

**From Warfighters to Crimefighters:
The Origins of Domestic Police Militarization**

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Two years ago, United States President Barack Obama spoke at the National Defense University in Washington, D.C., giving a speech highly anticipated to be a deliberate reframing of our nation's counterterrorism strategy. Opening his remarks with a passing overview of American conflicts from the Revolutionary War to the end of the Cold War, President Obama then turned to the past decade of conflict. He spoke about the initial quick victory expelling Al-Qaida in Afghanistan, the shift to Iraq, and then the renewed focus on Afghanistan during his administration. The broader purpose of his speech was reflection: considering the decade since the 9/11 terror attacks, he challenged Americans to "ask ourselves hard questions, about the nature of today's threats and how we should confront them" (Obama, 2013).

President Obama asked the country to be mindful of our approach, saying "we must define the nature and scope of this struggle, or else it will define us" (Obama, 2013). His comments acknowledged that a war on terror is a war on a tactic, rather than a tangible foe, and by definition can never end. "Neither I, nor any president, can promise the total defeat of terror," he declared. He also stated the inherent danger of engaging in conflicts with no end, sharing "...James Madison's warning that 'no nation could preserve its freedom in the midst of continual warfare'" (Obama, 2013). That danger is evident abroad, and as a result of police militarization, becoming ominously visible at home.

This paper will examine how American militarization has slowly seeped into the nation's law enforcement agencies using combat equipment and tactics on city streets. The combination of the nation's continuous military engagements, federal funds and grants for law enforcement, plus availability and marketing of military equipment to law enforcement has brought military

weapons to domestic police forces. As we attempt to reconsider and close over a decade of active warfare since the attacks of 9/11; the same consideration should be given to changes within our domestic law enforcement which looks much different from police even just a generation.

“A standing army, however necessary it may be at some times, is always dangerous to the liberties of the people. Such power should be watched with a jealous eye.”

Samuel Adams in letter to Massachusetts militia General James Warren in 1776

Safeguards against the increased militarization of police forces extend back to the very founding of our nation, hidden within an amendment with seemingly least application to American life and liberty today. The Third Amendment of the constitution reads, “No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.” A strict reading conjures up images of British soldiers beating on the doors of colonial homes to gain admittance which did occur, and happened more frequently the closer the colonies came to revolution. Armies in that era and place operated in a dual role of occupying force and sometime police force. Once inside, they availed themselves of whatever they needed, invading home and hearth without regard for private property (Bell, 1993, pp.125-126). The violations were all the more repugnant in light of the Castle Doctrine, a principle imported to the colonies from British common law (Balko, 2013, p. 5). The doctrine name is a play on the phrase that “a man’s home is his castle,” and conveys the idea that a home is sacred ground. The irony is the British neglected to honor a longstanding covenant between citizens and the Crown based on their own legal traditions. In response, the colonists sought relief through multiple

avenues of change including protests, court actions, and the legislature. Receiving no satisfaction they eventually turned to war.

Now, while there were instances of British forces forcibly taking property and accommodation, the basis for the third amendment was more nuanced and should be linked to pervasive colonial fear of standing armies. The fear was so strong that some of the founding fathers were opposed to any type of national army preferring instead to entrust civilian militias to provide for the nation's defense (Balko, 2013, p. 5). Others such as Thomas Jefferson, John Adams, and the aforementioned James Madison all agreed that armies posed a threat to the new country's democracy but felt the fledging nation had a greater need for a federal military force, within limits (Balko, 2013, p. 5-6). The Third Amendment was in part a subtle attempt to answer concerns by more strident opponents of federal armies who viewed them as anathema to a free society. A broad view of the Third Amendment and the debate surrounding it reveals eventual acceptance for a federal military force within limits and an implicit expectation that this force would not act against its own citizens.

This background is pertinent even though our modern police departments have no direct lineage to colonial police forces. At that time police departments did not exist, yet our founding fathers would immediately recognize the organization and operation of our police today as analogous to the standing armies they hoped to contain. There is no doubt that American society has evolved (or devolved) to the point where an armed and trained police force is a necessity. To argue otherwise is to pine for a time that no longer exists and ignores the realities of modern life. What does merit debate is whether that police force should be trained, armed, and deployed in a manner that would shock our founding fathers and should alarm citizens today.

This is not to discount the very real dangers faced daily by law enforcement and the duty we have, as citizens to support them. Citizens also have other duties, and protecting our freedoms requires vigilance since cracks can come from without and within. When it becomes difficult to distinguish a soldier trained to close with and destroy his enemy, and a police officer meant to protect and serve, it must be asked how the our nation got here.

“The policeman is a peacetime soldier always at war.”

Speaker at dedication of the National Law Enforcement Officers' Memorial in Washington, D.C.

The current trend towards police militarization has its roots in the 1960s and began as a response to social unrest sweeping the nation at the time. The development of Special Weapons and Tactics (SWAT) teams were themselves a reaction to the Watts riots in Los Angeles, stood up by a young LAPD Officer named Daryl Gates. SWAT teams are unapologetically militaristic in their approach to law enforcement and seen at the time as necessary antidotes to rising violence from groups like the Black Panthers, Symbionese Liberation Army, and in mass shooting incidences like the University of Texas clock tower massacre in 1966 (Balko, 2013, p. 53).

In the early 1970s, drugs were named by political leaders a major threat to United States. (Hall & Coyne, 2013, p. 13). President Richard Nixon declared an all-out “war on drugs” pushing policies meant to attack drug users and dealers including sending federal agents to storm private homes. The raids did little to affect drugs supplies but conveyed an urgency of the problem to citizens. The war on drugs theme continued with both Presidents Gerald Ford and Ronald Reagan who each officially designated drug trafficking as a national security threat (Campbell, 1992, p. 198).

Wars need soldiers and SWAT teams, initially developed to deal with uncommon episodes of disorder and mass unrest, adjusted themselves to be more involved with the fight against drugs. Since the early 1980s, the use of SWAT teams has undergone a dramatic expansion nature both in the number of teams and number deployments. Proclaimed need and use for executing an exploding amount of drug case warrants amounts for much of the significant increase in SWAT activity (Bickel, 2013). SWAT teams are now a normal part of the American police landscape with one study showing 90% of cities with populations of more than 50,000 have SWAT teams and as well as three quarters of those with populations under 50,000 (Paul & Birzer, 2008, p. 18).

In the 1990s, an unspoken war on terror was added to the ongoing one on drugs. Driven in part by episodes like the Ruby Ridge Incident, the attack on the Branch Davidian compound, and most forcefully the bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City. Terror was a now a target at all levels of government especially law enforcement. In fact, the siege of David Koresh and the Branch Davidians was for many their first prolonged glimpse of law enforcement militarization. Outside Waco, Texas, there was the largest military force ever assembled against a civilian suspect including two M1A1 tanks, ten Bradley armored vehicles, and four combat engineer vehicles. Eight hundred ninety-nine law enforcement personnel were part of the mission, mainly FBI agents and Texas Rangers and police officers, but also over a dozen Army soldiers, both National Guard and active duty (Gladwell, 2014).

In this same era, the DoD was directed to set up a program to transfer military equipment to law enforcement agencies. Congress passed legislation establishing the 1033 Program, the name drawn from the section of the 1997 National Defense Authorization Act of the same year. The law, influenced by fears of domestic terror attacks and perceptions of

peace dividend equipment, directed the DoD to issue “appropriate excess military equipment to state and local law enforcement agencies without charge” (Johnson & Shank, 2014). The 1033 Program was viewed as a smart use of taxpayer dollars, reutilizing military items and helping financially strapped agencies with weapons, vehicles, and even aircraft. The great majority of items issued included body armor, sleeping bags, boots, and even office equipment and computers (Hall & Coyne, 2013, p. 14). Initially the office remained obscure but that would change after the 9/11 terror attacks.

“This was beyond what anyone thought would ever happen.”

Los Angeles Police Department Officer Michel Moore describing the 1997 North Hollywood Shootout

If challenged to defend newly aggressive tactics and weaponry, most police officers are ready to debate. They are prepared to tell how a police armored vehicle can, by its presence alone, end most barricaded gunman standoffs. They will relate how a flash bang grenade can disorient a threat to law enforcement long enough to neutralize it. They can describe why military style tactical protective clothing is necessary when confronting a crowd after a local sports team’s win, or loss. They are set to share personal vignettes or harrowing hypotheticals that sway the heart knowing that in certain scenarios going without certain tools can mean danger and sometimes injury or death to our police officers.

There is no single definitive moment when many of our domestic police forces became armed on par with military units. There are flashpoints that illustrate the shift from a lightly armed officer walking a beat to officers seemingly ready for war, and support the law enforcement argument that they must stay ahead of public safety threats that constantly evolve. One flashpoint occurred in the late 1990s, and the combination of carnage and

cinematic news footage provided a disturbing glimpse of the results when a criminal threat exceeds law's enforcement ability to contain it.

On February 28th, 1997, two men entered the Bank of America branch in Hollywood, California with a plan of armed robbery. The incident is known by police today as simply the North Hollywood Shootout (Orlov, 2012). The experienced bank and armored car robbers were seen entering the bank by two Los Angeles Police Department (LAPD) officers. The men wore black ski masks, forty pounds of reinforced military-grade body armor covering vital organs, and were armed with Kalashnikov rifles, handguns, an HK-91 rifle, and fully automatic AR-15 with armor piercing bullets. (Parker, 2012) When the robbery was complete, they stepped outside the bank to a waiting group of responding LAPD officers and engaged them in a running gun battle lasting 44 minutes (Orlov, 2012).

"They were demons, devils," says now LAPD Assistant Chief Michel Moore who was then one of the responding officers (Orlov, 2012). Reporters captured the drama live on the ground and from the air as television viewers watched the men stand upright and walk around while perfectly aimed pistol and shotgun rounds from the officers bounced off them. The robbers laid down withering automatic fire, and at one point, officers ran to a nearby gun shop and commandeered additional weapons in an attempt to match their firepower advantage. In the end, over 3000 rounds were fired and twelve officers and eight civilians laid injured. The two bank robbers died at the scene, one by his own hand (Parker, 2012).

"We had trained for terrorists as part of the [1984] Olympics, but this was beyond what anyone thought would ever happen," Moore said (Parker, 2012). The gun battle was national news with its stunning footage of heroic but outgunned officers taking on the well equipped criminals. The incident brought a resounding end to any discussion whether police officers should be armed with automatic weapons. Departments across the country without such

weapons quickly moved to obtain and train their officers and automatic rifles, machine guns to civilians; now ubiquitous in the trunks of most police cruisers.

As for the LAPD, just a few months after the North Hollywood Shootout, the Department of Defense (DoD) handed over to them 600 surplus M16 automatic rifles, one for each of the department's patrol sergeants (LeMotte, 1998).

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The changes brought by the 9/11 terror attacks forced police, like many segments of society, to adapt as they were pressed into new missions, with more funding and equipment. In response to the attacks, the Homeland Security Act was written and signed into law by President George W. Bush in November 2002. The Act created the Department of Homeland Security (DHS) for the specific purpose of “coordinating operations against domestic terrorism, preparing for preventing and responding to terrorist attacks” (Sylves, 2009). Terror attacks previously fell under disaster management in United States, and followed a bottom up approach, with local governments seeking supplemental help from their state government and the federal government when needed. After 9/11, and with the establishment of DHS, disaster policy pointedly became a top-down activity. The President and federal agencies began to dominate the system. State and city governments, including police, were given responsibility for a large portfolio of national security related duties, many implemented through DHS directives and grant programs, always with the understanding the federal government can and often will take charge. Between 2002 and 2011 the Department of Homeland Security disbursed \$35 billion in grants to state and local police (Sylves, 2009).

This funding surge since 9/11 had a transformative effect on domestic police forces, giving them buying power state and local budgets cannot offer. With that funding, police departments are able to shop for and purchase machine guns, helicopters, and even armored

vehicles. Defense contractors are now turning their attention and marketing to police agencies the same products they develop and sell to the militaries around the world (Arria, 2013). As Radley Balko, author of *Rise of the Warrior Cop: The Militarization of America's Police Forces*, quips “say hello to the police-industrial complex” (Arria, 2013).

Technological innovations are also further driving the marketing to and militarization of police. Technological change is important in the growth of government and economies in general, and is crucial for the U.S. military that strives to be most technologically advanced and proficient fighting force in the world. U.S. military spending increased from \$306 in 1998 to \$698 billion in 2010, with a large portion going to research and development (Hall & Coyne, 2013, p. 488). While these technologies are developed for the battlefield, a militarized police force can find many applications, especially for surveillance and information technology. Expensive development costs are borne by military, which lower the entry cost for police departments to purchase equipment and this facilitates easy transfer of military capabilities to domestic police forces (Hall & Coyne, 2013, p. 490).

A lack of funds does not limit the ability of the police to become militarily equipped. Use of the 1033 Program became widespread after 9/11; by 2005 it issued free equipment to over 17,000 law-enforcement agencies in all fifty states. The program named itself the Law Enforcement Support Office (LESO) and gave itself the tagline “From Warfighter to Crimefighter.” Transfers of equipment continue, including helicopters, grenade launchers, rifles, night vision goggles and more. Increased use of the program is clear even when comparing just two years. Transfers in 2010, valued at \$210 million, jumped to \$500 million in 2011 (Balko, 2013, p. 301).

Sheriff Leon Lott of Richland County, South Carolina, received a M113 military vehicle through the 1033 Program in 2008. The lightly armored vehicle was equipped with a

belt-fed machine gun that fires .50 caliber rounds. Celebrating the vehicle's arrival, he stated in a press release, "the Bible refers to law enforcement in Matthew 5:9, saying blessed are the peacemakers, for they shall be called the children of God" (Balko, 2013, p. 302). In response, Charles Earl Barnett, a Marine veteran and retired police Major, labeled the gun "...completely inappropriate..." for police work since, "it's indiscriminate" (Balko, 2013, p. 302). The M113, which Sheriff Lott dubbed, "The Peacekeeper", has since been retired and replaced by a newer armored vehicle again obtained through the 1033 Program. The Peacekeeper was black, whereas the new armored vehicle was painted blue since a Deputy explained, "black...felt a lot more intimidating" (Brundrett, 2014). The fact that it is was also twice the size and weight of the previous armored combat vehicle probably adds to its overall intimidation factor.

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No citizen and assuredly no politician wants to deny law enforcement the tools and authority needed to do their job safely and effectively. Officers deny they are becoming militarized; they claim they are preparing for threats unthinkable a generation ago. Captured in their new designation as first responders, they constitute a bridge until federal agencies arrive to deal with a large-scale attack or disaster. "If we had to take on a terrorist group we could do it", says Police Chief William Lansdowne of San Diego, California (Baker, 2011, p. 6).

There will be situations, say Norm Stamper, former chief of the Seattle Police Department, with "an armed and barricaded suspect, a man with a knife to his wife's throat, a school shooting rampage that require disciplined, military-like operations." He adds that most of what police do on a daily basis "requires patience, diplomacy, and interpersonal skills" (Stamper, 2011, p.6-7).

A deeper challenge, for both police and citizens, is the perception that a military approach works. It is a seductive approach since it implies that solutions can be found through application of force (Falcone, 2002). For example, there was a palpable sense of relief in the country with the deployment of Army National Guard troops in New Orleans after Hurricane Katrina and the chaotic state and federal response. In the midst of a crisis the public will demand its government to “do something” (Hall & Coyne, 2013, p. 489). At times like that, the strength and aggressiveness emulated by the military are viewed as virtues that many citizens want their police to emulate. Despite this it might be instructive to recall the peace officer’s creed is to “protect and serve”, while the official Army Soldier's Creed declares, "I stand ready to deploy, engage, and destroy the enemies of the United States of America in close combat" (Rizzer & Hartman, 2011).

Added to this is the reality that the structure of the police is a command and control hierarchy based on a military model (Stamper, 2011, p. 8). It is best revealed by the ranking system and titles such as Captain, Lieutenant, Sergeant, and cadet when still in training. In police academies they are inundated with military training and language and might start feeling they are all that stands between civilization and anarchy (Lindorff, 1999, p. 20). Then, there are physical manifestations of a military ethos, not just vehicle and weapons but clothing as well. Military battle dress uniforms, known as BDUs, are becoming more prevalent as the daily uniform for police officers. For police officers, public servants, perception matters and there is a marked difference between their uniform’s traditional blue as opposed to green, black, or camouflage (Paul & Birzer, 2008, p. 25).

If anything could tip the scales of the police militarization debate, the 40,000 pound Mine Resistant Armored Protected (MRAP) should be able to do it. The vehicle was designed by the Pentagon with one threat and one goal in mind: to withstand the near daily barrage of roadside

Improvised Explosive Device (IED) attacks against American forces in Iraq and Afghanistan with the overarching aim of survivability. Before the MRAP servicemen and women were being killed and maimed in alarming numbers by the IEDs. It came to be that the most dangerous assignments were simple road patrols and vehicle convoys between military basecamps. In 2007, Defense Secretary Robert Gates pressed the reluctant Pentagon bureaucracy for MRAPs stating they “should be considered the highest priority Department of Defense acquisition program” (Rogers, 2012). Pushed through an accelerated procurement and production process, eventually, 24,000 MRAPs were fielded costing \$50 billion, with an average cost of just under \$1 million each (Rogers, 2012).

The vehicles were criticized for weight, limited handling ability, and cost, but while estimates vary they did limit injuries and fatalities. In 2011, the Pentagon estimated the MRAPs saved as many as 40,000 lives between Iraq and Afghanistan. (Rogers, 2012) They were built for a precise purpose in war, hence the initial Pentagon apprehension to the MRAP since they did not see a broad use for it in future DoD strategy; weapons of war are designed for war.

Military equipment is built with an enemy in mind. It’s use can be adapted, but regardless of origin, military technology is intended for use in warfare. This is a point that many American citizens are beginning to fully appreciate when faced with police use of military equipment. In that respect the 40,000 pound MRAPs showing up in American communities are getting much attention and focusing many minds.

The combination of vast inventory and eager interest from state and local police agencies has the Mine Resistant Armored Protected (MRAP) showing up in locations across the nation. Texas’s Dallas County; Idaho’s Boise County; Minnesota’s Dakota County; New York’s Warren County; Arizona’s Yuma County are all now owners of MRAPs (Johnson & Shank, 2014). Following established 1033 Program application procedures, police departments are receiving

these vehicles as-is at no charge and are only responsible for use and maintenance costs.

Applications can be unintentionally comical, with one small New Hampshire town claiming an armored vehicle was needed by the police to protect "the town's annual pumpkin festival" (Johnson & Shank, 2014).

However, these vehicles are jumpstarting a discussion about police militarization and how the police to appear in communities. After the Salinas, California police department received a MRAP one local citizen asked, "When did Salinas turn into a battlefield?" (Levitz, 2014). The Appleton, Wisconsin police department posted a photo of its newly obtained MRAP on its Facebook page and one comment read "You guys see a lot of land mines and IED's in Appleton?" (Levitz, 2014). And after the Concord, New Hampshire Police Department sought a DHS grant to purchase a Bearcat, a smaller but similar type of vehicle to the MRAP, locals protested City Hall with signs reading, "More Mayberry, Less Fallujah" and "Thanks But No Tanks!" (Levitz, 2014).

Armored vehicles like the MRAP and Bearcat patrolling American city streets are "a pretty visual example of overreach," says Peter Kraska, a professor in the School of Justice Studies at Eastern Kentucky University and expert in domestic police militarization. Paired with ongoing revelations about surveillance programs and the 9/11 terror attacks receding further in time police militarization is beginning to be challenged at the local level (Levitz, 2014).

This kind of militarization is now also being confronted at the federal level with calls for better oversight and accountability of mechanisms like the 1033 Program. U.S. Representative Hank Johnson, Democrat from Georgia and member of House Armed Services and Judiciary Committees plans to introduce legislation that would ban DoD issue of MRAPs, armored vehicles, drones, assault weapons and aircraft. In a newspaper opinion piece announcing his effort, Rep. Johnson questioned the utility of those items in the hands of police and claimed

“militarizing America's main streets won't make us any safer, just more fearful and more reticent” (Johnson & Shank, 2014).

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Probably the crucial place for a debate about police militarization is within police departments themselves. Police chiefs to rank and file officers are questioning a trend they believe offers limited returns and can be self-defeating. One retired officer from a large police force described attending a recent ceremony and other current police officers “looked just like members of the Army, except for the police shoulder patches. Not an image I would cultivate. It leads to a bad mindset” (Fund, 2014). There is a wealth of data and research revealing a “subtle evolution in the mentality of the men in blue from peace officer to soldier” (Rizzer & Hartman, 2011). It might be the most powerful and poignant arguments against police militarization will come from police themselves.

First, there is question of effectiveness. The result of police militarization is it becomes a war waged on average citizens (Paul & Birzer, 2008, p. 22). The visible and available force held by police raises the likelihood of violence in interactions. Persons seen as criminal are more violent as they expect more violence to come from police. A show of force encourages and is catalyst for the use of force by both sides. Citizens in turn lose trust in the police risking themselves to protect the very same community (Paul & Birzer, 2008, p. 23). With their equipment, tactics, or even just stance, the police create rather than defuse confrontations, weakening ties and good will within a community (Baker, 2011, p. 6).

"Police have a unique ability to be accepted in the community," David Couper says. "They are important partners because they know so much about the community, if they're doing their jobs right," he says. But being accepted is impossible when "police officers look and act more like robots than peacekeepers" (Paul & Birzer, 2008, p. 22). As soon as officers

are trained to think like soldiers they will be alienated from the community of which they are supposed to be a part. Indeed, the paramilitary model of policing destroys the very fabric of social life: trust. If communities feel that their police are at war with them there is no trust, only “fear, hatred, an increased lack of cooperation and growing violence” (Paul & Birzer, 2008, p. 23).

There is a growing awareness among police leaders attempting to inculcate rookie and veteran officers that, despite the slogans and ethos of wars on drugs, crime, terror, they are not at war. They should not envision themselves or act as occupying armies. “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,” Chuck Wexler, the executive director of the Police Executive Research Forum 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” (Baker, 2011, p. 6). Chief Norm Stamper recalls his own police force’s response to the World Trade Organization protests in Seattle in 1999 with regret. “My support for a militaristic solution caused all hell to break loose” (Stamper, 2011, p. 6). The “Battle in Seattle,” as the protests came to be known, with lootings, fires, and overreaction by police was in Chief’s Stamper’s opinion, “a huge setback—for the protesters, my cops, the community” (Stamper, 2011, p. 6). Yet even with the example of Seattle and other numerous errors and instances of overreach resulting in part from police militarization the trend continues. Chief Stamper points to continuing distribution of military equipment and training to police, a war mentality fueled by declared wars on terror and drugs, and a SWAT or military approach to every 911 call that creates a government service that is “perpetually at war with its own people” (Stamper, 2011, p. 8).

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As with the U.S. military, much is asked of law enforcement officers, yet they are imbued with great power and authority that should also be tempered with restraint. The tools and techniques of the military are now available and present within police departments, the challenge then lies with them whether to use them. The militarized nature of the United States may or may not change, and federal funding to state and local police will most likely begin to decline. The temptations of available military equipment and training for state and local police will still be present though. Police departments and individual officers will then need to decide what kind of law enforcement agencies they want to represent.

Protecting trust between the public and public servants is vital at all levels of government, and citizens want to welcome police officers into their communities. The continuing militarization of police will make maintaining that trust difficult, unless the police themselves distinguish that what they gain from militarized equipment and training is not worth what they might lose. Citizens do appreciate and applaud the daily courage of police officers, and also welcome diplomatic and creative policing as opposed to the often brute force tactics of militarized police units. There will always be situations that call for firepower and military precision; the hope is police everywhere see that as the last option.

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