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## The Impact of Police Militarization in America

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presented this new system in 2012.<sup>129</sup> This system allows a recipient of medicine to text a number found on the product to verify its validity with the manufacturer. If the product does not match one of the manufacturer's given identification numbers, a simple message is given to the recipient noting that the product is a fake medicine. In addition, the product location is flagged and the pharmacy is investigated. A map can then be plotted of all instances in which a counterfeit pharmaceutical was present. This allows officials to map counterfeiter's routes and likely intentions. While some countries may not have readily available cell phones, pharmacies in underdeveloped countries are likely to have this simple form of technology.

In the United States, a similar system can be implemented using more advanced technology such as Quick Response Code scans (QR codes). The same system of mapping would occur, leading to layout of criminal activity. The system also initiates quicker responses from law enforcement, meaning tips cannot be given to potential terrorist connections in time prior to an investigation.

Along with new forms of technological deterrence, stricter penalties must be implemented globally. Counterfeit pharmaceuticals have the potential to kill. Medicine recipients trust the product they are taking and that it will relieve their ailment. Trademark violations cannot be the solitary charge given as punishment. Attempted murder charges should be prearranged to all those found in conjunction with counterfeit pharmaceuticals. When lives are at stake, stricter penalties ought to be implemented worldwide. The international community is responsible for setting these initiatives. Not only will nations be able to better protect their citizens who rely upon pharmaceuticals, but

it also has the potential to influence other international justice missions. No matter the opinion, counterfeit pharmaceuticals kill; either directly by use or by terrorist attacks subsidized from this illegal activity.

## **The Impact of Police Militarization in America**

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Jonathan C. Hixson

*On August 2nd, 2013, Arlington Police Special Weapons and Tactics (SWAT) raided an organic garden facility called The Garden of Eden.<sup>130</sup> The raid included dozens of police personnel, the Arlington SWAT team, and unmanned aerial vehicles. In its full duration, the raid lasted over 10 hours and cost the taxpayers of Texas tens of thousands of dollars. During the raid, the Arlington Police destroyed numerous exotic plants and other property belonging to the Garden of Eden. Some overgrown plants and an uncut lawn prompted the raid. Police raids involving military-grade equipment, like the one mentioned above, are common practice in 21<sup>st</sup> century America and should be cause for concern.<sup>131</sup>*

### *The Rise of the Warrior Cop*

Before exploring the dangers of the militarization of police, it is essential to first understand the background information regarding the rise of the military-style police, or more specifically SWAT. The warrior cop finds its roots in the SWAT teams developed in the early 1960's. SWAT's development is credited to the long-time Los Angeles Police Chief Daryl F. Gates.<sup>132</sup> Gates received his inspiration for a SWAT team from a specialized police unit created in Delano, California to deal with the uprising of farmers

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<sup>129</sup> Ashifi Gogo, "Combating the Counterfeit Drug Trade: Ashifi Gogo at TEDxBoston," (video of presentation, TEDxBoston 2012, Boston, MA, July 17, 2012), accessed November 14, 2013, <http://www.youtube.com/watch?v=4ZlwOoaCPxl>.

<sup>130</sup> Radle Balko, "Texas Police Hit Organic Farm With Massive SWAT Raid," *Huffington Post*, August 18,

2013, accessed December 20, 2013, [http://www.huffingtonpost.com/2013/08/15/texas-swat-team-conducts-\\_n\\_3764951.html](http://www.huffingtonpost.com/2013/08/15/texas-swat-team-conducts-_n_3764951.html).

<sup>131</sup> *Ibid.*

<sup>132</sup> Jim Fisher, *SWAT Madness and The Militarization of Police*, (Santa Barbara: ABC-CLIO, 2010) 4-5.

led by labor leader Caesar Chavez.<sup>133</sup> From that point on, 15 man SWAT units began to sprout up all across the Western Coast of the United States, particularly in California.

As America grew more violent in the 1970's, Los Angeles Police Department SWAT was once again called on to quell the stems of violence throughout the city. One incident in particular, that is noted by SWAT advocates as being a pinnacle of SWAT success, was the gunfight that took place between six Symbionese Liberation Army members and Los Angeles SWAT.<sup>134</sup> In 1975, nineteen SWAT team members engaged and subdued six Symbionese Liberation Army members who were heavily armed and prepared to fight. After the incident, it was found that the Symbionese Liberation Army members had more than 6,000 rounds of ammunition, seventeen guns, and two pipe bombs.<sup>135</sup> Although some criticized the LAPD SWAT for using excessive force during the Symbionese Liberation Army raid, the raid increased the approval of SWAT-like units throughout the country.<sup>136</sup>

The use of SWAT has now expanded well beyond the streets of LA. A recent report (*Multi-Method Study Of Special Weapons and Tactics Teams*) by David A. Klinger states that most police agencies serving at least 50,000 people have some SWAT capabilities.<sup>137</sup> In fact, Klinger found that the number of tactical team deployments each year was in the tens of thousands.<sup>138</sup> The

men and women that make up these highly elite police units are usually trained by active-duty commandos from the Navy SEALs, Army Rangers, and other special forces groups.<sup>139</sup> The use of SWAT teams is also on the rise. Klinger estimated that SWAT units conduct 75% of all the nation's drug raids; and in cities with more than 50,000 individuals, paramilitary police teams are now used in an estimated 20% of all routine patrols.<sup>140</sup>

In recent years, the tendency to militarize has increased because of the terrorist attacks of September 11, 2001. The culture of fear that 9/11 produced has drastically increased the federal grants directed to state and local law enforcement agencies to purchase military weapons.<sup>141</sup> The Department of Homeland Security (DHS) has justified the allocation of federal funds to small cities like Fargo, ND, Fon du Lac, WI, and Canyon County, ID for military hardware, under the cultural idea that a terrorist attack could strike anywhere, including small-town America.<sup>142</sup> On a larger scale, major cities have also raised the quality of their weaponry to military standards. In Philadelphia, Pennsylvania, 1,500 city police officers have been trained to use the high-powered AR-15.<sup>143</sup> Elsewhere, cities, counties, and colleges are requesting the use of surveillance drones.<sup>144</sup> Recently, The Electric Frontier Foundation filed a lawsuit against the DHS to look for answers about the use of domestic drones.<sup>145</sup> In response, the DHS released a

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<sup>133</sup> Ibid.

<sup>134</sup> Miles Corwin. "The Shootout on East 54th Street," *Los Angeles Times*, May 12, 1994, accessed December 20, 2013, [http://articles.latimes.com/1994-05-18/local/me-59109\\_1\\_east-54th-street](http://articles.latimes.com/1994-05-18/local/me-59109_1_east-54th-street).

<sup>135</sup> Ibid.

<sup>136</sup> Fisher, 14-15.

<sup>137</sup> David Klinger, "A MULTI-METHOD STUDY OF SPECIAL WEAPONS AND TACTICS TEAMS," Department of Justice Report, 2009, accessed December 20, 2013, <https://www.ncjrs.gov/pdffiles1/nij/grants/223855.pdf>.

<sup>138</sup> Ibid.

<sup>139</sup> Radley Balko, "Overkill: The Rise of Paramilitary Police Raids in America," The Cato Institute, 2006, accessed December 20, 2013,

[http://object.cato.org/sites/cato.org/files/pubs/pdf/balko\\_whitepaper\\_2006.pdf](http://object.cato.org/sites/cato.org/files/pubs/pdf/balko_whitepaper_2006.pdf).

<sup>140</sup> Ibid.

<sup>141</sup> Andrew Becker, "Local police stockpile high-tech, combat-ready gear," The Center for Investigative Reporting, December 21, 2011, accessed December 20, 2013, <http://cironline.org/reports/local-police-stockpile-high-tech-combat-ready-gear-2913>.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> "2011-2012 FAA List of Drone License Applicants," Electronic Frontier Foundation. Accessed December 20, 2013, <https://www.eff.org/document/2012-faa-list-drone-applicants>.

<sup>145</sup> "DHS Complaint," Electronic Frontier Foundation, accessed December 20, 2013,

list of organizations approved to use unmanned aerial vehicles. This list included Arlington Texas Police Department, Miami-Dade Police Department, and seventy-nine other police departments, federal agencies, and universities.<sup>146</sup>

Richland County, SC is just one example of a town taking advantage of government funds to upgrade its police equipment. Richland County boasts a population of 389,116, as of the 2010 U.S. Census.<sup>147</sup> Recently, the Richland County Sheriff's Department has obtained an armored personal carrier dubbed, "The Peacemaker,"<sup>148</sup> which is equipped with a belt-fed .50-caliber turreted machine gun. The sheriff's department claims that the Peacemaker will save lives,<sup>149</sup> yet the firepower included with the personal carrier is so powerful that even the United States military is reluctant to use it against human targets.<sup>150</sup> With firepower this intense, one would assume that Richland County must have a considerable amount of dangerous crime, yet the murder rate in Richland in both 2004 and 2005 was just below 20 deaths.

Police militarization can also be seen in the quaint town of Keene City, NH. This small town has reported only two murders since 1999.<sup>151</sup> Despite its low crime level, Keene City was the recipient of a \$285,933 grant from the Department of Homeland Security to purchase a Bearcat armored personal vehicle.<sup>152</sup>

The first problem of police militarization is its exorbitant spending. According to the Center for Investigative Reporting, the Homeland Security budget for state and local policing will reach \$19.2 billion by 2014, up from \$15.8 billion in fiscal year 2009.<sup>153</sup> This is a large number when compared to the overall requested department budget, which is set at \$59,959,337 for the 2014 fiscal year.<sup>154</sup> Much of the cost of paramilitary police units comes from the price of ongoing training, equipment upkeep, and other necessary supports. It has been estimated that the average cost to keep a 17-man SWAT unit (the minimum personal standard of the National Tactical Police Officer's Association) is \$200,000.<sup>155</sup> This is not including the cost of any major tactical equipment (i.e. armored personal carriers, etc).<sup>156</sup>

With the increased use of SWAT, there have been several legal questions that have arisen. One of these questions deals with the legal immunity of SWAT officers during a SWAT raid. In the case *Estate of Bing v. City of Whitehall*, the question of whether SWAT officers can be liable for the damage they cause to the property they are raiding. A federal court ruled that SWAT officers have qualified immunity and cannot be held responsible for the damage caused during a raid. This ruling has led to an increase in damaging weapons being used during SWAT raids.<sup>157</sup>

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<https://www.eff.org/document/2012-faa-list-drone-applicants>.

<sup>146</sup> "2011-2012 FAA List of Drone License Applicants."

<sup>147</sup> Richland County, South Carolina (SC), City-Data.com, accessed December 21, 2013, [http://www.city-data.com/county/Richland\\_County-SC.html](http://www.city-data.com/county/Richland_County-SC.html).

<sup>148</sup> "The Peacemaker' armored personnel carrier," American Civil Liberties Union, accessed December 20, 2013, <https://www.aclu.org/criminal-law-reform/peacemaker-armored-personnel-carrier>.

<sup>149</sup> Radley Balko, "Sheriff Lott's New Toy," Reason, September 1, 2008, accessed January 29, 2014, <http://reason.com/blog/2008/09/01/sheriff-lotts-new-toy>.

<sup>150</sup> "The Peacemaker' armored personnel carrier."

<sup>151</sup> Keene, New Hampshire, City-Data.com, accessed December 20, 2013, <http://www.city-data.com/city/Keene-New-Hampshire.html>.

<sup>152</sup> "Tanks as toys?" American Civil Liberties Union, accessed December 20, 2013, <https://www.aclu.org/criminal-law-reform/tanks-toys>.

<sup>153</sup> Andrew Becker, "Local police stockpile high-tech, combat-ready gear," The Center for Investigative Reporting, December 21, 2011, accessed December 20, 2013, <http://cironline.org/reports/local-police-stockpile-high-tech-combat-ready-gear-2913>.

<sup>154</sup> Ibid.

<sup>155</sup> Fisher, 109.

<sup>156</sup> Ibid.

<sup>157</sup> Bernard Farber, "Civil Liability for SWAT operations," *AELE Monthly Law Journal*, 101, July 2007, accessed December 20, 2013,

### *The Wrong House*

Another disadvantage is the increase of instances where police raided the wrong house. For example, in Durango, Colorado in 2007, 77-year-old Virginia Herrick was watching *The Price Is Right* in her mobile home trailer.<sup>158</sup> At around 11:00 am, a group of men donning gas masks entered Ms. Herrick's house where she was thrown to the ground and handcuffed. After the SWAT team had torn her house apart looking for illegal substances, the SWAT team helped Ms. Herrick up, apologized and said that they had the wrong house.

Another example of the collateral consequences from militarized SWAT raids, took place in Niagara Falls, NY. Immigration and Custom Enforcement agents along with the Niagara Falls Police Department (NFPD) Quick Entry Team conducted a pre-dawn raid on the home of a suspected marijuana smuggler.<sup>159</sup> One of the agents threw a flash bang grenade, a weapon often used to disorientate enemy combatants in war, into the home of the suspected smuggler. As the flash bang grenade went off, it ignited a fire on one of the beds. An 18-year-old girl who was staying with the suspect suffered third-degree burns on her chest and stomach. After the raid, NFPD had only discovered a minimal amount of marijuana and a 9mm handgun.<sup>160</sup> A raid like this one should have been conducted with the typical knock-and-enter police raid tactics. Sadly, this raid looked more like a military operation, which ended in the severe injuring of an unsuspecting woman.

This account exposes a key point in the trends of police militarization: these military -style raids tend to be used in drug raids. Often, police raids that involve military style tactics and weapons take place in cases that involve drug related crimes.<sup>161</sup> The United States is spending \$40 billion a year in its War on Drugs.<sup>162</sup> Since Ronald

Reagan escalated the War on Drugs, the United States has spent an estimated \$1 trillion dollars fighting illegal drug use and sales. Since the level of United States spending is a considerably large amount, law enforcement officials feel an obligation to use heavy force when combating drugs. Police squads that are tasked with combating drug related crimes have taken on the mentality of a win-at-[all]-costs mentality. This mentality means that the police are willing to do anything to prevent the flow or distribution of drug traffic on the street.

In addition, a point must be made about the difference between the mission of the police force and the mission of the military. Police, by their very nature, are a peacekeeping force. Police officers are meant to keep the peace and ensure that the population is acting within the bounds of the law. On the other hand, the military is, in a way, the complete opposite of the police. The military can be used to keep the peace, but the ultimate purpose of the military is to use lethal force to protect the nation. For instance, when the police receive a domestic violence call, they respond to the call and attempt to settle the situation with the best possible outcome for the parties involved. Lethal force is the very last line of defense for a police officer. Past precedent exposes the fact that for decades, the weapon that the average street patrol officer carried was a small firearm. In juxtaposition to this, the military's first line of defense is lethal force. The weapon of choice for a United States Army infantry soldier is the M4, a high caliber and very deadly automatic/semi-automatic weapon. When given a mission, the military goes into the situation with the general understanding that lethal force will be inevitable. The job of the military is to seek out and destroy a target that is an enemy of the state. As the former attorney under the Reagan administration, Lawrence Orb stated, soldiers are "trained to vaporize, not

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<http://www.aele.org/law/2007LRJUL/2007-07MLJ101.pdf>.

<sup>158</sup> Fisher, 109.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid, 111.

<sup>161</sup> Balko, 7.

<sup>162</sup> Fisher, 131.

Mirandize.” In America, the police force is continuing to morph into a military-style force. Since many police officers have similar resources and tactics as the military, the police tend to act like the military.

Ultimately, while the militarization of the police force may save some lives, the question needs to be asked: Is it beneficial to the American people? When all the facts are identified, it seems that the more militarized the American police force becomes, the more there is an increase in mistakes by the police that leads to innocent civilians being injured or killed. There is also an encroachment on the civil liberties of

Americans. No American should be subject to breaking and entering without probable cause, especially when it involves the use of military style weapons and hardware. There is no doubt that America’s police force need to adapt to fight 21<sup>st</sup> century crime, but transforming the police force into a military force is a step that has led to catastrophic consequences. The police force and the military were created as separate institutions for a reason, and it is paramount that they remain in their separate spheres. America has always had a respect for the rule of law. If the militarization of the police continues, this respect could be in jeopardy.

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