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*Form Approved
OMB No. 0704-0188*

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1. REPORT DATE (DD-MM-YYYY) 21-03-2021	2. REPORT TYPE Master of Military Studies (MMS) thesis	3. DATES COVERED (From - To) AY 2020-2021
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4. TITLE AND SUBTITLE SWAT AND THE MILITARY: REEVALUATING THE INFLUENCE OF THE MILITARY ON LAW ENFORCEMENT	5a. CONTRACT NUMBER N/A
	5b. GRANT NUMBER N/A
	5c. PROGRAM ELEMENT NUMBER N/A

6. AUTHOR(S) Taylor, Joshua S. (SSA)	5d. PROJECT NUMBER N/A
	5e. TASK NUMBER N/A
	5f. WORK UNIT NUMBER N/A

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) USMC Command and Staff College Marine Corps University 2076 South Street Quantico, VA 22134-5068	8. PERFORMING ORGANIZATION REPORT NUMBER N/A
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9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A	10. SPONSOR/MONITOR'S ACRONYM(S)
	11. SPONSOR/MONITOR'S REPORT NUMBER(S) N/A

12. DISTRIBUTION/AVAILABILITY STATEMENT
Approved for public release, distribution unlimited.

13. SUPPLEMENTARY NOTES

14. ABSTRACT
In the last decade, the adoption of new military tactics and improved training resulted in less aggressive SWAT teams. These trends have been uneven with some departments being much more professionalized than others. In a law enforcement environment, the mindset translates to vigilance, not militance. However, criticisms to the contrary are rooted in facts, and while improvements have been made, law enforcement leaders must do more to regain the public's trust. +

15. SUBJECT TERMS
Aggressive; Militarization; Tactics; Equipment; Mindset

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT	b. ABSTRACT	c. THIS PAGE			USMC Command and Staff College
Unclass	Unclass	Unclass	UU		19b. TELEPHONE NUMBER (Include area code) (703) 784-3330 (Admin Office)

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MASTER OF MILITARY STUDIES

**SWAT AND THE MILITARY: REEVALUATING THE INFLUENCE OF THE
MILITARY ON LAW ENFORCEMENT**

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE
OF MASTER OF MILITARY STUDIES

SSA JOSHUA S. TAYLOR, FBI

AY 2020-21

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EXECUTIVE SUMMARY

Title: SWAT and the Military: Reevaluating the Influence of the Military on Law Enforcement

Author: SSA Joshua S. Taylor, FBI

Thesis: In the last decade, the adoption of new military tactics and improved training resulted in less aggressive SWAT teams. These trends have been uneven with some departments being much more professionalized than others. In a law enforcement environment, the mindset translates to vigilance, not militance. However, criticisms to the contrary are rooted in facts, and while improvements have been made, law enforcement leaders must do more to regain the public's trust.

Discussion: There is much debate in the United States regarding the military's influence on domestic law enforcement. Critics argue that police units, specifically paramilitary Special Weapons and Tactics (SWAT) teams, have become too militarized, resulting in law enforcement seeing force and violence as the most effective means of solving problems. Since the first SWAT teams were established in the 1960s, their numbers have increased significantly throughout the United States. This growth corresponded with the increased deployment of these units in operations outside their original missions, resulting in the overuse of such units, especially in minority communities. There is no question that the military greatly influences SWAT teams; the evidence is apparent in the tactics, training, equipment, and mindset. However, even the harshest critics do not advocate for the abolishment of SWAT teams. The question becomes, how does domestic law enforcement best balance public trust and safety with the duty to enforce the law, sometimes against dangerous threats? In the last decade, many SWAT teams implemented changes that offer a template to better overall policing. Military influence and training with SWAT teams have introduced new and improved tactics more suited to the law enforcement mission. Many SWAT teams are less aggressive than in the past due to new tactics, better training, and a shift in mindset. However, there is still a public perception that these teams are too militaristic, and it is up to law enforcement leaders to explain their model to the citizens they serve.

Conclusion: Law enforcement trends have moved SWAT teams away from many of the negative aspects of militarization. However, there is still much work to be done. Throughout the country, many SWAT teams using outdated aggressive tactics, which only increase the divide with the public. It is the law enforcement's responsibility to gain back the public trust, and an excellent place to start is to implement SWAT team reforms. If SWAT teams adopt new tactics, are only used when necessary, and the public is informed about the nature and necessity of SWAT equipment, the militarization of law enforcement might become less of a societal flashpoint.

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PREFACE

Numerous individuals helped me throughout the research and writing process for this paper. I want to thank Dr. James Joyner for his guidance and mentorship. His expertise, eye for detail, and perceptive questions encouraged me to clarify my argument and rethink many aspects of this paper. I would also like to thank Supervisory Special Agent Christopher Hartley, FBI, for reviewing this paper and providing excellent feedback. I want to thank all the SWAT team members who took time from their busy schedules to allow me to interview them for this paper. Last, I would like to thank my wife, Michelle Taylor, for reading every draft of this paper and assisting me as I worked through the process. Her input was essential to the finished product.

While the individuals listed above provided invaluable advice during the writing of this paper, the views, opinions, findings, and conclusions expressed in this paper are strictly my own. They are not responsible for any errors or omissions in this paper.

I. Introduction

Law enforcement's response to the civil unrest following the 2014 shooting of Michael Brown in Ferguson, Missouri, ignited a debate on the tactics police use to enforce the law and maintain peace in the United States. Images of heavily armed law enforcement officers wearing military-style uniforms were broadcast into living rooms across the country, making citizens and politicians alike question the necessity of such methods in a democracy. Senator Rand Paul remarked in a Senate Homeland Security hearing after the Ferguson unrest that the militarization of the police had "gotten so out of control," arguing that militarization was hurting innocent civilians, civil liberties, and due process.¹ The focus of much of the debate of police militarization centers on Special Weapons and Tactics (SWAT) teams, which are specialized police units used to execute the most dangerous missions. To the casual observer, SWAT teams are almost indistinguishable from military Special Forces units in their appearance, equipment, and tactics.

In a democratic nation, citizens are given a say in the laws that govern society, and the police are the government's tool to ensure these same citizens obey those laws. Criminologist Herman Goldstein contends the police "are an anomaly in a free society. They are invested with a great deal of authority under a system of government in which authority is reluctantly granted and, when granted, sharply curtailed."²

The freedoms granted in the U.S. Constitution are not without limits. For instance, the fourth amendment enumerates the right of the people to be secure in their homes against unreasonable searches and seizures.³ Still, when there is probable cause, the Constitution allows for search and arrest warrants. How law enforcement applies the powers granted to it is at the center of the debate on police militarization. Critics argue that in the United States, domestic law

enforcement has become dangerously militarized, escalating the risk of needless violence and undermining civil liberties.⁴

In democratic societies, there is a contract between the citizens and the government, which contains mutually agreed upon laws and the government's monopoly on the legitimate use of force. As long as the police adhere to the rule of law, a democracy can maintain order without violating citizen's rights. However, there is always a fear that the police will use their powers to oppress the citizens. In authoritarian regimes, police are often used to suppress political dissent and protect those in leadership, often using violence. Countries that have transitioned to democracies find an "authoritarian legacy" in their criminal justice system.⁵ For example, in Brazil, a country that transitioned to democracy in 1989, there are persistent issues with law enforcement such as the abuse of lethal force, arrests without probable cause, and the torture of prisoners.⁶ In authoritarian regimes, police and the military are closely associated, and the military often operates domestically to oppress the people. In a democracy, a clear separation between the military and the police is a principle most citizens hold dear. Most do not want the military conducting domestic law enforcement and do not want the police to resemble the military. For instance, in a 2020 Data for Progress poll, 59% of respondents said they opposed the use of military vehicles and weapons in everyday policing.⁷

This paper will provide a historical background on the organizational structure of the police and discuss reforms that have been implemented over the years. Next is a review of the scholarly literature written on the subject of police militarization. Once the background on the matter is established, this paper will examine SWAT teams to include training, tactics, equipment, and beliefs/values and how these apply to the issue of militarization. Finally,

recommendations will be made on how SWAT teams can achieve their mission without alienating the public they are sworn to protect.

II. Historical Background

Police practices and procedures in the United States have evolved over the years as both the country and the role of law enforcement have expanded. In the 1890s, a movement toward police professionalism was driven by civilian reformers and local police chiefs in growing urban areas.⁸ Progressive reformers introduced a military model for police to better organize departments, deal with a growing crime rate, and end the widespread corruption prevalent in much of law enforcement.⁹ The military model included centralized command and control, a hierarchical rank structure similar to the military, and the carrying of firearms.¹⁰ The military model replaced what was essentially a political model of policing, that is where politics influenced every aspect of policing including who was hired and who was promoted.¹¹ The political model lent itself to focus on special interests as even arrests and other police procedures were dictated by politics.¹²

Many changes were made to policing in the United States during the progressive era (1890-1920), but the most significant reforms to policing occurred between 1920 and 1960. During this time frame many police departments attempted to improve officer behavior by instituting improved selection and training, adopting a code of ethics, and better management.¹³ These changes made many departments more professional organizations, but there were growing problems between the police and communities they were sworn to protect. Growing crime rates in minority communities and the belief of many police officers that these neighborhoods were dangerous places to work, coupled with the racism prevalent in many departments, exacerbated

tensions. In 1967 alone there were 42 “major-to-serious” incidents of civil unrest, caused in some part by the actions of police officers in minority communities.¹⁴

SWAT teams originated in the 1960s as a result of several sniping incidents against civilians and police across the United States. One of the most notorious was the University of Texas tower shooting in 1961, where Charles Witman killed 14 people and injured 31. Police departments across the country realized they were ill equipped to handle what would now be called an “active shooter” situation. Cities like Los Angeles determined they needed specialized teams to effectively respond to such attacks and established one of the first SWAT teams in the country.¹⁵

Police reforms since the 1960s are numerous but vary from department to department. David H. Bayley argued that some of the most important reforms include community-oriented policing (consulting with the public and adapting operations to local conditions), enhanced internal discipline (specifically effective internal affairs investigations), external oversight, and enhanced diversity hires.¹⁶ Though there is no federal regulation of state and local police departments, when best practices emerge, the Department of Justice can help shape policy and encourage adoption nationwide.¹⁷ Body worn cameras are a trend most departments have implemented, depending on the size of the department and availability of funds.¹⁸ Reforms continued in recent years in reaction to the deaths of several minorities at the hands of police. The death of Eric Garner during an arrest attempt by the New York Police Department (NYPD), led many states to ban the use of choke holds in their police departments. The death of Breonna Taylor during a search has increased scrutiny on the practice of issuing warrants where it is specified that law enforcement do not have to announce their presence before entering the residence, commonly referred to as “no knock warrants.”

III. Literature Review

Scholars examining the topic of militarization of police are generally divided into two camps. Peter Kraska, Victor Kappeler, and Radley Balko view militarization negatively and argue it encourages police to use more aggressive tactics toward civilians, causing discord between the police and the public. Kraska, whose work dominates the study of this issue, defines *militarization* as the process by which law enforcement adopts an ideology that “stresses the use of force and threat of violence as the most appropriate and efficacious means to solve problems.”¹⁹ This is seen as a dangerous trend that could lead to many negative consequences. Kraska argues the militarization of police has a negative effect on democracy, noting the close ties between police and the military in authoritarian states. When the lines between the military and police become blurred, police are more likely to use more force in violation of civil and human rights.²⁰

Scholars such as Garth den Heyer, Nathan Wood, and Scott Philips question whether the police are taking on the military’s ideology.²¹ Rather than the military’s influence, other factors such as organizational culture, emphasis on aggressive drug policies, and stop and frisk tactics, cause police to be too forceful. Some disagree with the nature of the term *militarization* as used by critics. Wood points out that the military is one of the most trusted institutions in the United States, and a well-trained and disciplined police department that reflects the values of the military is a good thing.²² Wood argues that the way the critics define militarization “implies that the police are both *too much* (with respect to equipment and weapons) and *too little* (with respect to intangibles, like training and professionalism) like the military.”²³ Philips argues that police have long had some military characteristics (rank, structure, authoritarian command) because they, like the military, have the authority to use force to protect democratic values.²⁴ These

scholars argue that the military is held in high regard by the public, while there is a decline in public trust for the police. As the police take on more characteristics of the military, including discipline, professionalism, and proper training law enforcement will be perceived as more legitimate and will be able to serve their communities better.

Sam Bieler's assessment of police militarization research points out that while there is a vigorous theoretical debate among scholars, there is no broadly accepted definition of the term, which results in researchers using the same term to discuss widely different concepts and activities.²⁵ Consequently, many scholars end up talking past one another, and the goal of much of the writing is to debunk another author's theories without advancing the discussion. While there is debate over the nature of police militarization, scholarly works available on the subject generally focus on the same four elements of policing: equipment (military weapons, uniforms, vehicles, surveillance technology), beliefs/values (military mindset, use of military language), tactics (SWAT, no-knock warrants), organization (structure, routine use of SWAT).²⁶

Tactics and Training:

One of the main points of discussion in the literature on this subject is the use of elite teams within police departments, commonly known as SWAT teams or paramilitary police units (PPUs). The original function of SWAT was to execute the most dangerous operations and respond to violent incidents like active shooters, hostage situations, and terrorist attacks. The statistics and research showing an increase in the establishment and use of SWAT teams across the United States in the last twenty years are not in dispute. In the review of the literature on this subject, no scholars argue that the use of SWAT is on the decline, nor are there arguments that these units should be disbanded altogether. Even the harshest critics of police militarization agree that SWAT has value in certain circumstances such as hostage situations and terrorist attacks.²⁷

Scholars tend to agree that political policies, specifically counter-narcotics and counter-terrorism efforts, have encouraged law enforcement to establish more SWAT teams.²⁸

Kappeler and Kraska see the growth and use of SWAT teams as an indicator of the normalization of police militarization in the US.²⁹ They argue that many SWAT teams are directly trained and equipped by the military, which encourages the use of these teams even when they are not needed.³⁰ In line with this theory, scholars also believe SWAT teams have moved beyond the original mission of high risk operations to routine use on low threat warrants, which indicates that militarization is becoming “normalized” in the US.³¹ Kappeler and Kraska’s research found that between 1984 and 1995 the mean number of annual SWAT deployments increased by 238%, and the traditional functions of SWAT only accounted for a small portion of these actions.³² A more recent American Civil Liberties Union (ACLU) investigation into police militarization found that 62% of SWAT deployments were for drug search warrants.³³ Further, the report found that weapons were only recovered in 35% of these drug warrants, and based on this statistic the ACLU concluded that many of these warrants did not justify the use of SWAT.³⁴ Balko writes that for lower threat operations (such as search warrants on low level drug dealers) the use of no-knock warrants, dynamic entry (forcible breach), suppression grenades (“flash-bangs”) in most SWAT operations is unnecessary violence that terrorizes citizens.³⁵

Den Heyer does not assess the proliferation and deployment of SWAT teams as the issue. He does not believe that the expanded use of SWAT points to militarization of mainstream policing, rather it is a rational use of available resources.³⁶ It is a lack of proper training, planning, and professionalism that is concerning regarding the use of SWAT teams, and that the military offer a solution to these problems. Den Heyer argues that the military are the experts in the tactics and operational environment in which SWAT teams deploy. Hence it is sensible that

SWAT teams train with Special Forces units, as these units have taken on more police-like functions in Iraq in Afghanistan, though Special Forces units and SWAT teams have different rules of engagement.³⁷

There is empirical evidence that each side can use to argue their point. David Klinger and Jeff Rojeck conducted research into the deployment and use of SWAT teams. While they noted the data on SWAT teams is limited, they found that the vast majority of SWAT operations are to execute search or arrest warrants, rather than hostage situations, barricades, or other high-risk missions.³⁸ They also found that there were a disturbing number of accidental discharges by SWAT team members during warrants.³⁹ Kraska and others could point to this as evidence that SWAT teams are overused and poorly trained. However, the study also concludes that during the tens of thousands of SWAT operations studied, the vast majority showed that SWAT teams accomplished their mission with limited force, and team members rarely discharged their weapons at human targets.⁴⁰

Equipment:

Studying the procurement and use of military equipment, rifles, and uniforms is one-way researchers assess the extent to which police departments have become militarized, as they are easier to quantify than other aspects of militarization. Since 1997, the Department of Defense has been authorized to transfer military equipment to law enforcement agencies through the “1033 program,” administered by the Defense Logistics Agency.⁴¹ Because there are no limits to the type of police departments eligible for the program, Balko argues that even small departments are encouraged to establish SWAT teams and outfit them with military surplus equipment. From there, these departments are more likely to use these specialized teams and equipment for routine operations, not confined to the intended mission of SWAT teams.⁴²

Kraska's research suggests that using military-style equipment and striving for a military-like look develops into a military mindset.⁴³ He also argues that there is a continuum of police militarization. As departments receive more military equipment, the use of such equipment spreads from the exclusive use of SWAT down to the patrol officer, the best example being issuing semi-automatic rifles to regular uniformed officers.⁴⁴ Some critics of the use of military equipment argue that the very militarized look of the police in all black or camouflage uniforms is an act of "symbolic violence" on the community used to inspire fear and subservience.⁴⁵ Richard Johnson's research conducted on police uniform schemes found that the more militaristic a police officers' uniforms appeared, the more the public developed negative impressions of those officers.⁴⁶

Conversely, some scholars argue that this type of equipment is necessary for law enforcement to fulfill a dangerous mission. Phillips writes that the police must confront dangers from gangs, terrorists, and violent criminals; therefore they should be afforded the personal protection equipment such as helmets, ballistic vests, and armored vehicles provide.⁴⁷ Wood argues that rather than uniforms and equipment, it is more likely that no-tolerance policing tactics such as "stop and frisk" and saturation patrols in high crime areas are what turns members of those communities against law enforcement.⁴⁸ These scholars argue that appearances do not necessarily equate with militarization. Just because the police, or specialized units, may wear camouflage and helmets and carry automatic weapons does not mean they act in the same way as the military in combat or take on a military mindset, regardless of what the public may think.⁴⁹ However, Johnson's study found that light blue shirts and navy-blue pants produced the most favorable impressions with the public, and none of the scholars promoting SWAT teams address why a simple change in uniforms would not be acceptable.⁵⁰

Beliefs/ Values:

Research conducted by Maayan Simckes and colleagues found that within law enforcement there is a debate about how much the “warrior” versus the “guardian” mindset should be advocated within departments.⁵¹ Steve Herbert’s 1998 work analyzing police subculture found that many officers embrace an aggressive, militaristic approach to their work. The “adventure/machismo” normative order is an important part of law enforcement culture.⁵² Several authors (Kappelar, Kraska, Balko) have seized this point and blame militarization for exacerbating this aspect of police culture. The ACLU concluded that militarization encourages law enforcement to have a “us/them” mentality where the public is seen as the enemy, and encourages police to rely on the use of force to solve problems, rather than less violent methods such as de-escalation techniques.⁵³ Susan L. Caufield writes that the world is seen as a dangerous place with little room for cooperation from the militarized perspective.⁵⁴

This review of the literature on police militarization could not find any scholars arguing that an aggressive mindset is good for law enforcement or the community. However, several disagree that militarization is the cause of this culture. Herbert argues that levels of aggression in a police department is shaped by that department’s internal organizational culture rather than external factors like militarization.⁵⁵ He attributes Los Angeles Police Department’s reputation as a department that uses excessive force to the aggressive patrolling mandates handed down by a succession of police chiefs.⁵⁶ Herbert further argues it is not necessarily an aggressive mindset that causes officers to use force, rather safety considerations, threats, and the rule of law that dictate an officer’s response to a particular situation.⁵⁷ Simckes et al. also found that internal organizational factors such as leadership, tone, and agency priorities significantly contributed to combative behavior within departments.⁵⁸

Gaps

Consistent throughout the review of literature on police militarization is the lack of empirical evidence cited by scholars. Most cite Kruska and Louis J. Cubellis' 1997 survey sent to police departments to document the use of PPU's. Scott Phillips used similar methods when he used an FBI National Academy (a professional course of study hosted by the FBI for law enforcement managers) survey and interviews with police chiefs to examine militarization. While the perspective of police departments is important to consider, the fact that these departments may not accurately report the harmful effects of militarization should be considered. The works reviewed for this paper make no mention of any psychological studies of police officers. Many write about the "us vs. them" mentality that many officers, not just members of SWAT teams, hold; however, much of the evidence is anecdotal based on personal observations or interviews. It is hard to say empirically that the majority of police officers hold these views.

One factor that hinders the study of the effects of militarization is that police departments rarely publish data concerning their use of SWAT. Much of the data used in scholarly work is the best estimate.⁵⁹ The state of Maryland is an exception to this rule, because after a botched SWAT raid in 2009, it has required departments to report quarterly their use of PPU's. Many scholars therefore rely on Maryland statistics after 2009 to argue their point, but this data should be viewed critically as it may not reflect the country as a whole. For instance, the Prince George's County Police Department (PGCPD) uses their Emergency Service Team (ERT) (SWAT equivalent) to execute all warrants that require entry into a residence, which likely skews Maryland's numbers upwards.

The literature on this subject does not adequately address perceptions of legitimacy of the police between various communities. Both sides theorize that the trend toward militarization may

affect legitimacy, either positively or negatively, but few point to any evidence. There are references available to scholars, such as Richard Moule's 2019 study, to determine the public perception of police militarization.⁶⁰ Gallup has several polls that seek to determine the public's overall confidence in law enforcement, which shows confidence in the police is at an all-time low.⁶¹ With changing public opinion about the police, scholars need to understand how different communities perceive law enforcement. Legitimacy may be one of the more critical elements determining whether trends toward militarization are a positive or negative development in law enforcement.

Literature Review Assessment

The literature on the subject of police militarization has expanded over the last ten years. The scholarly interest in the topic is likely to increase after the social unrest in the summer of 2020 following the death of George Floyd. There is much to learn from the current literature, but much of the writing is dominated by a few scholars, Kraska in particular. There is a lack of empirical evidence to help validate arguments on the subject, but this may well change in the coming years as police departments become more transparent and produce more data. Departments across the United States are implementing reforms that would allow greater transparency and scrutiny into their activities; the most prevalent and possibly important is the widespread use of body-worn cameras. These reforms may change public perceptions on police legitimacy.

IV. SWAT and Militarization

Critics of police militarization fear America will resemble Iraq or Afghanistan with heavily armed commandos in armored vehicles patrolling city streets. These fears are not without foundation. Balko recounts an interview with the SWAT commander in a medium-sized

Midwestern town who sent his SWAT team on routine patrols in armored vehicles. Balko quotes this commander as saying, “We stop anything that moves. We’ll sometimes even surround suspicious homes and bring out the MP5’s.”⁶² However, this quote is from the late 1990’s and Balko applies it to law enforcement today. Very little research on police militarization includes direct input from SWAT team members. SWAT teams may represent only a small portion of a given organization’s workforce, but these teams have great influence on the entire organization. My research indicates that Kraska is correct in arguing that the policing style of SWAT units influence the general police officer’s attitude and behavior when dealing with the public.⁶³ SWAT team tactics, procedures, and equipment are adopted by the non-SWAT officers, detectives, and Special Agents who execute the majority of arrest and search warrant operations. SWAT teams develop and implement tactics, and then teach them at federal law enforcement training academies, such as the FBI Academy, DEA Academy, and the Federal Law Enforcement Training Facility (FLETC), as well as local police academies. In addition to new agents and officers coming into the job learning new tactics, SWAT trained officers in the field are often relied upon to teach tactical training to non-SWAT members of the force.

I conducted nine interviews with Federal and local law enforcement officers, in both leadership and tactical roles. During the interviews, I addressed four main points of militarization highlighted in the literature review: tactics, training, equipment, and mindset. My research indicates that Kraska and others who argue that the police are overly militarized make many valid points and offer useful criticism of law enforcement. However, the conclusions drawn when Kraska initially conducted his research in the 1990’s are no longer as relevant given the changes in SWAT tactics and mindset in the last ten years. Military influence in the last decade has improved policing tactics making them safer for both the public and law enforcement.

SWAT teams are less aggressive than in the past, even with clear military influence, due to their adopting new military tactics, improved training, and a vigilant rather than warrior like mindset. The use of military style equipment and weapons is the most prominent display of military influence, but SWAT members articulate clear reasons the equipment is necessary for officer safety. It is up to law enforcement leadership to educate the public on the reforms that have been made and justify the use of military equipment to the public.

Tactics: Close-quarters Battle and SWAT

In the last ten years, many SWAT teams have adopted new tactics learned from the military which have fundamentally changed how warrants are executed. These new tactics are less aggressive, resulting in safer conditions for both law enforcement and the public. SWAT teams typically employ specialized techniques of precision urban tactics at the squad sized level, known as “Close-quarters battle” (CQB).⁶⁴ These tactics are drawn from lessons learned from the military, such as British Special Air Service (SAS), Delta Force, and SEAL Team 6. The military developed these tactics in the 1970s because of the rise of international terrorism and an increase of hostage events; these tactics were designed specifically to eliminate the threat while minimizing the risk to the hostage or other bystanders. An important change in CQB tactics was developed in the mid-2000s by Navy SEAL teams and other Special Forces units operating in Iraq and Afghanistan.

Over time, the military, and by extension law enforcement, have gone from dynamic entries to what is known as a “slow-clear” entry. Slow clearing means the teams deliberately and methodically clear rooms. Instead of quickly flowing into a room, teams took the time to assess the room they were going in, issue commands, and control the room before entering. There are times when a call-out is conducted before entry. A bullhorn is used to instruct everyone inside to

exit. SWAT members interviewed advised this is the preferred method when dealing with a barricade situation, a suicidal person, or someone with a mental illness- all these scenarios are usually reactive. The team members stated that the slow clear method is the preferred tactic when executing search or arrest warrants. Law enforcement determined this new tactic was a better fit for its mission, and the FBI and many local police departments have adopted the slow clear. While learned from the military, these tactics are by design not an overwhelming show of force.

The slow clear is safer not only for the law enforcement members executing a warrant but also for the subject of the warrant and any additional people in a residence. The subject of a case is rarely home alone, oftentimes there are other family members, including young children. These new tactics allow law enforcement to slow down the mission and clearly identify themselves as the police. Controlled movement with clear and calm commands are the most effective ways to ensure a warrant can be executed safely with no one getting hurt. If a subject of a drug warrant thinks he/she is being robbed, they are much more likely to use a firearm than if they know the police are conducting the raid. Subjects have told the author several times that as soon as they were woken up, they moved to get their gun, but when they heard the words "Police" or "FBI" they abandoned their weapon and felt a sense of relief.

Unfortunately, even with the added risk of preventable death, some departments still prefer the dynamic clear technique, and try to obtain no-knock search warrants whenever possible, even though these are not the preferred tactics currently employed by the military. These tactics encourage the use of force and set unsafe conditions for both the public and law enforcement. While the majority of federal law enforcement have changed tactics, one FBI SWAT team leader interviewed advised that some "old school" SWAT team leaders in the FBI continue to use old tactics despite explicit guidance from FBI Headquarters. PGCPD SWAT

prefers that all detectives attempt to swear out warrants with a no-knock clause. When executing a no-knock warrant, PGCPD SWAT uses dynamic tactics, hoping to have the subject of the warrant in custody as quickly as possible. The PGCPD SWAT team leader interviewed explained that he considers it safer for the team because it does not give anyone a chance to arm themselves. In his career on SWAT (over 20 years and almost 10,000 warrants), he has found that the team is almost always in control of the subject before the subject is even aware of what is happening. If the PGCPD detective cannot obtain a no-knock warrant, the SWAT team will conduct a call out. Eventually, the residence has to be cleared tactically, even if there is no one inside. When they clear a residence in this manner, the PGCPD SWAT team uses slow clear tactics, because they know they have lost the element of surprise and acknowledge that the slow clear is much safer.

The way that force is applied must emphasize safety for the public and law enforcement. In the past, the CQB techniques made speed, surprise, and aggression the main objectives. In recent years, both the military and law enforcement learned those techniques did not serve their respective missions, and changes were made. The Breonna Taylor tragedy may have been avoided if the officers involved had used these methods. Instead, they breached the door in the middle of the night, terrifying the apartment's occupants, resulting in Taylor's boyfriend using a firearm in self-defense. Even with lessons learned domestically and overseas, not all SWAT teams have adopted these new tactics. As noted above, PGCPD prefers the combination of a no-knock warrant and dynamic clear. Though the use of slow clear tactics will not prevent all tragedies, over time the mishaps related to SWAT teams have the potential to be greatly reduced.

Training

The tactics taught by US Special Forces units make training with the military an acceptable option for domestic law enforcement. Highly trained personnel are essential to the dangerous and complex mission of SWAT teams, but it is important these teams receive training appropriate to their law enforcement mission and teams are held to a high standard. Training with active-duty military is less concerning due to the tactics being taught. SWAT team members interviewed advised that their teams do not receive direct training from active-duty military members, but they do conduct joint training and consult with members of the military on current tactics, tips, and procedures. The distinction between being trained by the military versus joint training with the military was significant to the interviewed SWAT team members. That said, the influence of the military on SWAT teams was evident, and from the discussions it was clear that while formal and technical direct military training does not occur, the reality is these teams for all intents and purposes receive direct military training. Federal and local SWAT teams conduct informal collaboration with Special Forces units. The FBI and ATF primarily train with Navy SEAL units in Virginia. All the local SWAT teams advised they also conduct joint training with the military. Joint training included sharing firearms ranges, discussing tactics and techniques, and acting as opposing forces (OPFOR) for each other. One FBI SWAT member, a former Navy SEAL, stated that he spent more time training with local SWAT teams as a SEAL than as an FBI SWAT member. The SWAT team leaders all considered these training exercises as collaborative in nature, since the military and law enforcement offered suggestions to each other and shared lessons learned. More concerning than training with the military is training conducted by private companies hired by some departments.

External training varies from department to department, and the ability to contract training resources depends on budget constraints. The Metropolitan Police Department (MPD)

Emergency Response Team (ERT), in Washington DC, does not contract outside instruction, they will travel to facilities that support their training with ranges and shoot houses, but team members conduct the training. PGCPD conducts annual training at the Direct Action Resource Center (DARC) based in Little Rock, Arkansas. According to the DARC website, the business was founded in 1994 by a former Green Beret and offers training that is "progressive and based on proven efficacy in combat and training experiences that simulate real world conditions in order to place the operator under the equivalent amount of pressure (or more) that would be realized in high-risk scenarios."⁶⁵ Courses offered include CQB and law enforcement counterterrorism training. The training is not exclusive to law enforcement. DARC offers training for the military and other government agencies as well. The PGCPD SWAT member who has attended training at DARC for several years, almost all of the instructors have military backgrounds. While the training at DARC may be appropriate for law enforcement, there is no regulation for this type of training. The techniques could be out of date, or inappropriate for the law enforcement mission. The danger is when a less experienced team contracts such training and brings back tactics that could be potentially harmful to the community.

The Tulsa, Oklahoma and Colonies, New York SWAT team receives external training from the National Tactical Officers Association (NTOA). The NTOA is a nonprofit organization serving law enforcement and offers tactical courses such as high-risk warrant execution, basic SWAT, hostage rescue, as well as courses in crisis negotiation, leadership, and police officer response to suicidal individuals.⁶⁶ With a purely law enforcement mission, and a good national reputation, training like NTOA is a better fit for police organizations across the country.

Mindset

When SWAT teams use military tactics, are trained by the military, and look like the military, there is a fear they will develop a military mindset where force and aggression lead to an “us versus them” mentality, where subjects are seen as the “enemy.” This is a rational concern and there is no denying there is an “us versus them” between law enforcement officers and criminal suspects but this mindset is more nuanced than critics allow. It is only natural that, when executing a search or arrest warrant, law enforcement officers do not see themselves the same as the targets of their investigation, as the subjects of these cases are often the outliers in society. One FBI SWAT team member advised that for SWAT missions, he usually did not conduct the investigation, so he is not personally invested in the case and is only concerned about the operation. He holds no personal animosity against any subjects, even in the vilest child exploitation cases. He believes that it is in the best interest of society to remove these individuals from the community, but that does not mean he wants to kill them. Those interviewed make it clear that there is what can best be described as a vigilant mindset when it comes to the subjects of an investigation. SWAT team must be prepared to escalate the use of force depending on how a subject reacts. However, there is simply no “enemy” that they are fighting. The military mindset is one in which a soldier on the battlefield considers everyone not in their unit as a potential threat, whereas a vigilant mindset does not treat the community as a whole like the enemy, but rather focuses on the safe execution of a police action. For instance, SWAT teams do not need to worry about IEDs on the way to an objective, and only rarely are they in a situation that requires deadly force. The lack of an enemy, combined with a shifting focus on officer safety versus evidence collection, indicates is a clear distinction between the SWAT and military mindset.

The SWAT team members interviewed did not believe they held a “warrior mindset,” but rather saw themselves as separate from the military, with a different mission and a different mindset. Each team took steps to minimize a military outlook on their job. The FBI SWAT team leader advised that he reiterates in training and before missions the concept of “Gas and Brake,” that is, his operators need to be prepared to use force (gas) but must also de-escalate as the situation demands (brakes). All those interviewed advised that once an objective is secure, their job is to ensure everyone in the residence are calm and safe. SWAT team members make sure everyone is dressed appropriately, explain the nature of the search or arrest warrant, and allow people with jobs to get ready for work and leave, or get kids ready for school so they do not miss the bus. These actions help ensure the safety of the follow-on case squad, and assist the overall case as individuals are more likely to interact with law enforcement if they are treated with dignity and respect. Further, for the SWAT members interviewed, all their teams have eliminated the “morale patch”- badges similar to the ones worn by Special Forces depicting images such as the Punisher skull or a Spartan helmet.

The first objective of any SWAT mission is the safety of the officers, subjects, and other civilians. The exception to this rule is the active shooter scenario, where the goal of law enforcement is to eliminate a threat. However, the vast majority of SWAT operations do not involve active shooters. It may seem obvious that safety is the first consideration during a law enforcement mission, but this has not always been the case. In the past, the goal of narcotics warrants was to quickly seize evidence before it could be destroyed. Evidence recovery may still be the priority for some departments, but for the SWAT mission and numerous Federal and local squads that conduct narcotics investigations, the mindset has changed in the last ten years. For narcotics investigations, it is believed that search warrants should not be solely relied on to make

a case, and anything recovered should only enhance the investigation. The theory is that if law enforcement has to rush through a house to prevent drugs from being flushed down the toilet, then the case should have been developed further before obtaining a search warrant. This way of thinking does not apply to all departments across the country but based on the interviews conducted seems to be the trend. It is also important to note that SWAT teams can be the voice of restraint. The SWAT team leader for the Colonie police department advised his team will execute warrants for smaller jurisdictions without SWAT teams. Often the lead detective will push for aggressive tactics for evidence preservation, and the SWAT team leader will deny his request.

Equipment

Equipment and uniforms are the main example used when critics argue that SWAT teams are too militarized. SWAT teams struggle to balance the legitimate need for such equipment with the optics associated with looking like a Special Forces soldier operating on American city streets. Interviews included a discussion on the equipment SWAT teams use and how the public could perceive it as too militarized. Equipment considered included armored vehicles, weapons, protective gear, and uniforms. The SWAT team members agreed that their equipment could seem too martial to the average civilian but pointed out that most of the equipment they used was for their protection. In a country where the average person can purchase the same equipment they use, and illegal firearms are easy to procure, they felt that they should be afforded all the protection available to keep them safe during operations. Each was less concerned about public perception than they were about coming home safely every night.

Armored Vehicles

All the SWAT teams interviewed had at least one armored vehicle for team use. The Lenco BearCat is an armored tactical vehicle used by over 700 Federal, State, and local SWAT teams.⁶⁷ The SWAT team members acknowledged that vehicles like the BearCat could be perceived by the public as looking like “tanks” or other military vehicles but stated these vehicles serve a particular purpose and are used with discretion, rather than in every situation. These vehicles are the only cover these teams have if someone opens fire on them. When planning an operation, the logic goes that if an operation required SWAT deployment it would also justify an armored vehicle. Armored vehicles also serve to intimidate the subject of an operation. If a subject wakes up and looks out his/her window and sees an armored vehicle outside, they may be more likely to give up. SWAT members noted, however, that there are times that intimidation is not an appropriate technique; unprompted, several SWAT team members brought up an incident during the Ferguson protests where a SWAT sniper on top of an MRAP surveyed the crowd through his scope. They all agreed this was not an appropriate use of armored vehicles; even though they did believe such vehicles had a place when trying to quell civil unrest. Several suggested that the BearCat (or equivalent) should be kept in reserve as long as protests were peaceful, but if riots ensued their use would be legitimate.

Uniform

Uniforms varied from team to team and would be the most practical item to adjust to change negative public perception. FBI SWAT wear multicam camouflage pattern produced by Crye Precision. The ATF, Tulsa PD, PGCPD, Colonies PD wear olive drab (OD) green uniforms. In the last two years, the MPD Police Chief ordered MPD ERT to wear the same uniform as patrol officers (light blue shirt and dark blue pants). Before this change they wore all-black uniforms. SWAT team members believe there are advantages and disadvantages to

wearing uniforms that appear militaristic. Examples of the benefits include distinguishing between SWAT operators and other police and providing camouflage for safety when on the perimeter or when operating in wooded or rural environments. The disadvantage to multicam or OD green uniforms were the fact that they appeared militaristic to the public. SWAT team members advised that uniforms choices were utilitarian in nature, not designed to intimidate. The SWAT team members felt this was just an optics issue, but most felt the trend was to return to all blue uniforms in the future in direct response to public perception.

Protective Equipment/Weapons

When discussing protective equipment and carrying rifles, one FBI SWAT leader conceded, “If you looked at my silhouette when I am wearing all my gear, I am going to be indistinguishable from a special operations soldier.” SWAT members recognized their gear is militaristic, but articulated a safety rationale for having it. Equipment such as Kevlar helmets, ear protection, plate carriers, and rifles were all considered necessary when executing high risk warrants. Those interviewed had no issue with changing their uniforms, but all objected to any suggestion that SWAT teams should not use the protective equipment or certain weapons, even if they appeared militaristic. One SWAT member stated, “I have the right to go home to my family at night. If a vest or helmet or rifle help me do that, I don’t see why I should give those up just to make someone feel better about how we look.” There is no alternative, and equally safe, protective gear available to SWAT teams. This sentiment was echoed by the other SWAT members interviewed they believed their safety took precedence over public perception that they appeared to be militarized.

V. Recommendations

There is no denying paramilitary SWAT teams resemble Special Forces military units; however, in recent years, US law enforcement trends have moved the police away from many of the negative aspects of militarization. The origin of these trends can be traced to changing public opinion on law enforcement and political considerations, but also to internal law enforcement changes, specifically with regard to SWAT teams. The following are recommendations based on interviews with SWAT operators and the research conducted for this paper.

A. SWAT Team should only be used in operations meeting a specific threat level.

SWAT teams should never be used for routine patrols or community policing efforts. Heavily armed SWAT operators in armored vehicles will only increase the divide between the public and law enforcement, especially in minority communities. A 2016 Pew Research survey demonstrates this divide, as only 33% of blacks surveyed said police in their community did an “excellent” or “good” job in the appropriate use of force (compared with 75% of whites).⁶⁸ A threat “check-list” should be required before using SWAT on an operation. Before SWAT is utilized, the operation must meet a minimum threat threshold. The investigating unit or patrol officers should execute less dangerous warrants. During incidents of civil unrest, SWAT should serve only as a quick reaction force in case of emergency. Deployment of SWAT would only be used in an active shooter situation or in incidents like the January 6, 2021 storming of the US capitol when other law enforcement units are overwhelmed.

B. SWAT Teams must balance their equipment needs with public perception:

Armored vehicles are a necessity for officer and public safety. Departments should make every effort to obtain BearCat or the equivalent as they resemble an armored truck rather than a tank. MRAPs should be removed from police departments as practical. Departments must also

message the need for such vehicles to their communities to ease fears. Uniforms should be left to the individual department's discretion based on their community's desires. All militant morale patches, such as the Punisher symbol, should be removed from any uniforms. They serve no purpose and are bad for the reputation of law enforcement.

C. All SWAT teams should adopt the slow clear method of CQB.

Dynamic entry methods should only be used in hostage rescue or active shooter scenarios. The most important change that lessens police militarization's impact ironically comes from the military itself. The move toward call-outs and the slow clear methods of CQB emphasizes officer *and* public safety. SWAT members interviewed emphasized their safety and that of the public over evidence collection. Dynamic entries focusing on evidence recovery are reckless and this practice should be discarded. Critics could argue that hostage rescue should be reserved only for elite units such as the FBI's Hostage Rescue Team because hostage situations are a rare occurrence. However, when SWAT teams support undercover operations, they are prepared for agent or officer recovery, which is essentially a hostage rescue mission. In addition to adopting these new tactics, law enforcement should eliminate the practice of obtaining "no knock" warrants. If an operation is so dangerous that surprise is necessary, the call-out method should be used, except in an active shooter or hostage rescue situation.

D. Leadership must ensure the selection of appropriate officers to serve on SWAT teams:

None of the SWAT members interviewed demonstrated what could be called a "warrior mindset." However, all those interviewed were senior members or leaders on their respective teams and acknowledge that SWAT teams attract a certain type of officer. Officers and Agents who join SWAT teams are physically fit, enjoy firearms and tactical training, and can be more aggressive. SWAT must have strong, mature leaders who can temper or dismiss more aggressive

team members. SWAT officers must be firm and in command but not overly aggressive. A rigorous selection process should be implemented to prevent the hiring of “cowboys” or overly aggressive officers to serve on SWAT teams. Ideally, psychological screening would take place, but this may not be practical given budget restraints. SWAT teams have to rely on the judgement of senior leaders to prevent the selection of the wrong individual. Appropriate training is vital to mitigate aspects of a “warrior mindset.” Training must emphasize the law enforcement mission and the safety of the public. SWAT officers need to be trained in de-escalation techniques as well as operational matters.

E. Law Enforcement must message to the public the necessity of SWAT teams:

The recommendations listed above are necessary steps to ensure SWAT teams are operating in a consistent with their mission to serve the public; however, these measures will be lost on the general public without clear, consistent messaging. It is vital for the public to know and understand how SWAT teams operate. For example, on January 13, 2021, Eduard Florea was arrested in Queens, New York, by an FBI SWAT team. Florea was accused of being a member of the Proud Boys who plotted violence in the US capitol.⁶⁹ The SWAT team conducted a call-out, and Florea was arrested safely outside his home. A neighbor commented, “It was nuts. A tank was going down the street. I couldn’t believe it....”⁷⁰ After an incident like this, even though it did not cause much controversy, the Special Agent in Charge (SAC) of the New York field office should have conducted a press conference. The SAC could have explained the reasons why the SWAT team was used, the tactics they employed for the safety of Florea and his family, and why a BearCat was considered necessary. The public wants to feel safe in their homes and to have trust and faith in law enforcement. It is not on the public to understand the nuances of police work. It is the responsibility of law enforcement to justify their actions.

VI. Conclusion

The militarization of law enforcement centered on SWAT teams will remain a debated issue for the foreseeable future. There will always be a balance between protecting citizens and bringing criminals to justice without overreach and oppression in a free society. Well trained and equipped SWAT teams are necessary to keep the public safe but only from the most dangerous threats. New tactics, adopted from lessons learned in military operations overseas, have made these operations safer for the public and the SWAT operator. If SWAT teams adopt these tactics, are only used when necessary, and the public is informed about the nature and necessity of SWAT equipment, militarization of law enforcement might become less of a societal flash point.

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