

Posted by Joan Russow  
Thursday, 14 August 2014 06:34 -

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By [Matthew Harwood](#)

<http://www.tomdispatch.com/blog/175881/>

Jason Westcott was afraid.

One night last fall, he discovered via Facebook that a friend of a friend was planning with some co-conspirators to break in to his home. They were intent on stealing Westcott's handgun and a couple of TV sets. According to the Facebook message, the suspect was planning on "burning" Westcott, who promptly called the Tampa Bay police and reported the plot.

According to the [Tampa Bay Times](#), the investigating officers responding to Westcott's call had a simple message for him: "If anyone breaks into this house, grab your gun and shoot to kill."

Around 7:30 pm on May 27th, the intruders arrived. Westcott followed the officers' advice, grabbed his gun to defend his home, and died pointing it at the intruders. They used a semiautomatic shotgun and handgun to shoot down the 29-year-old motorcycle mechanic. He was hit three times, once in the arm and twice in his side, and pronounced dead upon arrival at the hospital.

The intruders, however, weren't small-time crooks looking to make a small score. Rather they were members of the Tampa Bay Police Department's SWAT team, which was executing a search warrant on suspicion that Westcott and his partner were marijuana dealers. They had been tipped off by a confidential informant, whom they drove to Westcott's home four times between February and May to purchase small amounts of marijuana, at \$20-\$60 a pop. The

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informer notified police that he saw two handguns in the home, which was why the Tampa Bay police deployed a SWAT team to execute the search warrant.

In the end, the same police department that told Westcott to protect his home with defensive force killed him when he did. After searching his small rental, the cops indeed found weed, two dollars' worth, and one legal handgun -- the one he was clutching when the bullets ripped into him.

Welcome to a new era of American policing, where cops increasingly see themselves as soldiers occupying enemy territory, often with the help of Uncle Sam's armory, and where even nonviolent crimes are met with overwhelming force and brutality.

## The War on Your Doorstep

The cancer of militarized policing has long been metastasizing in the body politic. It has been growing ever stronger since the first Special Weapons and Tactics (SWAT) teams were born in the 1960s in response to that decade's turbulent mix of riots, disturbances, and senseless violence like Charles Whitman's infamous clock-tower [rampage](#) in Austin, Texas.

While SWAT isn't the only indicator that the militarization of American policing is increasing, it is the most recognizable. The proliferation of SWAT teams across the country and their paramilitary tactics have spread a violent form of policing designed for the extraordinary but in these years made ordinary. When the concept of SWAT arose out of the [Philadelphia](#) and [Los Angeles Police Departments](#), it was quickly picked up by big city police officials nationwide. Initially, however, it was an elite force reserved for uniquely dangerous incidents, such as active shooters, hostage situations, or large-scale disturbances.

Nearly a half-century later, that's no longer true.

In 1984, according to Radley Balko's [Rise of the Warrior Cop](#), about 26% of towns with populations between 25,000 and 50,000 had SWAT teams. By 2005, that number had soared to

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80% and it's still rising, though SWAT statistics are notoriously hard to come by.

As the number of SWAT teams has grown nationwide, so have the raids. Every year now, there are approximately [50,000 SWAT raids](#) in the United States, according to Professor Pete Kraska of Eastern Kentucky University's School of Justice Studies. In other words, roughly 137 times a day a SWAT team assaults a home and plunges its inhabitants and the surrounding community into terror.

## Upping the Racial Profiling Ante

In a recently released report, "[War Comes Home](#)," the American Civil Liberties Union (my employer) discovered that nearly 80% of all SWAT raids it reviewed between 2011 and 2012 were deployed to execute a search warrant.

Pause here a moment and consider that these violent home invasions are routinely used against people who are only suspected of a crime. Up-armored paramilitary teams now regularly bash down doors in search of evidence of a possible crime. In other words, police departments increasingly choose a tactic that often results in injury and property damage as its first option, not the one of last resort. In more than 60% of the raids the ACLU investigated, SWAT members rammed down doors in search of possible drugs, not to save a hostage, respond to a barricade situation, or neutralize an active shooter.

On the other side of that broken-down door, more often than not, are blacks and Latinos. When the ACLU could identify the race of the person or people whose home was being broken into, 68% of the SWAT raids against minorities were for the purpose of executing a warrant in search of drugs. When it came to whites, that figure dropped to 38%, despite the well-known fact that blacks, whites, and Latinos all use drugs at [roughly the same rates](#). SWAT teams, it seems, have a disturbing record of disproportionately applying their specialized skill set within communities of color.

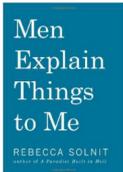
Think of this as racial profiling on steroids in which the humiliation of stop and frisk is raised to a terrifying new level.

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## Everyday Militarization

Don't think, however, that the military mentality and equipment associated with SWAT operations are confined to those elite units. Increasingly, they're permeating all forms of policing.



[Buy the book](#)

As Karl Bickel, a senior policy analyst with the Justice Department's Community Policing Services office, [observes](#), police across America are being trained in a way that emphasizes force and aggression. He [notes](#) that recruit training favors a stress-based regimen that's modeled on military boot camp rather than on the more relaxed academic setting a minority of police departments still employ. The result, he suggests, is young officers who believe policing is about kicking ass rather than working with the community to make neighborhoods safer. Or as comedian Bill Maher [reminded](#) officers recently: "The words on your car, 'protect and serve,' refer to us, not you."

This authoritarian streak runs counter to the core philosophy that supposedly dominates twenty-first-century American thinking: [community policing](#). Its emphasis is on a mission of "keeping the peace" by creating and maintaining partnerships of trust with and in the communities served. Under the [community model](#), which happens to be the [official policing philosophy](#) of the U.S. government, officers are protectors but also problem solvers who are supposed to care, first and foremost, about how their communities see them. They don't command respect, the theory goes: they earn it. Fear isn't supposed to be their currency. Trust is.

Nevertheless, police recruiting videos, as in those from California's [Newport Beach Police Department](#) and New Mexico's [Albuquerque Police Department](#), actively play up not the community angle but militarization as a way of attracting young men

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with the promise of Army-style adventure and high-tech toys. Policing, according to recruiting videos like these, isn't about calmly solving problems; it's about you and your boys breaking down doors in the middle of the night.

SWAT's influence reaches well beyond that. Take the [increasing adoption](#) of battle-dress uniforms (BDUs) for patrol officers. These militaristic, often black, jumpsuits, Bickel fears, make them less approachable and possibly also more aggressive in their interactions with the citizens they're supposed to protect.

A small project at Johns Hopkins University seemed to bear this out. People were shown pictures of police officers in their traditional uniforms and in BDUs. Respondents, the survey indicated, would much rather have a police officer show up in traditional dress blues. Summarizing its findings, Bickel [writes](#), "The more militaristic look of the BDUs, much like what is seen in news stories of our military in war zones, gives rise to the notion of our police being an occupying force in some inner city neighborhoods, instead of trusted community protectors."

### Where Do They Get Those Wonderful Toys?

"I wonder if I can get in trouble for doing this," the young man says to his buddy in the passenger seat as they film the Saginaw County Sheriff Office's new toy: a Mine Resistant Ambush Protected (MRAP) vehicle. As they film the MRAP from behind, their [amateur video](#) has a

[Red Dawn](#)

-esque feel, as if an occupying military were now patrolling this Michigan county's streets. "This is getting ready for f\*\*king crazy times, dude," one young man comments. "Why," his friend replies, "has our city gotten that f\*\*king bad?"

In fact, nothing happening in Saginaw County warranted the deployment of an armored vehicle capable of withstanding bullets and the sort of improvised explosive devices that insurgent forces have regularly planted along roads in America's recent war zones. Sheriff William Federspiel, however, fears the worst. "As sheriff of the county, I have to put ourselves in the best position to protect our citizens and protect our property," he [told](#) a reporter. "I have to prepare for something disastrous."

## To Terrify and Occupy How the Excessive Militarization of the Police is Turning Cops Into Counterinsurge

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Lucky for Federspiel, his exercise in paranoid disaster preparedness didn't cost his office a penny. That [\\$425,000 MRAP](#) came as a gift, courtesy of Uncle Sam, from one of our far-flung counterinsurgency wars. The nasty little secret of policing's militarization is that taxpayers are subsidizing it through programs overseen by the Pentagon, the Department of Homeland Security, and the Justice Department.

Take the 1033 program. The Defense Logistics Agency (DLA) may be an obscure agency within the Department of Defense, but through the 1033 program, which it oversees, it's one of the core enablers of American policing's excessive militarization. Beginning in 1990, Congress [authorized](#) the Pentagon to transfer its surplus property free of charge to federal, state, and local police departments to wage the war on drugs. In 1997, Congress [expanded the purpose](#) of the program to include counterterrorism in section 1033 of the defense authorization bill. In one single page of a 450-page law, Congress helped sow the seeds of today's warrior cops.

The amount of military hardware transferred through the program has grown astronomically over the years. In 1990, the Pentagon gave \$1 million worth of equipment to U.S. law enforcement. That number had jumped to nearly \$450 million in 2013. Overall, the program has shipped off more than \$4.3 billion worth of materiel to state and local cops, [according to the DLA](#)

In its recent report, the ACLU found a disturbing range of military gear being transferred to civilian police departments nationwide. Police in North Little Rock, Arkansas, for instance, received 34 automatic and semi-automatic rifles, two robots that can be armed, military helmets, and a Mamba tactical vehicle. Police in Gwinnet County, Georgia, received 57 semi-automatic rifles, mostly M-16s and M-14s. The Utah Highway Patrol, according to a [Salt Lake City Tribune investigation](#), got an MRAP from the 1033 program, and Utah police received 1,230 rifles and four grenade launchers. After South Carolina's Columbia Police Department received its very own MRAP worth \$658,000, its SWAT Commander Captain E.M. Marsh [noted](#) that 500 similar vehicles had been distributed to law enforcement organizations across the country.

Astoundingly, one-third of all war materiel parceled out to state, local, and tribal police agencies is brand new. This raises further disconcerting questions: Is the Pentagon simply wasteful when it purchases military weapons and equipment with taxpayer dollars? Or could this

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be another downstream, subsidized market for defense contractors? Whatever the answer, the Pentagon is actively distributing weaponry and equipment made for U.S. counterinsurgency campaigns abroad to police who patrol American streets and this is considered sound policy in Washington. The message seems striking enough: what might be necessary for Kabul might also be necessary for DeKalb County.

In other words, the twenty-first-century war on terror has melded thoroughly with the twentieth-century war on drugs, and the result couldn't be anymore disturbing: police forces that increasingly look and act like occupying armies.

### **How the Department of Homeland Security and the Department of Justice Are Up-Armoring the Police**

When police departments look to muscle up their arms and tactics, the Pentagon isn't the only game in town. Civilian agencies are in on it, too.

During a [2011 investigation](#), reporters Andrew Becker and G.W. Schulz discovered that, since 9/11, police departments watching over some of the safest places in America have used \$34 billion in grant funding from the Department of Homeland Security (DHS) to militarize in the name of counterterrorism.

In Fargo, North Dakota, for example, the city and its surrounding county went on an \$8 million spending spree with federal money, according to Becker and Schulz. Although the area averaged less than two murders a year since 2005, every squad car is now armed with an assault rifle. Police also have access to Kevlar helmets that can stop heavy firepower as well as an armored truck worth approximately \$250,000. In Philadelphia, Pennsylvania, 1,500 beat cops have been trained to use AR-15 assault rifles with homeland security grant funding.

As with the 1033 program, neither DHS nor state and local governments account for how the equipment, including body armor and drones, is used. While the rationale behind stocking up on these military-grade supplies is invariably the possibility of a terrorist attack, school shooting, or some other horrific event, the gear is normally used to conduct paramilitary drug raids, as Balko notes.

Still, the most startling source of police militarization is the Department of Justice, the very agency officially dedicated to spreading the community policing model through its Community Oriented Policing Services office.

In 1988, Congress [authorized](#) the Byrne grant programs in the Anti-Drug Abuse Act, which gave state and local police federal funds to enlist in the government's drug war. That grant program, according to Balko, led to the creation of regional and multi-jurisdictional narcotics task forces, which gorged themselves on federal money and, with little federal, state, or local oversight, spent it beefing up their weapons and tactics. In 2011, 585 of these task forces [operated](#) off of Byrne grant funding.

The grants, Balko reports, also incentivized the type of policing that has made the war on drugs such a destructive force in American society. The Justice Department doled out Byrne grants based on how many arrests officers made, how much property they seized, and how many warrants they served. The very things these narcotics task forces did very well. "As a result," Balko writes, "we have roving squads of drug cops, loaded with SWAT gear, who get money if they conduct more raids, make more arrests, and seize more property, and they are virtually immune to accountability if they get out of line."

Regardless of whether this militarization has occurred due to federal incentives or executive decision-making in police departments or both, police across the nation are up-arming with little or no public debate. In fact, when the ACLU requested SWAT records from 255 law enforcement agencies as part of its investigation, 114 denied them. The justifications for such denials varied, but included arguments that the documents contained "trade secrets" or that the cost of complying with the request would be prohibitive. Communities have a right to know how the police do their jobs, but more often than not, police departments think otherwise.

## **Being the Police Means Never Having to Say You're Sorry**

Report by report, evidence is mounting that America's militarized police are a threat to public safety. But in a country where the cops increasingly look upon themselves as soldiers doing battle day in, day out, there's no need for public accountability or even an apology when things go grievously wrong.

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If community policing rests on mutual trust between the police and the people, militarized policing operates on the assumption of "officer safety" at all costs and contempt for anyone who sees things differently. The result is an "us versus them" mentality.

Just ask the parents of Bou Bou Phonesavanh. Around 3:00 a.m. on May 28th, the Habersham County Special Response Team conducted a no-knock raid at a relative's home near Cornelia, Georgia, where the family was staying. The officers were looking for the homeowner's son, whom they suspected of selling \$50 worth of drugs to a confidential informant. As it happened, he no longer lived there.

Despite evidence that children were present -- a minivan in the driveway, children's toys littering the yard, and a Pack 'n Play next to the door -- a SWAT officer tossed [a "flashbang" grenade](#) into the home. It landed in 19-month-old Bou Bou's crib and exploded, critically wounding the toddler. When his distraught mother tried to reach him, officers screamed at her to sit down and shut up, telling her that her child was fine and had just lost a tooth. In fact, his nose was hanging off his face, his body had been severely burned, and he had a hole in his chest. Rushed to the hospital, Bou Bou had to be put into a medically induced coma.

The police claimed that it was all a mistake and that there had been no evidence children were present. "There was no malicious act performed," Habersham County Sheriff Joey Terrell [told](#)

the

*Atlanta Journal-Constitution*

. "It was a terrible accident that was never supposed to happen." The Phonesavanh's have yet to receive an apology from the sheriff's office. "Nothing. Nothing for our son. No card. No balloon. Not a phone call. Not anything," Bou Bou's mother, Alecia Phonesavanh,

[told](#)

CNN.

Similarly, Tampa Bay Police Chief Jane Castor continues to insist that Jay Westcott's death in the militarized raid on his house was his own fault. "Mr. Westcott lost his life because he aimed a loaded firearm at police officers. You can take the entire marijuana issue out of the picture," Castor [said](#). "If there's an indication that there is armed trafficking going on -- someone selling narcotics while they are armed or have the ability to use a firearm -- then the tactical response team will do the initial entry."

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In her defense of the SWAT raid, Castor simply dismissed any responsibility for Westcott's death. "They did everything they could to serve this warrant in a safe manner," she [wrote](#) the *Tampa Bay Times* -- "everything," that is, but find an alternative to storming the home of a man they knew feared for his life.

Almost half of all American households report having a gun, as the ACLU [notes](#) in its report. That means the police always have a ready-made excuse for using SWAT teams to execute warrants when less confrontational and less violent alternatives exist.

In other words, if police believe you're selling drugs, beware. Suspicion is all they need to turn your world upside down. And if they're wrong, don't worry; the intent couldn't have been better.

### Voices in the Wilderness

The militarization of the police shouldn't be surprising. As Hubert Williams, a former police director of Newark, New Jersey, and Patrick V. Murphy, former commissioner of the New York City Police Department, [put it](#) nearly 25 years ago, police are "barometers of the society in which they operate." In post-9/11 America, that means police forces imbued with the "hooah" mentality of soldiers and acting as if they are fighting an insurgency in their own backyard.

While the pace of police militarization has quickened, there has at least been some pushback from current and former police officials who see the trend for what it is: the destruction of community policing. In Spokane, Washington, Councilman Mike Fagan, a former police detective, is [pushing back](#) against police officers wearing BDUs, calling the get-up "intimidating" to citizens. In Utah, the legislature [passed](#) a bill requiring probable cause before police could execute a no-knock raid. Salt Lake City Police Chief Chris Burbank has been a vocal critic of militarization, [telling](#) the local paper, "We're not the military. Nor should we look like an invading force coming in." Just recently, Chief Charlie Beck of the Los Angeles Police Department [agreed](#) with the ACLU and the

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*Los Angeles Times*

editorial board that “the lines between municipal law enforcement and the U.S. military cannot be blurred.”

Retired Seattle police chief Norm Stamper has also become an outspoken critic of militarizing police forces, noting “most of what police are called upon to do, day in and day out, requires patience, diplomacy, and interpersonal skills.” In other words, community policing. Stamper is the chief who green-lighted a militarized response to World Trade Organization protests in his city in 1999 (“[The Battle in Seattle](#)”). It’s a decision he would like to take back. “My support for a militaristic solution caused all hell to break loose,” he

[wrote](#)  
in  
the  
*Nation*

. “Rocks, bottles and newspaper racks went flying. Windows were smashed, stores were looted, fires lighted; and more gas filled the streets, with some cops clearly overreacting, escalating and prolonging the conflict.”

These former policemen and law enforcement officials understand that police officers shouldn't be breaking down any citizen's door at 3 a.m. armed with AR-15s and flashbang grenades in search of a small amount of drugs, while an MRAP idles in the driveway. The anti-militarists, however, are in the minority right now. And until that changes, violent paramilitary police raids will continue to break down the doors of nearly 1,000 American households a week.

War, once started, can rarely be contained.

*Matthew Harwood is senior writer/editor at the American Civil Liberties Union and a [TomDispatch regular](#)*

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