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Victor E. Kappeler^a & Peter B. Kraska^b

^a School of Justice Studies, Eastern Kentucky University, Richmond, KY, USA

^b Graduate Studies and Research School of Justice Studies, Eastern Kentucky University, Richmond, KY, USA

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Normalising police militarisation, living in denial

Victor E. Kappeler^{a*} and Peter B. Kraska^{b*}

^a*School of Justice Studies, Eastern Kentucky University, Richmond, KY, USA;* ^b*Graduate Studies and Research School of Justice Studies, Eastern Kentucky University, Richmond, KY, USA*

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The militarisation of policing in the USA continues to be a critical area of enquiry for both the police and the society. Recent events in Boston speak to the centrality of this area of research for understanding state responses to an array of social problems, including violence, terrorism and civil unrest. The police capacity to organise and distribute state-sponsored violence as well as the ability to shape institutional appearances while doing so, impacts issues of civil rights, domestic order and the quality of political life in a democracy. The importance of the topic, coupled with the fact that we have made a modest contribution to the literature on this phenomenon, led us to read Garth den Heyer's essay with keen interest.

Keywords: militarization; SWAT; PPU; policing; paramilitary; force

Extending the academic discourse and discussion on police militarisation is both a welcome and a necessary step in ensuring that scholars and practitioners develop a more complete and nuanced understanding of the contemporary state of policing. In this sense, den Heyer's (2013) essay makes a contribution to the literature by opening up a space for us to revisit the topic and dialogue. His analysis and offer of an array of alternative explanations for the rise of Police Paramilitary Units (PPUs) and militarisation of US policing are less than convincing, however. Thus it is in the spirit of critical inquiry that we rejoin his commentary.

It is worth noting from the outset that we do not share his central assertions, namely, '...that the establishment of PPU/SWAT Units is a *natural progression* in the *evolution* and *professionalisation* of ... policing ...' and that research on the militarisation of policing is to '...the detriment of aiding or improving the methods that police use in deploying PPU/SWAT Units' (emphasis Ours, den Heyer 2013, p. 2). It is difficult to know where to begin in responding to the various assertions marshalled in support of this framework and the 'grab bag' of rationalisations used to explain the rise in the number and deployment of PPUs, but in what follows, we will address a few key points. In brief, we find den Heyer's essay suffers from theoretical, temporal and causal confusions, a motivated desire to dismiss or rationalise evidence that points to the militarisation of American policing, and an intent to undermine challenges to the police militarisation thesis with a plethora of unsupported assertions and aspersions.

*Corresponding authors. Email: victor.kappeler@eku.edu; peter.kraska@eku.edu

Theoretical, temporal and causal confusion

At the onset from a theoretical perspective, we find it less than convincing to assert that human–social products like PPU are ‘natural’, inherently ‘efficient’ or the result of the unfolding of any historical process that could justify an ‘inevitability thesis’. To label a social phenomenon ‘progressive’ offers little in the way of a theoretical or casual explanation. Such arguments not only lack a causal component but also deny human social agency. The argument that PPU are a natural and inevitable outgrowth of some unaccounted for telos of ‘police professionalism’ is little more than crass historicism that can be used to justify any transformation in the police institution. From this functionalist gaze, almost any social change can be characterised as ‘progressive’ or ‘inevitable’ – yet history begs to differ. In this sense, it cannot ‘explain’ the rise and use of PPU in the USA.

The core of our original research, which he critiques, clearly makes the argument that policing has moved considerably in the direction of militarism and that PPU and their activities have become *normalised* in the USA – i.e. that they have taken on the appearance of being ‘natural’, ‘evolutionary’ or ‘inevitable’ (see Berger and Luckmann 1966). Normalisation is not a cause; it is a social effect. It is the taken-for-granted nature of these units and the after-the-fact rationalisations for their proliferation that are better demonstrated by his arguments than the specious claim that they are the product of some undefined evolutionary tendency towards ‘professionalism’.

Further confounding his argument is a failure to distinguish between ‘the origin’ and ‘the proliferation’ of these units. Our original research never sought to explain *the origin* of PPU in the USA or anywhere else for that matter; rather, we sought to document and explain *their expanded use* in the USA. Den Heyer uses this analytical slippage as well as the worn out ‘threat-danger hypothesis’ as a justification for the emergence of PPU, rather than tackling the more weighty and critical shift in their growth. He writes:

the catalyst for the introduction of these Units was violence-related or due to the increasing use of firearms against police officers; ... For example, New Zealand established the AOS as a result of the killing of four officers within a month, while the LAPD introduced their original Special Weapons Assault Team as a result of the occurrence of sniping incidents against members of the public and police officers across America. (Citation omitted, p. 13)

Speculating anecdotally as to the birth of three PPU in a few large police agencies during the 1960s and 1970s fails to explain their proliferation in large police agencies across the USA during the 1980s and 1990s, as well as their expanded use across the country. Not only does the original argument fail in this sense, but also it wrongly assumes a single causal basis for the development of these units in all nation states.

Likewise, the threat to police thesis fails to account for PPU emergence in hundreds of small towns across America as well as the fact that both the felonious killings of police officers and violent crime rates in the USA declined dramatically during the very period that police agencies were creating the vast majority of these units (Kappeler and Potter 2005) which was demonstrated empirically in Kraska and Cubellis’ (1997) research. While one can debate the reasons behind these declines, one cannot refute the fact that these declines were concomitant with the rise of PPU. Simply claiming ‘...the police have used PPU/SWAT Units in areas of crime that are dynamic ... but are also extremely unpredictable and dangerous...’ (p. 13) is an empirically unsupported rationalisation, not a causal explanation. The ‘danger mantra’ has been used time and again to stifle critical inquiry into police practices, ranging from the use of excessive force to the dramatic

increase in the sheer number and power of the police (see Kappeler *et al.* 1998). Den Heyer's essay seems to uphold this tradition. This non-argument has been used for many decades regardless of a lack of empirical evidence to support or sustain it. Much like the 'rotten apple' myth of police deviance, the danger narrative has become hegemonic and is likely to persist for many years to come – regardless of its countless refutations.

Whether a matter of oversight or intent, the essay leaves both the focal terms 'professionalism' and 'militarisation' undefined, which creates serious conceptual problems since in our estimation, militarisation is one well-recognised *form of professionalisation*. Of course, all forms of professionalisation are not militaristic, just as all forms of militarism are not professional, but simply put, something cannot be both the cause and the effect of a phenomenon at the same time. Yet that is precisely what we find in this polemic.

The argument that the militarisation thesis for the rise and normalisation of PPU's somehow diminished the development of more effective techniques for police use of these units is frankly nonsensical. Den Heyer's argument that researchers' time would be better spent on projects that enhance the efficiency and methods used by PPU's rather than research into the militarisation of police is more reflective of his values and ideology than any evidence that we have somehow impeded this objective. It is highly unlikely that the existence of our research in anyway hampered other scholars interested in researching techniques for perfecting these use of force entities. And it is equally unlikely, had we not researched the rise, use and normalisation of PPU's in the USA, that we would have turned our attention to 'improving' the operations of PPU's. This objection to the research *itself* is very telling. The implication here is that knowledge about the proliferation and expanded use of PPU's directly counters the development of this tendency in policing. The argument seems more of an expression of less-than-democratic sentiments than a well-reasoned commentary on the effects of social science research. We cannot view research – or for that matter social commentary – as a zero-sum game in which one set of researchers in anyway reduces or impedes the efforts of other researchers or undermines their ability to generate independent research agendas. More importantly, if our research leads scholars and the general public to pause and question the desirability of this turn in policing, then so much the better. Our research has significantly impacted the real-world deployment of these units, but perhaps not in a way that den Heyer would appreciate. The research has resulted in widespread media attention and opportunities to address the real and too often tragic consequences of these police operations. Kraska, for example, has served on special state commissions inquiring into the misuse of SWAT teams and worked on numerous legal cases that involved SWAT-generated tragedies (Kraska 2001, 2007).

Scholarly inquiry is about the generation of knowledge and opening up avenues for research and dialogue, not closing them. Critical research is productive of such dialogue. In fact, if we had not conducted the research in question, den Heyer's essay would likely never have been written. So the question becomes where the true concern here is that others have accepted the militarisation thesis and turned a critical eye towards the revolutions in practices occurring in the police institution?

Motivated rhetoric and unsupported assertions

We can certainly understand how our findings and evidence for the proliferation of PPU's would cause discomfort among a segment of the police and practitioner community, but den Heyer deploys language, which can only be read as a lack of scholarly care or

academic apologia. He repeatedly asserts that we offered ‘conspiracy’ as a factor for the rise and normalisation of PPU. He wrote:

[t]he researchers hypothesized that the war on drugs, the culture of police and a conspiracy to make state administration of violence more efficient were the three possible influencing factors for the growth in PPU/SWAT Units. (p. 5)

He then claims that we ‘assert that there is a conspiracy between the government and corporations, which involves a rapidly developing collaboration between the military and the police’ (p. 10). As a point of fact, we never used the word ‘conspiracy’, and given our theoretical training and evidence-based approach to knowledge construction, we would not describe the current state of affairs in policing as a ‘conspiracy’.

We labelled the empirically demonstrated relationship between PPU, the military, corporations and the state a ‘link’ (Kraska and Kappeler 1997, Kraska 2001). A link is a nexus or a connection, not a conspiracy. Ironically, he later partially accepts the nexus proposition by attempting to rationalise the utility of ‘newly’ formed PPU working with the military to enhance their development. A relationship with the military, even if founded upon ‘enhancement’, is still a link. He conveniently overlooks the fact that even well-established PPU in the USA currently have a training, equipping and operational nexus with the military. His use of the highly motivated and connotative signifier ‘conspiracy’ is a rather disingenuous technique from which one can only infer a careless reading of our work, literally putting words into our mouth, or a motivated desire to cast doubt, making his alternative explanations appear unbiased and perhaps, plausible. As for the nexus with corporations, we suggest that one merely leaf through advertisements in any number of police trade magazines to view the paramilitary goods and numerous for-profit training services and facilities to draw their own conclusion. The militarism intertextually constructed for police consumption in these advertisements is quite telling.

Den Heyer shuns the nexus between PPU and state-administered violence offering ‘organizational efficiency’ as a primary causal contributor and alternative explanation for PPU. Given the fact that ‘police’ are agents of the state by any reasonable definition and that their core function is the distribution of coercion and force (Bittner 2006), how can the rise of PPU be seen as anything less than the more efficient administration of state-supported violence? The ‘alternative professionalization-efficiency argument he advances would seem to embrace the observation’ (p. 12). The nexus between the state and police violence gains even greater credibility when he cites Waddington (1999) approvingly, speculating that ‘... a contributing factor to the establishment of US SWAT Units in the 1960s may owe something to America’s “popular resistance to the state” and the opposition to the Vietnam War’ (p. 6). Again *origin* and *proliferation* are confused, but the question becomes is he accepting the ‘state-sponsored violence’ argument by agreeing that the state knowingly cultivated and utilised specialised forms of police violence because of ‘popular resistance’ to the war? This comes very close to accepting the ‘conspiracy’ explanation we never made, but it certainly becomes more plausible when issued from the mouth of our critic.

The adjectives he uses to characterise our studies are, likewise, inconsistent and misleading. In one breath our research is ‘dated’, yet in the next, it is ‘seminal’ (p. 2, 4). Is it not the case that all research becomes dated at some point? The fact that the research has not been replicated or updated is instructive of the vested interests involved and the current political climate. Given the historical pattern we found, if the study were to be

replicated today, would one really expect to find less evidence of police militarisation in the USA? Does one really imagine researchers would find a decrease in the number of PPUs, a narrowing of their role and function, or any evidence that PPUs have not had an effect on rank and file police officers? We suspect the answers to these questions and the vested interests of the police and funding institutions better account for the lack of replication. Again, we find the characterisation of the research as ‘dated’ and not replicated very much beside the point.

Taking liberty in characterising our research with highly connotative signifiers is one thing, but pejorative characterisation of the researchers without knowledge is another matter. Uncomfortable with our research findings, den Heyer typifies our research as the result of ‘police outsider’ ignorance or misperception. Since our findings are not to his liking, he infers we must have little contact with, or practical knowledge of, police agencies and practices. We have heard this baseless ‘know-nothing academic’ assertion from police apologists on far too many occasions. Not only is the characterisation inaccurate, but in the process of making this charge, he inadvertently acknowledges the police–military nexus and writes:

While there may appear to be a lack of delineation between the military and the police to outside researchers, this is not what is being experienced within police agencies and the military. Although there has been some *cross fertilization between the two institutions* in the form of adopting some of the other’s policies and procedures, a clear vision of the separation of roles remains. (Emphasis added, p. 10)

As a point of fact, as criminologists, we both work with police, their agencies and the military on a regular basis and have done so for close to 40 years. Additionally, the lead author for this rejoinder was employed as a police officer for nearly a decade during the very time the police institution was experiencing a substantial rise in the number and use of PPUs. To characterise us as ‘outside researchers’ with flawed perceptions of the reality of policing on that basis is not only disingenuous, it is factually inaccurate. This ‘police outsider’ description is not a simple lapse in writing, but a clear attempt to shield policing from the militarisation thesis by casting doubt on the ‘practice credentials’ of the researchers. Even if we had lacked extensive experience in policing, however, as the saying goes, ‘one need not be a watchmaker to tell time’. Our findings on the growth, normalisation and misapplication of PPUs were derived exclusively from the US Police Departments themselves – not data we made up to suit a particular ideological agenda.

Another shot in the dark to insulate the police and cast doubt on our findings comes when he claims that psychological testing in some way prevents militarisation from occurring in the police profession. He writes:

[t]hese comments display a *lack of understanding of policing*, police institutions and of police officers. To become a police officer, applicants must pass a number of examinations and psychological tests. (Emphasis added, p. 5)

Before making such a self-assured assertion, one should first read and then reflect upon the research on psychological testing of police officers. The bulk of the research shows that psychological testing has very little predictive validity for determining future police behaviour. And to our knowledge, standardised psychological tests do not measure tendencies towards militarisation – although this might be a useful endeavour if such a test could be devised. We might add that police undergo training, socialisation and

culturalisation processes long after taking their individual entry-level psychological examinations (for a review see, Kappeler *et al.* 1998). If psychological tests were accurate measures for problem police values and behaviour, the occupation would have eradicated brutality, corruption and deviance a long time ago. We see this tactic as little more than an attempt to dress up an untenable argument with the pretence of science.

International origin is not explanation

Den Heyer then turns his attention to a lack of international research on PPUs as if the dearth of research on the subject refutes the militarisation thesis. He remarks:

[a] further weakness that limited their research and hindered their interpretation of their findings was that the research was confined to the US environment. The USA was not the first, nor was it the only country to develop PPU/SWAT Units during the 1960s and 1970s. (p. 5)

This reasoning is flawed and again, very much beside the point. While we certainly support international research on this important area of study, our data focused solely on the USA, was labelled as such, and we proffered no explanation as to the origin or emergence of PPUs and their activities in other countries. Had we extended our findings from the USA to other nations, we would have been rightly criticised for over-generalisation. That said we find it insufficient to merely argue that because we did not collect data on the origin of PPUs in other nations that we failed to offer a well-reasoned explanation for their proliferation, expansion and normalisation in the USA. The mere observation that police agencies in other nations developed PPUs earlier than did the USA is, once again, not a causal explanation. Nor does the observation refute militarisation as a viable explanation for PPUs in the USA. Likewise, this line of reasoning offers no evidence of an alternative professionalisation hypothesis. The existence of PPUs in other nations does not render the phenomenon ‘natural’, ‘professional’ or ‘inevitable’, and it certainly does not refute the idea that policing in the USA has become more militarised.

While not claiming to be experts on international PPUs or the culture and practices of New Zealand police, den Heyer’s Anglo-centric comparisons without data seem problematic and hardly a profound critique of the argument, given that our research was clearly labelled as ‘American’. Even a cursory review of the scant data that compares PPUs in these two countries demonstrates that they have vastly different effects on civilian populations. Unlike New Zealand, in the USA:

..., in the last 25 years S.W.A.T. raids have led to the deaths of 46 people who had committed no crime at all and another 25 deaths involving a nonviolent offense, such as gambling or minor drug possession. In addition, there have been nearly 200 wrong-door raids in the last 15 years resulting in injuries, the killing of pets and wrongful detainment. (*citations omitted*, Justice Policy Institute 2012, p. 29, citing, Balko 2006)

The difference in practice and outcome, at bare minimum, calls into question the trope of ‘professionalisation’ (Kraska 2001, Kraska and Cubellis 1997).

Finally, the ‘either-or-assertion’, that PPUs can only be ‘professional’ or ‘militarised’, is less than convincing. By any reasoned reading of the literature on professionalism (definitional or historic), militarisation is one form of *professionalisation*, and obviously

lies on a continuum – as has been repeatedly discussed in our scholarship (Kraska 1999, 2007). Waddington (1999) made the same mistake as den Heyer in his critique of our work – viewing the police as either militarised or not. And he argued there was no evidence of militarisation because SWAT units had different rules of engagement than the military (a questionable assumption given the rules of engagement in numerous ‘peace-making’ operations conducted by the US military involving ‘police-like’ rules of engagement). As Kraska discussed in 2007:

It should be obvious that the police since their inception have been to some extent “militarized.” After all, the foundation of military and police power is the same – the state sanctioned capacity to use physical force to accomplish their respective objectives (external and internal security) (discussed further in Kraska 1994). The real concern when discerning police militarization, thus, is one of degree – or put differently, the extent to which a civilian police body is militarized.

Police militarization, in all countries and across time in history, must be conceived of as the degree or extent of militarization. Any assertion that the police are or are not militarized is simply misguided. This is a nuance easily overlooked by police analysts who react defensively to using these organizing concepts (Kraska 1999). They reason that because a police paramilitary squad such as a U.S. SWAT team retains key attributes of civilian police – for example not being allowed to indiscriminately kill – the concepts of “militarization” or “militarism” don’t apply any analysis of militarization among civilian police has to focus on where the civilian police fall on the continuum – culturally, organizationally, operationally, and materially – and in what direction they are currently headed (Kraska 1999). This assessment will vary considerably when viewing not only different police forces around the world, but even different police agencies with a decentralized system such as in the US.

Concluding points of agreement

Having addressed many of the points of disagreement we have with den Heyer’s article, let us turn to a few points of agreement that may be instructive for the militarisation debate. Den Heyer seems to agree with us that ‘the number of PPU/SWAT Units established and the extent of their deployment has increased...’ (p. 13). Likewise, he agrees ‘the role of PPU/SWAT Units changed from its original role of dealing with armed offenders, hostage situations and terrorists, to a primarily proactive role, including the execution of search warrants’ (p. 13). He acknowledges that:

[t]here is no doubt that there has been an increase in the number of PPU/SWAT Units established across the country and that there has been an increase in the number of times that these Units have been deployed. (p. 14)

He concurs with us that during deployments, PPUs officers ‘dress in what is described as battle fatigues, wear Kevlar helmets and use sophisticated, often automatic or semi-automatic weaponry...’ (p. 13). He at least tentatively acknowledges a nexus between the military and the police that involves the transfer of training, equipment and capabilities, stating that:

[i]t was sensible for police management to have examined the structures, training, tactics, and weaponry of the military Special Forces Units when establishing PPU/SWAT Units in the 1960s and 1970s. (p. 11)

He does not refute our demonstration that the rise, use and normalisation of these units does not correlate with the aggregate crime rates in the USA or on a jurisdiction-by-jurisdiction basis with property and violent crime, but he prefers to focus on crime-ridden locations and ‘hotspots’ to characterise their emergence and use. He is silent on our observation that these units have been used on routine patrol to conduct what police call ‘jump-outs’ and that police often justify these types of operations under the rubric of ‘community policing’ (Kappeler and Kraska 1998, Kraska 2001, 2007).

We would argue that the findings of our research, even when limited to these points of agreement, are sufficient to demonstrate a turn towards the militarisation of American police. We would invite den Heyer to conduct research to refute the police militarisation thesis if he believes the evidence exists. But if we are accurate in our assessment of points of agreement one would have to ask what would be the real the purpose of such research? And, for that matter, what was the real purpose of his essay? Might we suggest that den Heyer has written an apology for a growing police state and that his article provides the rhetorical architecture for the rationalisation and normalisation of police militarism in the USA – something we can ill-afford in an increasingly uncertain future.

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