

# On the Militarization of Our Police



by **Randy Petersen**

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# On The Militarization of Our Police

by Randy Petersen

## Executive Summary

There is a difference between our military and our civilian police forces. The military fights external wars; force is its reason for existence. Our police officers enforce our laws and keep the peace; voluntary compliance is preferred to force. A blurring of the lines defining these differences occurs with the militarization of our police and is problematic for a free society.

In discussing the militarization of our police, it is important to define the term. Peter Kraska's seminal work on the topic provides guidance in this area, most importantly defining militarism as a preference for the use of force to solve problems, and militarization as the process of organizing toward this philosophy, which can include the glorification of military weapons and technology. Kraska gives several indicators of militarization that include material (weapons and equipment), cultural (use of language, uniforms, beliefs and values), organizational (use of SWAT teams, command and control structures), and operational (execution of "no-knock" warrants, "zero tolerance" operations, aggressive enforcement actions).

While all police departments will observe some level of militarization due to the paramilitary nature of their existence, these indicators are good mechanisms to evaluate how militarized an agency is and potentially a good matrix for the public to use if engagement in their community's policing policy is prioritized. The lack of participation in policy formation regarding policing by the public is partially explained by a deference to expertise as noted by Ponomarenko and Friedman (20), where the public allow the police complete autonomy in the development of policy because the public lacks expertise in the field of policing.

The adoption of military-style small arms by the police is not in and of itself problematic. The switch decades ago from revolvers to semi-automatic pistols was intended to provide police officers with increased ammunition capacity. While there are advantages to such a transition, there are potential negative results as well. Nationally recognized police trainer Massad Ayoob observes that police officers' abilities to hit an offender during actual gunfights decreased in some agencies with the adoption of high capacity handguns.

Likewise, the transition from shotguns to patrol rifles has potential benefits. Patrol rifles allow officers the advantage of accuracy, penetration, and distance in a deadly force encounter, but none of those advantages are due to the military nature of the rifle. The popular AR-15 family of rifles adds a high ammunition capacity and the ability to use this capacity very quickly. The potential disadvantages described in the transition to high-capacity semi-auto pistols apply here as well, and a brief case study of the shooting of Daniel Shaver examines the application of such a rifle in routine patrol functions.

There are aspects of policing that can be taught. Many of those aspects require no particularly unique skill and are easily accomplished by the average adult. Issuing citations, writing reports, or directing traffic are easy to learn and equally easy to perform. A small portion of policing is incredibly dangerous. In this area of job

## Key Points

- Militarism is a philosophy in which there is a preference for the use of force to resolve all problems.
- Adoption of equipment from the 1033 Program requires the approval of the agency's governing body prior to a request for such equipment being made.
- While military weapons can sometimes serve a purpose in civilian law enforcement, the argument for their necessity should be subject to community scrutiny.
- Hiring and training practices should be continuously evaluated, seeking officers who are service-driven for hiring and then trained to both serve and protect capably.

performance, the stakes are very high, the unique skills and temperament separate a police officer from an ordinary citizen. If we consider a police officer to be an insurance policy against the very worst events, then we should also require that each of them is up to that task.

### **Recommendations:**

- The engagement and participation of the community in the formation of policing policy is vital to achieving a balance of protection and service, including what level of militarization is appropriate for a particular community; police agencies must foster this participation.
- Adoption of equipment from the 1033 Program should undergo the same level of scrutiny from the jurisdiction as any other appropriated expense and should require the approval of the governing body for the agency prior to a request for such equipment.
- Police agencies should carefully consider the available information on the adoption of specific firearms and their benefits or potential problems and carefully tailor their policies on deployment, storage, tactics, and training to maximize the benefits in safety to the community and its officer while minimizing the potential for misuse.
- Hiring and training practices should be continuously evaluated in order to enlist and retain officers who are service-driven and do not display a preference for force but for de-escalation and alternative problem-solving methods, and are then trained to both serve and protect *capably*.

## **On the Militarization of Our Police**

The distinction between the military and civilian police forces has been easily discernable through most of our history. The military fights wars, and the police protect individual rights and preserve the peace through the enforcement of domestic laws. One area of commonality found in both institutions is the use of deadly force, but even here the two institutions diverge. Deadly force is a rare and last resort for the police but is *the* purpose for the existence of our military. When the line between our police and our military becomes blurred, problems arise. Some are obvious, some more abstract.

### **Defining Militarization and Militarism**

For any concept to be properly examined from all viewpoints, it is important to share common definitions of the terms involved. Dr. Peter Kraska's seminal research into the militarization of our police and his definition for *militarization* and *militarism* are instructive to this inquiry. Kraska

states that *militarization* "can be defined in its broadest terms as the social process in which society organizes itself for the production of violence or the threat thereof" (Kraska 2001, 16). Kraska further defines *militarism* as the supporting ideology for militarization, a belief system that prefers the use of force as the solution to all problems and is accompanied by a penchant for military hardware and technology as the problem-solving tools (16).

A preference for force as the solution to all problems is suitable to the military mission, but problematic in policing a free society. Kraska's observation that the philosophy behind militarism includes the "glorifying" of military hardware, and technology provides context for discussion of the militarization of our police forces (Kraska 2001, 16). An example of this can be found in the prolific existence of AR-15 rifles among our nation's police officers. The AR-15 family of semi-automatic rifles is the civilian version of the platform of weapons that the military uses in the form of the M4 and M16 rifles, the primary difference being the fully automatic select-fire capabilities that the military form retains. Further examples of militarization through equipment will be examined throughout this paper.

### **Cultural Shifts in Tolerating Militarization**

In an early ethnographic study conducted in 1996, Kraska describes placing himself in an informal firearms training session with a small group of police officers and military members conducted at an informal firing range of sorts. Some were police officers, others military, some were both. He is very open with his personal experience in this setting, including finding himself seeking approval from the group despite his personal philosophical objections to police militarization and a strong academic background in researching it, and in many ways enjoying the training ([Kraska 1996, 415](#)).

The particular training scenario described by Kraska in the above research included the use of various semi-automatic handguns, semi- and full-automatic rifles, and shotguns with various types of ammunition and fitted with lasers and flashlights. What represented cutting-edge technology at that time has become fairly standard equipment today, with all of those same weapons, equipment, and ammunition seeing various stages of technological advance since then. While more eloquent and academic in approaching his own reflection on the event, Kraska makes clear that he found himself enjoying the use of the weaponry, and he recognized that all those in attendance did as well ([Kraska 1996, 415](#)).

If someone as philosophically opposed to the proliferation of such weapons in police applications, who is concerned at

the glee of the officers who were training with those weapons, could find immediate enjoyment and excitement at being given the opportunity to use them himself, then how much stronger must that draw be among our police officers? Combining the fraternal nature of similar training sessions involving such weapons with a personality presumably drawn to such training and weapons would seem to be an unavoidable venture into the culture of militarization and the accompanying philosophy of militarism.

If Kraska's review of a single training experience exposes the ease of being lured into militarism internally for police officers, this still leaves the explanation for societal tolerance of the process unaddressed. In that particular scenario, Kraska was immersed for but a brief period into the culture and was surprised at its influence on him, but he also realized that this immersion was extremely temporary. He did not abandon his pre-existing philosophy, noting instead that it was reinforced and that "this research constituted a first step in realizing that the coercive dimension of policing is probably expanding in the shadow of community policing rhetoric and imagery" (Kraska 1996, 416). He was not lulled into a new acceptance of police militarization based on his newly developed and unexpected fondness for the equipment and range time, but instead was alarmed at the level of militarization being achieved during the same period that community policing was being touted by law enforcement across the country. Why then is society apparently not alarmed by the process, which has only accelerated since the time of Kraska's writing?

A part of the explanation may be found in the historic lack of democratization in policing. In studying the need for a democratic process on policymaking for policing, Ponomarenko and Friedman observe that at least one phenomenon responsible for the lack of public involvement in policing policy involves expertise:

In most areas of administrative government—from nuclear regulation to environmental policy—there are people outside of government, often in private industry, who have as much if not more expertise on the subject than the agency themselves. This is often not the case when it comes to policing. Although academics, policy advocates, and community activists have important information and insights to bring to bear, they often lack the practical experience with policing necessary to assess how particular policies actually will work when deployed in the field. (20).

Whether the expertise issue results in police agencies' reluctance to take guidance from the communities they serve or communities being deferential to the expertise of the

police and self-limiting their involvement is irrelevant to the outcome: a lack of community involvement in most policy decisions within their own police agencies. Ponomarenko and Friedman recommend that communities have input in both the formal policies of their police agencies as well as the informal policing strategies that such agencies adopt, and that outside assistance in the development of a model for community inclusion and engagement in policymaking should be sought (24-25). A formal policy is one that is in writing, as opposed to informal policies that may simply be a matter of routine or an application at the discretion of the officer or supervisor.

This deference to expertise is not limited to community involvement in police policy, but also extends to some degree to academic research in the area. In defending their previous research, Kappeler and Kraska responded to an article critical of their work. Much of their defense lies not in the accuracy and completeness of their studies, but in addressing the accusations of being "outsiders" to the world of policing (Kappeler and Kraska, 272), or more nefariously, that their drawing of attention to the topic has somehow impeded the development of policing, at least with regard to SWAT teams (270). The authors provide a deft defense for their research, but the critique had other consequences. Appealing to deference to expertise combined with subtle accusations of an anti-police agenda can be powerful tools to stifle reform. Implying that scrutiny of police militarization can only be done by someone with experience in that particular culture is disingenuous. Scholars conduct research into many areas of which they do not have or need practical field experience. If this were not so, then new research into any field would be impossible because new research, by definition, leaves the realm of current knowledge and expertise. Levying criticism on the researcher's background or drawing conclusions as to their agenda, but not their methods and results, can prevent the open exchange of ideas that are needed, particularly in policing. While Kappeler and Kraska do not shy away from exploring the militarization of our police in their research, the relatively limited research in this area by others might be partly explained by a deference to expertise, or a desire to avoid the kind of criticism this line of inquiry invites. Unfortunately, either explanation results in limited discussion of the topic.

The inclusion of community input in both formal policy and informal strategy is important. The community should be heavily invested in their police agencies at several levels. For example, if a community does not want their patrol officers, or even their tactical officers (assuming their agency has a tactical or SWAT unit), to look like special forces soldiers, then they should have some input into that decision,

and the police agency can work to accommodate that desire. What if the community did not want a SWAT team? What if they preferred that every officer be trained at such a level that negated the need for a special unit? While these are not unreasonable requests, this level of community input into police operations, particularly regarding tactical-level operations, is not common. Such dialogue should go both directions. When the police agency and the community have differing views on a particular subject, be it weapons, equipment, or operations, it is the responsibility of the police agency to educate the community on their perspective in order to demonstrate the need or validity of their position as well ([Ponomarenko and Friedman, 20](#)). There are times when certain equipment is needed, and nothing else will do, but perhaps there are compromises that can be made as to when, where, and how it will be used, stored, and deployed that meet the needs of the police and the desires of the community. In these areas, community engagement is vital, and that engagement should be a two-way street with the community expressing its perspective and the police agency providing its perspective as well.

In later work, Kraska observes that some level of militarization in our civilian police is normal, both institutions having their foundational roots in “the state sanctioned capacity to use physical force to accomplish their respective goals,” and that the debate to be had is not of complete militarization or non-militarization, but rather to what degree a police agency is militarized ([2007, 3](#)). By providing four indicators of militarization, Kraska gives a mechanism for considering where on a militarization continuum a police agency might fall. The four indicators are material (weapons and equipment), cultural (use of language, uniforms, beliefs and values), organizational (use of SWAT teams, command and control structures), and operational (execution of “no-knock” warrants, “zero tolerance” operations, aggressive enforcement actions) (Kraska 2007, 4).

Kraska’s four indicators of militarization along with the democratization studies of Ponomarenko and Friedman provide an outstanding potential for public oversight of and involvement with their respective police agencies. Policing in each community is different for innumerable reasons, and police agencies should be mindful of and responsive to those differences. This includes the level of militarization a police agency pursues and the community tolerates. While democratic participation in policing policy does not guarantee or necessarily even encourage a low level of militarization, it would ensure that whatever level a particular agency achieves is consistent with the will of the community it serves.

The slow process of militarization might easily be missed by the public, maybe even by many police officers, until years later when the agency is unrecognizable. The transformation does not occur overnight; if it did there would likely be a strong public and maybe even internal agency reaction. The transition from revolvers to pistols, shotguns to assault rifles, and shirts with ties to outer vest carriers and military clothes took many years and varied from agency to agency. No community went to bed one night with a traditional police agency only to awake the next morning to find a military force patrolling their streets. The process was slow, and society appears to have become accustomed to a militarized police force. Finding agencies where the public had involvement in the militarization process is difficult, but finding agencies where the militarization occurred is not.

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### The Officer Survival Model

Newhall, California, was the scene of the tragic killing of four California Highway Patrol officers on April 5, 1970. The incident contributed to, perhaps even created, the “officer survival” movement. The officers’ deaths were attributed in large part to deficient firearms training. The four officers fired a total of fifteen rounds with only one grazing a suspect ([Aveni 2003,1](#)). Many of the advancements seen in modern police firearms training are derivatives of the lessons learned from this incident.

The “officer survival” movement places the highest value on officer safety, affecting training methods and police tactics in an ongoing evolution of development, each iteration designed to improve an officer’s safety. In this progression, equipment also became a major subject in officer survival and officer safety training. This included expanded use of body armor (nearly a universal police practice now) and the development of better and “less lethal” tools such as expandable batons, improved handcuffs, chemical sprays, and electronic restraining devices. It also placed a focus on firearms and firearms training.

What Kraska referred to in his definition of militarism as the “glorification of military hardware” is likely best observed in the equipment our modern police officers have and use in contrast to the traditional equipment of past generations. The prevalence of the “patrol rifle,” often in the

form of an AR-15 derivative, is one such piece of equipment. Another would be the camouflage uniforms of SWAT teams and the increasing use of load-bearing tactical vests as standard patrol uniforms. Each of these developments in police gear originated in military use and represent a physical display of the preference for a force option that the officer survival model seems to evoke.

Police officers have the unique occupational hazard of facing human aggression. While there are other jobs that are more dangerous in terms of the numbers of job-related injuries or deaths, none of them involve the unpredictable variable of a human aggressor. Dave Grossman has called interpersonal human aggression the Universal Human Phobia, triggering a phobic response from most humans that can be similar to a panic attack (Grossman, 2-3). The toxic and destructive nature of human violence is most traumatic, even more than natural disasters or animal attacks (5-6). Police officers are not immune to this response by nature but can be trained to address it by honing their warrior skills (7).

Law enforcement requires individuals who are able to overcome this nearly universal fear. The need to use force to enforce the laws, protect themselves and the public they serve, and preserve the peace sometimes requires that officers use deadly weapons. The modern demonization of the term “warrior” regarding our police officers is misplaced. “Warrior” and militarism need not be synonymous, and in the realm of policing they should not be. A warrior is one trained in combat skills, and an accompanying philosophy of militarism and its preference for force does not need to be included in such a definition. Any analysis of militarism that does not discuss the legitimate role of force options, including deadly force weapons would be incomplete. Placing such weapons and skills in the proper context also allows a better evaluation of the militarization effect the weapons potentially pose on policing.

### **The Role of Handguns in Law Enforcement**

Police officers carry a sidearm because the size and weight a pistol or revolver provides are convenient, not because it is the ideal tool for the application of deadly force in all situations. There are certainly firearms that provide all manner of improved lethal characteristics, but those are neither practically carried at all times nor suitable from a public relations standpoint. The sidearm remains the first option for lethal force available to almost all police officers.

For much of the history of law enforcement, the sidearm was a revolver. Available in several calibers of varying power levels, the revolver was and remains reliable, accurate, and is simple enough in operation to allow for the training of

officers who are not particularly gun savvy. In the 1970s, police agencies began to transition to the semi-automatic pistol (hereafter, “pistol”) and away from the revolver, a process that was nearly universal by the late 1980s and early 1990s (Ayoob, 75). Modern police agencies carry pistols with few exceptions. Advantages of the pistol over the revolver include an increase in ammunition capacity and ease of reloading an empty firearm. While modern pistols are very reliable, the operation to clear a malfunction is more complicated than for a revolver, which has the advantage in this area (Ayoob, 76). The advantages and disadvantages of the pistol over the revolver remain the subject of debate, but it is a debate that rarely occurs anymore with the transition from revolver to pistol nearly universally completed.

During the decades of law enforcement history prior to the transition to pistols, police officers often carried a six-shot revolver on their equipment belt. This was complemented by loose ammunition carried in a pocket. While the revolver has remained relatively unchanged, advancements in reloading minimized one of the revolver’s weaknesses, namely the time it took to reload it (Ayoob, 79). First came the “dump pouch” which allowed an officer to drop six rounds into his or her hand for a reload. This was still slow, but faster than digging individual ammunition from a pocket. Next came the “speed strip” which carried six rounds together on a flexible plastic strip, improving both the carrying and reloading of extra ammunition. Finally came the speedloader, a small device that carried six rounds of ammunition together and loaded them simultaneously, allowing skilled shooters to minimize the time difference between a revolver reload and a pistol reload to some degree. A typical equipment belt loadout for a police officer of that era would include a revolver loaded with six rounds of ammunition and two loaded speedloaders, for a total of eighteen rounds of available ammunition. This was the equipment originally carried by the author at the beginning of his career in law enforcement.

By comparison, a modern police officer carries a semi-auto pistol and two (increasingly, three) extra magazines on the belt. Pistol ammunition capacity can vary greatly, usually between 8 and 18 rounds. This makes somewhere between 25 and 73 rounds of ammunition immediately available to the officer, significantly more than the revolver-carrying officers of the past.

With the pistol and ammunition still carried on an equipment belt, the change from revolvers to pistols is not visually significant. It might be easy to dismiss the transition from the traditional police revolver to the pistol as irrelevant to the conversation on militarization for this fact alone. The general public might never really notice the type

of handgun an officer carries and might not find anything particularly militaristic about it. But there are issues with the adoption of high-capacity semi-automatic handguns that should be considered in the overall discussion of militarization, even if the opportunity to cease the transition has largely passed.

The use of deadly force in civilian policing is reasonable only to stop a threat of death or great bodily harm. It is not intended to be used as a tactic to achieve some other goal.

The relatively low number of rounds immediately available to an officer armed with a revolver places a premium on marksmanship. An officer carrying a total of 18 rounds and able to fire only 6 before reloading would be aware of the limits of the ammunition available to solve the immediate problem at hand, encouraging a mindset that those rounds be accurately placed to ensure the solution occurred before the ammunition ran out. Nationally recognized police trainer Massad Ayoob notes this phenomenon in the evolution of handguns carried by the Illinois State Police. Where the troopers initially saw an increase in hit percentages in officer-involved shootings when transitioning from revolvers to the Smith and Wesson Model 39 pistol in 1967 (a very early conversion in policing), the improved shootability of the new pistols was credited (Ayoob, 78). In his further analysis, he notes that this was a low-capacity semi-automatic pistol holding only two more rounds than the revolver in its magazine. A later transition to high-capacity pistols, holding far more rounds, yielded the opposite effect, and hit percentages in actual shootings fell. Ayoob writes:

With high-capacity guns—especially when the cops were told the new pistols had been bought for “firepower”—the firepower seemed to become a *raison d'être* that led to a “spray and pray” mentality. Significantly, ISP troopers’ hit-percentages in the field reportedly went down when they went from single-stack Model 39s to higher capacity guns (78).

Civilian police do not use the military tactics of “cover fire” or “area fire,” where shots are directed at an area where a target may be, instead relying on aimed fire at very specific targets. The use of deadly force in civilian policing is reasonable only to stop a threat of death or great bodily harm. It is not intended to be used as a tactic to achieve

some other goal, as it might be in a military operation. A lower number of available rounds does not encourage such high-volume, often indiscriminate firing tactics as might be used in military combat. Instead, it prioritizes the use of a minimal number of rounds to stop the threat through accurate, aimed fire. Misses in a civilian police setting are unacceptable. The purpose of a police officer firing a weapon is to stop a deadly threat, and a miss does not accomplish this necessary goal. Further, a miss is a danger to those in the immediate vicinity.

Reloading of high-capacity pistols is less frequent and faster. The high-capacity characteristics of a pistol do not necessarily promote a mindset focused on accurate, aimed fire because an officer has the available ammunition capacity to attempt to solve with quantity what quality (i.e., accuracy) should solve. Every round fired is dangerous—even hits on target have the potential to exit the body and strike an unintended target. The public has a vested interest in their officers firing as few rounds as necessary, in the rare occurrences where they need to fire their weapons at all, and in the marksmanship ability of their police officers.

Few situations require an officer to fire their weapons, and the rare occasions they do seldom require more rounds than are carried in a revolver. For example, a Las Vegas Metropolitan Police Department internal study found that in 2011, 27 officers were involved in shootings, with an average of 4.7 rounds fired per officer ([Gillespie, 15](#)). This average includes a highly unusual event where an officer fired 44 rounds, without which the average would have been 3.6 rounds per officer ([Gillespie, 15](#)). A round that misses its target should be viewed as unnecessary and extremely dangerous. Gun battles where many, sometimes hundreds, of rounds are exchanged between offenders and police officers are very rare. They also involve many misses. Missing is unacceptable but common, particularly under stress. In 2012, NYPD police officers responding to a man who had killed his sister confronted him in a city street where he fired a single shot at their patrol car. The officers fired 84 shots in return, only injuring the man before being able to take him into custody ([DeStefano](#)). This incident did not involve a squadron of officers; only two officers fired the 84 rounds. Accounting for such a high volume of shooting even proves problematic and difficult; the cited article made a correction to include a *higher* number of shots than the one the police originally reported.

Logically, if an officer is able to use well-placed hits to stop a threat with minimal shots fired, the revolver’s ammunition limitations become less important. If this is true, then it would also follow that the pistol’s higher capacity is primarily useful for the incredibly rare event that there are many

attackers involved in the shootout, or for misses. It is not irrational to think that officers might be less incentivized toward accuracy when loaded with the capacity to miss as often, or more often, than they connect.

Complicating this is a phenomenon that occurs in what Aveni terms “bunch shootings,” events where multiple officers engage a suspect during the same incident. Aveni clarifies that the data he reviewed is not conclusive, but tends to show that the number of shots fired *per officer* increases as the number of officers firing increases, while at the same time the percentage of hits goes *down* as the number of officers increases ([Aveni 2003, 8-9](#)). When combined with the increased capacity of modern pistols, this should be of concern to both police administrators and the public. The numbers Aveni compiled is from data from the Los Angeles County Sheriff’s office from 1998-2002 on officer-involved shootings. Most notably, the number of shots fired per officer rises from an average of 3.59 shots fired by a single officer on scene to 6.48 shots per officer when more than two officers are involved. Hit percentages drop from 51 percent for a lone officer down to 9 percent when more than two officers engage ([9](#)).

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These points of debate may not sway police agencies to abandon their pistols in favor of the older revolver technology, but it does minimize the arguments for *needing* them, at least from an ammunition capacity perspective. Ayoub (78) does credit an increase in police shooting performance on the ergonomics and other factors a pistol brings to the equation, a meaningful benefit in their favor. Personal or agency preference for a semi-automatic platform is not malevolent, but this debate should highlight the need for extensive firearms training and skills requirements, with due consideration for the mindset effects a high-capacity pistol may bring to the environment, both in training and under stress. A clear view of the reasons behind an agency’s sidearm selection should include an examination of the advantages and disadvantages of the platform, including separating perception from reality where needed.

### The Role of Rifles in Law Enforcement

Law enforcement has used both rifles and shotguns for decades. The police shotgun, sometimes called a riot gun, was the main long gun used by law enforcement before the rise in popularity of the patrol rifle. The police version being differentiated from a sporting shotgun by its shorter barrel.

A relatively close range weapon, the shotgun is capable of firing a variety of ammunition types, including modern less-than-lethal munitions for which it is still employed by many agencies. Loaded with buckshot or slugs for lethal applications, its broader capability over the handgun is significant. Concerns with the shotgun’s substantial recoil, limited range, and propensity for stray pellets when buckshot is used at longer distances were answered by the adoption of the patrol rifle.

Rifles are more accurate at much greater distances than both handguns and shotguns and also provide the ability to penetrate low grade body armor in the event an offender is wearing a bulletproof vest, something handguns and shotguns are not capable of ([Assad et al.](#)). Often referred to as a “patrol rifle,” the AR-15 platform is very popular with standard patrol officers and is no longer found strictly in the venue of SWAT teams.

The AR-15 series of rifles is the civilian version of the military M16 and M4 rifles. They are differentiated from their military versions in that they are semi-automatic instead of fully automatic capable and have barrels of 16 inches or more, though both modifications are available to civilian law enforcement within federal guidelines requiring additional steps for purchase and ownership. On outward appearances alone, the civilian and military versions are often indistinguishable from each other. With commonly available and inexpensive 30-round capacity magazines, the patrol rifle holds much more ammunition than either the handgun or the shotgun. Reloading an empty magazine is quickly accomplished, and carrying extra magazines is done efficiently in a variety of methods. Carrying more than 100 rounds of ammunition is not overly burdensome for an individual police officer.

The critique of high capacity handguns is equally applicable here. All of the caveats apply to high-capacity rifles in the same way, perhaps even more so, based on the enhanced range and penetration a rifle can provide, as well as the increased rate of fire the AR-15 system is capable of. The 5.56mm NATO ammunition used in the AR-15 may be less capable of penetrating interior walls than a handgun round or even shotgun slug or may fragment upon hitting the cinder blocks common in the construction of many school interiors, thus making them safer for indoor use ([Assad et al.](#)). However, this argument is obviously fixated on rounds that miss their target. Rounds missing the target should not be the goal or even the focus of a properly trained police officer. Certainly minimizing the risk from a miss is encouraged, but this should not be the stated goal behind the adoption of a weapon system, especially one designed with the capacity to miss many more times than other systems.

The capacity and rate-of-fire capabilities are central to the selection of this weapon system for the military, but are these desired traits for civilian law enforcement? The 5.56 NATO round can be fired from rifles other than the AR-15 family of weapons. The round itself retains the advantages stated previously—excellent accuracy at extended range and body armor penetration—regardless of what type of rifle is used to fire it. Bolt-action rifles fire a single shot, with the shooter then manually manipulating the bolt to chamber another round. They provide a much slower rate of fire, but no less accuracy or power than the semi-automatic rifles. Bolt action rifles of different calibers are used by police and military snipers as well as big game and varmint hunters. The goal of all of these applications is the placement of a single, accurate shot on target, often at distance.

A bolt-action rifle brings the same advantages as rifles in general, without the high capacity and high rate of fire issues addressed previously and the militarized look of the AR-15 patrol rifles. They are equally accurate, often more so, and their slower rate of fire is conducive to accurate shot placement. Additionally, a police officer has the ability to communicate directly with fellow officers via radio and has generally prompt if not immediate access to backup (something the average civilian would not have), making the capacity and rate of fire of an AR-15 seem mostly unnecessary.

For communities that allow their police to use rifles, the proper training and skillful use and deployment of such a system provide the benefits of distance, time, and penetration, but a military version is not needed to obtain these benefits. Many rifles with a slower rate of fire or less militarized appearance provide these same benefits. In potentially deadly police encounters, distance benefits the officer by providing time to react to a stimulus. Aveni cites data collected by the FBI of police officers killed by a firearm from 1991-2000 that shows 71 percent were killed within 10 feet of their assailant, 50 percent within 5 feet. This number drops to 8 percent of the total officers killed when the distance exceeded 50 feet (2003, 3). Clearly, distance is a significant factor in an officer's safety when a firearm is involved. Other methods to assault an officer, such as edged weapons, blunt objects, fists, and feet, are almost entirely dependent on close proximity in order to be of danger to an officer. Distance renders many of those attacks impossible.

Cover increases the safety provided by distance exponentially. A police officer armed with a rifle can apply deadly force against an offender at great distance when needed, allowing the officer to use distance to his or her advantage. From behind cover, at distance, an officer has more time to fully identify what an offender is doing, or what an offender is holding, because cover and distance provide more safety

for the officer in such a scenario. If an offender quickly moves a hand to his waistband, an officer positioned behind cover and/or at distance may be able to take the extra moment necessary to identify the action or the object presented as a deadly threat or not. In its study and recommendation publication on police use of force, the Police Executive Research Forum (PERF) itemized 30 guiding principles surrounding the use of force by police officers. One of those recommendations states that “agencies should train their officers on the principles of using distance, cover, and time when approaching and managing certain critical incidents” (PERF, 54).

The ability of an offender to shoot an officer who is at distance and behind cover would require an unlikely amount of skill or luck, giving the officer more confidence to wait until identification is clear while improving the safety of the officer. This is not true of an officer at close range, where hesitation could result in the officer's death. A person reaching to the waistband might produce a handgun or might produce a cell phone, and the officer cannot know which it will be. At close distance, out in the open, an officer will have to respond with the best guess they can make with enough time to react to either, meaning an officer is at least as likely to expect a gun or knife as a cellphone, and respond accordingly. Distance and cover allow officers the luxury of time to identify threats, potentially reducing the use of deadly force where not needed. Rifles allow time and distance while maintaining deadly force capabilities, particularly when magnified optics are used. There are benefits to police officers and the communities they protect of the adoption of rifles, but the *need* for military versions of these rifles is unclear and suspect, and policies regarding deployment must be considered.

### A Case Study on the Preference for Force

In January of 2016, Daniel Shaver was shot and killed by Mesa Police Officer Philip Brailsford after Mesa Police responded to a report of a man pointing a rifle out the window of a fifth-floor hotel room. A caller had observed Shaver with a rifle, which was actually a pellet gun used for his job as a pest exterminator, through the window of his hotel room (Lowery). Testimony revealed Shaver was showing a guest in his room the pellet gun, details the caller and the police would obviously not know. When police arrived at the scene, they ordered the occupants of the room out into the hallway where several police officers were present. A female occupant exited, and then a male—Shaver.

During the encounter that followed, Shaver was given confusing and non-traditional commands to cross ankles and crawl to the officers, not to use his hands even to catch himself if he fell, and was repeatedly threatened with being shot

for failure to follow the commands. Following what appears to the author, upon watching the video of the incident, to be a movement by Shaver to pull up his falling shorts while sobbing and crawling toward the officers, Officer Brailsford fired multiple shots from his AR-15 patrol rifle, killing Shaver.

Brailsford was charged with murder in the shooting but subsequently acquitted. After the acquittal, the video of the shooting was released for public viewing. While the jury did not find that the officer's actions amounted to the high requirements of a murder conviction, there will likely be future litigation regarding the reasonableness of the officer's force decision. What can be discussed at this time is how the circumstances, tactics, and equipment—informed by our definition of militarism and its preference for force—might have played a role in the tragic outcome of this incident.

The decision to bring a rifle to the incident is often a personal one made by the officer on the scene. Unless a police department has specific policies guiding the deployment of rifles, the officer decides when and where to select this particular weapon for use. With the initial information being given to the responding Mesa Police Department officers that a subject was observed pointing a rifle out the window of a hotel room, the selection of a rifle initially is reasonable. As previously stated, a rifle brings accuracy and penetration capabilities that exceed the standard handgun, desirable attributes if facing an offender similarly armed. The police cannot be blamed for not knowing that Shaver's gun was actually a pest removal air rifle, or that his "pointing" it was not intended to harm anyone. They were responding to what was known at the time.

However, the police response in this situation does not seem to change in accordance with further information coming to light as the incident plays out, and their tactics and weapon selection seem to the author to demonstrate the described "preference for a force option," identifying a militaristic philosophy and approach.

Because there is audio and video of the interaction in the hallway, analysis of the incident is more reliable than a mere police report might otherwise be, and there is context present that would not be available in the written word. While disturbing, the video is essential to a clear understanding of this discussion and to the analysis the author presents.

The following are quotes of the commands given by an off-screen Mesa police officer to Shaver and a female guest who came out of the room as reviewed from the video of

## ***Weapons Options Historically Available to Police***

Smith & Wesson K-38



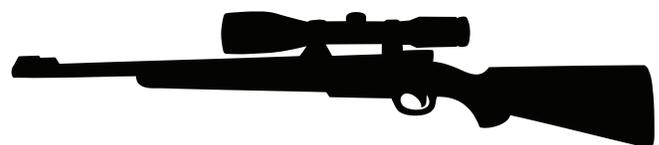
Glock 17



Semi-automatic Patrol Rifle



Police Sniper Rifle



Traditional Police Shotgun



the incident, but are not a full audio dictation ([Lowery](#)). These specific quotes are selected by the author for their content and for context without the accompanying video, which begins just prior to the confrontation. These specific commands and statements are of concern in considering the police officers' preference for force in dealing with this encounter.

It is immediately clear to the viewer that neither Shaver nor the female have a rifle on their persons when they enter the hallway where police are waiting, which is where the video begins.

**Off-camera officer:**

"If you make a mistake, another mistake, there is a very severe possibility you both are going to get shot, do you understand that?"

**Off-camera officer:**

"Shut up. I am not here to be tactful or diplomatic with you. You listen, you obey."

**Off-camera officer:**

"If you move, we are going to consider that a threat, and we are going to deal with it, and you may not survive. Do you understand?"

**Off camera officer:**

"Hands up in the air! You do that again, we're shooting you, do you understand?"

**Daniel Shaver:**

"Please do not shoot me. I'm trying to just do what you say," Shaver crying.

**Off-camera officer:**

"Do not put your hands down for any reason. [If] you think you are going to fall, you better fall on your face. [If] your hands go back in the small of your back or down, we are going to shoot you, do you understand me?"

**Daniel Shaver:**

"Yes sir," Shaver now sobbing.

**Off-camera officer:**

"Crawl towards me!"

**Daniel Shaver:**

"Yes, sir," Shaver continues crying.

While crawling, Shaver is sobbing and reaches to his right waistband area. Multiple shots are fired from the AR-15 visible in Brailsford's bodycam video that is the source of the video publicly available. Shaver is immediately rendered motionless as Brailsford and another officer move past him to the hotel room door where they attempt to use a keycard to open the closed door and the video ends.

While the argument to justify the shooting—Shaver's reaching toward his waistband, representing an unknown threat and the possibility he is retrieving a concealed firearm—is consistent with police training, it does not represent the myriad of other factors involved. Police officers reasonably use deadly force when confronted with a deadly threat, but not simply for making a mistake in following directions, which both subjects appeared eager to follow. Certainly the threat to shoot "both of you" if a mistake is made is problematic. This resembles a very deadly game of "Simon Says" even to the casual observer.

This is even more disturbing to this researcher with an extensive background in law enforcement and law enforcement training. Both suspects are immediately compliant with the officer's commands throughout the incident, despite the often confusing and contradictory nature of those commands. Shaver's clothing consisted of a t-shirt and baggy gym shorts, but it is clear that the rifle initially reported to the police is not in his possession. His demeanor and willingness to lay prone and sprawled out on the floor do not indicate aggressive intention. Within 15 seconds of the video beginning, both suspects are lying on the floor as ordered. In watching the video, the author observes that Shaver begins to get on the ground with his hands up *before* the order to "get on the ground" is even given. The situation is quickly de-escalating itself, but the police response is not following the changing dynamics. Even Shaver's reaching toward the waistband that prompted the officer to fire appears consistent with a compliant person attempting to pull up his shorts that are loose fitting and being pulled down by his unorthodox crawling.

The police tactics used in the video indicate a problem in the officers' training. Demanding the suspects crawl toward the officers with their ankles crossed and hands in the air is overly complicated and physically difficult for a normal individual, much less one who appears intoxicated as Shaver did. The selection of tactics points to a training problem, and much time could be spent on the inappropriate tactics on display in the video, but the officers' functional errors and more are symptomatic of militarism and applicable to the discussion here

While only one gun, Brailsford's AR-15, is visible in the view of the video, there were multiple officers at the scene. The initial decision to bring the AR-15 out for what was known to the officers at the time is prudent given the nature of the call, but the officers' encroachment on the room and confrontation at close range of the suspects render the advantage of a rifle (distance afforded the officer while maintaining accuracy) largely irrelevant. The rifle is now of no more value than the handgun would have been in this

situation, but Brailsford decides to continue to use it instead of choosing to sling the rifle and transition to a pistol.

As opposed to a “low-ready” position of covering the suspects, where the firearm is displayed but lowered toward the ground, Brailsford’s rifle is “high ready,” where the firearm is aimed at the offender with the firearm at the officer’s eye level and not just presented, and it potentially limits his ability to view Shaver’s complete movement. This is a tactic Aveni (2008, 25) describes as a “muzzle dominance” position and is a common SWAT tactic, where the risk is already very high. Aveni (2008, 25) states that this tactic is likely a carry-over from ongoing active shooter training within police departments and the military tactics that these scenarios justify are now replacing traditional rules of firearms safety even in scenarios that might not justify deadly force. Both the close proximity of the officer to the suspects as well as the “muzzle dominance” position negate the advantage a rifle brings to the scene that would allow officers the safety of distance and the extra time it provides to evaluate the movement of the suspect. The use of the rifle would allow officers to stage much further down the hall in a position of cover that lessens their perception of risk than the close proximity to the suspects that was established instead, but it is not readily apparent that this was the intention behind Brailsford’s reliance on it.

At one point in the video, Shaver is lying on his face with his hands sprawled in front of his body and his legs crossed at the ankles as he has been ordered to do. Standard police tactics would have been for an officer to cover Shaver and another to move forward and handcuff him while he was in this very non-threatening position of compliance. The officer giving commands instead chose to order Shaver to get up, and crawl toward them, necessitating all of the various movements he, just moments earlier, threatened would get Shaver shot. If the argument against approaching Shaver as he lay prone in the hallway were the proximity to the potential threat that an unchecked hotel room the suspects had just exited presents, then another officer could have covered the door while Shaver was being secured. There were enough officers on scene to do this.

The number of rounds Brailsford fired would only have used one-sixth of a standard AR-15 magazine’s capacity and would be numerically of no consequence to Brailsford in the calculation of his ammunition supply, neither would the minuscule amount of time needed to fire those shots due to the semi-automatic capability of the rifle. Lowery notes that a police report indicated that “shots were fired so rapidly that in watching the video at regular speed, one cannot count them.” A detail that the jury did not get to hear is that the rifle Brailsford shot Shaver with had an ejection port

cover with the inscription “You’re F\*\*\*\*\*” on it, visible in the open position only after the rifle has been fired or had the bolt cycled manually (Cassidy). The judge’s opinion that such evidence was highly prejudicial for a murder trial is understandable, but the information is instructive outside of a claim of murderous intent on the part of the officer. Replacing a standard ejection port cover with one containing such an inscription on a duty weapon that any officer knows will be subject to inspection and testing in the event of an actual shooting might be seen as reckless and indicative of a disturbing philosophy of force, even if it were intended to be humorous.

Regardless of the intention behind modifying a duty rifle with such an inscription, it represents what Kraska referred to as the “glorifying of military hardware and technology” in his definition of militarization and is an indicator of a philosophy of militarism (Kraska 2001, 16). Between the verbal commands that continuously include the threat of being shot, the use of a rifle at short range, the warning that one could be shot for simply making a mistake or not following instructions, and the inscription “You’re F\*\*\*\*\*” on the rifle used, the dangers of militarization and the subsequent militarism that follows are glaringly apparent in this incident. While this is a single incident and cannot be used to generalize across agencies, the fact that multiple officers are involved in this incident also precludes isolation and blame for the phenomenon on a single rogue officer. The responding officers ignored opportunities to de-escalate the situation, and they seemed to prefer force to solve the incident.

The role of the rifle in this case is instructive in the examination of militarism. Whether a different type of rifle, such as a bolt action rifle with limited ammunition capacity, would have changed this outcome is not something that can be extrapolated from the information at hand. It would certainly have slowed down the *rate* of fire, but the decision to fire at all is largely independent of the type of weapon the officer was using. Would such a weapon, given its similar capabilities in accuracy and power to the AR-15 platform but without the AR-15’s rate of fire capabilities, have prompted a different tactic by the officers to use distance and cover? This is also a question we cannot answer even with the benefit of hindsight. However, training could likely encourage, if not ensure, future answers to such questions.

### Federal Incentives to Militarize

Federal legislation which passed in 1997 opened the doors for the Department of Defense to transfer obsolete military equipment to local law enforcement through what is known as the 1033 Program (Cohen et al., 1). This program offers military equipment that includes Mine-Resistant Ambush

Protected (MRAP) vehicles, M-14 and M-16 rifles, pistols, sighting equipment, and bayonets, to name but a small portion of the available equipment. They also offer more mundane equipment such as first aid kits and office furniture. Because the equipment has been paid for with taxpayer money, repurposing it for use by local governments is hard to argue against from a fiscal responsibility position, and police agencies in jurisdictions that are desperately short of funds can without a doubt benefit from some of this equipment.

However, examining the process through the conservative lens of oversight exposes how such a program can result in increased militarization at the near complete exclusion of public input. Items given by the federal government to a police agency at no cost to the agency circumvent the normal budget appropriations process within that jurisdiction. While a municipality might outright deny a request from a police chief to purchase a \$250,000 MRAP “just in case” it is ever needed, such a piece of equipment offered at no cost to the agency or municipality is less likely to draw resistance—that is, if permission to accept the equipment is even needed from outside the agency itself. Because no money is exchanged, the need for oversight can easily be overlooked by local jurisdiction managers who do not need to answer for the spending it would otherwise entail.

Hall and Coyne observe that public entities such as police departments lack a profit motive and that a desire to gain personnel, equipment, and a larger part of the budget replaces what would be a drive for profits in the private sector. One tactic for signaling a need or justification for greater budget allocations is the “spending down” of the agency budget, showing it is using all of the resources it gets and needs more. Adopting more areas of responsibility, what Hall and Coyne call “mission creep,” further signals a need for more resources and more personnel (6).

The lack of financial cost to the agency removes the requirement for a police agency to justify a need for equipment, a requirement that would surely exist if the jurisdiction were required to pay for the equipment. The requirement to justify purchases can spur public debate at city councils, county commissions, and even in state legislatures because taxpayer funds would be required to obtain such equipment. The 1033 Program removes much of this check on unlimited acquisition of military hardware because the cost is not recognized by the agency obtaining it. Prioritization of spending is no longer an issue or an impediment to acquisition, the result being in many cases that public input either directly or through elected officials is not welcome or required.

A federal grant program called the Edward Byrne Memorial Justice Assistance Grant is available to local law enforcement through the Department of Justice and, having been created to focus on drug enforcement, can partially be used to obtain military equipment used for SWAT raids and the like ([Bureau of Justice Statistics, 7](#)). While grant funding is a more arduous process than the 1033 Program, and this particular grant has a public comment requirement, the same concerns arise ([Bureau of Justice Statistics, 7](#)). Free money negates the natural checks and balances that appropriations spending brings to the equation. While an agency might be hesitant to buy military-grade equipment for its officers at its own cost, subject to justification and approval by the local governing body, it might not hesitate to acquire the same equipment when there are no cost and justification barriers. Need, at this point, becomes less a factor than want.

Items given by the federal government to a police agency at no cost to the agency circumvent the normal budget appropriations process.

Cost concerns are common in most areas of our society. Such concerns provide a barrier to unlimited acquisitions that cannot be convincingly justified by a police department. The need to justify an expense to prove the value and necessity of a purchase is an important requirement in everything from personal finances to government expenditures. When equipment is provided at no cost to the police agency, all of those checks and balances become disrupted. Whether by avoiding the approval process altogether or by easily justifying an acquisition that poses no cost to the jurisdiction receiving it, the normal restraint that is imposed by transparency and accountability upon a governmental unit overseeing the process is gone.

### **The Value of Competence: Hiring and Training Police Officers**

There are aspects of policing that can be taught. Many of those aspects require no particularly unique skill and are easily accomplished by the average adult. Such tasks as issuing citations, writing reports, or directing traffic are easily learned and equally easy to perform. A small portion of policing is incredibly dangerous. In this area of job performance, the stakes are very high and a unique set of skills and temperament separates a police officer from an ordinary citizen. If we consider a police officer to be an

insurance policy against the very worst events, then we should also require that each of them is up to that task.

In a report for the Office of Community Oriented Policing Services (COPS), Morison identifies several areas to address in the hiring of police officers for a new generation. One of those components was identifying key traits and characteristics in potential recruits ([Morison, 6](#)). Morison observes the following in regard to the character trait of desirable police officers:

Several forum participants noted that while the traditional approach to police hiring has skewed heavily toward the “warrior” aspects of the profession, agencies today need to focus attention on recruiting and hiring for the “guardian” role that police officers must be prepared to play. In fact, some forum participants argued that agencies should concentrate most of their attention on ensuring that applicants coming into the system have the necessary qualities of the guardian, because the warrior elements of the job can be taught ([6](#)).

The two terms, warrior and guardian, elicit a certain distinction between two similar concepts. Morison notes that the participants, including police executives, recognize that there are warrior requirements for being a police officer, but these elements are teachable. Shooting skills and empty-hand fighting and control skills can be taught. The same is true for the use of chemical sprays, batons, and electronic restraints. All of the combat skills we would consider necessary for a warrior are teachable, meaning the vessel for such instruction is of secondary importance to the instructor in this case.

The same may not be true for the role of the guardian. The guardian displays additional attributes that go beyond the martial skill of the warrior. These include traits that lend themselves to service, thinking critically in problem-solving, and interpersonal relational skills, all of which are less easy to teach ([Morison, 7](#)). Field experience with this reality is expressed in a statement in Morison’s report made by Brian Maxey, the chief operating officer for the Seattle Police Department:

*“When we looked at our process, we started by trying to identify what type of officer we would like to see in the coming generation. We’re trying to focus more on officers with problem-solving skills, communication skills, and interpersonal skills. There’s a lot in policing that we can teach to an officer, but we don’t believe that we can teach the fundamental human ability to interact well with others.”*

—Brian Maxey, Chief Operating Officer,  
Seattle (Washington) Police Department ([7](#))

One might argue that so long as the head of the policing agency does not *believe* that the interpersonal skills required from the kind of officer they seek can be taught, then they cannot be taught. Since many of the larger agencies provide their own training from the academy and throughout a police officer’s career, this observation indicates that this is an area of instruction they are currently incapable of teaching to a new recruit. This is not a condemnation of the abilities of our nation’s law enforcement trainers by Maxey, it is a simple observation that in the area of interpersonal skills, a recruit must come to the academy with those particular skills. Of all the areas police trainers are able to teach and strengthen, this just isn’t one of them.

Another unteachable trait recommended in Morison’s report involves sharing the values of the community the officer will serve. This provides additional opportunity for democratic participation of the community by soliciting from the community not only what their values are, but also what they would expect from their police officers ([Morison, 7](#)). We expect our police officers to be a part of our communities. Hiring officers that share the same values as the community is a vital part of achieving that goal.

The goal of training should be not only to prepare officers for real world encounters, but to find officers who cannot fit the role and remove them. Realistic-scenario training accomplishes both of these tasks by creating as real an environment as possible in order to simulate actual police work, letting officers learn, or in some cases fail, without the tragic consequences such an event will present in real life. In discussing a scenario-based training experiment prompting officers of various agencies in “shoot/don’t shoot” situations, Aveni observed the following:

The agency with the lowest frequency of unarmed suspects shot (24%), judging from all informal participant debriefs, had the most rigorous scenario-based training regimen. Virtually every participant interviewed from that agency stated that he/she had had one or more force-on-force training sessions in the last 12 months. In itself, this might not seem evidence adequate to suggest that training was the most influential factor, but it is the only factor that clearly stood out from all others ([Aveni 2008, 24](#)).

Aveni also cautions on being selective with scenario-based training, that it is not a “one size fits all” proposition and can be harmful if done wrong. His extended observation is worth noting:

One final perspective should be made regarding the value of scenario-based training – it can be part of the problem or part of the solution. Scenario-based

training should truly be geared toward “conflict resolution,” not merely gun-fighting skills. In addition, a disproportionate number of “aggressive” scenarios may begin influencing reactions akin to “fear-biting” in canines. A recent buzzword in the police training lexicon has been that of “stress inoculation.” Approach this concept with caution. Your officers/deputies may never be “warriors,” nor may you want them to be, but they must be rational decision-makers. If your agency’s scenario-based training proportionately reflects what duties and conflicts your officers/deputies are most likely to encounter on the street, your training is likely where it needs to be ([Aveni 2008, 25](#)).

The hiring and training of police officers is an important issue as policing is not only a core function of government but the area of government intrusion that has the most potential consequences for the life and liberty of the citizenry.

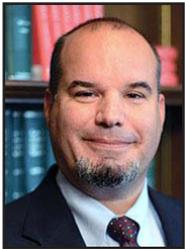
### Recommendations

- The engagement and participation of the community in the formation of policing policy is vital to achieving a balance of protection and service, including what level of militarization is appropriate for a particular community. Police agencies must foster this participation.
- Adoption of equipment from the 1033 Program should undergo the same level of scrutiny from the jurisdiction as any other appropriated expense and should require the approval of the governing body for the agency prior to a request for such equipment.
- Police agencies should carefully consider the available information on the adoption of specific firearms and their benefits or potential problems and carefully tailor their policies on deployment, storage, tactics, and training to maximize the benefits in safety to the community and its officer while minimizing the potential for misuse.
- Hiring and training practices should be continuously evaluated in order to enlist and retain officers who are service-driven and do not display a preference for force but for de-escalation and alternative problem-solving methods, and are then trained to both serve and protect *capably*. ★

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Randy is passionate about law enforcement and criminal justice policy issues and is pursuing his doctorate of management in homeland security. His research specialties include the militarization of law enforcement, police training, and police assisted diversion programs. Randy holds a B.S. in legal studies and an M.S. in justice administration and crime management from Bellevue University.

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