



The Evolution of Police Militarization in Ferguson and Beyond

By Shirley Li
August 15, 2014

We know how the situation in Ferguson began. An unarmed 18-year-old was shot and killed by police. Protesters filled the streets and were confronted by police. People began looting stores as officers struggled with crowd control, creating chaos in the small Missouri town. News of the police acting aggressively — shooting wooden pellets, using tear gas, and even arresting two journalists who were legally filming their actions — made headlines. As did photos of their military-grade weapons trained on unarmed civilians.

That's where the 1033 program comes in. The 1033 program is a Department of Defense initiative that channels surplus military equipment to state and local police departments. It began in 1990 after initially being authorized by Congress through the National Defense Authorization Act. At first, it only transferred excess personal property from the Defense Department to federal and state agencies for drug-related activities. Later, in 1996, it was authorized for use in both drug- and terrorism-related situations.

The states requesting the equipment have to apply for inclusion in the program, with their applications screened through the local law enforcement agency, a state coordinator, and, lastly, through the Law Enforcement Support Office.

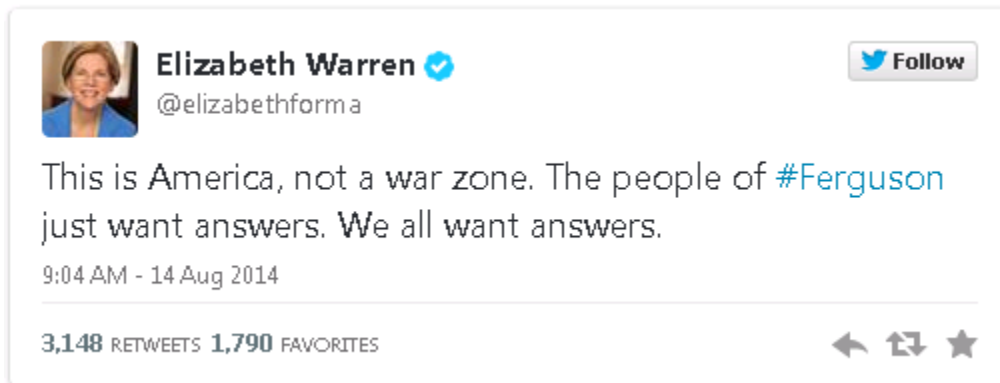
After 2001, and build up of the Afghan and Iraq wars, the program spread even further. The National Journal reported the distribution of 1033 from the past several years:

Since 2006, the Pentagon has distributed 432 mine-resistant armored vehicles to local police departments. It has also doled out more than 400 other armored vehicles, 500 aircraft, and 93,000 machine guns.

That is where "police militarization" begins.

What Militarization Means

Spearheaded by the War on Drugs, and later, as *The New Republic* reported, the September 11 terrorist attacks, the 1033 program has made suburban towns like Ferguson look like war zones, and has prompted many to decry what's known as the "militarization" of policing. Critics include U.S. Attorney General Eric Holder, who said in a statement Thursday that he was "deeply concerned that the deployment of military equipment and vehicles sends a conflicting message," as does Sen. Elizabeth Warren (D-Mass.):

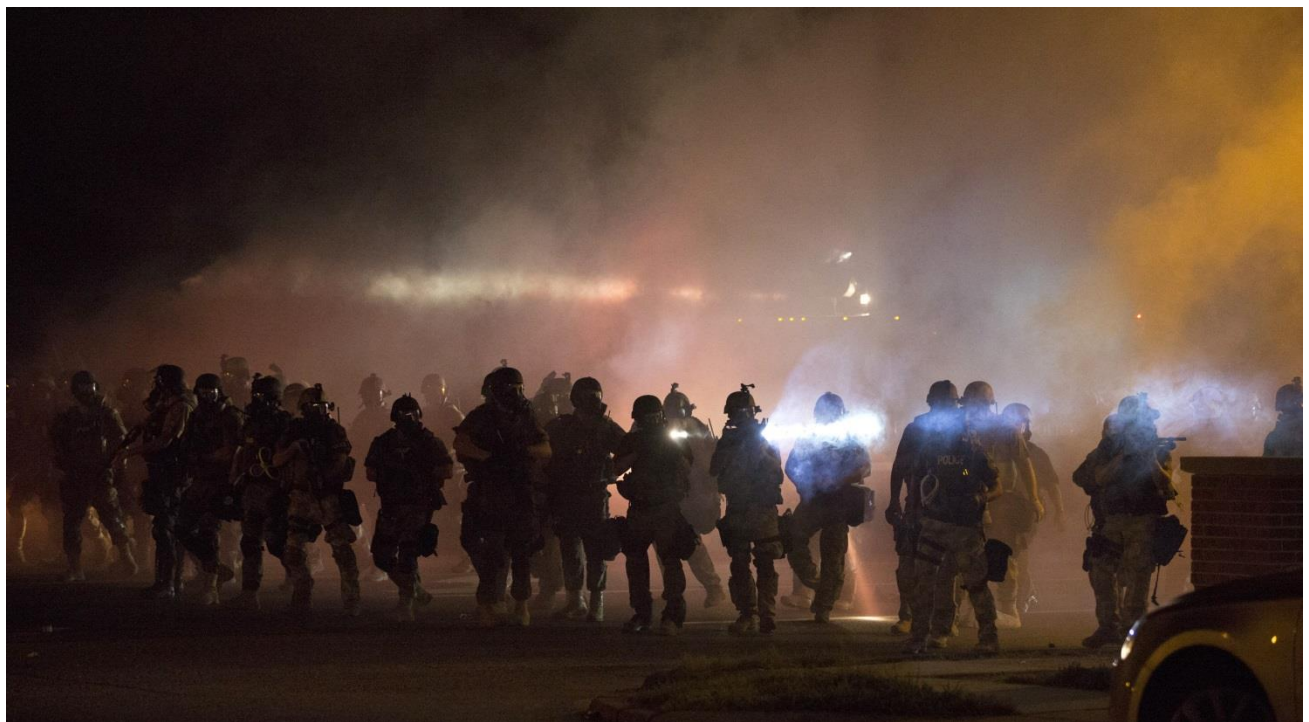


Gawker's Adam Weinstein argues that the term "police militarization" is a misnomer and is actually an insult to the real American military. While there are obvious distinctions between the missions and capabilities of the police and the military, when a town like Ferguson looks like this...



REUTERS/Mario Anzuoni

...and this...



REUTERS/Mario Anzuoni

...it's easy to see why the term "police militarization" is being used.

Peter Kraska, a professor at the School of Justice Studies at Eastern Kentucky University and author of *Militarizing the American Criminal Justice System*, told *The Wire* in an email interview that the term mostly calls out the police, but the escalation in the streets stems from both sides, creating a circle of distrust:

This expansion [of police militarization] is having a dramatic impact on how the police perceive the public (more as enemy combatants than citizens of the community they are serving) as well as how the public perceives the police (more as an occupying force that cares only about maintaining law and order through military style tactics, hardware, and appearance).

This dynamic can readily lend itself to the police using deadly force inappropriately, and to the public reacting to these incidents with outrage and complete distrust of what they perceive as an occupying force that does not have their best interest in mind.

In short, the police lose all legitimacy in the eyes of the people they are serving—which only reinforces a we vs. they mentality among the police. This has been the danger inherent in this well-documented trend toward police militarization; this is the ugly reality that is playing out in Ferguson.

"Even though I was the first academic to identify, research, and write about these trends," he added, "even I would not have predicted the extent to which the military model would overtake the community policing reform movement so rapidly."

The Rise of the 1033 Program... and its Critics

The 1033 program reached as far as it did because of its attractive promise of sophisticated military-grade equipment and easy access, Cato Institute Project on Criminal Justice Director Tim Lynch told *The Wire*.

"Police in these small police departments, they go to their chief and say, 'Look, the Pentagon's going to give away this equipment. If we don't grab it now, the next county will. We need it just in case,'" Lynch said. "No police chief will say no, so they acquire it and put it in a warehouse so most people, even people in the city council, aren't aware of it."

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It's not just small communities and precincts, though. The 1033 program created a domino effect on law enforcement in the U.S. overall, as departments feel they must keep up with other jurisdictions. While residents may not be aware of their own police handling military-grade equipment, many are aware of police militarization thanks to social media.

In *Rise of the Warrior Cop*, Radley Balko traced two major police crackdowns to protests that occurred within the past five years and involved spreading images and

video of police aggression over the Internet: The first, the 2009 G-20 Summit, had officers wearing "paramilitary garb" pulling protesters off the street:

In one widely circulated video from the summit, several police officers dressed entirely in camouflage emerged from an unmarked car, apprehended a young backpack-toting protester, stuffed him into the car, then drove off... Matt Drudge linked to the video with a headline describing the officers in it as members of the military. They weren't, though it's certainly easy to understand how someone might make that mistake.

The 2011 Occupy Wall Street movement provided the second example. In this case, even more protesters had video cameras and were prepared to record crackdowns. "The ubiquity of smart phones and the viral capacity of Twitter, Facebook, Tumblr, and blogs were already bringing unprecedented accountability to police misconduct and government oppression," Balko wrote, "but the Occupiers, who tended to be young, white, and middle-to upper-middle-class, knew social media like few other demographics." In either case, aggressive tactics and sophisticated weapons no longer seemed so out of place on American streets.

The Situation in Ferguson

Ferguson is not Occupy Wall Street, nor is it a global summit like the G-20 case, but the national attention surrounding it and its part in the 1033 program spread because of the endless flow of tweets and Vines and livestreams from those on the ground, even dating to the moments immediately after Brown's death.

Because the police acted too slowly to control crowds and address the shooting, then responded with brute force, the situation in Ferguson spiraled out of control.

"Any time we have policemen pointing weapons at American citizens, they need to go through retraining," Russel Honoré, a retired Lieutenant General known for commanding the military relief efforts following Hurricane Katrina, during which he discouraged the use of weapons, told CNN Thursday. "I think we are about 24 hours too late."

Those 24 hours have stretched into 48, then 72, though Ferguson is no longer at a boiling point. (For the moment.) Missouri Gov. Jay Nixon has promised a "change in tone." The Missouri State Highway Patrol has replaced the St. Louis County Police Department as the primary enforcer. Capt. Ron Johnson, a Ferguson native, has been walking among the protesters and making an effective appeal for calm.

The Fate of the 1033 Program

But while the chaos in Ferguson wanes, the 1033 Program's fate remains up in the air.

"I'm not aware of any plans to scale anything back," Department of Defense spokesperson Mark Wright wrote in an email to The Wire. "This is a Congressionally mandated program that we're administering."

The Cato Institute's Lynch, on the other hand, says Congress should simply end the program.

"I think the 1033 program should be shut down," he told The Wire. "I think that will restore some common sense to these agencies around the country because when they have to spend their own money, it changes the dynamic. They have to decide whether they need a new police car or a new officer or an armored vehicle from the Pentagon."

In addition, as Vox pointed out, the program requires that the equipment actually be used by the department within one year of receipt, which means they can't wait for true emergencies to break out, and instead deploy it on routine SWAT missions and other lower level incidents.

But as Charles "Joe" Key, a former Baltimore Police Department lieutenant, told us, the gear and the weaponry are in place to ensure safety. Therefore, a program like 1033 won't be easily scrapped. The real flaws that appeared in Ferguson aren't the weapons, but how the police used the weaponry, and how they communicated with the community.

"You have to plan for the worst," he told The Wire. "It looked like [the police] were wandering around with what appeared to be armored type vehicles and throwing gas. That really is not directed towards the way of breaking the protests up. What it has to be is a measured response where they actually take action and identify individuals who are in the violence, while encouraging the peaceful part of it."

That two-pronged strategy — splitting a crowd into smaller segments and having officers reach out to community leaders to promote peace — didn't happen in Ferguson, Key explained.

"The real problem here is dealing with a hotheaded initial group on both sides; the police and the others in the confrontation," Key said. "If you have an appropriate balance in your community groups, it can help limit these kinds of things."