Militarized policing: The history of the warrior cop

In the 19th century, the U.S. adopted a "social peacekeeper" model of policing. Then the Civil War left behind a surplus of firearms.

by Tobias Winright in the September 17, 2014 issue

Michael Brown is dead, a young black man gone before he could start college and begin life as an adult. The life of Darren Wilson, the white police officer who shot and killed the unarmed Brown, has been forever changed, too. Since the August 8 shooting, protesters in Ferguson, Missouri, have faced a heavy-handed, heavily armed police response. This has prompted much national conversation about both racism and the growing militarization of American police forces.

The latter subject had been getting some attention lately, even before the events in Ferguson. Radley Balko's book *Rise of the Warrior Cop* (PublicAffairs, 2013) is a notable example. But as Balko acknowledges, the militarization of the police is not a new development. Over the years, others have noted it as well.

The best book on the subject, in my view, is John Kleinig's *The Ethics of Policing* (Cambridge University Press, 1996). Kleinig examines the moral foundations of policing, the use of force, and several extant models of policing. The two primary models, at opposite ends of the spectrum, are the "crime fighter" and the "social peacekeeper." During the 20th century, the former, which is also known as the

military model of policing, became the primary paradigm in the United States.

In the popular book *Shoot to Kill* (Pocket, 1994), former police officer Charles W. Sasser evinces the extent to which this essentially military metaphor has had an impact on the self-definition of American police. He writes that police are “soldiers in a strange war that will never end,” risking their lives as a “final defense against the forces of darkness and evil” in the “continuing war against crime” while they patrol “the combat zone that is modern America.” Sasser notes that thousands of American cops are assaulted each year “with everything from fists and broken street signs to knives and, of course, guns.” Police feel like they are always potentially in danger, and in order to deal effectively with such threats they want certain crime fighting tools—including weapons, equipment such as helmets and body armor, and the ability to use force when necessary.

And it’s not just police themselves who regard their work as fighting a war on crime. As Jerome Skolnick and James Fyfe write in *Above the Law* (Free Press, 1993), the “military metaphor also colors the public’s expectations of the police.” In addition to the political rhetoric of “getting tough on crime,” Americans are likely influenced by popular depictions of policing, which focus mostly on crime fighting. According to Stuart A. Scheingold’s *The Politics of Law and Order* (Longman, 1984), TV and movie viewers often see “heroic males regularly and successfully using lethal violence as a way of avenging wrongs,” conveying the message that violence is an American “way of life” for dealing with interpersonal conflict and social problems.

Police, too, are affected by such media portrayals of policing. In *The Badge and the Bullet* (Praeger, 1983), Peter Scharf and Arnold Binder name these media depictions “the mythology of police work,” especially with regard to viewing the gun as “the primary symbol of law enforcement,” the “tool of the trade,” and the “culturally defined essence of police work.”

This military approach gained traction in 1974 with the formation of Special Weapons and Tactics teams in many American police departments. SWAT teams are outfitted with special gear, including helmets, semiautomatic assault rifles, tear gas, and flash grenades. They represent a model that regards the use of force as the key characteristic of policing. Put differently, it views coercive power as the raison d’être of policing.

Criminologists have warned that the military model of policing may be the soil from which sprout the seeds of police brutality and excessive force. There is the belief "that being a law enforcement officer is akin to the work of a soldier on the front lines," write Victor Kappeler, Mark Blumberg, and Gary Potter in *The Mythology of Crime and Criminal Justice* (Waveland, 1993). "This pervasive sense that their mission is a dangerous one cannot help but affect the way that police officers deal with the public."

The military model alienates the police from the public, often leading to the dehumanization of the very people the police are pledged to serve and protect. Everyone is viewed suspiciously and cynically as a potential enemy. In turn, this makes it easier, according to Paul Chevigny in *Edge of the Knife* (New Press, 1995), for police "to abuse those who are the enemy, easier even to kill or torture them."

Likewise, Skolnick and Fyfe assert that a "causal connection" exists between "the idea that cops are like soldiers in wars on crime" and the use of excessive force. Indeed, the war model of policing constitutes "a major cause of police violence and the violation of citizens' rights," and it "encourages police violence of the type that victimized Rodney King."

It should be noted, however, that in actual daily work, a police officer deals with a large array of problems and incidents: intervening in domestic disputes, helping injured accident victims, dealing with people with mental illness, finding runaways, searching for lost children, informing people of the deaths of loved ones, directing traffic, stopping suicide attempts. The police spend the majority of their time—estimates range from 70 to 90 percent—in these kinds of activities, not using force to fight crime.

I used to work in law enforcement, and I recall that most of my fellow recruits in the police academy seemed to look forward to and enjoy the firearms training the most.

"Unless and until police see themselves primarily as peacekeepers rather than as crime fighters," Kleinig writes, "firearms will tend to be used unnecessarily." In his view, the social peacekeeper model of policing better encompasses most of the responsibilities and tasks of police in society, and although there remains a place for the possibility of the use of force against an uncooperative or threatening suspect, "its instrumental or subservient character is emphasized" in this model. Indeed, Kleinig suggests that had the Los Angeles police officers who participated in the

beating of Rodney King understood themselves “primarily as social peacekeepers, for whom recourse to force constituted a last and regrettable option, events would almost certainly have turned out very differently.”

This social peacekeeper model has its historical roots in England, with its emphasis on community service and peacekeeping. Although the functional origins of policing may be traced to ancient communal self-policing (i.e., night watches), modern policing began institutionally with Sir Robert Peel’s establishment of the “New Police” of Metropolitan London in 1829. (That’s where the term *Bobby* comes from.)

According to David Ascoli in *The Queen’s Peace* (Hamish Hamilton, 1979), Peel “was stubborn to the point of obsession that his ‘New Police’ should be seen to be free of all taint of militarism,” which is why they were required to wear a “quiet” uniform consisting of “a blue shallow-tail coat with white buttons” and not the British military’s red coat. The primary object of this first police department, as explicitly reflected in its General Instructions from 1829, was the prevention of crime, and emphasis was placed on the use of persuasion, with physical force as a last resort—and using only the minimum force necessary for preventing or stopping a breach of the law.

Initially there was skepticism among the British public, with some calling the New Police derogatory epithets such as “Blue Locusts,” “Blue Drones,” and “Blue Devils.” Yet Ascoli notes that when a riot broke out at Hyde Park Corner in 1830, the mob was “met by only passive police resistance, a tactic which seems to have bewildered the rioters who, bent on violence, were hoping for violence in return.” Because of their restraint in the use of force, the Metropolitan Police gained widespread public acceptance.

Also, the police were citizens working in partnership with their community. Their patrol duties—which consisted of walking regular beats in neighborhoods—included traffic control, the prevention of cruelty to children and animals, finding missing persons, the care of the poor and destitute, extinguishing fires, the inspection of weights, bridges, and buildings, and even waking people up for work.

This was the model of policing that was transplanted to Boston and New York City in the 19th century. Even so, when police began to wear uniforms and a badge in the 1850s, many worried that the police would turn out to be essentially a standing army, though police departments did not recruit from the military at that time.

According to Robert Fogelson's *Big City Police* (Harvard University Press, 1977), Americans "had a strong conviction that the police should have an essentially civilian orientation."

The ethos changed after the Civil War, when the surplus of firearms began to find its way into the hands of the police. Then, in the early 20th century, well-armed gangsters such as Al Capone motivated the police to begin to arm themselves even more.

In the 1990s this militaristic approach was moderated by community policing, basically another name for the social-peacekeeper model. Yet ongoing talk of a "war on crime" and a "war on drugs" kept the military model alive, and it was resuscitated especially by the "war on terror" and the surplus of military weapons and equipment that police departments have received following the wars in Iraq and Afghanistan.

I believe we need a larger paradigm shift back to the community policing or social peacekeeper model. If anyone doubts its effectiveness or believes it is unrealistic, consider how successful it has been in Nicaragua, which is the poorest country in Central America but has the lowest crime rates—and, unlike other Central American nations with more militaristic police and higher crime, hardly any children seeking refuge in the United States.

Along with this general paradigm shift, we need further clarification of use-of-force guidelines. Since the 1980s, with important Supreme Court decisions such as *Tennessee v. Garner* (1985), police cannot use lethal force to stop the escape of a fleeing criminal suspect unless the "officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." That rule is the basis on which Wilson's use of deadly force against Brown will be evaluated. Moreover, the "totality of the circumstances" will be considered, based on the "perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."

Ambiguity arises in the *Tennessee v. Garner* decision, however, because Justice Byron White, writing for the majority, added that "if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning

has been given.” This ambiguity needs to be addressed.

In the end, what’s needed is policing that reflects the force of law. Right now, it too often reflects the law of force.

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