

Militarized policing is counterproductive, according to expert

August 28 2014, by Clifton B. Parker



Police equipped with military gear take up positions in Ferguson, Mo. Use of such equipment can do more harm than good, according to law Professor David Sklansky.

The militarization of local police forces has emerged as an issue of public debate in the wake of the crisis in Ferguson, Mo. The U.S. Senate has announced plans to examine police militarization and the White House has ordered a review of federal programs that help state and local law enforcement acquire military equipment.

The Stanford News Service recently interviewed David A. Sklansky, a Stanford professor of law and a former federal prosecutor, on the subject. He teaches and researches criminal law and policing. Sklansky has written extensively on police reform, democracy and law enforcement, and the future of policing.

Why the trend toward militarized police?

Part of it is mission creep. Larger departments created SWAT teams in the 1970s to respond to rare but highly volatile situations: riots, hostage takings, barricaded suspects, that kind of thing. Over time, though, SWAT teams began to be used heavily in drug searches, and they became something that even smaller departments thought they needed. The war on drugs definitely had a lot to do with the expansion and repurposing of SWAT teams and with the gradual spread of the idea that the police need to look and act like warriors.

Then the federal government got involved, donating surplus military equipment to police departments and, especially after 9/11, giving them money to buy advanced weaponry and other battlefield equipment.

Does police militarization result in police abuse and unnecessary or aggressive actions?

It's important to say that there are legitimate uses for some of the military equipment the police have acquired and some of the military tactics in which they are now trained. But much of the militarization is probably doing more harm than good. There are a disturbing number of stories of innocent people killed when SWAT teams execute search warrants in drug cases. And the militarization of law enforcement almost certainly has an effect on how police forces are perceived and how they perceive themselves. It can complicate efforts to build bonds of trust and

cooperation between the police and the communities they are charged with protecting, and it may influence how some departments understand their mission. As a result, it may make violent encounters between police and the public more likely.

One of the most regrettable aspects of police militarization is the way it can undercut another, much more beneficial trend in law enforcement over the past several decades, the embrace of "community policing."

How does militarization interfere with community policing?

At the heart of community policing is the idea that police departments need to work in close consultation and cooperation with the public. The focus is on neighborhoods and social bonds, and the strategy depends on building bridges between the police and the community, not on fortifying the police as a "thin blue line." Community policing is about making the police less, not more, of a paramilitary organization.

Does police militarization have a disparate effect on communities of color?

Absolutely. In this respect the militarization of policing follows the same pattern as the war on drugs. You don't tend to hear about police using battering rams and stun grenades to execute search warrants in white neighborhoods. Earlier this year the ACLU reviewed SWAT deployments in hundreds of police departments across the country and found that members of racial minorities were significantly more likely than whites to be affected. In some places the disparity was truly astounding. In Allentown, Pa., blacks were 24 times more likely than whites to be impacted by a SWAT deployment. In Ogden, Utah, the ratio was 40:1. In Burlingame, N.C., it was close to 50:1.

What does the law say about police militarization?

Almost nothing, unfortunately. The Constitution regulates when the police can stop and question someone and when they can invade privacy by searching a person or a vehicle or a home. But the Supreme Court has interpreted the Constitution to place only the vaguest of restrictions on the manner in which the police execute a search or seizure, and legislatures have for the most part done little to fill the legal vacuum. As a result, there are pretty clear rules about when the police can search a house, but almost no rules about whether they should go in with combat gear, assault rifles and stun grenades. Similarly, there are virtually no rules about what kind of weaponry and protective gear they should take with them on patrol. Almost all of this is left to the discretion of the police. Nor are there rules about what kinds of equipment the police should be allowed to acquire in the first place. That is left to the discretion of [law enforcement](#), too, or in some places to the city council or the local police commission.

What do groups like the American Civil Liberties Union and others say are the options for communities that don't want military equipment?

One option, obviously, is, "Just say no." Communities can decline the surplus military equipment offered to them for free by the federal government and decline to buy the equipment, either with their own money or with federal grants.

The ACLU has also recommended that states and localities take steps to regulate SWAT deployments by specifying the circumstances under which they are appropriate and mandating reporting and oversight. I think that makes sense.

Are the NRA and firearms manufacturers driving police militarization as much as the Pentagon?

Not directly. As far as I know the NRA and firearms manufacturers haven't lobbied for the expansion of SWAT teams or pushed [police departments](#) to buy more armored vehicles. But part of what has driven the militarization of policing has been a sense that the [police](#) can't be "outgunned," and that imperative may have drawn some strength from the gun lobby's hardware-focused approach to security – the idea that the best response to gun violence is to better arm the "good guys."

Provided by Stanford University

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