

Mr. Chairman, Senator McCaskill, Senator Coburn, Members of the Committee, and wonderful staffers -- thank you for inviting me and helping me through this process.

Let me start today's talk with two Examples of Police Militarization – one old – in fact, pre 9/11, and one new – this year in May.

In September of 2000, federal law enforcement conducted a joint drug investigation with the Modesto California municipal police department. Employing the Military Special Operations model, the Modesto P.D.'s SWAT team conducted a predawn dynamic entry into the Sepulveda's family home – suspecting the father, it turned out incorrectly, of being involved in low level drug dealing. Their intelligence failed to note that the Sepulveda family had three young children in the house. Deploying percussion grenades, they stormed the house, and roused the children out of bed onto the floor. One of the children – Alberto – was 11 eleven years old and complied with all of the officers' screams to get in the prone position on his bedroom floor. A paramilitary police officer – standing over him with a 12-gauge shotgun – then accidentally discharged his weapon into Alberto's back – killing him. This incident devastated the Modesto Police Department, and obviously the surviving members in Alberto's family. The 3 million dollar judgment paid by the local municipality and the federal government was one of the largest awards given for a botched SWAT Raid.

Now morph forward to May of this year -- we all heard what happened in Georgia – when a small city police department's SWAT team conducted a no-knock drug raid – again on a family's home suspected of low-level drug dealing. The officers threw a percussion grenade into the home, the device landed in an infant's crib next to his face, and then detonated. The officers did not allow the Mother to touch or console the wounded infant, so it laid by itself in its crib bleeding while the police waited for the paramedics to arrive. Despite being comatose for a number of days – and receiving severe lacerations and burns – he did survive. Not that it should matter, but the family was not involved in drug dealing.

Some might dismiss these are mere anecdotes, but the facts – based on extensive national level scientific research – are clear:

These examples are emblematic of an historic – yet up until recently little noticed – shift in American democratic governance: The Clear distinction between our civilian police and our military is blurring in significant and consequential ways. This includes what Army General Charles J. Dunlap has called the “police-ization of the military”. But of course what we're discussing today is the other side of the coin – the militarization of American policing.

The research I've been conducting, since 1989, has documented quantitatively and qualitatively the steady and certain march of U.S. Civilian policing down the

militarization continuum (culturally, materially, operationally, and organizationally) – despite massive efforts at democratizing the police under the guise of Community Police reforms. This is not to imply that ALL police – nearly 20,000 unique departments across our great land – are heading in this direction. But the research evidence -- along with the militarized tragedies in Modesto, Georgia, Ferguson, and tens of thousands of other locations – demonstrates a troubling and highly consequential overall trend.

What we saw played out in Ferguson was the application of a very common mindset, style of uniform and appearance, and weaponry, used everyday in the homes of private residences during SWAT raids. SWAT teams – some departments conducting as many as 500 of these a year – using the Military Special Operations Model (with of course differing rules of engagement) for common and most often very minor drug offenses.

With the emphasis on counter-terrorism post 9/11 – the stage is perfectly set for a militaristic and extreme response not to just the crime and drug problem, but to the overall goal of internal security. And just as in the two examples above, and in the Ferguson situation, it is the poor, and communities of color, that are most impacted.

In short, the appearance and behavior of the police in the streets of Ferguson Missouri is highly consistent with, and representative of, the U.S. Police – with both ideological and material support from the Federal government – moving rapidly and confidently down the militarization continuum. It is critical to note that this trend is not universal by any means. There are many very smart police executives and line-level personnel that completely comprehend the dangers of this blur, and consciously work to keep the line bright.

I began inquiring into the contemporary role the military model has on the U.S. police when conducting a two-year long ethnography of multi-jurisdictional SWAT teams (Kraska 1996). Spending hundreds of hours training and going on actual deployments, I learned a great deal about police paramilitary units (PPUs) – or SWAT teams – at the ground level, and especially police paramilitary culture. I first learned that PPU's derive their appearance, tactics, operations, weaponry, and culture to a significant extent from military special operations units (e.g., Navy Seals). (It's important to reiterate that PPU's are only closely modeled after these teams – clearly there are also key differences between a police paramilitary unit and a military special operations unit – this is why they are referred to as police *para*-military).

With battle-dress utilities, 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, 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, these unit's members 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 techno-warrior garb, heavy weaponry, sophisticated technology, hyper-masculinity, 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 U.S. police (Kraska and Kappeler 1997; Kraska and Cubellis 1997). This militarization was evidenced by a precipitous rise and mainstreaming of police paramilitary units. As of the late 1990s, 89 percent of American police departments serving populations of fifty thousand 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 percent of small town agencies have a PPU; in the mid-1980s only 20 percent 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 had been more than a 1,300 percent increase in the total number of police paramilitary deployments, or call-outs, between 1980 and the year 2000. Taking into consideration follow up research in 2007, and extrapolating from the original research, there are an estimated 60,000 SWAT team deployments a year conducted 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's 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 85 percent of these deployments were for proactive deployments, specifically random patrol work, and 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. PPUs 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 U.S. police departments are currently purchasing, through homeland security funding, military armored personnel carriers (APC’s), some of which are being used for aggressive, proactive patrol work. The Pittsburg 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.

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.

As noted above in the two examples of drug raids gone wrong, 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 pre-dawn 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 month from journalists, lawyers, or police departments reporting a new botched raid, generally where a citizen has been killed or severely injured under highly questionable circumstances. Radley Balko has documented hundreds of seriously botched SWAT raids on private residences (Balko 2006). 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).

One phone call I received involved a U.S. Army Green Beret soldier – suffering from PTSD and despondent because he had just heard he was being redeployed to Iraq for a 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, was 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 U.S. 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, para-militarized response to a pre-existing crisis. The bulk of U.S. SWAT activity (no-knock/quick-knock raids and aggressive patrol work), however, constitute a proactive approach. Numerous departments are choosing, based no doubt to an extent 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.

Causation and Military Gear Procurement

I've had a small grant – funded by ECU's College of Justice and Safety – to study the various programs in place that allow state and local police to obtain military weaponry and hardware. I started working on this with a graduate student in our program, Justin Reffitt, due to my initial findings in 1996. Two national-level surveys found that the police were obtaining military gear, and as importantly, training from the U.S. military itself. As most of you are probably aware, these weapons transfer programs have been in place since the Reagan Administration's attempts to repeal the Posse Comitatus Act of 1878 as part of his drug control efforts. This led to significant amendments to Posse Comitatus allowing for the cross-fertilization of military and police forces in the areas of training and weaponry. We uncovered in 1996 a large number of police departments, for example, that had been given used Armored Personnel Carriers by the U.S. Military.

These weapons procurement programs continued then from the late 1980s through 2000; and was of course 9/11 and the creation of the DHS which significantly increased the number of programs and money that allowed local PD's to procure a vast array of armaments. I have no doubt that those players from DHS, DOJ, and DOD involved in making this happen intended for this military weaponry and goods to be used for counter-terrorism purposes. However, the unintended consequence has been the widespread misapplication in the form of overkill during civil protests, conducting random patrol work in high crime neighborhoods, and conducting tens of thousands of no-knock and quick-knock raids on private residences.

This is critical to understand. If it were possible to provide funds and programs that allowed a small, tightly regulated component of the U.S. police to obtain military-grade equipment for the extremely rare terrorist or active shooter situation – perhaps these programs might be of some benefit. However, the myriad and unavoidable unintended consequences of such programs render them not just dubious, but dangerous. Military gear and garb changes and reinforces a war fighting mentality among civilian police, where marginalized populations become the enemy and the police perceive of themselves as the thin blue line between order and chaos that can only be controlled through military model power. The ethic the massive Community Police reform programs intended to instill in American policing – that is, one of community empowerment, developing authentic trust between the community and police, and democratic processes that lead to responsive police practices – has been smoothly displaced by a militarized paradigm. A recent editorial by the COPS office essentially predicted the doom of Community Policing due to what they called the “growing militarization of American policing.” Of course there is a chance, if one examines my research carefully, that Community Policing had never stood a chance as compared to the seductive trapping of para-militarism in today's society.

Please consider the significance of one small preliminary finding: 23 police departments that serve communities of 25,000 people or less have already acquired an MRAP from the U.S. military. This does not include all of those department that have obtained an Armored Personnel Carrier from the military, or purchased one from the Department of Homeland Security, or purchased military heavy weaponry from Asset Forfeiture monies. Most of our 20,000 or so police departments in the U.S. are small – and these types of military gear go to them with little to no training, little to no oversight, and little to no accountability. Moreover, my research found that nearly 80% of small localities now have a SWAT Team. Imagine a police department with 30 officers, and 15 of them serve on the SWAT team; of course only on a part time basis where 95% of their time is doing routine patrol work. It does not take any sort of ideological leap to appreciate the high potential of that department developing a militarized mindset – or, police culture – which will inevitably lead to a greater quest for cool military gear, more military model training, and more military model operations in their community (e.g., dynamic entry drug raids). These departments can and often do devolve from a long-running

community service ethic to a new-age security-based paramilitary ethic. This is no doubt part of the ugly dynamic that played out in Ferguson Missouri.

Conclusion:

Finally, I have not even touched on the massive for-profit Armaments Industry, now supplying our 20,000 local police departments, with a sophisticated and highly lethal array of heavy weaponry and militaristic supplies. 1033 is perhaps the most visible and obviously most offensive conduit (at least to some) – but it has mostly been federal and local tax dollars – along with asset forfeiture money -- that have allowed the police to procure these supplies in massive, yet very difficult to document numbers.

In conclusion, I'd like share a recent embarrassing series of events. I just got back from a 3 week trip to rural and urban areas in Indonesia studying that country's efforts to demilitarize the police. I was hosted by Police Commissioner Adrianus Meliala and therefore had access to a wide range of Indonesian police, stakeholders, UN officials, and US officials all involved in the Indonesian National Police reform efforts. It was a fascinating and rewarding trip. Yet, what most impacted me was the irony of meeting with such dedicated and clear-minded people about police reform – and yet having everyone of them ask me to make sense of what was transpiring in Ferguson Missouri. They were of course especially shocked by the militarized police presence and activities. It dawned on me what a bad example we're currently providing for the rest of the world with regard to democratic policing, and our eroding legitimacy to talk about human rights as it relates to criminal justice issues.

I can't imagine that anyone intended for the crime, drug, and terrorism wars – along with all of their various funds and programs – to devolve into the Mainstreaming and Normalization of militarization into American Policing; but these federal funds and policies are certainly nevertheless an important part of the causal equation.

Thank you.

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