

## Watching the Watchmen - Rise of the Warrior Cop: The Militarization of America's Police Forces, by Radley Balko

By Jack Dunphy – August 19<sup>th</sup>, 2013

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One day, early in my career with the Los Angeles Police Department, I needed to look up the telephone number for some departmental entity or another. Scanning the desk blotter on which were printed the phone numbers for the LAPD's many bureaus, divisions, and sections, I came upon this enigmatic little entry way down in one corner: "WRONG DOORS." Its purpose was a mystery to me at the time and remained so until, some years later, I began taking part in investigations targeting drug dealers. It was the phone number for the city carpentry shop, which we called when we had served a search warrant and broken down, yes, the wrong door.

In the years I spent working in drug investigations, I had occasion to call the number only once, this after relying on an inaccurate map of a public-housing project provided by the building management. The four-bedroom apartment I had described in the warrant affidavit and thought I was entering had in fact been converted into a pair of two-bedroom units, and I had chosen the wrong one. For the people in the apartment we mistakenly entered, it was no doubt a jarring experience. Bad enough to live next door to a drug dealer, even worse to have the police come barging into your home looking for him.

In his new book, Radley Balko brings attention to "wrong door" raids like this one, too many of which have had far more unfortunate outcomes than mine did. He chillingly presents a number of cases in which innocent people were shot and even killed by police officers who entered homes in search of drug dealers only to find they were at the wrong address. But to Balko, it is not just "wrong door" raids that are troubling. Even when targeting the correct house, he argues, police often do more harm than good, especially when they are armed and equipped like soldiers in combat.

Balko, a senior writer at The Huffington Post, previously worked at Reason magazine and the Cato Institute. His libertarian bona fides are therefore well established, and he is among the more outspoken and prolific writers advocating libertarian causes today. So, while Rise of the Warrior Cop is a harsh critique of the use of military techniques and equipment among civilian law-enforcement agencies, it should come as no surprise that the book offers an equally harsh examination of the "war on drugs," which has engendered much of the police militarization that Balko here exposes and seeks to reverse.

"The war on drugs is lost," this magazine famously proclaimed in 1996. "It is our judgment that the war on drugs has failed," wrote the Editors, "that it is diverting intelligent energy away from how to deal with the problem of addiction, that it is wasting our resources, and that it is encouraging civil, judicial, and penal procedures associated with police states." Balko agrees, and tells the story in detail.

During the Reagan administration, Balko writes, the war on drugs saw a sharp escalation and increased federal participation, including an expanded role for military personnel and hardware. Just as troubling to Balko is the use of civil asset forfeiture against drug dealers, a program that was ramped up under Reagan's Justice Department. "The 1981 GAO report concluded the government wasn't using forfeiture nearly enough," he writes, "and that an excellent opportunity to collect revenue was going to waste. Reagan's people would take care of that." I can attest that law-enforcement decisions inspired by a quest for asset seizures, whether in the form of cash, real estate, or what have you, continue to this day, sometimes at the expense of more legitimate ends.

But it's not only Republicans and conservatives who come in for criticism here. While describing efforts within the George H. W. Bush administration to further expand the military's role in the drug war, Balko identifies Democrats who, viewed in today's light, would seem unlikely partners in the effort. "Democrats in Congress savaged [drug czar William] Bennett and Bush's drug plan," he writes, "for not going far enough." He quotes then-senator Joe Biden as describing the Bush-Bennett plan as "not tough enough, bold enough, or imaginative enough to meet the crisis at hand." Perhaps even more surprising, Balko cites a March 1989 *Ebony* magazine profile that ran under the headline "Charles Rangel: The Front-Line General in the War on Drugs."

If it is true that the war on drugs is lost, it is nonetheless important to remember why it began. At 38, Balko is perhaps too young to recall the social upheaval of the Sixties and Seventies. Drug use, seen at the time by most Americans as a manifestation of that upheaval if not a cause of it, was regarded as shameful by nearly everyone but the users themselves. As those Biden and Rangel references indicate, there was once near-universal agreement that this so-called war was a worthy effort.

In the Eighties, when crack cocaine spread like cancer through the nation's inner cities and beyond, police were desperate to come up with methods to combat it. My career as a Los Angeles police officer began in the early days of the crack epidemic, and I saw firsthand how individuals, families, and entire neighborhoods were ravaged by those innocuous-looking little pellets. And if the effects of crack cocaine weren't harmful enough in themselves, the gang violence that attended its proliferation was a genuine source of fear. It was not an imaginary bogeyman that people were afraid of, yet Balko all but elides this national consensus against drug use that existed at the time.

Nonetheless, I am not entirely unsympathetic to Balko's arguments. I am in complete accord with his condemnation of "no knock" search warrants as they are used against drug dealers. This kind of raid, usually carried out in the dead of night, is intended to startle suspects by means of a rapid and unannounced entry, sometimes accompanied by the use of disorienting "flash bang" grenades. But when I'm the first cop through the door on a search warrant, as I have been many times, it is in my best interest that the people inside know it is the police coming in and not some criminal looking to rip them off. As Balko points out, confusion as to who is bursting into a home at four in the morning has led to needless deaths, including those of police officers.

I also concur with the author's criticism of Drug Enforcement Administration raids on marijuana dispensaries in those states where citizens have voted to legalize the drug or endorse its use for medical purposes. California's medical-marijuana program may have devolved into a bad joke, one in which anyone can claim any malady in a two-minute session with a "doctor" and come away with a prescription for marijuana -- but this is what Californians voted for, and it is not the federal government's place to protect them from their decisions, no matter how misguided.

Balko suggests some reforms for police departments, but at times he reveals his naïveté as to how police work is and ought to be conducted. He cites, for example, the FBI's capture of Boston mobster Whitey Bulger, who in 2011 was arrested in Santa Monica after 16 years on the run. "Of all the people who meet the criteria for a SWAT team," Balko writes, "you'd think Bulger would top the list." Instead, FBI agents created a ruse that allowed them to make the arrest without incident, a tactic Balko applauds and hopes to see more of.

True, the FBI was innovative in capturing Bulger, but the operation surely required dozens of agents to implement the ruse and conduct the surveillance it must have entailed. And just as surely there was a SWAT team at the ready somewhere nearby in case Bulger spotted the surveillance and tried to shoot it out or flee. Most police departments simply do not have that kind of manpower and expertise at their disposal, and a SWAT raid is often the safest option when a violent fugitive is located. And the use of a SWAT team does not necessarily increase the likelihood of violence in a police encounter. The LAPD's SWAT team, for example, uses deadly force in less than 1 percent of its deployments.

Though Balko gives passing mention to the presence of SWAT teams within ostensibly benign federal bureaucracies, I would have liked to see him explore the use for these teams in such agencies as the Food and Drug Administration. Even the Department of Education has its own SWAT team: Why?

For all my cop's quibbles with *Rise of the Warrior Cop*, I was struck by how much I found to agree with in the book. Balko makes a compelling case that in America today there are too many SWAT teams operating with too little accountability, further exposing the country to the dangers this magazine identified in 1996. "No, America today isn't a police state," he writes in the concluding chapter. "Far from it. But it would be foolish to wait until it becomes one to get concerned." One need not be a libertarian to appreciate the warning.