



Why more SWAT-style raids? A 'militarized' world

By: Tim Gurrister – March 24, 2013

OGDEN — Law enforcement officials agree: Police execute a “door kick” somewhere in Weber County, on average, once every week.

The forced entries range from a welfare check, when neighbors become concerned as newspapers pile up on someone’s porch and the family car is parked in the driveway.

At the other end of the spectrum are the full-on, SWAT-style raids with helmeted officers battering down a door unannounced, such as the Sept. 16, 2010, entry that left the suspect, Todd Blair, fatally shot.

Officials point to the frequency of door kicks, in police parlance, that occur without publicity or complaint as proof they’re benign — only a small percentage go awry. They steadfastly maintain they are crucial, the swift deployment necessary for officer safety and to keep suspects from destroying evidence.

Commando tactics concerns

But there are critics concerned about the increase in the commando-style entries, also known as a breach.

The American Civil Liberties Union recently announced a nationwide investigation of the “militarization” of police departments, simultaneously filing 255 public records requests in 24 states on March 6.

Among 18 Utah agencies whose records were requested are the Ogden, Roy and Brigham City police departments and the Weber and Cache county sheriff’s offices.

The agencies have been asked to provide data on SWAT team deployments and injuries during the deployments, weaponry used, and the level of funding for armament and equipment from the Departments of Defense and Homeland Security.

The ACLU decried militarization as an erosion “of civil liberties encouraging increasingly aggressive policing.”

In the wake of high-profile, lethal-force incidents involving officers, police brass and prosecutors have defended the strong-arm tactics as necessary in an increasingly violent world.

“Officers plan for the worst and hope for the best,” said Ogden Police Lt. Will Cragun. “It’s easy to second-guess after the fact, but you need to get down in the dirt with us to know what’s going on.”

Officials typically point to recent mass shootings around the country as a constant reminder to officers to be on their guard.

Roy Police Chief Greg Whinham noted the Columbine High School shootings of 1999, where 12 students and a teacher were killed and 21 injured, moved him to make his department the first in the state to put A-4 automatic rifles in the trunks of all patrol cars.

“I will always err on the side of getting my officers home at the end of their shift,” he said.

In an earlier news story about the ACLU records request, Weber County Sheriff’s Deputy Chief Clint Anderson said the problem is “the militarization of our criminals.”

Anderson said law enforcement is seeing “criminals who have military experience and military training.”

“They are better armed, better trained and more dangerous than before.”

Jim Retallick, veteran Ogden public defender, and other defense attorneys argue there are other ways to serve search warrants than the military-style door kicks.

“Hell yes, it’s getting dangerous,” Retallick said. “For seven people to get shot over marijuana is ridiculous.”

He is referring to the Jan. 4, 2012, forced-entry raid on the Ogden home of Matthew David Stewart. Six officers were shot, one fatally. Stewart was also wounded, hospitalized and jailed and now awaits trial, facing the death penalty.

Outgrowth of 9/11

Robert Wadman, emeritus Weber State University criminal justice professor and its master’s degree coordinator, sees the SWAT-style raids as part of an overall shift to militarism in police work — fallout from the 9/11 terrorist attacks.

“I’m very concerned that, on a national basis, police organizations are looking more and more like combat troops and less and less like community police officers,” said Wadman, a chief of police in four cities, the last Omaha, before he came to WSU.

“If Osama bin Laden killed and captured anything, it was community policing,” he said, referring to what was a growing trend in police work, best typified by officers assigned to a neighborhood, even walking a beat.

Since 9/11, police organizations, funded with federal dollars, have purchased armored vehicles, high-powered firearms and other equipment, pushing the community policing model to the sidelines.

“This behavior is a great loss to every city in America. It sustains an ‘us versus them’ mentality in the minds of police officers,” which he called a false mentality.

“Most acts of violence occur between family members and friends, not strangers. Not, as the NRA (National Rifle Association) states, a criminal class in American society. By dressing up like soldiers and climbing aboard armored personnel carriers, the police are distancing themselves from the very people they are sworn to protect and serve.”

The national picture

Nationally, two scholars have been accumulating numbers on the increase in SWAT-style raids.

Nashville-based Radley Balko, formerly a policy analyst with the Cato Institute, now a Huffington Post senior writer, and Dr. Peter Kraska, of the University of Eastern Kentucky, point to skyrocketing increases in door kicks.

They count about 3,000 SWAT-style raids nationwide in 1980. By 2006, the number reached 50,000, and extrapolates to 70,000, possibly 80,000, by 2011.

Their work, especially Balko’s, has been part of the motivation for the ACLU investigation, said Leah Farrell, staff attorney with the Utah ACLU office.

That, she said, is in addition to the anecdotal evidence, such as a child’s pajamas catching fire from a flash grenade during a raid in Detroit before she was shot.

Balko has written two books on police militarization. The second, coming out in July, documents more than 50 innocent people killed in SWAT-style raids since the early 1990s.

Impacts of Homeland Security

Balko, in an email interview, said the policies and incentives that fueled the massive increase from the early 1980s to late 1990s are still in place. “Plus, we now have DHS funding, which dwarfs all of the funding that came before it.”

He believes it’s only going to get worse.

“My guess is, we’ll continue to see mission creep until a few high-profile people with some stature and political power become victims. But the DHS grant program is lucrative enough that there’s now a blossoming industry of suppliers that exist solely to provide military-grade gear to local police departments in exchange for DHS grants.”

Maryland is the only state that requires any kind of reporting from police on the raids, he said. “That transparency bill only came after the high-profile botched raid on the mayor of Berwyn Heights. It (the bill) was vigorously opposed by every police group in the state.”

Main target? Drugs

The Weber County breaches are typically not SWAT raids, and most are drug-related. The number of SWAT callouts has remained the same over time, at 20 to 30 a year, said Cragun, a 21-year veteran of the Ogden Metro SWAT team.

At the same time, the Weber-Morgan Narcotics Strike Force proficiency has grown to the point that its agents typically serve 120 search warrants a year, double the level of five years ago, according to strike force annual reports. They do not detail how many were served via breach.

All agree easily most of the door kicks are for drugs.

“Most of them end up as public defender cases,” Retallick said. “(Defendants) tell us about the breach. Most of the time, they’re so stoned out of their gourd they can’t remember if the police knocked or not.”

Defense attorneys, police and prosecutors debate the door kicks strenuously. Weber County Attorney Dee Smith adamantly defends them as the only option for the safety of officers in an increasingly violent society.

But Randy Richards, lead defense counsel for Stewart, said the increase in the breaches — almost unheard of when he started practicing law 28 years ago — comes “on the heels of this gun debate we’re having in this country.”

“They’re breaking into these homes knowing half of the populace is armed. It’s scary ... it’s out of control. It’s an assault on the Fourth Amendment (ban on unreasonable search and seizure), and it seems like nobody cares. We all think it only happens to someone else.”

The growth in the “home raids,” as Richards calls them, is expected to be a part of Stewart’s defense at trial, set for April 2014, but he wouldn’t elaborate. At Stewart’s three-day preliminary hearing last fall, Richards had planned to play the helmet-cam video of the Todd Blair shooting, but changed his mind without comment.

[Click here to see the video of Todd Blair being shot](#)

The legal debate

Richards, Retallick and Mike Bouwhuis, coordinator of Weber County's public defenders, suggest alternatives. Police, they say, could wait for suspects to come out of their home, even stop them in their car as they leave to have better control over a situation than a door kick.

The subjects of search warrants also could be approached elsewhere, at their place of employment, for instance. The suspects could be given the option of coming along with the officer to save their door being battered.

Another flaw the defense attorneys cite is in the "knock and announce" search warrant. In those instances, officers typically wait 30 seconds before breaching, shout "police — search warrant" while pounding on a door, meant to ensure anyone inside knows it's police officers entering forcibly.

Occupants are to have a chance to answer the door, but not to flush drugs down a toilet, for example.

But they may not hear the announcement clearly. "Why would you think the people inside the home could understand that?" Bouwhuis asks.

"We like the police. They keep us safe. But how can we be sure there are protections in place to keep them from running roughshod over people's rights to be secure in their home?"

Smith argues the only alternative to the forced-entry serving of search warrants is "to ignore the criminal activity altogether."

As to waiting for subjects to leave a home to detain them for purposes of the search warrant, he said the U.S. Supreme Court has clearly said that is illegal.

"You can't detain someone leaving the house, since the warrant applies to the house."

And showing the search warrant to the homeowner at his job also fails, he said. "Then we're tipping him off. He just calls someone at the house and tells them to destroy evidence."

Arrest warrants rarely accompany search warrants, Smith said, so subjects can't be handcuffed to keep them off the phone.

Officers announce search warrants more than adequately, Smith maintains. "I've been present for dozens of them, and they yell loudly and plainly. It's unmistakable."

"It could change," Retallick philosophized about the door kicks. "Maybe it will be like high-speed chases. These days, they are calling them off. You never used to hear that."

