

## Are Police in America Now a Military, Occupying Force?

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Despite the steady hue and cry by government agencies about the need for more police, more sophisticated weaponry, and the difficulties of preserving the peace and maintaining security in our modern age, the reality is far different. Indeed, violent crime in America has been on a steady decline, and if current trends continue, Americans will finish the year 2013 experiencing the lowest murder rate in over a century.



Despite this clear referendum on the fact that communities would be better served by smaller, demilitarized police forces, police agencies throughout the country are dramatically increasing in size and scope. Some of the nation's larger cities boast police forces the size of small armies. (New York City Mayor Michael Bloomberg actually likes to brag that the NYPD is his personal army.) For example, the Los Angeles Police Department (LAPD) has reached a total of 10,000 officers. It takes its place alongside other cities boasting increasingly large police forces, including New York (36,000 officers) and Chicago (13,400 officers). When considered in terms of cops per square mile, Los Angeles assigns a whopping 469 officers per square mile, followed by New York with 303 officers per square mile, and Chicago with 227 cops per square mile.

Of course, such heavy police presence comes at a price. Los Angeles spends over \$2 billion per year on the police force, a 36% increase within the last eight years. The LAPD currently consumes over 55% of Los Angeles' discretionary budget, a 9% increase over the past nine years. Meanwhile, street repair and maintenance spending has declined by 36%, and in 2011, one-fifth of the city's fire stations lost units, increasing response times for 911 medical emergencies.

For those who want to credit hefty police forces for declining crime rates, the data just doesn't show a direct correlation. In fact, many cities across the country actually saw decreases in crime rates during the 1990s in the wake of increasing prison sentences and the waning crack-cocaine epidemic. Cities such as Seattle and Dallas actually cut their police forces during this time and still saw crime rates drop.

As I point out in my new book, *A Government of Wolves: The Emerging American Police State*, there was a time in our nation's history when Americans would have revolted against the prospect of city police forces the size of small armies, or rampaging SWAT teams tearing through doors and

terrorizing families. Today, the SWAT team is largely sold to the American public by way of the media, through reality TV shows such as Cops, Armed and Famous, and Police Women of Broward County, and by politicians well-versed in promising greater security in exchange for the government being given greater freedom to operate as it sees fit outside the framework of the Constitution.

Having watered down the Fourth Amendment's strong prohibitions intended to keep police in check and functioning as peacekeepers, we now find ourselves in the unenviable position of having militarized standing armies enforcing the law. Likewise, whereas the police once operated as public servants (i.e., in service to the public), today that master-servant relationship has been turned on its head to such an extent that if we fail to obey anyone who wears a badge, we risk dire consequences.

Consider that in 1980, there were roughly 3,000 SWAT team-style raids in the US. By 2001, that number had grown to 45,000 and has since swelled to more than 80,000 SWAT team raids per year. On an average day in America, over 100 Americans have their homes raided by SWAT teams. In fact, there are few communities without a SWAT team on their police force today. In 1984, 25.6 percent of towns with populations between 25,000 and 50,000 people had a SWAT team. That number rose to 80 percent by 2005.

The problem, of course, is that as SWAT teams and SWAT-style tactics are used more frequently to carry out routine law enforcement activities, Americans find themselves in increasingly dangerous and absurd situations. For example, in late July 2013, a no-kill animal shelter in Kenosha, Wisconsin, was raided by nine Department of Natural Resources (DNR) agents and four deputy sheriffs. The raid was prompted by tips that the shelter was home to a baby deer that had been separated from its mother. The shelter officials had planned to send the deer to a wildlife rehabilitation facility in Illinois, but the agents, who stormed the property unannounced, demanded that the deer be handed over because citizens are not allowed to possess wildlife. When the 13 LEOs entered the property "armed to the teeth," they corralled the employees around a picnic table while they searched for the deer. When they returned, one agent had the deer slung over his shoulder in a body bag, ready to be euthanized.

When asked why they didn't simply ask shelter personnel to hand the deer over instead of conducting an unannounced raid, DNR Supervisor Jennifer Niemeyer compared their actions to drug raids, saying "If a sheriff's department is going in to do a search warrant on a drug bust, they don't call them and ask them to voluntarily surrender their marijuana or whatever drug that they have before they show up."

If these raids are becoming increasingly common and widespread, you can chalk it up to the "make-work" philosophy, in which you assign at-times unnecessary jobs to individuals to keep them busy or employed. In this case, however, the make-work principle is being used to justify the use of sophisticated military equipment and, in the process, qualify for federal funding.

It all started back in the 1980s, when Congress launched the 1033 Program to allow the Department of Defense to transfer surplus military goods to state and local police agencies. The 1033 program has grown dramatically, with some 13,000 police agencies in all 50 states and four US territories currently participating. In 2012, the federal government transferred \$546 million worth of property to state and local police agencies. This 1033 program allows small towns like Rising Star, Texas, with a population of 835 and only one full-time police officer, to acquire \$3.2 million worth of goods and military gear from the federal government over the course of fourteen months.

Military equipment sent to small towns has included high-powered weapons, assault vehicles and tactical gear. However, after it was discovered that local police agencies were failing to keep

inventories of their acquired firearms and in some cases, selling the equipment for a profit, the transfer of firearms was temporarily suspended until October 2013. In the meantime, police agencies can still receive a variety of other toys and gizmos, including "aircraft, boats, Humvees, body armor, weapon scopes, infrared imaging systems and night-vision goggles," not to mention more general items such as "bookcases, hedge trimmers, telescopes, brassieres, golf carts, coffee makers and television sets."

In addition to equipping police with militarized weapons and equipment, the government has also instituted an incentive program of sorts, the Byrne Formula Grant Program, which awards federal grants based upon "the number of overall arrests, the number of warrants served or the number of drug seizures." A sizable chunk of taxpayer money has kept the program in full swing over the years. Through the Clinton administration, the program was funded with about \$500 million. By 2008, the Bush administration had reduced the budget to about \$170 million, less out of concern for the militarization of police forces and more to reduce federal influence on law enforcement matters. However, Barack Obama boosted the program again at the beginning of his term, using the 2009 American Recovery and Reinvestment Act to inject \$2 billion into the program.

When it comes to SWAT-style tactics being used in routine policing, the federal government is one of the largest offenders, with multiple agencies touting their own SWAT teams, including the US Fish and Wildlife Service, Consumer Product Safety Commission, NASA, the Department of Education, the Department of Health and Human Services, the US National Park Service, and the FDA.

Clearly, the government has all but asphyxiated the Fourth Amendment, but what about the Third Amendment, which has been interpreted to not only prohibit the quartering of soldiers in one's home and martial law but standing armies? While most Americans--and the courts--largely overlook this amendment, which at a minimum bars the government from stationing soldiers in civilian homes during times of peace, it is far from irrelevant to our age. Indeed, with some police units equivalent in size, weaponry and tactics to military forces, a case could well be made that the Third Amendment is routinely being violated every time a SWAT team crashes through a door.

A vivid example of this took place on July 10, 2011, in Henderson, Nevada, when local police informed homeowner Anthony Mitchell that they wanted to occupy his home in order to gain a "tactical advantage" in dealing with a domestic abuse case in an adjacent home. Mitchell refused the request, but this didn't deter the police, who broke down Mitchell's front door using a battering ram. Five officers pointed weapons at him, ordering him to the ground, where they shot him with pepper-ball projectiles.

The point is this: America today is not much different from the America of the early colonists, who had to contend with British soldiers who were allowed to "enter private homes, confiscate what they found, and often keep the bounty for themselves." This practice is echoed today through SWAT team raids and the execution of so-called asset forfeiture laws, "which allow police to seize and keep for their departments cash, cars, luxury goods and even homes, often under only the thinnest allegation of criminality."

It is this intersection of law enforcement and military capability which so worried the founding fathers and which should worry us today. What Americans must decide is what they're going to do about this occupation of our cities and towns by standing armies operating under the guise of keeping the peace.

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