Directorate (S1), the Data Acquisition Directorate (S3), and MRSOC work with the S2F/ICN office as an integrated team to realize these mission successes.

(S//SI) One of those successes: Based on SCS (US-966L) intercept, S2F/ICN issued an OPS IMMEDIATE report on 30 March 2004 on the exact whereabouts of Colombian narcotics trafficker Gonzalo Hinojosa, an evasive and brutal international fugitive wanted for murder, drug trafficking, and money laundering. S2F had the foresight to include a tearline to share the actionable intelligence with Panamanian partners. With a short window for action, NSA's [REDACTED] worked through the Joint Interagency Task Force (JITF) - South to immediately forward the information to DEA/Panama. DEA/Panama in turn alerted the Panamanian authorities who quickly located and apprehended Hinojosa, without knowing the information came from NSA SIGINT. As Chief [REDACTED] noted, this is an excellent example of "outcome- oriented collaboration."

(U//FOUO) To learn more about NSA support to the "other" warfighter, DEA, visit the International Crime and Narcotics (S2F) [website](#).

ENDNOTES

1. Police militarization has been defined as “the process whereby civilian police increasingly draw from, and pattern themselves around, the tenets of militarism and the military model.” Peter Kraska, *Militarization and Policing—Its Relevance to 21st Century Police*, Policing (2007) 1 (4) 1-13 (Jan. 1, 2007).
2. Other manifestations of the militarization of policing, such as routine patrols using SWAT gear, militarization of the U.S. border, and the use of military surveillance equipment and other forms of intelligence gathering—while unquestionably of grave concern—are beyond the scope of this report.
3. Because the analysis examined SWAT deployments conducted by a small subset of law enforcement agencies over a limited number of years, the analysis itself does not allow us to make more general conclusions about the use of SWAT nationally or over time. However, as explained throughout the report, the specific findings we make regarding the SWAT deployments studied support the existing research on the militarization of policing generally.
4. Pew Research Center for the People & the Press, “America’s New Drug Policy Landscape: On Drug Policy, Gov’t Should Focus More On...,” April 1, 2014, available at <http://www.people-press.org/2014/04/02/americas-new-drug-policy-landscape/4-2-14-1/> (last visited April 25, 2014).
5. According to a recent Gallup poll, 47 percent of adult Americans report that they have a gun in their house or elsewhere on their property. Gallup Politics, “Self-Reported Gun Ownership in U.S. Is Highest Since 1993,” Oct. 26, 2011, available at <http://www.gallup.com/poll/150353/self-reported-gun-ownership-highest-1993.aspx> (last visited May 2, 2014).
6. Nick Gillespie, “Police in Columbia, South Carolina and 499 Other Cities Get ‘Free’ Tanks,” *Reason.com*, November 18, 2013, available at <http://reason.com/blog/2013/11/18/police-in-columbia-south-carolina-and-499> (last visited March 21, 2014).
7. Individual ACLU affiliates had the option to participate in the investigation and selected the law enforcement agencies with which to file records requests. A copy of the public records request filed with the agencies is attached as Appendix A.
8. Some agencies elected to provide SWAT incident reports for 2012 only.
9. There is no way to know definitively whether responding law enforcement agencies turned over all of the documents the ACLU requested. In addition, although we continued to receive documents throughout 2013 and into 2014, we did not review any documents received after September 30, 2013. All of the documents the ACLU received in connection with this investigation can be made available upon request.
10. Kraska (2007), 1.
11. See generally, American Civil Liberties Union, “The War on Marijuana in Black and White” (June 2013), available at <https://www.aclu.org/files/assets/1114413-mj-report-rfs-rel1.pdf> (last visited April 3, 2014); Michelle Alexander, *The New Jim Crow* (New York: New Press 2010). Racial disparities exist at each decision point in the criminal justice system. See The Sentencing Project, “Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers,” 2 (2008), available at http://www.sentencingproject.org/doc/publications/rd_reducingracialdisparity.pdf. Thirty-eight percent of prison and jail inmates are Black, compared to their 13 percent share of the overall population. Latinos constitute 19 percent of the prison and jail population compared to their 15 percent share of the population. A Black male born in 2001 has a 32 percent chance of spending time in prison at some point in his life, a Latino male has a 17 percent chance, and a white male has a six percent chance. See *id.*
12. See 10 U.S.C. § 2576a.
13. See National Law Enforcement and Corrections Technology Center, *Federal Property and Equipment Manual: Federal Sources of Personal Property for Law Enforcement*, 2 (Revised 2002), available at <http://info.publicintelligence.net/FederalProperty-Manual.pdf> (last visited March 17, 2014).
14. See *supra*, note 14 at 3.
15. One limitation, which the ACLU supports, is a prohibition on the sale of equipment obtained through the 1033 Program.
16. Agreement Between the Defense Logistics Agency and the State of ____ (MOA), 3. The MOA is standard across states and is attached as Appendix B.
17. Joint Chiefs of Staff 1993: I 1, quoted in Christopher M. Schnaubelt, “Can the Military’s Effectiveness in the Drug War Be Measured?” *Cato Journal*, Vol. 14, No. 2 (Fall 1994), available at <http://object.cato.org/sites/cato.org/files/serials/files/cato-journal/1994/11/cj14n2-5.pdf> (last visited April 24, 2014).
18. Bureau of Justice Assistance, “Grant Activity Report: Justice Assistance Grant (JAG) Program, April 2012-March 2013,” p. 2, available at https://www.bja.gov/Publications/JAG_LE_Grant_Activity_03-13.pdf (last visited April 3, 2013).
19. *Supra* note 18 at 4.
20. U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties, *Civil Rights/Civil Liberties Impact Assessment: DHS Support to the National Network of Fusion Centers*, 6 (March 1, 2013), available at https://www.dhs.gov/sites/default/files/publications/DHS%20Support%20to%20National%20Network_0.pdf (last visited March 17, 2014).
21. U.S. Department of Homeland Security, *FY 2013 Homeland Security Grant Program* (FY 2013 HSGP Fact Sheet), 1 (2013), available at http://www.fema.gov/media-library-data/8d-0439562c89644a68954505a49cbc77/FY_2013_Homeland+Security+Grant+Program_Fact_Sheet_+Final.pdf (last visited March 17, 2014).
22. U.S. Department of Homeland Security, “Next Steps: Supporting Community-Based Efforts to Reduce Violent Crime,” *U.S. Department of Homeland Security*, available at http://www.dhs.gov/xlibrary/assets/fact_sheet_reduce_violent_crime_080310.

- pdf (last visited March 22, 2014). This problem is not theoretical; DHS provides numerous sources of support to state and local law enforcement agencies for reasons that are entirely unrelated to terrorism prevention. Indeed, DHS operates a nationwide law enforcement network called the Homeland Security Information Network, which was created to assist state and local enforcement agencies conduct their ordinary work related to investigating allegations of gun, drug, and gang offenses; the notion that DHS support to local law enforcement is purely for the purpose of terrorism prevention is a myth. See, e.g., “Homeland Security Information Network—Law Enforcement Mission,” *Homeland Security*, available at <http://www.dhs.gov/homeland-security-information-network-law-enforcement-mission> (last visited April 24, 2014).
23. Sgt. Glenn French, “Police militarization and an argument in favor of black helicopters,” *PoliceOne*, Aug. 12, 2013, available at <http://www.policeone.com/SWAT/articles/6385683-Police-militarization-An-argument-for-black-helicopters/> (last visited March 19, 2014).
 24. Jack E. Hoban and Bruce J. Gourlie, “The Ethical Warrior,” *PoliceOne*, Aug. 12, 2013, <http://www.policeone.com/Officer-Safety/articles/6383533-Police-militarization-and-the-Ethical-Warrior/> (last visited March 19, 2014).
 25. Doug Deaton, “Police militarization and one cop’s humble opinion,” *PoliceOne*, Aug. 15, 2013, <http://www.policeone.com/Officer-Safety/articles/6390637-Police-militarization-and-one-cops-humble-opinion/> (last visited March 19, 2014).
 26. Jay Evensen, “‘Militarization’ of local police nationwide worries Salt Lake Chief Chris Burbank,” *Deseret News*, July 10, 2013, available at <http://perspectivesonthenews.blogs.deseretnews.com/2013/07/10/militarization-of-local-police-nationwide-worries-salt-lake-city-chief-chris-burbank/>, (last visited March 19, 2014).
 27. Karl Bickel, “Recruit Training: Are We Preparing Officers for a Community Oriented Department?” *E-newsletter of the COPS Office*, Vol. 6, Issue 6 (June 2013), archived version available at http://webcache.googleusercontent.com/search?q=cache:http://cops.usdoj.gov/html/dispatch/06-2013/preparing_officers_for_a_community_oriented_department.asp.
 28. SWAT teams go by many names, including Search and Response Team (SRT), Emergency Response Team (ERT), and Special Emergency Response Team (SERT). There is no real difference between these police units—they all use weapons that are not available to regular patrol officers and are trained to use tactics designed for extremely high-risk and emergency scenarios. For purposes of consistency and clarity, we will use the term “SWAT” throughout this report.
 29. Daryl Gates, *Chief: My Life in the LAPD* (New York: Bantam, 1992), p. 131. For an excellent summary of the creation and evolution of SWAT, see Radley Balko, *Rise of the Warrior Cop* (New York: PublicAffairs, 2013).
 30. These included the 1965 Watts rebellion, Charles Whitman’s shooting spree at the University of Texas at Austin, and a barricade scenario that left several police officers dead.
 31. Rob Deal, “Police Armed With AR-15s Roam the Streets of an Arkansas City Stopping and Asking for Citizens’ ID,” *Republican Party of Benton County Blog*, December 18, 2012, available at <http://bentoncountygop.org/blog/?p=154> (last visited March 18, 2014).
 32. “Stop and frisk” has been defined as “a crime-prevention tactic that allows a police officer to stop a person based on ‘reasonable suspicion’ of criminal activity and frisk based on reasonable suspicion that the person is armed and dangerous, [which] has been a contentious police practice since first approved by the Supreme Court in 1968.” See David R. Rudovsky and Lawrence Rosenthal, “Debate: The Constitutionality of Stop-and-Frisk in New York City,” 162 U. Pa. L. Rev. Online 117, 117 (2013). Its legality and efficacy have both been questioned, and its detrimental impact on communities of color has been well documented. See, e.g., Brett G. Stoudt, Michelle Fine, and Madeline Fox, “Growing Up Policed in the Age of Aggressive Policing Policies,” *New York Law School Review* 56 (2011/2012): 1331-1370.
 33. For more information about the government’s use of illegal domestic spying tactics, see the ACLU’s *Spy Files: the ACLU’s Campaign to Stop Illegal Spying*, available at <https://www.aclu.org/spy-files> (last visited April 21, 2014).
 34. For more information about border militarization, see the ACLU’s *Border Communities Under Siege: Border Patrol Agents Ride Roughshod Over Civil Rights*, available at <https://www.aclu.org/border-communities-under-siege-border-patrol-agents-ride-roughshod-over-civil-rights> (last visited April 21, 2014).
 35. Kraska (2007), p. 6.
 36. David Klinger and Jeff Rojek, “Multi-Method Study of Special Weapons and Tactics Teams,” p. 7 (an unpublished study of the U.S. Department of Justice) (2008), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/223855.pdf> (last visited April 24, 2014).
 37. Abigail R. Hall and Christopher J. Coyne, “The Militarization of U.S. Domestic Policing,” *George Mason University Department of Economics Working Paper No. 12-50* (August 2, 2012) (“[D]uring the past four decades domestic policing in the U.S. has become increasingly militarized. That is, domestic law enforcement has taken on the characteristics of the armed forces by engaging in military-like training, acquiring military weapons and utilizing military tactics in everyday operations.”).
 38. David Klinger and Jeff Rojek, “A Paramilitary Policing Jugger-naut,” *Social Justice*, 1043-1578 (March 22, 2009).
 39. Balko (2013). See also Jon Fasman, “Cops or Soldiers,” *The Economist*, March 22, 2014, available at <http://www.economist.com/news/united-states/21599349-americas-police-have-become-too-militarised-cops-or-soldiers> (last visited April 25, 2014).
 40. See, e.g., Kraska (2007).
 41. Merriam-Webster, <http://www.merriam-webster.com/dictionary/battering%20ram> (last visited March 19, 2014).
 42. There are other kinds of distraction devices such as “tactical balls,” which wobble and spin when rolled or tossed into a room, but flashbang grenades seem to be the most well known. For the most part, the incident reports the ACLU studied tended to use either the words “flashbang” or “distraction device” to refer to these weapons.
 43. See Virginia Hennessey, “Monterey County agrees to pay \$2.6 million in ‘flash-bang’ death of Greenfield man,” *The Monterey Herald*, Aug. 19, 2013, available at http://www.montereyherald.com/localnews/ci_23897554/monterey-county-agrees-pay-2-6-million-flash (last visited March 19, 2014).
 44. Shaila K. Dewan, “City to Pay \$1.6 Million in Fatal, Mistaken Raid,” *New York Times*, Oct. 29, 2003, available at <http://www>.

- nytimes.com/2003/10/29/nyregion/city-to-pay-1.6-million-in-fatal-mistaken-raid.html (last visited March 19, 2014).
45. Charlie LeDuff, "What Killed Aiyana Stanley-Jones?" *Mother Jones*, November/December 2010 Issue, available at <http://www.motherjones.com/politics/2010/11/aiyana-stanley-jones-detroit>, (last visited March 19, 2014).
 46. Bill Donnelly, "SWAT-ing at Flies," *New York Times*, Op-Ed; p. A20; Letters to the Editor (July 18, 1997).
 47. American Forces Press Service, "Military Sealift Command to Deliver Largest MRAP Shipment," *U.S. Department of Defense: News*, Dec. 14, 2007, available at <http://www.defense.gov/news/newsarticle.aspx?id=48416> (last visited March 21, 2014).
 48. David Zucchino, "From MRAP to scrap: U.S. military chops up \$1 million vehicles," *Los Angeles Times*, Dec. 27, 2013, available at <http://articles.latimes.com/2013/dec/27/world/la-fg-afghanistan-armor-20131227> (last visited March 21, 2014).
 49. Nick Gillespie, "Police in Columbia, South Carolina and 499 Other Cities Get 'Free' Tanks," *Reason.com*, Nov. 18, 2013, <http://reason.com/blog/2013/11/18/police-in-columbia-south-carolina-and-49> (last visited March 21, 2014).
 50. Tom Benning, "Dallas County sheriff acquires 'a beast' to handle the bad guys," *Dallas News*, Oct. 18, 2013, available at <http://www.dallasnews.com/news/metro/20131018-dallas-county-sheriff-acquires-a-beast-to-handle-the-bad-guys.ece> (last visited March 21, 2014).
 51. Alex Greig, "California police department gets \$650,000 37,000lb armored military truck," *UK Daily Mail, MailOnline*, Dec. 21, 2013, <http://www.dailymail.co.uk/news/article-2527699/California-police-department-gets-650-000-37-000lb-armored-military-truck.html> (last visited March 21, 2014).
 52. Nate Carlisli, "Blankets to armored vehicles: Military gives it, Utah police take it," *Salt Lake Tribune*, Jan. 19, 2014, available at <http://www.sltrib.com/sltrib/news/57358599-78/police-program-utah-1033.html.csp> (last visited March 21, 2014).
 53. Molly Bloom, "Ohio State University Police Get IED-Resistant Military Vehicle for Use on Football Game Days," *NPR State Impact: Eye on Education*, Sept. 30, 2013, available at <http://stateimpact.npr.org/ohio/2013/09/30/ohio-state-university-police-get-ied-resistant-military-vehicle-for-use-on-football-game-days/> (last visited March 21, 2014).
 54. Some examples of SWAT incident reports and weapons transfers received in connection with the ACLU's investigation are included as Appendix C.
 55. See *Wilson v. Arkansas*, 514 U.S. 927, 931-933 (1995).
 56. See *Hudson v. Michigan*, 547 U.S. 586, 589-90 (2006).
 57. See *Richards v. Wisconsin*, 520 U.S. 385, 394 (1997).
 58. *Id.*
 59. *Hudson*, 547 U.S. at 591, 599. State courts can offer greater protection under law than is provided under federal law. See, e.g., *Berumen v. State*, 182 P.3d 635 (Alaska Ct. App. 2008) (officers serving search warrant knocked on door but failed to announce who they were before entering residence, violating state's knock-and-announce rule; exclusionary rule applied under state law). In addition, people who are harmed by SWAT team officers could sue the SWAT team and police department for violating their Fourth Amendment rights. In reality, though, it is difficult to prevail in such lawsuits because courts often find that even if officers violate a person's constitutional rights, if the officers "reasonably" believed that their conduct was lawful, they are immune from liability (referred to in the law as having "qualified immunity"). *Saucier v. Katz*, 533 U.S. 194, 202 (2001). See, e.g., *Whittier v. Kobayashi*, 581 F.3d 1304 (11th Cir. 2009) (SWAT officer who killed a man in his home during a SWAT raid was entitled to qualified immunity because "a reasonable officer could have had a reasonable suspicion that knocking and announcing his presence would have been dangerous under the circumstances facing the SWAT team.").
 60. See *Wilson v. Arkansas*, 514 U.S. 927, 934 (1995). See also *United States v. Keszthelyi*, 308 F.3d 557, 569 (6th Cir. 2002) (quoting *Stack v. Killian*, 96 F.3d 159, 162 (6th Cir. 1996); *Ramage v. Louisville/Jefferson County Metro Gov't*, No. 08cv338, 2010 WL 2624128, at *5, 2010 U.S. Dist. LEXIS 63688, at *13 (W.D.Ky. June 25, 2010) (evaluating whether the decision to use a SWAT team was reasonable under the circumstances); *Solis v. City of Columbus*, 319 F.Supp.2d 797, 809 (S.D. Ohio 2004) ("[S]omething more than probable cause is required in order for a hyper-intrusive search to be reasonable [and] something more than usual care in the execution of such a search is constitutionally required").
 61. Defense Logistics Agency, Disposition Services, "Law Enforcement Support Office (LESO): Providing Support to America's Law Enforcement Community Since 1997," available at <https://www.dispositionsservices.dla.mil/rtd03/leso/>, Jan. 23, 2014 (last visited March 17, 2014).
 62. See *supra*, note 14 at 4; *supra* note 61.
 63. 10 U.S.C. § 2576a(a)(1)(B).
 64. Defense Logistics Agency, "Fact Sheet: Responses on Excess Property Program for Representative Henry Johnson," sent in response to an inquiry from Representative Johnson requesting additional information on military-grade equipment to civilian police, Jan. 14, 2014. Attached as Appendix D.
 65. The Mamba is a type of MRAP designed for use by the South African National Defense Force. See, e.g., http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=6254:fact-file-mamba-apcmrap&catid=79:-fact-files&Itemid=159.
 66. Abraham H. Maslow (1966). *The Psychology of Science*, p. 15.
 67. The Keene Police Department's application for a BearCat APC is one of the documents included in Appendix C.
 68. Callum Borchers, "Armored truck maker in middle of debate on dollars and safety," *Boston Globe: Business*, Jan. 4, 2013, available at <http://www.bostonglobe.com/business/2013/01/04/pittsfield-company-selling-bulletproof-security-sparks-debate-over-cost/2DAQ3GHM8b4eNdeXcL2NqJ/story.html> (last visited April 4, 2014).
 69. Al Baker, "When the Police Go Military," *New York Times*, Dec. 3, 2011, available at <http://www.nytimes.com/2011/12/04/sunday-review/have-american-police-become-militarized.html?pagewanted=all> (last visited April 21, 2014).
 70. *Supra* note 18 at 6.
 71. See, e.g., Michelle Alexander, "Obama's Drug War," *The Nation*, Dec. 9, 2010, available at <http://www.thenation.com/article/156997/obamas-drug-war> (last visited April 3, 2014) ("The Byrne grant program, originally devised by the Reagan administration to encourage state and local law enforcement agencies to join the drug war, has poured millions of dollars into drug task forces around the country that are notorious for racial profiling,

- including highway drug interdiction programs and neighborhood ‘stop and frisk’ programs. These programs have successfully ushered millions of poor folks of color into a permanent undercaste—largely for engaging in the same types of minor drug crimes that go ignored in middle-class white communities and on college campuses.”)
72. National Criminal Justice Association, “SAA Taskforce Performance Measures: A Look at Metrics Used to Evaluate MJTFs,” *National Criminal Justice Association*, available at <http://www.ncja.org/sites/default/files/documents/Taskforce-Performance-Measures.pdf> (last visited April 3, 2014).
 73. *Supra* note 18 at 10.
 74. A copy of this memo is attached as Appendix F.
 75. This finding is consistent with previous attempts to examine the prevalence and impact of SWAT using raw data such as incident reports. Klinger and Rojek (2008) attempted to collect standardized after-action reports from SWAT teams and characterized law enforcement participation in the study as “dismal.” See Klinger and Rojek, *supra* note 36 at 2.
 76. *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983), cited in FOIA Advocates, “FOIA Exemptions,” available at <http://www.foiadvocates.com/exemptions.html> (last visited April 21, 2014).
 77. See Maryland Public Safety Article § 3-507(e)(2).
 78. *Id.*
 79. *Id.*
 80. S.B. 185, “Law Enforcement Transparency,” (2014), available at <http://le.utah.gov/~2014/bills/sbillenr/SB0185.pdf> (last visited April 3, 2014).
 81. Aaron C. Davis, “Police Raid Berwyn Heights’ Mayor’s Home, Kill His 2 Dogs,” *Washington Post*, July 31, 2008, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/07/30/AR2008073003299.html> (last visited March 17, 2014).
 82. Rosalind S. Heldermand, “Bill Calls for More Scrutiny of SWAT Teams by Police,” *Washington Post*, Feb. 5, 2009, available at <http://www.washingtonpost.com/wp-dyn/content/story/2009/02/05/ST2009020500034.html> (last visited March 17, 2014).
 83. Maryland Governor’s Office of Crime Control and Prevention, *Law Enforcement: SB 447—SWAT Team Reporting*, available at <http://www.goccp.maryland.gov/msac/law-enforcement.php> (last visited March 17, 2014).
 84. Office of Justice Programs, *Bureau of Justice Statistics*, <http://www.bjs.gov/>, March 5, 2014 (last visited March 17, 2014).
 85. The other federal agency responsible for some criminal justice-related data collection is the Federal Bureau of Investigation (FBI). The FBI, through the Uniform Crime Reports, collects and publishes information pertaining to crime rates, law enforcement officers killed or assaulted, and hate crime statistics. The ACLU does not recommend designating the FBI as the federal agency with primary responsibility for collecting, maintaining, and evaluating information pertaining to the militarization of policing because BJS is the more appropriate federal agency for taking on this responsibility.
 86. The process for acquiring equipment through the 1033 Program is fairly straightforward. States enter into a Memorandum of Agreement (MOA) with DLA. A law enforcement agency interested in participating in the program simply completes an application and submits it to the state coordinator, who approves it and sends it to LESO. From there, the process for acquiring excess property is simple. A local agency may search the DLA website, which functions as a sort of catalogue, and submit an online request for the equipment it seeks. The state coordinator approves or disapproves the request and forwards approved requests to LESO. From here, the request is sent to Military Standard Requisitioning and Issue Procedures (MILSTRIP) for final approval.
 87. MOA, 11. This minimal limitation would seem to allow for the transfer of an extraordinary amount of equipment. If every officer in every participating agency is allowed to have one of every type of item available, including rifles, robots, and APCs, this is not a meaningful limitation at all.
 88. A copy of this checklist is attached as Appendix E.
 89. MOA, 10.
 90. As part of an ongoing effort to document the costs of securing the homeland, the Center for Investigative Reporting did a comprehensive investigation into states’ receipt and distribution of DHS and other federal agency grant dollars in 2011 as part of its “America’s War Within” series. To the best of the ACLU’s knowledge, this is the most comprehensive collection of data (from 2009, however) on federal handouts to state and local law enforcement agencies. The Center for Investigative Journalism, “Price of Peril: Homeland Security Spending by State,” <http://cironline.org/sites/default/files/legacy/files/homelandsecurity/priceofperil.html> (last visited March 21, 2014).
 91. *Supra* note 21 at 1.
 92. Senator Tom Coburn, *Safety at Any Price: Assessing the Impact of Homeland Security Spending in U.S. Cities*, 4, 5 (Dec. 2012), available at http://www.coburn.senate.gov/public/index.cfm?a=Files.Serve&File_id=b86fdaeb-86ff-4d19-a112-415ec85aa9b6 (last visited March 17, 2014).
 93. The town of Keene, New Hampshire, held a hearing when its local police department sought a grant from DHS to purchase a BearCat. See “Free Keene: BEARCAT Hearing Promises Controversy,” *NewHampshire.com*, Aug. 12, 2013, available at <http://www.newhampshire.com/apps/pbcs.dll/article?AID=/20130812/AGGREGATION/130819787/0/newhampshire01> (last visited March 21, 2014).
 94. Kraska (2007) at 6-7.
 95. *Id.* at 7.
 96. Forty-seven percent of adult Americans report that they have a gun in their house or elsewhere on their property. Gallup Politics, “Self-Reported Gun Ownership in U.S. Is Highest Since 1993,” Oct. 26, 2011, available at <http://www.gallup.com/poll/150353/self-reported-gun-ownership-highest-1993.aspx>.
 97. The U.S. Constitution prohibits government entities from targeting people based on their race, religion, or any other constitutionally protected status.
 98. Gabe Rottman, “Radically Wrong: The Right to Think Dangerous Thoughts,” *ACLU Blog of Rights*, March 1, 2013, available at <https://www.aclu.org/blog/national-security-technology-and-liberty/radically-wrong-right-think-dangerous-thoughts> (last visited April 3, 2014).
 99. Enrique Flor and David Ovalle, “Hialeah police chief details tense moments of hostage rescue,” *Miami Herald*, July 31, 2013, available at <http://www.miamiherald.com/2013/07/28/v-fullstory/3528358/hialeah-police-chief-details-tense.html> (last visited

March 20, 2014).

100. See, e.g., New York Civil Liberties Union, "Stop and Frisk Data," *Racial Justice*, <http://www.nyclu.org/content/stop-and-frisk-data> (last visited April 4, 2014); *Bailey v. City of Philadelphia*, "Plaintiff's Fourth Report to Court and Monitor on Stop and Frisk Practices, C.A. No. 10-5952 (E.D.Pa.) (filed Dec. 3, 2013), available at http://www.aclupa.org/download_file/view_inline/1529/198/ (last visited April 4, 2014).
101. Some incident reports did not contain any information as to how many people were in a residence at the time of a deployment. This impedes analysis of the impact of SWAT on the lives of the people inside homes that are raided.
102. This is despite the fact that white people and minorities use and sell drugs at roughly the same rates. See, e.g., Drug Policy Alliance, "Race and the Drug War," <http://www.drugpolicy.org/race-and-drug-war> (last visited April 4, 2014) ("Although rates of drug use and selling are comparable across racial lines, people of color are far more likely to be stopped, searched, arrested, prosecuted, convicted and incarcerated for drug law violations than are whites").
103. As noted, many of the incident reports studied were ambiguous on the subject of whether a BearCat was used, so it is impossible to know this definitively. Nonetheless, based on our review of the documents, we think a reasonable inference can be drawn that no BearCat was used in a number of cases in which SWAT accomplished its objective.
104. In examining the SWAT incident reports, the ACLU assumed that records were made of injuries often enough that the absence of a notation regarding civilian injury likely meant that no civilian injury occurred during the deployment. In addition, some police departments file use of force reports separately from SWAT incident reports, so it is possible that the SWAT deployments studied resulted in deaths and/or injuries that were not recorded in the SWAT incident report. For both of these reasons, the actual number of civilian injuries and/or deaths could be higher.
105. A chilling video of the shooting is available here: http://www.huffingtonpost.com/2014/03/24/james-boyd-killed-by-cops_n_5021117.html. The ACLU of New Mexico is calling on the mayor to change the training and culture within the Albuquerque Police Department so incidents like this one are not repeated. See "Action Alert: Ask ABQ Mayor Berry to Reform APD," *American Civil Liberties Union of New Mexico*, March 27, 2014, available at <https://www.aclu-nm.org/action-alert-ask-abq-mayor-berry-to-reform-apd/2014/03/> (last visited April 24, 2014).
106. See George Chidi, "Texas grand jury refuses murder indictment on man who killed deputy on (sic) no-knock raid," *The Raw Story*, Feb. 8, 2014, available at <http://www.rawstory.com/rs/2014/02/08/texas-grand-jury-refuses-murder-indictment-on-man-who-killed-deputy-on-no-knock-raid/> (last visited March 19, 2014).
107. See generally, Early Childhood Matters, "Community Violence and Young Children: Making Space for Hope" (November 2012), available at <http://bernardvanleer.org/Community-violence-and-young-children-making-space-for-hope> (last visited April 21, 2014).
108. Specific recommendations for how to implement such safeguards are set forth in an article by ACLU Senior Policy Analyst Jay Stanley, "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All" (Oct. 2013), available at https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf (last visited April 4, 2014).
109. See generally, Jason Sunshine and Tom R. Tyler, "The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing," *Law & Science Review*, Vol. 37, Number 3 (2003).
110. Emily Ekins, "58 [sic] Percent Say Police Departments Using Drones, Military Weapons Goes Too Far, 60 percent of Tea Partiers Agree," *Reason-Rupe Poll*, Dec. 17, 2013, available at <http://reason.com/poll/2013/12/17/56-percent-say-police-departments-usin2> (last visited April 21, 2014).
111. Tom R. Tyler and Albert A. Pearsall, III, "The Paradox of American Policing: Performance Without Legitimacy," *A Newsletter of the COPS Office*, Vol. 3, Issue 7 (July 2010), available at http://cops.usdoj.gov/html/dispatch/July_2010/AmericanPolicing.asp (last visited April 4, 2014).



During a “no knock” SWAT raid, an officer threw a flashbang grenade into the room where the Phonesavanh family was sleeping. It landed, and exploded, inside Baby Bou Bou’s crib.

Officers were searching for a relative suspected of selling a small amount of drugs. Neither the suspect nor any drugs were found in the home. At the time this report was published—three weeks after the raid—Baby Bou Bou was still in a medically-induced coma.