

The Militarization of Law Enforcement: Bypassing the Posse Comitatus Act



Scott Tighe¹ and William Brown²

Justice Policy Journal • Volume 12, Number 2 (Fall)

© Center on Juvenile and Criminal Justice 2015 • www.cjcj.org/jpj

Abstract

American law enforcement has experienced historic changes over the past several decades – particularly in the aftermath of the September 11, 2001 events. In the past, community policing and problem solving were popular policing strategies used in many jurisdictions, but now police departments frequently institute “zero-tolerance” policies. This shift incorporates the use of military equipment and weaponry that has flooded into law enforcement agencies across the United States. In many cases/situations law enforcement has also adopted military strategies and tactics – tactics designed for use against foreign enemies. One popularly broadcast and subsequently perceived mission of American law enforcement was to *protect and serve the public*. Today, the progress of that mission statement is in question. Another issue related to law enforcement performance is clearance rates. In 1971, the clearance rate for violent crimes was 46.5 percent. That percentage increased to 47.7 percent by 2011 - reflecting a 1.2 percent improvement over 40 years. Amidst this inferior performance in police activity we seem to have entered into a period where law enforcement has become militarized. Today’s law enforcement

¹ Western Oregon University

² Western Oregon University

Corresponding Author: Scott Tighe, tighes@wou.edu

mission reflects a bypassing of the Posse Comitatus Act of 1878, which restricted the use of the military in civilian issues/circumstances. Today, the militarization of law enforcement provides an exception to that law through the creation of an ad hoc military presence. Thus, *protect and serve* has been replaced with *defeat and conquer*. This paper examines short and long-term implications of defeat and conquer mission.

Introduction

The Bureau of Justice Statistics describes law enforcement as a collection of agencies responsible for maintaining public order and enforcing the law (BJS, 2015). Michalowski (1985, p. 170) defines policing as “the use of state power by delegated authorities for the purposes of law enforcement and the maintenance of order.” Law enforcement is commonly perceived as the implementation of laws that accommodate the majority of people. Maintenance order typically includes the management and control of minor offenses and behavioral/social disruptions that may threaten the status quo, which includes individuals, businesses (including corporations), and other organizations who benefit by keeping social, economic, and political arrangements stable (Shelden, et al., 2016).

Over the course of time western law enforcement has been subjected to the rules and values set forth in the *Magna Carta*. The *rule of law* originated from the Magna Carta and became the foundation of democracy (Vincent, 2014). Following the horrific acts of September 9, 2011 the rule of law has, in many cases, been set aside – aided by the enactment of the Patriot Act, 2001. Terrorism, and the threat of terrorist attacks, has created a sense of fear in people to the extent that the values of the Magna Carta, and the rule of law have lost much of their significance for many if not most Americans. Most Americans seem to have evolved to the state of indifference since they have now become *objects of surveillance* at the command of the state (Parenti, 2003; Greenwald, 2014).

Community policing, comprised of two primary models, was once perceived as a preferred and progressive approach to reduce crime and make communities safer. One model was fashioned within the realm of the Broken Window theory; whereby law enforcement officials centering their attention to homelessness, minor drug dealing, loitering etc. would be able to significantly reduce crime in neighborhoods (Burke, 1998; Crowther, 2000). The other model focused on the notion that community involvement, along with police assistance, could reduce crime (Carter and Radelet, 1998; Trojanowicz and Kappeler, 2002). Amidst the introduction and implementation of both community-policing models, police paramilitary-like units

grew by approximately 100 percent from 1980-1996 (Kraska and Cubellis, 1997). Today, aside from civil protest relative to recent events that occurred in places like Ferguson, New York, Cleveland and Baltimore, the police have increased their collections of military equipment and weaponry, and wielded militaristic tactics with little or no criticism from the general population. Hence, Law enforcement has taken advantage of and expanded on the apparent apathy of American citizenry over the past few years.

The military is a state-controlled institution that was designed and authorized to use deadly force to support the interests of the state and its people. Under the U.S. Constitution, however, the military is not supposed to be turned against the citizenry. Through political interests and often *manipulated* terminology the role of the military is often presented to the state's citizenry as a necessary defensive mechanism used against enemies of the state. Political interests, in more recent decades, have compelled the U.S. military to be used as an offensive tool to wage war – often posed as a defense mechanism to protect American interests abroad and at home (Goulden, 1969; Zinn, 2003; Chomsky, 2003). The U.S. military is an established subculture that, beyond its basic defensive and offensive objectives, promotes and reinforces political and economic agendas, provides security for significantly important sites, and often provides ceremonial and emergency services. The military has also learned necessary political techniques that include the promotion of fear to procure federal funding for their mounting budgetary needs (Chomsky, 2006; Biank, 2006; Meyer, 2013;).

Our primary focus throughout this article will be the ostensible *conjugal relationship* between the military and the police. The Posse Comitatus Act of 1878 was passed as a means to satisfy the mandates of particular politicians and usher in the Jim Crow laws of the south, whereby states in the south would not be threatened by military intervention following the Reconstruction period.³ This act has stood for well over a century, albeit with amendments/corrections over time. Violations of the Posse Comitatus Act are subject to sanctions that include imprisonment and monetary fines. There have been numerous violations of this act since 1878 but to date no individuals have ever been held accountable. It is our position that law enforcement appears to have become a means whereby officials – local, state, and federal – have discovered a way to significantly reduce the use of the military in civilian situations through the militarization of the police; thus attempting to render the Posse Comitatus Act of 1878 obsolete. Through a series

³ 18 U.S. Code § 1385 – Use of Army (later adding the U.S. Air Force in 1956) as Posse Comitatus, was originally passed in 1878 and prohibited the federal government from using the military in a manner consistent with domestic law enforcement.

of processes civilian law enforcement has managed to drape themselves in military *cloaks*, which include military material/equipment, elements of military culture, and military methods/tactics thus permitting law enforcement to operate as a military force (Kraska, 2007). At least since the legal response to crime and the drug problem throughout America were described as the *War on Crime* and the *War on Drugs*, law enforcement has progressively been exposing itself as at least a quasi-militaristic entity (Kraska and Cubellis, 1997; Balko, 2013; Whitehead, 2013; Hari, 2015).

Fear has always been used as a motivating factor behind law enforcement's escalation through more invasive maneuvers, procedures, size and equipment. From the beginning, the *war on drugs* has relied extensively on marketing public fear. The war on drugs actually began in 1914 with the passage of the Harrison Narcotics Act, and was reaffirmed by the Supreme Court ruling in 1919 (Webb et al. v. United States). One element of this ruling defined the maintenance of addicts/addiction as illegitimate treatment, and between 1915 and 1938 more than 5,000 physicians were subsequently convicted for prescribing drugs to addicts they were treating (Trebach, 1982). In 1930 the Federal Bureau of Narcotics began using propaganda as a means to reduce drug use that eventually led to enacting the Narcotics Control Act of 1956, which fostered draconian penalties for those who sold and used illegal drugs. Those convicted of selling heroin to minors became subject to the death penalty (McWilliams, 1990). The drug war opened the door to questionable violations of the 4th Amendment by law enforcement with their perpetual *complaining* that their hands were tied with search and seizure law requirements.⁴

The total expenditure for drug enforcement (the drug war) throughout America over the past 40 years has been estimated to exceed \$1 trillion (Mendoza, 2010), and has actually contributed to a growing international illicit drug market that exceeded \$330 billion per year (UNODC, 2005). A more recent United Nations Office on Drugs and Crime study reveals an increased use among opioid-dependent drug users in the United States of America where synthetic opioids are being replaced with heroin. This increase is related to the increased availability, and a reduction in cost to users of heroin in America (UNODC, 2014). Data reveal that worldwide,

⁴ An incident occurred in Cambridge, MD in 2005 whereby local SWAT teams, employing military-like tactics, entered two apartments in search of drugs. Andrew Cornish was shot in the face and forehead for brandishing a knife – still in its sheath. Although a federal jury awarded Mr. Cornish's father \$250,000 the 4th Circuit Court of Appeals overturned the jury's ruling thereby supporting both the law enforcement agency's militaristic methods and the outcome of the incident – one dead citizen and the seizure of a small amount of marijuana (Balko, 2015).

Crime recorded by the authorities in relation to personal use and trafficking of drugs assessed separately has shown an increase over the period 2003-2012, in contrast to the general declining trend in property-related and violent crime (UNODC, 2014, xii).

The UNODC estimated that about 200 million people, between the ages of 15-64 had consumed illicit drugs in 2005, while up to 365 million people in the same age range used illicit drugs in 2012 (UNODC, 2014). Clearly, the *success* of the drug war is at least *statistically questionable*.

The events of September 11, 2001 set the stage whereby much of the American public became willing to relinquish many of their constitutional rights and safeguards to ease their *fear of terrorists hiding in the shadows* of American society (Glassner 1999; Altheide, 2002; Furedi, 2006; Stearns, 2006). As a result, as indicated in a recent American Civil Liberties Union (ACLU) report, militarizing law enforcement has resulted in many police officials adopting the *warrior mentality* that often results in the development of police perceptions that *the people they are supposed to serve are the enemy* (ACLU, 2014). This is not unlike the *warrior ethos* promoted throughout military training and carried forward to various combat zones (Brown, 2008). Before we proceed into a discussion about law enforcement and their unique methods of *skirting* the Posse Comitatus Act, we must first discuss the military.

The Military

The principal goal of the military is to seek out and destroy the enemy. The primary method of destroying the enemy by the military is to kill as many enemy combatants as needed to force a complete capitulation. While this mentality goes back at least to the Greek and Roman wars we *fast-forward* and begin with the Korean War, where the military recognized that it was more difficult to identify enemy combatants. This problem became magnified during the Vietnam War. America's enemy combatants became much more difficult to identify throughout both of the aforementioned wars when compared to World War II and previous wars (Brown, et al., 2015). The military, in both the Iraq war and the war in Afghanistan, has experienced significant problems identifying the enemy – the enemies in Iraq and Afghanistan did/do not wear uniforms. Instead, enemy attire is consistent with civilian clothing. The enemy may be comprised of men and women. They can be elderly, middle age, or young. Soldiers and Marines have experienced problems identifying enemy combatants in Iraq and Afghanistan. One veteran noted: "It was difficult to identify the enemy because they did not wear uniforms

and because so many people have weapons it seems that they are all the enemy.”⁵ Another veteran said, “They could set off an IED (Improvised Explosive Device) with a cell phone. Were we supposed to *take out* everyone we saw with a cell phone?”⁶

The *enemy* in Iraq managed to kill nearly 4,500 American service members and over 2,300 military personnel thus far in Afghanistan. In return, it is estimated that over one-half million civilians were killed during Iraq War – which is likely a conservative estimate. The total number of civilians killed in Afghanistan has been difficult to determine (Brown, et al., 2015). The United Nations did not begin keeping track of Afghan casualties until 2009. From 2009 to 2014 there were nearly 48,000 Afghanistan civilian casualties (United Nations Assistance Mission in Afghanistan, 2015). This is a snapshot of the military and of war. Does law enforcement really want to replicate similar figures? Equally important, do we want to go down this path?

Militarizing Local Police

In 2014 the U.S. donated more than \$300 million of U.S. military equipment to Iraq. Among this equipment are 250 MRAPs (Mine-Resistant, Ambush-Protected vehicles) to combat the ever-increasing number of roadside bombs. Military equipment forthcoming in 2015 includes 12,000 sets of body armor, Kevlar helmets, medical kits, and 10,000 M15 rifles, and more (McLeary, 2015). During this same period the U.S. sold about \$3 billion in military equipment, which includes 175 M1A1 Abrams main battle tanks, 15 Hercules tanks recovery vehicles, 55,000 rounds of gun ammunition for the Abrams tanks. General Dynamics received a \$65 million contract for supporting the current Iraq M1A1 Abrams program (Van Buren, 2015). While the U.S. engaged in weapon donations and sales to Iraq, we have also been engaged in air operations to destroy equipment that we turned over to the Iraq military when the Iraq War ended in 2010. Now, much of that weaponry has been captured by Islamic State and used against the Iraq Army, of whom we are now providing more weapons. We spend about \$20,000 per bomb to destroy weapons we previously provided to Iraq. The Islamic State also managed to acquire many of the MRAPS that were abandoned by the Iraq army. These vehicles are very similar to the MRAPS the military provided to law enforcement in Ferguson Missouri, and other law enforcement agencies throughout America, and used in the August 2014 civil demonstrations (Fields, 2014).

⁵ Information acquired during confidential interview with anonymous Iraq veteran.

⁶ Information acquired during confidential interview with anonymous Afghanistan veteran.

The events that occurred in Ferguson, Missouri in August 2014 have gained national and international attention. An unarmed African American, Michael Brown, was shot and killed by a white police officer. The atmosphere of Ferguson, projected to the public through mass media, was as though law enforcement officials were actually military personnel. The military equipment and weaponry displayed by Ferguson law enforcement were very similar to those used by military personnel in Afghanistan and Iraq. Additionally, law enforcement officials were shown repeatedly to be pointing loaded weapons at civilian demonstrators. While police officers in Ferguson pretended to be soldiers or Marines, they were violating the basic rules that *genuine soldiers and Marines* are required to follow - *pointing loaded weapons at individuals for the purpose of intimidation is prohibited*. A report issued by the U.S. Department of Justice revealed that the equipment used by law enforcement was misused. Tear gas was misused against crowds. There was no reason to deploy snipers, nor was there any reason to deploy military-style armored vehicles (U.S. Department of Justice, 2015). Eventually, the Missouri National Guard was activated to *clean up the mess created by law enforcement* and eventually calm the situation.

While we agree with the scathing Department of Justice report, this article deals with a deeper and broader examination of modern day policing in America. We go beyond inappropriate tear gas use and pointing weapons at protestors for intimidation purposes, or the needless use of snipers, or the use of military vehicles. We are forced to raise a question related to the long-time police slogan - *Protect and Serve*. As we previously noted, the military's goal and purpose is to defeat and kill the enemy. Does law enforcement want to adopt that goal and purpose? Is law enforcement in competition to compete with military-induced enemy and civilian body counts? Before we discuss law enforcement's steering towards militarism throughout America it is important that we construct a foundation that shows the historical progress of those readjustments. We begin with a discussion of the Posse Comitatus Act of 1878.

Posse Comitatus Act of 1878

Prior to the American Revolution Americans developed and embraced the notion that the military should not be involved in civilian affairs. One incident, among many, that perpetuated and/or reinforced this view, occurred on March 5, 1770 where a group of about 50 citizens were protesting against the British military occupation/presence of/in Boston, Massachusetts. British soldiers fired into the crowd killing three civilians and wounding several others. Two of the wounded

later died. Now referenced as the Boston Massacre, this event was just one of many that eventually contributed to the start of American Revolutionary War.

In 1789, following the passage of the Judiciary Act, U.S. Marshals were given authorization to command any and all necessary assistance in the execution of their duties (Judiciary Act, 1789, Section 27). While the law suggested that U.S. Marshals could include the militia in *all necessary assistance*, it was not until 1792, and the passage of the Calling Forth Act (sometimes referred to as the Militia Act), where the law implied that U.S. Marshals were able to use militia as participants of a Posse Comitatus (Felicetti and Luce, 2003; Meeks, 1975). One interpretation of this law restricted regular military forces (Felicetti and Luce, 2003, p. 98), while another interpretation indicated that militia could be used to execute the law. Eventually, regular military forces were called upon to serve in marshal's posses (Meeks, 1975).

The Calling Forth Act also permitted the president to call on states' militia to repel invasions from foreign and domestic enemies as well as to repress insurrections when deemed necessary. In 1794, George Washington called on the militia to assist in *stopping* the Whisky Rebellion in western Pennsylvania (Calhoun, 1989; Coakley, 2015). George Washington gave specific orders to the militia:

You are to exert yourself by all possible means to preserve discipline amongst the troops, particularly a scrupulous regard to the rights of persons and property, and a respect for the authority of the civil magistrates, taking special care to inculcate and cause to be observed this principle, that the duties of the army are confined to attacking and subduing of armed opponents of the laws and to the supporting and aiding of civil officers in the executing of their functions (Syrett, 1972, p. 336). Nearly 13,000 militia members were sent to Western Pennsylvania (Baldwin, 1939; Hogeland, 2006).

A proclamation by Thomas Jefferson demanded that all civil and military officers assist in defeating a domestic rebellion. After being consulted by James Madison that regular military personnel could not be used against insurrections, Jefferson requested that Congress provide him with the power to use the Regular Army to defeat insurrections. On March 3, 1807 Congress passed an act that allowed the president to use land and naval forces to uphold the nation's laws, and Jefferson signed the bill into law a couple days later, which gave the President extended power to respond to civil disturbances (Dumas, 1974).

Subsequent presidents continued to employ their power to use military forces when addressing civil disorders. A survey of American slave revolts found

documentation reflecting nearly 250 revolts, and that state militia or regular military had been used to suppress most of those revolts (Aptheker, 1943). Prior to the Revolutionary War the primary mission of militia in the southern states was to conduct slave patrols (Mahon, 1983). Following the passage of the Fugitive Slave Act of 1850 the U.S. Army found itself caught in the middle of a conflict between states that were pro-slavery and states that were opposed to slavery.

U.S. Marshals were given the duty of apprehending escaped slaves, and to summon citizens under the Posse Comitatus for assistance. This created uproar in states like Pennsylvania where citizens refused to participate and, in protest, freed one captured slave. President Fillmore, following a federal court request for soldiers, ordered the Marines to assist federal law enforcement in the apprehension of escaped slaves (Rayback, 1989; Grayson, 1981). Shortly thereafter, the Secretary of War, Charles Magill Conrad, ordered federal troops to Boston, Massachusetts, following the release of a fugitive slave by free black men.⁷ President Fillmore was not certain if he had the power to summon an organized militia force under Posse Comitatus, but the Senate Judiciary Committee clarified that U.S. Marshals could use the militia and the Regular Army for a Posse Comitatus. Later, in 1854, nearly 1,600 soldiers and federal law enforcement officials were called upon to return a captured slave from Boston to Virginia. In 1857 President Buchanan sent Regular Army troops into the Utah Territory to settle a dispute related to the Mormon community. In 1859 President Buchanan sent federal troops, under the command of Colonel Robert E. Lee, to curtail the insurrection by John Brown and other abolitionists at Harpers Ferry, Virginia (Coakley, 1988).

The Posse Comitatus Act of 1878 was passed with the purported intention to prohibit military forces from acting as law enforcement in the USA. This act, which is still in effect, at 18 U.S.C. Section 1385, reads:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force⁸ as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.

This Act was initially viewed as a critical component of the American Civil Liberties framework, but in reality it was nothing more than a U.S. governmental *betrayal* of African Americans who resided in the South.

⁷ C.M. Conrad later became a session movement leader in Louisiana and was a member of the Confederate Congress, representing Louisiana, from 1862-1864 (Coakley, 1988).

⁸ In 1956 the Posse Comitatus was changed from only pertaining to the U.S. Army by adding the U.S. Air Force (Posse Comitatus Act, 1956).

Prior to the passage of the Posse Comitatus Act U.S. troops were used during the reconstruction period to protect recently freed slaves. With the disputed Presidential election of 1876, Florida, Louisiana, and South Carolina Republicans promised their 20 electoral votes to Rutherford B. Hayes, a Democrat, in exchange for his promise to remove federal troops and formally end Reconstruction. The offer was agreed to and Hayes won the election. Two years later, as per the agreement that provided a solution to the 1876 election dispute, the Posse Comitatus Act of 1878 became law. In the aftermath, Jim Crow laws became rampant throughout the South – Blacks were subjected to a different set of rules than Whites. The Posse Comitatus Act prevented U.S. military from acting or functioning as law enforcement throughout the United States (Felicetti and Luce, 2003).

Following the end of the Civil War (1861-1865), the military was frequently used against Native Americans and to suppress labor strikes. Weigley (1962) identified more than 900 military interventions between 1865 and 1898, which included military expeditions against the Sioux, Cheyenne, and Nez Perce nations. Military intervention against Native Americans continued into the 20th century. In 1973, at Wounded Knee, South Dakota federal law enforcement, National Guard, and regular military forces were used during a 71-day siege against 200 Oglala Lakota (Sioux) activists and members of the American Indian Movement (AIM). The Oglala Lakota were demanding that the United States honor signed treaties made during the 19th and early 20th centuries. Access to electricity and water were denied to the protesters. Day and night hostile fire was used against the protesters. In the end, the protesters succumbed to the demands of law enforcement and their military supporters. Today, Shannon County, South Dakota has one of the highest percentages of poverty and unemployment (70-80%) in the U.S. (Chertoff, 2012; Felicetti and Luce, 2003).

Militia and federal troops were frequently used to curtail strikes throughout America. Riker (1957) discusses the use of military forces during the railroad strike in West Virginia in 1877 where 45,000 militia and 2,000 federal troops were used to confront and separate the strikers – thus, ending the strike. Another railroad strike in 1894 resulted in several thousand militia and federal troops that were used to suppress that strike (Mahon, 1983). During Railroad Strike of 1922 National Guard troops from seven states were activated, and along with more than 2,200 deputy U.S Marshals, who intimidated and abridged the striker’s efforts to conduct formal meetings and maintain picket lines. AT the beginning of the railroad strike in 1950, President Truman ordered the U.S. Army to seize control of the railways. Although the Army acquired control of the railways the strike continued for another two

years. The strikers were eventually forced to accept Truman's terms (History.com Staff, 2009).

A composite of strike-breaking forces that included the Pinkerton's, law enforcement agencies, and the Colorado National Guard challenged the Western Federation of Miners (WFM) during the late 1890s and extending into the early 1900s in Colorado and Idaho (Taft and Ross, 1969). At one point, Colorado WFM strikers were required to be photographed and registered using the Bertillon system – treated as criminals – which required both front and side photographs.⁹ On May 19, 1904, eighty strikers who refused to submit to the Bertillon system requirements were taken by the National Guard and force-marched 20 miles, with no food or water, to a location where they were forced to comply with the registration requirements. One of the strikers fell to the side of the road and was left to die in the heat (Friedman, 1907).

Civil unrest, related to segregation issues, erupted in the 1950s throughout many of the southern states, which was sparked by the Supreme Court decision in *Brown v. Board of Education* (1954), which mandated the end of school segregation (Calhoun, 1989). Racial turbulence spread throughout the country during the 1960s and into the 1970s along with the anti-war movement during much of this period of American History. Federal law enforcement, militia, and federal troops were frequently used to maintain order and to disrupt civil activist organizations (e.g., members of the Black Panther Party and Students for a Democratic Society). In 1965 34 people were killed in the Watts Riot, followed by 43 deaths in the Detroit Riot in 1967. In 1992, in the aftermath of the court decision in the Rodney King incident, 50 demonstrators were killed (New York Times, 1992). Each of the previous demonstrations was met with a combination of local and federal law enforcement as well as military intervention, albeit, in some instances regular military and the National Guard units. Another hallmark of military force during this period was Kent State University on May 4, 1970, where the Ohio National Guard fired dozens of shots at unarmed student protesters – killing four students and wounding 10 (Newsweek, 2015).

The U.S. Constitution gives the President the authority to serve as the Commander in Chief of the Army and the Navy. The President also has the authority to activate state militias and mandate them to federal service.¹⁰ As a

⁹ The Bertillon system was a procedure adopted by law enforcement to maintain records of those arrested for criminal behavior. This system required photographs and fingerprints of those booked into jails – both front and side photographs. This system of registering persons arrested is still practiced throughout American law enforcement agencies.

¹⁰ U.S. Const. art. II, §§ 2-3.

fiscal safeguard, which is linked to the Posse Comitatus Act, the U.S. Congress has the power to monitor the use and potential misuse of the military by the Executive branch of government. At present the Posse Comitatus Act has taken on a different significance when compared to its role in 1878. Today, the role of this act has been used to prevent the military from becoming involved in confronting dissident groups, while simultaneously skirting the act in relation to the drug war. In 2006 a law allowing for an exception to the Posse Comitatus Act, in the aftermath of Hurricane Katrina, was initiated and but was later repealed in 2007 (Sun, 2011).

One must at least wonder if the need for military intervention has been replaced by the militarization of law enforcement agencies. It appears that many law enforcement agencies have much of the equipment in their storage lots that once could only be found inside military bases or National Guard armories. Over the past decade law enforcement has acquired significant amounts of military equipment. Their tactics, as previously mentioned, have become more militaristic. One now must ask if the mission of law enforcement has truly changed from *protect and serve* to *defeat the enemy*. Such a change has potential horrific consequences for society as a whole.

Promoting Fear Amongst The Illusion To *Protect and Serve*

In 1955, the Los Angeles Police Department (LAPD) sponsored a contest in search of a motto for its police academy. The contest requirements mandated that the motto must reflect the Los Angeles police ideals. It was also noted that the motto could be adopted as the official motto of the LAPD. Officer Joseph S. Dorobek submitted the winning motto entry, which was, *"To Protect and Serve."* In 1963, the Los Angeles City Council passed an ordinance that placed the motto alongside the City Seal on LAPD patrol cars (LAPD Online, 2015). Throughout America, television programs and movies became obsessed with the use of this motto. *To Protect and Serve* has also become a leading political catchphrase used by politicians at all levels of government as they promote the war on crime and drugs. The International Association of Chiefs of Police website currently states that the role of law enforcement is to *Protect and Serve* their respective communities (International Association of Chiefs of Police, 2015). That said, most Americans continue embracing the idea that law enforcement exists for the purpose of protecting and serving the American public.

The notion that law enforcement's role in America is to protect and serve is, of course, a myth. Over 150 years ago the U.S. Supreme Court ruled that law enforcement officials had no duty to protect any individual. Rather, this Court

found the duty of law enforcement officials was restricted to enforcing the law (*South v. Maryland*, 1856). In 1982, the 7th Circuit Court readdressed the Protect and Serve issue and affirmed the 1856 decision in *Bowers v. DeVito*. The Court ruled that:

There is no constitutional right to be protected by the state against being murdered by criminals or madmen. It is monstrous if the state fails to protect its residents against such predators but it does not violate the due process clause of the Fourteenth Amendment, or, we suppose, any other provision of the Constitution. The Constitution is a charter of negative liberties; it tells the state to let the people alone; it does not require the federal government or the state to provide services, even so elementary a service as maintaining law and order (Bowers v. DeVito, 1982).

So why are Americans obsessed with their quest for protection? It can be argued that the notion of the modern-day quest for the need to be *protected* by law enforcement is a byproduct of the *fear* that has been a major component of American culture for centuries. To better understand American fear we only need to reflect on our responses to witchcraft in the 1600s, followed by the anti-Indian hysteria throughout much of the 1700s and into the 1800s, which was briefly interrupted but supported by the artifacts of the Civil War (Glassner, 1999; Stearns, 2006; Engelhardt, 2011). Indians and blacks often shared the stage where race proliferated fear in the minds of Americans – not terribly different than how thoughts about Jews, Gypsies, and the mentally ill terrified the German people and reinforced support for the Nazi takeover in the 1930s (Shirer, 1960; Goldhagen, 1996; Weinreich, 1999).

This addiction to fear continued throughout the 20th century, beginning with World War I, the Red Scare of the 1920s, the Great Depression, and the bombing of Pearl Harbor, which brought America directly into World War II. During World War II, we placed thousands of Japanese Americans into internment camps to *satisfy* our fear (Stearns, 2006). In the aftermath of World War II, the Cold War emerged, where children were instructed to hide under classroom desks in the event of a nuclear explosion, and continued the provocation of fear throughout America. McCarthyism, which ran rampant throughout the 1950s, disrupted thousands of lives.

Throughout the 1960s and early 1970s Civil Rights and anti-war movement tensions increased America's craving for protection amidst its already established addiction to fear. The fear of crime, laced with various racial ingredients, was promoted throughout the 1980s and 1990s, which resulted in massive prison construction and increases in prison populations throughout America. Enhanced

surveillance of citizens became acceptable to most Americans. The war on drugs widened its scope, while pharmaceutical companies expanded their manufacturing and control of more addictive prescription medication. Private security became an enriched industry (Staples, 1997; Whitaker, 1999; Dash, 2004). This period of American history gave birth to the prison industrial complex, which was presented as a resolution for American fear (Irwin, 1985; Parenti, 1999; Mauer, 1999; Reiman and Leighton, 2012; Drucker, 2013; Schenwar, 2014).

And then terrorists attacked the United States slamming commercial airliners into the Twin Towers of New York City and the Pentagon. We then added terrorism to the fear formula (Homeland Security Act of 2002). National Guard units, throughout the country, provided security at major airports. Some National Guard units were not allowed to have loaded magazines in their weapons (USA Today, 2002). The NSA (National Security Agency) had begun monitoring Internet communications as far back as 1995 after Windows 95 was released. After 9/11 the NSA began collecting data from emails, Internet chat rooms, videos, stored data on computers, Internet phone calls, etc. (Arthur, 2013). The American criminal justice system seems to have developed a military-like mindset, and law enforcement agencies throughout America were armed with massive amounts of military equipment.

The Emergence of Proactive Policing

Various forms of policing have been used throughout history, starting with those in the Greek and Roman empires (Shelden, 2008). Using military personnel for policing emerged in the Roman Empire. After the assassination of Julius Caesar Rome fell into hysteria, and power factions who were striving to acquire control summoned select units from their military command to provide security. These units later became known as *praetorian cohorts*, and were used to investigate crimes and other roles germane to policing. During the reign of Augustus, the Roman Empire created a group of *protectors* known as “Vigiles Urbani,” or *Watchmen of the City*. The Vigiles were para-military, and their primary duties were to protect the property and power positions of Roman leaders. They also served as fire fighters (Wolff, 1951; Chambliss and Seidman, 1982; Shelden, 2008). Serving as the night watch of Rome, the Vigiles apprehended thieves and robbers, captured runaway slaves, and dealt with petty crimes and disturbances. Near the collapse of the Roman Empire about 10,000 Vigiles served a population of about 750,000 – or one officer for every 75 citizens (Kelly, 1975).

Throughout the 1500s, and well into the 1700s, as England expanded its empire, crime began increasing as more and more citizens were ushered into what we refer today as urban settings. Evolution of the modern concept of a police force was much slower in England than in the rest of Europe. Private watchmen (existing from 1500 on), thief-takers (modern day bounty hunters-hired by victims or sometimes bail bondsmen), etc. performed police functions. In 1737, King George II began paying London and Middlesex watchmen with tax moneys, which began the shift of government-controlled policing. In 1750, Henry Fielding, an author (famous for authoring *Tom Jones*) and local magistrate began organizing a force of quasi-professional constables. Fielding started London's first police force known as the Bow Street Runners, using his authority as a magistrate, who were similar to the thief-takers (noted above). They represented a formalization of the then existing policing methods. What made them different from the thief-takers was their formal attachment to the Bow Street Magistrates' office, and the magistrate paid them with funds provided by the central government. They worked out of Fielding's office and court at No. 4 Bow Street. Rather than patrol, the Bow Street Runners served writs and arrested offenders on the authority of the magistrates, travelling throughout England apprehending criminals.

A scandal referred to as the Macdaniel affair occurred in England in 1754 when it came to light that a gang, led by a criminal named Stephen Macdaniel, had been sending innocent men to their deaths in order to collect reward money. It was an unintended consequence of British government rewards for the capture of criminals. Unlike the payment to thief-takers by victims this scandal formed part of the impetus for the formation of salaried public police forces that did not depend on rewards.

On September 29, 1829, the Metropolitan Police Act was passed by Parliament, allowing Sir Robert Peel, the then home secretary, to found the London Metropolitan Police. The London Metropolitan Police Department became a model for police forces in many countries, including the United States. Peel's legacy can be found through the application of his social concept, and the basis for community policing:

Police, at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only the members of the public that are paid to give full-time attention to the duties which are incumbent on every citizen in the interest of community welfare (Peel Institute, 2015, p.1). During Peel's tenure, the primary role of the police, "Bobbies," in Britain was keeping the Queen's Peace, which continues into the present day.

The first local modern police department established in the United States was the Boston Police Department in 1838, which was followed by the New York City Police Department in 1844. Known as the New York Model, the New York State Legislature passed a law establishing a full time police force in New York City. As Peak and Glensor (1999, p. 5.) note: "This new body was very different from the European model, as it was deliberately incorporated into politics and placed under the control of the city government and city politicians."

During America's early history, commonly referred to as the Political Era (pre-1900's) the police were familiar with their neighborhoods and maintained order in them. However, this period was also characterized by abuse of immigrants' civil rights and was marked by widespread corruption (Sage Publications, 2015).

The *Professional Era of American policing* (1920's-1980's) emerged in Berkeley, California. Berkeley police chief, August Vollmer, spearheaded an effort to professionalize the Berkeley police by adopting and instituting new policing technologies with an emphasis on officer training. Vollmer's efforts resulted in greater centralization of the police command and control. Wichita, Kansas Police Chief, O.W. Wilson, a student of Vollmer, introduced professionalism at the Wichita Police Department, and then later at the Chicago Police Department. In spite of the efforts initiated by Vollmer and Wilson the *Professional Era* reforms failed to improve community-police relations. In part, because many police departments were headed by highly autocratic leaders, which resulted in a lack of respect between police and members of the community. This was particularly the case in communities with greater minority populations.

In the United States, following the racial riots of the 1960s, police started to focus on improving community relations including reforms such as increased diversity in hiring. A study, known as *The Kansas City Preventive Patrol Experiment* (Kelling, G.L., et. al. 1974) found the reactive approach to policing to be ineffective. As a consequence, during this time, many police departments began to adopt a community-policing philosophy and strategies, and others adopted problem-oriented policing.

The 1970's marked the beginning of the community-policing era, with community policing being characterized as:

An approach to policing, called community policing, focused on developing partnerships between the police and the community, addressing community problems through systematic problem-solving efforts, and finding ways to ensure that officers' efforts in these areas receive support from the police department (Diamond and Weiss, 2005, p. 2).

As police departments attempted to implement a community policing philosophy, police departments began to address some of the problems that had developed in their attempt to professionalize policing. The reactive, rapid response to all 911 calls, regardless of their urgency, was viewed as a poor use of resources because it allowed too little time for in-depth investigations. In addition, the passive role of citizens had resulted in the loss of police ties with the people, those who typically had the information needed to solve crimes. It is at this juncture that the dichotomy between community policing and zero-tolerance policing began to evolve.

The Bifurcation of Law Enforcement Services

The community policing philosophy has been a policing strategy used by police departments nationwide, but that approach now has been replaced with zero-tolerance policies. Following the shift to zero-tolerance policies many police departments have shifted to the implementation of S.W.A.T. teams and reliance on military-like tactics, which include the use of military equipment and weaponry that has flooded into law enforcement agencies across the United States.

Since the terrorist attack of September 11, 2001 the conduct of law enforcement agencies have changed dramatically. William L Harvey notes:

Now, for the senior commanders; if you can find your old academy notebooks from a few decades ago take a close look at the curriculum. If you can compare it to today's academy curriculums you will be shocked to say the least. First of all, there are probably several weeks added due to the sheer numbers of new classes. What are these classes? From the 1980s, we probably added hazardous materials, community policing, and probably defensive tactics turned into subject control. From the 1990s, the topics were racial profiling, blood borne pathogens, ADA-HIPPA and Compstat (Computer Statistics). In the 21st Century we added terrorism, NIMS, ICS, response to school shootings and field force deployments (Harvey, 2009, p. 1).

Noting this overwhelming subject matter overload, are police cadets capable to command the breadth of the required materials presented to them in their training?

Consider the question; *are we in a new era of policing?* Beginning with New Jersey's *Safe and Clean Neighborhoods Program* it was speculated that if police officers were to go back to foot-patrols crime rates in neighborhoods would go down. Newark, New Jersey pioneered the *Safe and Clean Neighborhoods Program*.

Did it reduce crime as anticipated? The evidence says no. Was the program a failure? James Q. Wilson (2009, p. 2) states:

What foot-patrol officers did was to elevate, to the extent they could, the level of public order in these neighborhoods. Though the neighborhoods were predominantly black and the foot patrolmen were mostly white, this "order-maintenance" function of the police was performed to the general satisfaction of both parties.

Wilson's assertion is challengeable. It also is contended that blacks were not happy with white police officers patrolling black neighborhoods (Yuksel and Tepe, 2013). Engel (2005, p. 463) found:

Citizens who were African Americans stopped more frequently, searched by police, or received a traffic citation were significantly more likely to have perceptions of distributive injustice (i.e., perceived the stop was illegitimate), procedural injustice (i.e., perceived that the police acted improperly during the stop) or both combined.

Yuksel and Tepe (2013, p. 32) noted, "The literature mostly suggests a strong relationship between respondent's race and satisfaction level, whites being more positive than do their nonwhite counterparts."

Community policing and zero tolerance policies in law enforcement are at a loggerhead. Community policing and problem solving draws support and funding from the Department of Justice, Community Oriented Policing Office but currently most police departments are utilizing *zero-tolerance* policies. Zero-tolerance policies encourage the use of a more forceful police tactics and full enforcement of minor offenses. For example, in New York City the Police Department implemented zero-tolerance policies in the mid-1990s in an effort to reduce minor disorders and control crime. Using the broken windows model, vigilant enforcement of minor crimes was calculated to produce an increase in citizen satisfaction and quality of life that models of community policing embrace. However, the decline in crime rates in San Francisco raises questions about broken windows law enforcement tactics. The Center on Juvenile and Criminal Justice (2002) demonstrated that during the period New York City was being flaunted as a national model for policing other cities were also experiencing declines in criminal activities. San Francisco, which had been subjected to ridicule for not practicing strict broken windows approaches to crime, had greater crime reductions than New York City. San Francisco experienced significant reductions in both misdemeanor and felony offenses, and had few arrests, prosecutions, and persons sentenced to prison.

The Patriot Act emerged in the aftermath of September 11, 2001 tragedy, and the threat of terrorism has since flourished throughout America (Parenti, 2003; Furedi, 2006; Greenwald, 2014). The Department of Homeland Security has claimed that terrorists often use threats to get publicity and promote fear among the public with the backdrop that their government cannot prevent terrorism (DHS, Emergencies and Disasters, 2006). On the other hand, the American government has used the image of terrorist threats to eliminate the sense of community and replace it with the message of *security first*. Thus, the bifurcation of community policing and militarization of the police has taken hold. Massive cell phone and email monitoring now appears to be readily acceptable to most Americans. And the second amendment becomes paramount over the rest of the Bill of Rights. Racism often rests at the center of America's culture of fear, which promulgates the perception that we must be *protected*. Increases in public fear are typically accompanied by a greater reliance on more social control agents (Altheide, D.L. 2003).

Preparing for War

U.S. law enforcement would find it quite difficult to increase its funding and resources were it not for the promotion of public fear. The literature supports the contention that the terrorist's greatest weapon is "fear." In response, law enforcement responded with an increase in protection to serve as an antidote for fear. This includes Federal initiatives such as Citizens' Corps, a volunteer service intended to make communities safer. The basis of the fear of crime, on the other hand, can be, in part, attributed to the news media (Higgs, 2005). Currently, seventy-one percent of all adults watch televised media outlets and thirty-eight percent watch cable news (Olmsted, K. 2013). We contend that these TV based news reports heighten the production of fear. In spite of the fact that crime rates have fallen dramatically over the past couple of decades (Federal Bureau of Investigation, 2014), over two-thirds of the American public believes that crime has increased (Gallup, 2011). Thus, the public is *prepared to wage war* against terrorism.

Amidst an oversized military, accompanied by the politics associated with the promotion of increasing combat capabilities in the War on Drugs, the 101st Congress passed and the President signed the National Defense Authorization Act, which was implemented in 1990. Section 1208 of this Act permits the Secretary of Defense to:

Transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is— (A) suitable for use by such agencies in counter-drug activities; and (B) excess to the needs of the Department of Defense (U.S. Congress, 1989, p. 215).

Today, most law enforcement agencies throughout the United States subscribe to characteristics germane to the military. Uniforms worn by many police officers are replications of those worn by military personnel of various branches of the Armed Forces. Ranks consistent with military hierarchy such as sergeants, lieutenants, and captains, are common in police agencies throughout America. In recent years law enforcement has begun equipping itself more and more with military equipment. In June 2014 it became known that over 430 MRAPs (Mine-Resistant Ambush Protected armored vehicles) had been transferred from the military to law enforcement agencies throughout America. Data also reveal that over 93,000 automatic weapons and more than 180,000 magazines have been transferred from the military to police agencies (Apuzzo, 2014). Thus far, we have been unable to identify any information identifying the use or threat of use of landmines along or in any American roads or highways during the past 100 years.

How pervasive is the terrorist threat in the U.S. that it requires such a high level of law enforcement resources? The Center on National Security at Fordham Law reports that from March 2014 to June 22, 2015 there were 59 ISIS cases in the U.S. This comprises .000000184% of the U.S. population. Of the 59 cases only four resulted in formal convictions (Fordham Law, 2015). This is certainly not a solid justification for militarizing the police. Nevertheless, one Sergeant in an Indiana Sheriff's Office rationalized law enforcement's acquisition of military equipment, noting,

The weaponry is totally different now that it was in the beginning of my career, plus, you have a lot of people who are coming out of the military that have the ability and knowledge to build IEDs and to defeat law enforcement techniques (Adams, 2014).

We have conducted a comprehensive review of literature, studies, and media sources in search of reported I.E.D. incidents that have occurred in the United States. Aside from the one incident at the Boston Marathon, which has been labeled an act of terrorism – even in the possible absence of political motivation, we have been unable to find evidence of an I.E.D. detonation/explosion since the 9/11 incident.

The increase in the acquisition of military equipment is consistent with increases in budget authority appropriated to local police departments nationwide. In 2003

the total operating budget of local police department's was \$43.4 billion (U.S.D.O.J., BJS, 2003). That budget increased to \$64.1 billion by 2013, which reflects a 32% increase (U.S.D.O.J., BJS, 2013). The White House reports that from the years 2009 to 2014, the federal government provided nearly \$18 billion dollars in funds and resources to support local law enforcement agencies with equipment and tactical resources (The White House, 2014). Executive order 13688 (January 16, 2015) authorizes federal support for local law enforcement (LEA) equipment acquisition (Federal Register, 2015). In May 2015, the Law Enforcement Working Group set forth recommendations relevant to federal equipment requisitioned by LEAs. One of the recommendations centered on equipment that should be prohibited to LEAs, which included *Tracked Armored Vehicles, Weaponized Aircraft, Firearms of .50-Caliber or Higher, Grenade Launchers, Bayonets, and Camouflage Uniforms* (with the exception of Woodland or Desert Patterns or Solid Color Uniforms). The Working Group also provided a *Controlled Equipment List* that includes *Manned Aircraft* (both fixed and rotary winged), *Armored Vehicles, Tactical Vehicles, Specialized Firearms and Ammunition* (under .50-caliber), *Flash Bangs, Battering Rams, Riot Batons, Helmets, and Shields*. They also recommended training for the use of this equipment (Law Enforcement Working Group/BJA, 2015).

The Militarization Era

Are the principles of community policing compatible with a law enforcement approach that emphasizes a more aggressive approach to community law enforcement? The growing rate of the militarization of the police provides evidence that any notion of community policing maintaining a balance does not seem plausible. In fact, recent events (Ferguson, Cleveland, New York, South Carolina, New Mexico, Oklahoma, California, Marana, Arizona, etc.) present evidence that community policing has become outdated. There is the ever-growing implementation and usages of SWAT teams and military style tactics throughout America.

The police are the most visible representation of the Criminal Justice System (CJS). SWAT and Riot units dressed as combat soldiers and Marines present the most lethal aspect of the CJS. This is coupled with the growing citizen video evidence of increases of excessive force exerted on citizens across the United States. Yet modern technology has changed the dynamics of police-citizen encounters. The usage of smart phones and social media brings to light the concerning metamorphosis of a police culture gone awry. In cases where the police are out of control, organizational change must be implemented to protect citizens from the very entities sworn to protect the citizens. But how do citizens get the

horse back in the barn once it is out? This is a challenge and to date failure of changing the current police culture of protect and serving law enforcement.

The problem is, in fact, systemic. The police break laws in the name of enforcing the law. District attorneys (DAs) often provide the legal jargon that justifies excessive force. Police departments place officers on administrative leave, which often amounts to little more than a paid *vacation*, thereby justifying the use of excessive force. Grand juries are even reluctant to indict police officers that violate the law and use excessive force. Thus, the *blue wall* is preserved. Police officers more often than not return to the streets with the police culture preserved and in many cases reinforced.

The obvious question surfaces, do the same standard apply to police officers accused of criminal behavior and/or excessive force? Perhaps the Rule of Law has a secret footnote that we were unable to access. When DA's prosecute police officers for criminal behavior or excessive force the data shows that there were only 54 prosecutions in a decade (2005-2015).¹¹ The data on exactly how many fatal police shootings have occurred from 2005 to 2015 is incalculable. This is due to the fact that local police departments are not required to report fatal police shootings. Wesley Lowery, of the Washington Post, reports, "That number – which only includes self-reported information from about 750 law enforcement agencies – hovers around 400 *justifiable homicides* by police officers each year. The Bureau of Justice Statistics also track *arrest-related deaths*. But the DOJ stopped releasing those numbers after 2009, because, like the FBI data, they were regarded as unreliable (Lowery, 2014). In 2013 police killed 768 citizens. This number increased to 1106 citizens in 2014 (Killed by Police, 2014). Of all these killings [and more] only 54 police officers were prosecuted for the murder or manslaughter of their victims. Among these, 21 resulted in no conviction, 11 resulted in conviction, three resulted in a result other than conviction, and 19 cases are still pending (Kindy and Kelly, 2015).

¹¹Kindy and Kelly(2015) report, the 54 criminal prosecutions were identified by Bowling Green State University criminologist Philip M. Stinson and The Washington Post. Cases were culled from news reports, grand jury announcements and news releases from prosecutors. For individual cases, reporters obtained and reviewed thousands of pages of court records, police reports, grand jury indictments, witness testimony and video recordings. Dozens of prosecutors and defense attorneys in the cases were interviewed, along with legal experts, officers who were prosecuted and surviving relatives of the shooting victims. See also Shelden (2014).

Collateral Damage

Virtually all studies related to the criminal justice system acknowledge that people of color (blacks, Latinos, native Americans, and Asians) disproportionately populate the criminal justice system (Shelden et al., 2016; Shelden, 2008). People of color are more likely to be stopped by the police, arrested, and, then, prosecuted by district attorneys. Advances in technology, now, allow citizens to capture police abuses on video and then virtually stream the abuse worldwide as the events unfold. Now we see citizen demonstrations and protests against law enforcement's use of excessive force. Riots in the streets broadcasted by worldwide media sources are becoming more common.

The recent DOJ, Civil Rights Division, Report, Investigation of the Ferguson Police Department as well as the DOJ reports regarding New York and Cleveland serve as cases where abuses of cultural incompetency by law enforcement. The U.S. D.O.J., Civil Rights Division concluded:

Partly as a consequence of City and FPD priorities, many officers appear to see some residents, especially those who live in Ferguson's predominantly African-American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue (USDOJ, 2015, p. 2).

Of course, we may be applying a more softened critique of policing when we reference cultural incompetency – it could simply be *blatant racism*. After all, the military works very hard to dehumanize the enemy during Basic Training and Boot Camp (Brown, 2008). The DOJ's study revealed the following statistics:

Ferguson's law enforcement practices overwhelmingly impact African Americans. Data collected by the Ferguson Police Department from 2012 to 2014 shows that African Americans account for 85% of vehicle stops, 90% of citations, and 93% of arrests made by FPD officers, despite comprising only 67% of Ferguson's population....These disparities are also present in FPD's use of force. Nearly 90% of documented force used by FPD officers was used against African Americans. In every canine bite incident for which racial information is available, the person bitten was African American (USDOJ, 2015, p. 4).

The discrimination directed towards all people of color is due, in a large part, to cultural incompetence, perpetrated by those engaging in the act of discrimination. For example, cultural incompetence reaches all walks of life and professions; it has a negative effect in the delivery of what some refer to as *justice* toward people of color especially when they are sentenced to death in various capital crime cases (Holdman & Seeds, 2008). Cultural incompetence has a direct relationship in law

enforcement and people of color. The practice of racial profiling is inflicted on people of color serves as a case in point (Ridgeway, 2007). When considering cultural competence and mental health it has been noted:

With the increasing diversity of the U.S. population, mental health service providers must be aware of the influences that culture has on psychological processes, mental illnesses, and the ways that people seek help. They must also be aware of the variety within groups (TUCCIIPD, 2013 p.2).

For people of color, being victims of cultural incompetence is a reality. For example, several law enforcement programs and policies are in practice across the country, which claim to decrease crime in those communities. Many appear to further racial and institutional discrimination in the United States. For example, the New York City Stop and Frisk Program is a practice of the New York City Police Department (NYPD) by where a police officer who reasonably suspects a person has committed, is committing, or is about to commit a felony or a penal law misdemeanor, stops and questions that person (The Washington Post, 2013). Research shows 89% of these stops involved non-whites, and yet white suspects were more likely to have guns on them. The NYCPD Stop and Frisk Program serves as an example of both cultural incompetence and *institutional discrimination* against predominately Black and Hispanic populations in New York.

In response to the 2015 flood of white police officer shootings of Blacks, many of which were recorded, on May 1, 2015, the Department of Justice announced the commitment of \$25 million to aid local governments to purchase body cameras. It is pitiful that citizens need to be protected from police brutality by the use of body cameras to assure police officer accountability rather than police modifying their culture to avoid senseless acts of brutality and bullying. We can ask, aren't they the very people that are supposed to protect the members of the community?

One indicator of the tolerance of police cultural incompetence by the community is the payouts local governments award to the victims of police brutality. The Cato Institute reported that in 2010 local governments paid an excess of \$346 million for misconduct-related civil judgments and settlements (Cato Institute, 2010).

Also, there have been multiple reports of settlements between local governments and citizens for the use of excessive force by law enforcement officers. Other examples include the city of Denver paid \$12 million between 2011-2014 in settlement payments to victims of excessive force (Greene, 2015). The city of Cleveland, Ohio paid \$3 million in a settlement after Cleveland police officers shockingly escaped prosecution for an obvious case of using excessive force (Wing,

2015).¹² The list seems endless – which is similar to the collateral damages of the Iraq and Afghanistan wars. Not surprisingly, *none of these individuals were linked to terrorist organizations.*

Sensible Alternatives – Are they Possible?

Do we need a Federal law analogous to the Civil Rights Act of 1964 to compel local law enforcement agencies to change the dominant combative culture pervasive throughout the criminal justice system? The core mission of police departments should be what was placed on the sides of LAPD police cars so many years ago: to serve and protect the citizens. They should also enforce the law and make sure citizens abide by it. Today we have many law enforcement agencies that do a good job enforcing the law and making sure the citizens abide by it. Then, on the other hand, we have agencies and officers that abuse their power and arguably violate many laws. They are either culturally incompetent, racist, or corrupt and they fail to serve and protect the community. The Camden New Jersey Police Department serves as one example of a law enforcement agency characterized as at one time corrupt.

As a result of the exposed corruption of certain officers, the City of Camden, New Jersey decided to implement a new strategy. In 2013, the City of Camden took the dramatic step of firing all employed sworn officers and replaced them with a new sworn staff. The Camden police implemented a strategy that embraces the community policing philosophy. Arguably there are many benefits to the replacement of the previous officers with a new force of law enforcement officers that would embrace a community policing philosophy. "I am very proud of the culture of guardianship that's been established throughout the organization," said Camden County Chief Scott Thomson. "We have focused on building trust through human contact and enhanced communications with the people in the neighborhoods and it's working" (Laday, 2015, p. 1.). The mission statement of the "new police department" was launched on May 1, 2013, with the Camden County Police Department as the primary law enforcement agency for the City of Camden. The department is dedicated to a mission of reducing crime and making people feel safe. The department strives to accomplish this through a commitment to community policing in every neighborhood. Camden's new officers live and work by the credo: "Service Before Self." This new type of policing is thought to have a positive effect on the City of Camden in the near future.

¹² For similar cases in Chicago see Avila and Marshall (2014).

The Camden Police Department's new philosophy is apparently having a significant impact on crime. Statistics now reveal that crime has diminished significantly in Camden. In the summer of 2012, Camden 21 reported murders. The following summer, after Camden *converted* to community policing, there were only 6 reported. Moreover, Camden reported a decline in shootings by 43 percent in two years, and violent crimes were down by 22 percent during the same period. Drug offenses had also declined. These data show that the new community police force is having a positive impact on crime and that this new police agency is proving to be more effective in combating crime than the traditional police force (Camden County, 2015).

The City of Richmond, California serves as another example of the success following the adoption of the community policing philosophy. Richmond had one of the highest homicide rates in the United States. The city experienced over 40 homicides as recently as 2009. In 2014 the number dropped to 16. Also, their property and violent crime rate has dropped more than 30 percent since 2003 (Rogers, 2013). The turn around can be attributed to a new chief, Chris Mangus, instilled a community policing philosophy within the Richmond Police Department. In part, Chief Mangus' strategy was to reward officers for practicing greater connections with members of the community, hiring a more diverse staff, and, partnering with activists, stakeholders and city groups (Early, 2014).

In Leesburg, VA, Kevin Johnson reports, "It's been about six years, in fact, since a Leesburg cop discharged a firearm during an encounter with a suspect" (Johnson, 2015, p. 1). This is attributed to Police Chief Joseph Price's leadership. Although Price has not implemented a community policing, he now has initiated a new policy in the Leesburg Police Department to deescalate situations by requiring all sworn officers to participate in training intended to emphasize a *guardian* approach to law enforcement rather than a *warrior* approach when dealing with the members of the community. Chief Price is advocating stressing the police role of *guardianship* first and then if necessary shift into a *warrior* mode. Chief Price supports embracing the old protect and serve police policy and officers should act that way. The general premise is that police officers must recognize the differences between *protect and serve* and the *warrior* role (Johnson, 2015). While the police chief of Leesburg should be applauded for the progress he has made, it must be pointed out that we can see no situation where a police officer must act like a warrior – unless the situation occurs on front of a movie camera in Hollywood. Police officer are servants of the community, paid by the community, and should be expected to perform duties consistent with the concept protect and serve. If a police officer has

a desire to become a warrior it is our understanding that the branches of military service are still seeking recruits.

Conclusion

Our inquiry into policing and the militarization of that component of the criminal justice system in America has steered us to take a position that can be construed as *startling*. It brings back thoughts of Orwell's work (1984). We seem to be in a state of *perpetual war*. Undoubtedly there are those who will say that such an allegation is *out of touch with reality – such a situation does not exist in America*. However, it is a fact that we have been engaged a war against crime and a war against drugs for more that 45 years now.

Shire's work (*The Rise and Fall of the Third Reich*) also comes to mind. We have been at war internationally for more than 14 years, which is slightly less time than the longevity of the Third Reich. So, how did we arrive at this point in history? One possible answer is public apathy or egocentrism – *if it doesn't happen to me then it doesn't happen to anyone else, and if it does they deserved it*. Another possible response might be what we learned from Germany (in the 1930s) – the value of creating and promoting fear. People who are confronted with fear are often much easier to control. In some instances governments can generate and/or exaggerate the sense of fear. If successful, those governments become enabled to pass legislation that help some at the expense of others.

The Posse Comitatus Act was passed in 1878. It was passed, in part, to secure the election of Rutherford B. Hayes. In return, the doors were opened to initiate and enforce Jim Crow Laws throughout the south (Alexander, 2012). While this legislation was supposed to insure that the military would not be used against American citizens – already instructed in the U.S. Constitution – it has been violated numerous times by both state and federal officials to curb demonstrations and riots. The military was used to keep Native Americans on reservations, and to eliminate attempts made by various organized labor groups to form unions. The military, whether in the form of National Guard or regular military forces, was used to curtail civil rights movements and anti-war demonstrations.

Today, we have police departments armed with military equipment acquired from the federal government. This equipment ranges from uniforms to weaponry. It includes military assault vehicles to military aircraft. Photographs of law enforcement personnel in Ferguson, MO were very similar to photographs of soldiers and Marines who served in Iraq and Afghanistan. Their uniforms, weapons, and assault vehicles were nearly identical. While we discussed the

emergence of community policing, which is likely the most responsible form of policing, it was pointed out that as community policing emerged so did the development and use of SWAT in police departments across America. In the aftermath of September 11, 2001, and the subsequent passing of the Patriot Act, individual rights were curtailed and the sense of privacy has been obliterated. After 14 years of massive surveillance of American citizens, SWAT serving search warrants, MRAPS appearing during peaceful demonstrations, one would think that perhaps people would feel more safe or secure. In a recent study of American perceptions regarding privacy and their control of personal information, most Americans said they held strong views regarding privacy of their everyday lives but only 9 percent said they had a lot of control of that privacy (Madden and Rainie, 2015). In a 2011 study, 64 percent of participants ages 18-24 said they do not feel any safer 10 years after the 9/11 attacks (Wilson, 2012). Thus, amidst all of the militarization of law enforcement, at all levels of government, what do we have to show regarding progress and/or improvement in making America safe again?

Perhaps we should revisit the prospect of demanding that law enforcement return to the community policing philosophy and practice. Is it possible to change law enforcement's *us against the enemy* mentality that has become their hallmark? Perhaps we should look deeper into the revamping of Camden, NJ and Richmond, CA police departments. Maybe we should examine the San Francisco methods of policing. What do we have to lose? The military might have to increase the size of their storage facilities because law enforcement would be required to engage in policing rather than conducting war. We might develop and maintain safer communities with less crime and fewer incidents of police misconduct.

References

- Adams, M. (2014). Armed for War: Pentagon surplus gives local police an edge. *Fox59*. Retrieved July 5, 2015 from <http://fox59.com/2014/05/12/armed-for-war-local-police-tote-pentagon-surplus/>.
- Alexander, M. (2012). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* New York: The New Press.
- Altheide, D.L. (2002). *Creating Fear: News and the Construction of Crisis*. New York: Aldine De Gruyter.
- Altheide, D. L. (2003). Mass Media, Crime, and the Discourse of Fear. *The Hedgehog Review*, pp. 9–34 (Fall)..

- American Civil Liberties Union. (2014). War Comes Home: The Excessive Militarization of American Policing. Retrieved September 20, 2015 from http://msnbcmedia.msn.com/i/MSNBC/Sections/NEWS/A_U.S.%20news/US-news-PDFs/140707-aclu-swat-report.pdf.
- Apuzzo, M. (2014). War Gear Flows to Police Departments. *New York Times*. Retrieved July 5, 2015 from <http://www.nytimes.com/2014/06/09/us/war-gear-flows-to-police-departments.html>.
- Arthur, C. (2013). NSA scandal: what data is being monitored and how does it work? *The Guardian*. Retrieved from: <http://www.theguardian.com/world/2013/jun/07/nsa-prism-records-surveillance-questions>.
- Avila, J. and S. Marshall (2014). US Cities (and Taxpayers) Paying Millions in Police Misconduct Settlements. ABC News, November 17. Retrieved October 23, 2015 from: <http://abcnews.go.com/US/us-cities-paying-millions-police-misconduct-settlements/story?id=26916697>
- Balwin, L. (1939). *Whiskey Rebels: The Story of a Frontier Uprising*. Pittsburgh, PA: University of Pittsburgh Press.
- Balko, R. (2013). *Rise of the Warrior Cop: The Militarization of America's Police Forces*. New York: Public Affairs.
- Balko, R. (2015). Absurd Fourth Circuit ruling embodies everything that's wrong with drug raids. *Washington Post*. Retrieved September 26, 2015 from <https://www.washingtonpost.com/news/the-watch/wp/2015/03/27/absurd-fourth-circuit-ruling-embodies-everything-thats-wrong-with-drug-raids/>.
- Biank, T. (2006) *Army Wives: The Unwritten Code of Military Marriage*. New York: St. Martin's.
- Bowers v. Devito, (1982).686 F.2d 616, 7th Cir.
- Brown, W.B. (2008). "Another Emerging Storm: Iraq and Afghanistan Veterans with PTSD in the Criminal Justice System." *Justice Policy Journal*. (Fall 2008).
- Brown, W., Stanulis, R., Weitzel, M., and Rodgers, K., (2015). You probably don't know who or what your talking about: Cultural and Moral Incompetence in Evaluating the Veteran in the Criminal Justice System. *Justice Policy Journal*. Vol. 12:1.
- Bureau of Justice Statistics (BJS). *Terms and Definitions: Law Enforcement*. Office of Justice Programs. Retrieved October 1, 2015 from <http://www.bjs.gov/index.cfm?ty=tdtp&tid=7>

- Burke, R.H., (1998). The Socio-Political Context of Zero Tolerance Policing Strategies. *Policing: An International Journal of Police Strategies and Management*, 21:662-682.
- Busby, C., Hamdan, M., and Ariabi, E. (2010). Cancer, Infant Mortality and Birth Sex-Ratio in Fallujah, Iraq 2005–2009. *International Journal of Environmental Research and Public Health*, 7, 2828-2837.
- Calhoun, F.S. (1989). *The Lawmen-United States Marshals and Their Deputies*. Washington, D.C.: Smithsonian Institution Press.
- Carter, D.L. and Radelet, L.A. (1998). *The Police and the Community*, 6th edition. Upper Saddle River, NJ: Prentice Hall.
- Cato Institute (2010). 2010 NPMSRP Police Misconduct Statistical Report – Draft. Retrieved from: <http://www.policemisconduct.net/2010-npmsrp-police-misconduct-statistical-report/>.
- Center on Juvenile and Criminal Justice (2002) *Shattering 'Broken Windows': An Analysis of San Francisco's Alternative Crime Policies*. San Francisco: Center on Juvenile and Criminal Justice.
- Chambliss, W.J. and Seidman, R., (1982). *Law, Order, and Power*. Reading, MA: Addison-Wesley.
- Chomsky, N. (2003). *For Reasons of State*. New York: The New Press.
- Chomsky, N. (2006). *Failed States: The Abuse of Power and the Assault on Democracy*. New York: Metropolitan Books.
- Coakley, R.W. (1988). *The Role of Federal Military Forces in Domestic Disorders, 1789-1878*. Washington, DC: Center of Military History, US Army.
- Cohen, M. (2015). How for-profit prisons have become the biggest lobby no one is talking about. *The Washington Post*. Retrieved on August 9, 2015 from <https://www.washingtonpost.com/posteverything/wp/2015/04/28/how-for-profit-prisons-have-become-the-biggest-lobby-no-one-is-talking-about/>.
- Crowther, C. (2000). *Policing Urban Poverty*. London: Macmillan.
- Darcey, J. (2007). "Political and humanitarian perspectives on the protection of civilians." Prepared for the HPG Geneva Roundtable on Protection, p. 1.
- Dash, S. (2004). *The Intruders: Unreasonable Searches and Seizures From King John to John Ashcroft*. New Brunswick, NJ: Rutgers University Press.
- Data360. (2015). Retrieved on July 18, 2015 from http://www.data360.org/dsg.aspx?Data_Set_Group_Id=704.

- Diamond, D. and Weiss, D. (2005). *Community Policing: Looking to Tomorrow*. U. S. Department of Justice, Department of Community Oriented Policing Services.
- Drucker, E. (2013). *A Plague of Prisons: The Epidemiology of Mass Incarceration in America*. New York: The New Press.
- Dumas, M. (1974). *Jefferson the President: Second Term, 1805–1809*. Boston: Little, Brown and Company.
- Engelhardt, T. (2011). *The United States of Fear*. Chicago, Haymarket Books.
- Edwards, R. (2014). US fired depleted uranium at civilian areas in 2003 Iraq war, report finds. *The Guardian*. Retrieved September 6, 2015 from <http://www.theguardian.com/world/2014/jun/19/us-depleted-uranium-weapons-civilian-areas-iraq>.
- Federal Bureau of Investigation (FBI) (2014). *Crime in the United States, 2013*. November 2014, table 1. Retrieved from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/about-cius>.
- Federal Register (2015). *Federal Support for Local Law Enforcement Equipment Acquisition*, Vol. 80, No. 14 (Thursday, January 22, 2015) Presidential Documents.
- Felicetti, Gary, and John Luce. (2003). The Posse Comitatus Act: Setting the Record Straight on 124 Years of Mischief and Misunderstanding Before Any More Damage Is Done. *Military Law Review* 175, 86-183.
- Fields, J. (2014). In Iraq, U.S. is spending millions to blow up captured American war machines. *Reuters*. Retrieved on August 22, 2015 from <http://blogs.reuters.com/great-debate/2014/08/18/how-much-it-costs-the-u-s-to-blow-up-captured-u-s-military-hardware-in-iraq/>.
- Friedman, M. (1907). *The Pinkerton Labor Spy*. New York: Wilshire Book Co.
- Furedi, F. (2006). *The Culture of Fear Revisited*. New York: Continuum.
- Gallup. (2011). "Most Americans Believe Crime in U.S. Is Worsening," October 31, 2011. Retrieved from www.gallup.com/poll/150464/Americans-Believe-Crime-Worsening.aspx.
- Glasner, B. (1999). *The Culture of Fear*. New York: Basic Books.
- Goulden, J.C. (1969). *Truth is the First Casualty of War: The Gulf of Tonkin – Illusion and Reality*. New York: Rand McNally.

- Goldenberg, S. (2003). Up to 15,000 people killed in invasion, claims thinktank. *The Guardian*, October 28, 2003. Retrieved from <http://www.theguardian.com/world/2003/oct/29/iraq.suzannegoldenberg>
- Goldhagen, D.J. (1996). *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*. New York: Alfred A. Knopf.
- Grayson, B.L. (1981). *The Unknown President: The Administration of President Millard Fillmore*. Washington, D.C.: University Press of America, 1981.
- Greene, S. (2015). Denver's excessive force payouts twice as much as Baltimore's. *The Colorado Independent*. Retrieved on September 15, 2015 from: <http://www.coloradoindependent.com/153075/denvers-excessive-force-payouts-under-hancock-are-twice-baltimores>).
- Greenwald, G. (2014). *No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State*. New York: Metropolitan Books.
- Hari, J. (2015). *Chasing the Scream: The First and Last Days of the Drug War*. New York: Bloomsbury Publishing.
- Harvey, W. (2009). Understanding the Training Gap: New curriculums leave some behind. Retrieved from <http://www.officer.com/publication/printer.jsp?id=44850>.
- History.com Staff (2009). August 25, 1950: Truman orders army to seize control of railroads. *History.com*. Retrieved Sept 30, 2015 from <http://www.history.com/this-day-in-history/truman-orders-army-to-seize-control-of-railroads>.
- Hogeland, W. (2006). *The Whiskey Rebellion: George Washington, Alexander Hamilton, and the Frontier Rebels who Challenged America's Newfound Sovereignty*. New York: Simon and Schuster.
- Holt, V. (2006). "The military and civilian protection: developing roles and capacities," *Respecting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations*. Humanitarian Policy Group (HPG) Report No. 21, March, p. 53.
- International Association of Chiefs of Police: Protect and Serve. Retrieved July 5, 2015 from <http://www.theiacp.org/protectandserve>.
- Irwin, J. (1985). *The Jail: Managing the Underclass in American Society*. Berkeley, CA: University of California Press.

- Johnson, K. (2015). In face of criticism, police officials preaching de-escalation tactics. *USA Today*. Retrieved on October 8, 2015 from <http://www.usatoday.com/story/news/nation/2015/10/07/police-encounters-violent-baltimore-ferguson/72636622/>.
- Judiciary Act, 24 September 1789, chapter 20, 1 Stat. 73, sec. 27. Retrieved September 13, 2015 from http://www.constitution.org/uslaw/judiciary_1789.htm.
- Keenan, M.B. and Tracy, J. (2008). U.S. Military Claims System for Civilians. Center for Civilians in Conflict. Retrieved on October 16, 2015 from: <http://civiliansinconflict.org/resources/pub/us-military-claims-system-for-civilians>
- Kelling, G.L., et. al. (1974). *The Kansas City Preventive Patrol Experiment: A Technical Report*. Washington DC: Police Foundation.
- Kelly, R. M. (1975). Increasing Community Influence over the Police. In A. W. Cohn and E. C. Viano (eds.), *Police Community Relations*. Philadelphia: Lippincott, p. 9.
- Kindy, K. and K. Kelly. (2015). Thousands Dead, Few Prosecuted. *The Washington Post*. Retrieved on July 31, 2015 from <http://www.washingtonpost.com/sf/investigative/2015/04/11/thousands-dead-few-prosecuted/>.
- Killed by Police. (2014). Killed by Police, 2014. Retrieved on April 11, 2015 from <http://www.killedbypolice.net/kbp2014.html>.
- Kirkham, C. (2012). Corrections Corporation Of America Sues Florida Town For Blocking New Detention Center. *HuffPost Business*. Retrieved July 18, 2015 from http://www.huffingtonpost.com/2012/03/09/corrections-corporation-of-america-immigrant-detention_n_1336071.html.
- Kraska, P. (2007). Militarization and Policing – Its Relevance to 21st Century Police. *Policing*1: 501-513.
- Kraska, P. B., & Cubellis, L. J. (1997). Militarizing Mayberry and beyond: Making sense of American paramilitary policing. *Justice Quarterly*14: 607-629.
- Laday, Jason. Two Years of the Camden County Police Department: By the Numbers. *South Jersey Times*, 2 May 2015. Web. 28 May 2015.
- Lankevich, George L. (1998). *American Metropolis: A History of New York City*. NYU Press. pp. 84–85. ISBN 0-8147-5186-5.

- Law Enforcement Working Group/BJA, (2015). Recommendations Pursuant to Executive Order 13688: Federal Support for Local Law Enforcement Equipment Acquisition. Retrieved on October 15, 2015 from https://www.bja.gov/publications/LEEWG_Report_Final.pdf
- Los Angeles Police Department Online, *History of the LAPD*. Retrieved July 6, 2015 http://www.lapdonline.org/history_of_the_lapd/content_basic_view/1128.
- Lowery, W. (2014). How many police shootings a year? No one knows. *Washington Post*. Retrieved on July 31, 2015 from <https://www.washingtonpost.com/news/post-nation/wp/2014/09/08/how-many-police-shootings-a-year-no-one-knows/>.
- Mahon, J.K. (1983). *History of the Militia and the National Guard*. New York: Macmillan.
- Mauer, M. (1999). *Race to Incarcerate*. New York: The New Press.
- McLeary, P. (2015). U.S. Donate More Abrams Tanks, Humvees to Iraq. *Defense News*. Retrieved on August 21, 2015 from <http://www.defensenews.com/story/defense/policy-budget/warfare/2015/01/06/isil-iraq-abrams-humvee/21341453/>.
- McWilliams, J.C. (1990). *The Protectors: Harry J. Alslinger and the Federal Bureau of Narcotics, 1930-1961*. Newark: University of Delaware Press.
- Meeks, C.I. (1975). Illegal Law Enforcement: Aiding Civil Authorities in Violation of the Posse Comitatus Act. *Military Law Review* 70, Fall.
- Meyer, E. (2013). Case Report: Military Subculture Competency. *Military Medicine* 178(7), pp. 848-850.
- Michalowski, R. (1985). *Order, Law, and Crime*. New York: Macmillan.
- Newsweek. (2015). 'My God! They're Killing Us': Newsweek's 1970 Coverage of the Kent State Shooting. *Newsweek*. Retrieved September 21, 2015 from <http://www.newsweek.com/my-god-theyre-killing-us-our-1970-coverage-kent-state-328108>.
- O'Harrow, R. Jr. and S. Tan (2014). Asset seizures fuel police spending. *Washington Post*. Retrieved on July 18, 2015 from <http://www.washingtonpost.com/sf/investigative/2014/10/11/asset-seizures-fuel-police-spending/>.

- Olmstead, K. et. al. (2013). How Americans Get TV News at Home. *Pew Research Center*. Retrieved July 24, 2015 from <http://www.journalism.org/2013/10/11/how-americans-get-tv-news-at-home/#how-many-watch-tv-news-and-when>.
- Parenti, C. (2003). *The Soft Cage: Surveillance in America: From Slave Passes to the War on Terror*. New York: Basic Books.
- Parenti, C. (1999). *Lockdown America: Police and Prisons in the Age of Crisis*. New York: Verso.
- PBS (2004). Troops Question Secretary of Defense Donald Rumsfeld about Armor. *PBS News Hour*. Retrieved on August 22, 2015 from http://www.pbs.org/newshour/bb/military-july-dec04-armor_12-9/.
- Peak, K. J. and R.W. Glensor. (1996). *Community Policing & Problem Solving: Strategies & Practices*. Upper Saddle River, NJ:Prentice-Hall.
- Peel Institute, (2015). Sir Robert Peel's 9 Principles of Law Enforcement (1829). *Peel Institute of Applied Policing*. Retrieved on July 18, 2015 from http://peelinstitute.org/peels_principles.asp.
- Madden, M. and Rainie, L. (2015). "Americans' Attitudes About Privacy, Security and Surveillance." *Pew Research Center*. Retrieved on October 15, 2015 from <http://www.pewinternet.org/2015/05/20/americans-attitudes-about-privacy-security-and-surveillance/>
- Posse Comitatus Act, (1956). 70A Stat. 626 (1956).
- Rayback, R.J., (1989). *Millard Fillmore: Biography of a President*. Norwalk, CT.: Easton.
- Reiman, J. and Leighton, P. (2012). *The Rich Get Richer and the Poor Get Prison* (10th Edition). New York: Routledge.
- Riker, W.H. (1957). *The Role of the National Guard in American Democracy*. Washington, DC: Public Affairs Press.
- Sabate, A. (2013). 6 Police Misconduct Settlements Worth Millions. *ABC News*. Retrieved on September 15, 2015 from: http://abcnews.go.com/ABC_Univision/News/police-misconduct-settlements-worth-millions/story?id=19077115#6.
- Sage Publications. *History of the Police*. Retrieved on August 3, 2015 from: http://uk.sagepub.com/sites/default/files/upm-binaries/50819_ch_1.pdf.

- Schenwar, M. (2014) *Locked Down, Locked Out: Why Prison Doesn't Work and How We Can Do Better*. San Francisco: Berrett-Koehler Publishers.
- Schmeidl, S. (2007). The Emperor's New Cloth: The Unravelling of Peacebuilding in Afghanistan. *Friedens-Warte- Journal of International Peace and Organizations*, Vol. 82, 1, pp. 69-86.
- Shahani, A. (2011). What is GEO Group? *NPR*. Retrieved on July 31, 2015 from <http://www.npr.org/2011/03/25/134852256/what-is-geo-group>.
- Shelden, R.G. (2008). *Controlling the Dangerous Classes: A History of Criminal Justice In America*. Boston: Pearson.
- Shelden, R.G. (2014). "Ferguson Redux: The Fire This Time." Retrieved from: <http://www.sheldensays.com/fergusonredux.htm>.
- Shelden, R.G., Brown, W.B., Miller, K.S., and R.B. Fritzler. (2016). *Crime and Criminal Justice in American Society* (2nd ed.) Long Grove, IL: Waveland Press, Inc.
- Shirer, W.L. (1960). *The Rise and Fall of the Third Reich: A History of Nazi Germany*. New York: Touchstone.
- Silver, C. (2013). U.S. criminal justice system: Turning a profit on prison reform? Lobbying groups for commercial enterprises are hoping new sentencing laws would translate into higher profits. *Aljazeera*. Retrieved on July 31, 2015 from <http://www.aljazeera.com/indepth/opinion/2013/09/uscriminaljusticesystemturningaprofitprisonreform201392514144860917.html>
- Smucker, P. (2002). Afghan War Crimes a Low Priority. *Christian Science Monitor*, September 12, 2002. Retrieved on August 21, 2015 from <http://www.csmonitor.com/2002/0912/p06s01-wosc.html>.
- Smyth, F. (2015). *Gulf War*. Crimes of War. Retrieved on August 21, 2015 from <http://www.crimesofwar.org/a-z-guide/gulf-war/>.
- South v. Maryland, (1856) 59 U.S. (How.) 396, 15 L.Ed.433.
- Stapples, W.G. (1997). *The Culture of Surveillance: Discipline and Social Control in the United States*. New York: St. Martin's Press.
- Stearns, P.N. (2006). *American Fear: The Causes and Consequences of High Anxiety*. New York: Routledge.
- Syrett, H.C., ed. (1972). *The Papers of Alexander Hamilton, Volume 17, August 1794–December 1794*. New York: Columbia University Press.

- Taft, P. and Ross, P. (1969). American Labor Violence: Its Causes, Character, and Outcome. *The History of Violence in America: A Report to the National Commission on the Causes and Prevention of Violence*, ed. H.D. Graham and T.R. Gurr. New York: Praeger.
- Thier, J.A. (2006). *Afghanistan*, in William J. Durch, ed., *Twenty-First-Century Peace Operations*. Washington, DC: United States Institute of Peace and The Henry L. Stimson Center, pp. 467-572.
- Trebach, A. (1982). *The Heroin Solution*. New Haven, CT: Yale University Press.
- Trojanowicz, R. and Kappeler, V.E. (2002). *Community Policing: A Contemporary Perspective*, 3rd Edition. New York: Routledge.
- TUCCIIPD. (2013). Temple University Collaborative on Community Inclusion of Individuals with Psychiatric Disabilities. Retrieved from: http://tucollaborative.org/pdfs/Toolkits_Monographs_Guidebooks/community_inclusion/Cultural_Competence_in_MH.pdf.
- Undercoffler, D. (2015). Carmakers are in hot pursuit of fleet sales to law enforcement agencies. *Los Angeles Times*. Retrieved on July 18, 2015 from <http://www.latimes.com/business/autos/la-fi-hy-cop-cars-20150314-story.html>.
- United Nations Assistance Mission in Afghanistan. (2015). *Afghanistan, Annual Report 2014, Protection of Civilians in Armed Conflict*. United Nations Office of the High Commissioner for Human Rights.
- USA Today (2002). Some airport guardsmen carried unloaded weapons. *USA Today*. Retrieved from: <http://usatoday30.usatoday.com/news/attack/2002/05/26/guard.htm>.
- U.S. Congress (1989). *National Defense Authorization Act*. Public Law 101-189.
- U.S. Congress (2002). *Homeland Security Act of 2002*. Public Law 107-296.
- U.S. Department of Defense. (2015). *FY 2016 Budget Proposal*. Retrieved on September 26, 2015 from <http://www.defense.gov/News/Special-Reports/FY16-Budget>
- U.S.D.O.J., Bureau of Justice Statistics. (2006). *Local Police Departments, 2003*. Retrieved on July 18, 2015 from <http://www.bjs.gov/content/pub/pdf/lpd03.pdf>.

- U.S.D.O.J., Bureau of Justice Statistics. (2015). *Local Police Departments, 2013: Personnel, Policies, and Practices*. Retrieved on July 18, 2015 from <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5279>.
- U.S.D.O.J. (2015). *Investigation of the Ferguson Police Department*. Washington, D.C.:U.S. Department of Justice.
- Vincent, N. (2014). *Magna Carta: The Foundation of Freedom 1215-2015*. London: Third Millenennium Publishing, Ltd.
- Weigley, R.F., (1962). *History of the United States Army*. Bloomington, Indiana: Indiana University Press.
- Weinreich, M. (1999). *Hitler's Professors: The Part of Scholarship in Germany's Crimes Against the Jewish People*. New Haven, CN: Yale University Press.
- Whitaker, R. (1999). *The End of Privacy: How Total Surveillance is becoming a reality*. New York: The New Press.
- White House (2014). Review: Federal Support for Local Law Enforcement Equipment Acquisition. Executive Office of the President.
- Whitehead, J. (2012). Jailing Americans for Profit: The Rise of the Prison Industrial Complex. *Huffington Post*. Retrieved on July 31, 2015 from http://www.huffingtonpost.com/john-w-whitehead/prison-privatization_b_1414467.html.
- Whitehead, J. (2013). *A Government of Wolves: The Emerging American Police State*. New York: SelectBooks, Inc.
- Wing, N. (2015). We Pay A Shocking Amount For Police Misconduct, And Cops Want Us Just To Accept It. We Shouldn't. *Huffington Post*. Retrieved on September 15, 2015 from: http://www.huffingtonpost.com/2015/05/29/police-misconduct-settlements_n_7423386.html)
- Wilson, J. (2009). *Broken Windows*. Retrieved from www.manhattan-institute.org, November 10, 2009.
- Wilson, J. (2012). "Americans Reveal Their Post-9/11 Public Safety Concerns." Retrieved on October 15, 2015 from <http://ehstoday.com/emergency-management/americans-reveal-their-post-911-public-safety-concerns>
- Wolff, H. J. *Roman Law: An Historical Introduction*. Norman: University of Oklahoma Press, 1951.

- World Bank. (2010). Iraq: A Project to Address the Shortage in Potable Water Supply. *World Bank*. Retrieved on August 21, 2015 from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/IRAQEXTN/0,,contentMDK:22456517~menuPK:313111~pagePK:2865066~piPK:2865079~theSitePK:313105,00.html>.
- Yuksel, Y and Tepe, F. (2013). Citizen satisfaction with police and community policing. *European Scientific Journal*. Retrieved on September 1, 2015 from <http://eujournal.org/index.php/esj/article/view/1068/1102>
- Zinn, H. (2003). *A People's History of the United States*. New York: Harper Collins.

About the Authors

Scott S. Tighe, Ph.D. is an Assistant Professor of Criminal Justice at Western Oregon University. His primary research interests center on Native Americans and their culture. He has recently turned his attention to Native Americans ensnared in the criminal justice system. He spent considerable time working with Western Community Policing Institute on Native American issues, which include drug use and abuse among Native American tribes. He is also involved in issues related to cultural competency racial equality. E-mail: tighes@wou.edu

William B. Brown is a Professor, with a PhD in Sociology, in the Department of Criminal Justice at Western Oregon University. He has been recognized by the courts in numerous criminal cases involving veteran defendants as an expert in the area of the military total institution and its effect on veterans re-aculturating back into the civilian culture, and the impact of military training and experiences relative to instantaneous responses by veterans charged with violent offenses. Dr. Brown is a combat veteran who served as an infantryman with the 173rd Airborne Brigade in Vietnam, served as a Drill Sergeant, eventually received an Infantry Commission, and served as a platoon leader in B Company 75th Rangers. When the Vietnam War ended he resigned his commission. His previous research includes prisoner re-entry, youth gangs, and sentencing processes. E-mail: brownw@wou.edu