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When the Police Go Military

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By Al Baker

BODY:

RIOT police officers tear-gassing protesters at the Occupy movement in Oakland. The surprising nighttime invasion of Zuccotti Park in Lower Manhattan, carried out with D-Day-like secrecy by officers deploying klieg lights and a military-style sound machine. And campus police officers in helmets and face shields dousing demonstrators at the University of California, Davis with pepper spray.

Is this the militarization of the American police?

Police forces undeniably share a soldier's ethos, no matter the size of the city, town or jurisdiction: officers carry deadly weapons and wear uniforms with patches denoting rank. They salute one another and pay homage to a "Yes, sir," "No, sir," hierarchical culture.

But beyond such symbolic and formal similarities, American law and tradition have tried to draw a clear line between police and military forces. To cast the roles of the two too closely, those in and out of law enforcement say, is to mistake the mission of each. Soldiers, after all, go to war to destroy, and kill the enemy. The police, who are supposed to maintain the peace, "are the citizens, and the citizens are the police," according to Chief Walter A. McNeil of Quincy, Fla., the president of the International Association of Chiefs of Police, citing the words of Sir Robert Peel, the father of modern-day policing.

Yet lately images from Occupy protests streamed on the Internet -- often in real time -- show just how readily police officers can adopt military-style tactics and equipment, and come off more like soldiers as they face down citizens. Some say this adds up to the emergence of a new, more militaristic breed of civilian police officer. Others disagree.

What seems clear is that the terrorist attacks of Sept. 11, and the federal Homeland Security dollars that flowed to police forces in response to them, have further encouraged police forces to embrace paramilitary tactics like those that first emerged in the decades-long "war on drugs."

Both wars -- first on drugs, then terror -- have lent police forces across the country justification to acquire the latest technology, equipment and tactical training for newly created specialized units.

"There is behind this, also, I think, a kind of status competition or imitation, that there is positive status in having a sort of 'big department muscle,' in smaller departments," said Franklin E. Zimring, a professor of law at the University of California, Berkeley. "And then the problem is, if you have those kinds of specialized units, that you hunt for appropriate settings to use them and, in some of the smaller police departments, notions of the appropriate settings to use them are questionable."

Radley Balko, a journalist who has studied the issue, told a House subcommittee on crime in 2007 that one criminologist found a 1,500 percent increase in the use of SWAT (special weapons and tactics) teams in the United States in roughly the last two decades.

The Posse Comitatus Act of 1878 generally bars the military from law enforcement activities within the United States. But today, some local and city police forces have rendered the law rather moot. They have tanks -- yes, tanks, often from military surplus, for use in hostage situations or drug raids -- not to mention the sort of equipment and training one would need to deter a Mumbai-style guerrilla assault.

Such tactics are used in New York City, where Police Commissioner Raymond W. Kelly (whose department has had armored vehicles for decades) has invoked both the 19th-century military strategist Carl von Clausewitz and the television series "24" in talking about the myriad threats his city faces -- both conventional and terrorist. After the would-be Times Square bomber Faisal Shahzad was arrested aboard a plane at Kennedy Airport in 2010, Mr. Kelly calculated the plot-to-capture time: Slightly more than 53 hours.

"Jack Bauer may have caught him in 24," said Mr. Kelly, who served as a Marine commander in Vietnam. "But in the real world, 53's not bad."

IN truth, a vast majority of Mr. Kelly's 35,000-member force are not specialized troops, but rank-and-file beat cops. But that did not stop Mayor Michael R. Bloomberg from sounding like Patton at the Massachusetts Institute of Technology last week, when he boasted, "I have my own army in the N.Y.P.D.," suggesting his reasons for preferring City Hall to the White House. More disturbing than riot gear or heavy-duty weapons slung across the backs of American police officers is a "militaristic mind-set" creeping into officers' approach to their jobs, said Timothy Lynch, director of the criminal justice project at the Cato Institute, a libertarian think tank. "It is in the way they search and raid homes and the way they deal with the public," he said.

The more the police fail to defuse confrontations but instead help create them -- be it with their equipment, tactics or demeanor -- the more ties with community members are burned, he said. The effect is a loss of civility, and an erosion of constitutional rights, rather than a building of good will.

"What is most worrisome to us is that the line that has traditionally separated the military from civilian policing is fading away," Mr. Lynch said. "We see it as one of the most disturbing trends in the criminal justice area -- the militarization of police tactics."

Police officials insist they are not becoming more militarized -- in their thinking or actions -- but merely improving themselves professionally against evolving threats. This is the way to protect citizens and send officers home alive at the end of shifts in an increasingly dangerous world, they say. Of course, in the event of a terrorist attack, they have to fill the breach until federal or National Guard troops can rush in.

"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.

"We are seeing suspects better armed than ever before," Chief Lansdowne said.

Now the Occupy movement and highly publicized official responses to it are forcing the public to confront what its police forces have become. But analysts say that even here the picture of policing is mixed. While scenes from Oakland were ugly, the police in Los Angeles and Philadelphia last week evacuated Occupy encampments relatively peacefully; Los Angeles officers used a cherry picker to pluck protesters from trees.

Police officers are not at war, said Chuck Wexler, the executive director of the Police Executive Research Forum, and cannot imagine themselves as occupying armies. Rather, they must approach any continuing Occupy protests, now or in the spring, with a respect for the First Amendment and a realization that protesters are not enemies but people the police need to engage with up the road.

"You can have all the sophisticated equipment in the world, but it does not replace common sense and discretion and finding ways to defuse situations," Mr. Wexler said. "You can't be talking about community policing one day and the next day have an action that is so uncharacteristic to the values of your department."