

How Cops Became Soldiers: An Interview with Police Militarization Expert Radley Balko

By: Michael Arria – March 4, 2013

In 2007, journalist Radley Balko told a House subcommittee that one criminologist detected a 1,500% increase in the use of SWAT teams over the last two decades. That's reflective of a larger trend, fueled by the wars on drugs and terror, of police forces becoming heavily militarized.

Balko, an investigative reporter for the Huffington Post and author of the definitive report on paramilitary policing in the United States, has a forthcoming book on the topic, *Rise of the Warrior Cop: The Militarization of America's Police Forces*. He was kind enough to answer some questions about how our police turned into soldiers as well as the challenges of large-scale reform.

Motherboard: When did the shift towards militarized police forces begin in America? Is it as simple as saying it began with the War on Drugs or can we detect gradual signs of change when we look back at previous policies?

There's certainly a lot of overlap between the war on drugs and police militarization. But if we go back to the late 1960s and early 1970s, there were two trends developing simultaneously. The first was the development and spread of SWAT teams. Darryl Gates started the first SWAT team in L.A. in 1969. By 1975, there were 500 of them across the country. They were largely a reaction to riots, violent protest groups like the Black Panthers and Symbionese Liberation Army, and a couple mass shooting incidents, like the Texas clock tower massacre in 1966.

At the same time, Nixon was declaring an "all-out war on drugs." He was pushing policies like the no-knock raid, dehumanizing drug users and dealers, and sending federal agents to storm private homes on raids that were really more about headlines and photo-ops than diminishing the supply of illicit drugs.

But for the first decade or so after Gates invented them, SWAT teams were largely only used in emergency situations. There usually needed to be an immediate, deadly threat to send the SWAT guys. It wasn't until the early 1980s under Reagan that the two trends converged, and we started to see SWAT teams used on an almost daily basis -- mostly to serve drug warrants.
Balko, via the Cato Institute

During the police clashes with Occupy protestors, there seemed to be a focus on isolated incidents of violence, as opposed to an overall examination of how this kind of policing exacerbates situations. What conclusions did your research lead you to on this topic?

I actually think that the Occupy protests gave the broader militarization issue more attention than it's had in a very long time. For 25 years, the primary "beneficiaries" of police militarization have been poor people in high-crime areas -- people who generally haven't had the power or platform to speak up. The Occupy protesters were largely affluent, white, and deft at using cell phones and social media to document and publicize incidents of excessive force.

We're also seeing interest in this issue from new quarters as SWAT teams have fallen victim to mission creep in recent years and begun raiding poker games, bars, and even people suspected of white collar crimes. So far, the only state that has passed any meaningful reform legislation in reaction to a SWAT raid gone wrong is Maryland, which passed a transparency bill after the mistaken raid on Berwyn Heights Mayor Cheye Calvo.

I suppose that may be the "it needs to get worse before it will get better" good news, here. As governments at all levels continue to expand the list of crimes for which they're willing to send the SWAT team, we'll inevitably see these tactics used against more people with more clout and stature to push for reform. It's an unfortunate bit of realpolitik, but it's undoubtedly true.

Deborah Blum has written that we refer to oleoresin capsicum as "pepper spray" because "that makes it sound so much more benign than it really is, like something just a grade or so above what we might mix up in a home kitchen." How did the use of these kinds of weapons become so commonplace?

I think part of the reason is that it has happened gradually. We got here by way of a number of political decisions and policies passed over 40 years. There was never a single law or policy that militarized our police departments -- so there was never really a public debate over whether this was a good or bad thing.

But there were other contributors. For about a generation, politicians from both parties were tripping over themselves to see who could come up with the tougher anti-crime policies. We're finally seeing some push-back on issues like incarceration, the drug war, and over-criminalization. But not on police. No politician wants to look anti-cop. Conservatives want to look tough on crime. Liberals love to throw money at police departments. So for now, rolling back police militarization is still a non-starter in Congress and state legislatures.

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The other problem is that political factions decry police militarization when it's used against them, but tend to fall somewhere between indifferent and gleeful when it's used against people they don't like. Conservatives, remember, were furious over Waco, Ruby Ridge, and a host of BATF abuses against gun owners in the 1990s -- and rightly so. Liberals mocked them for it.

Liberals were furious at the aggressive response to the occupy protests -- and rightly so. And conservatives mocked them. Liberals are rightly angry about militarized immigration raids -- conservatives don't much care. Conservatives were mad about the heavy-handed raid on the Gibson Guitar factory. Liberals blew it off. Just a few weeks ago, Rachel Maddow resurrected the Ruby Ridge and Waco incidents in a segment about gun control -- and was dismissive of people who thought the government's actions were excessive. Of course, Maddow was also fuming about the treatment of Occupy protesters.

Until partisans are willing to denounce excessive force when it's used against people whose politics offend them -- or at least refrain from endorsing it -- it's hard to see how there will ever be a consensus for reform.

How did 9/11 alter the domestic relationship between the military and police?

It really just accelerated a process that had already been in motion for 20 years. The main effect of 9/11 on domestic policing is the DHS grant program, which writes huge checks to local police departments across the country to purchase machine guns, helicopters, tanks, and armored personnel carriers. The Pentagon had already been giving away the same weapons and equipment for about a decade, but the DHS grants make that program look tiny.

But probably of more concern is the ancillary effect of those grants. DHS grants are lucrative enough that many defense contractors are now turning their attention to police agencies -- and some companies have sprung up solely to sell military-grade weaponry to police agencies who get those grants. That means we're now building a new industry whose sole function is to militarize domestic police departments. Which means it won't be long before we see pro-militarization lobbying and pressure groups with lots of (taxpayer) money to spend to fight reform. That's a corner it will be difficult to un-turn. We're probably there already. Say hello to the police-industrial complex.

Is police reform a battle that will have to be won legally? From the outside looking in, much of this seems to violate The Posse Comitatus Act of 1878. Are there other ways to change these policies? Can you envision a blueprint?

It won't be won legally. The Supreme Court has been gutting the Fourth Amendment in the name of the drug war since the early 1980s, and I don't think there's any reason to think the current Court will change any of that. The Posse Comitatus Act is often misunderstood. Technically, it only prohibits federal marshals (and, arguably, local sheriffs and police chiefs) from enlisting active-duty soldiers for domestic law enforcement. The president or Congress could still pass a law or executive order tomorrow ordering U.S. troops to, say, begin enforcing the drug laws, and it wouldn't violate the Constitution or the Posse Comitatus Act. The only barrier would be selling the idea to the public.

That said, I think the current state of police militarization probably violates the spirit of the Posse Comitatus Act, and probably more pertinent, the spirit and sentiment behind the Third Amendment. (Yes -- the one no one ever talks about.) When the country was founded, there were no organized police departments, and wouldn't be for another 50 to 60 years. Public order was maintained through private means, in worst cases by calling up the militia.

The Founders were quite wary of standing armies and the threat they pose to liberty. They ultimately concluded -- reluctantly -- that the country needed an army for national defense. But they most feared the idea of troops patrolling city streets -- a fear colored by much of human history, and more immediately by the antagonism between British troops and residents of Boston in the years leading up to the American Revolution. The Founders could never have envisioned police as they exist today. And I think it's safe to say they'd have been absolutely appalled at the idea of a team of police, dressed and armed like soldiers, breaking into private homes in the middle of the night for the purpose of preventing the use of mind-altering drugs.

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As for change, the good news is that I think the public is finally waking up to this problem. Anecdotally, I've noticed more skepticism, for example, in the comment sections to stories about SWAT raids. I've also noticed more skepticism in much of the media coverage of these raids. And again, I think the fact that these tactics are now being used against people who have the means and status to speak out is drawing new attention to police militarization, and causing

more people to question the wisdom of all of this. But again, there are some major political hurdles in the way of reform.

The gear and weapons and tanks are a problem. But I think a much deeper problem is the effect all of this war talk and battle rhetoric has had on policing as a profession. In much of the country today, police officers are psychologically isolated from the communities they serve. It's all about us vs. them. There are lots of reasons for that, which I describe in the book but are too involved to get into here. But it's really destructive.

I make a number of specific suggestions in the book about how to change that mindset -- most of which came from interviews with long-time cops and former police chiefs. But generally speaking, cops should be a part of the communities in which they work. They should walk beats. They should know the names of the school principals, 7-11 managers, and Boys and Girls Club and community center staffers. When your only interaction with the community is antagonistic - responding to calls, conducting stop & frisks, questioning people -- your relationship with the community will be antagonistic. Cops are public servants. Their job is to keep the peace while protecting and observing our constitutional rights. Somewhere in the process constantly declaring war on things, we've lost sight of that.

For 30 years, politicians and public officials have been arming, training, and dressing cops as if they're fighting a war. They've been dehumanizing drug offenders and criminal suspects as the enemy. And of course they've explicitly and repeatedly told them they're fighting a war. It shouldn't be all that surprising that a lot of cops have started to believe it.