THE NEW POLITICAL ECONOMY OF POLICING: AN EXPLORATION
OF THE MILITARIZATION OF POLICING IN THE UNITED STATES

by

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Abstract

Public perceptions of policing in the United States have drastically shifted in the last decade as images of police brutality have dominated the media. This thesis asks whether or not the militarization of policing in the United States is a new phenomenon, or whether it represents the rebirth of traditional state modes of policing. Answering this question entails linking together various elements of urban militarism, urban policing, and geographical decentralization in order to understand the shift towards militarized policing. Using a “bricolage style methodology” consisting of a case study, complemented by thick description, documentary, and content analysis, an analysis of both the media and official government reports will provide the landscape through which the case study is to be analyzed. An historical overview of the police and policing in the United States provides a platform for comparing traditional and contemporary definitions of policing, police jurisdiction, and discourses of securitization, militarization, military urbanism, and risk. Additionally, an overview of America’s role in Vietnam contextualizes colonial influence and its role in shaping police-citizen relationships and encouraging militarization through “othering.” Using recent events in Ferguson, Missouri (death of Michael Brown in 2014) as the case study, there is a close reading of the March 2015 Justice Department Report to assess whether a series of transformations in United States policing have or have not occurred. In addition, an historical overview of the history of Ferguson and Missouri is presented. The results of the analysis challenge the original hypothesis. Although this thesis attributes current issues in American policing to militarization, it is argued that it is actually an emerging characteristic of the entrepreneurialism of policing in the United States that is increasingly responsible for the continuing conflict between police and citizen.
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# Table of Contents

Abstract ................................................................................................................................. ii

Acknowledgements ................................................................................................................ iii

Table of Contents .................................................................................................................... iv

List of Abbreviations ............................................................................................................. vi

Chapter 1  Introduction ......................................................................................................... 1

Chapter 2  Literature Review ............................................................................................... 3

  2.1 Introduction .................................................................................................................... 4

  2.2 A Brief Historical Overview of Police ........................................................................ 4

  2.3 The History of US Policing ............................................................................................. 9

    2.3.1 Pre-WWII Policing in the US ................................................................................ 9

    2.3.2 Post-War Professionalization ............................................................................. 11

    2.3.3 Protest and Revolt: The Civil Rights and Antiwar Movements ....................... 12

    2.3.4 Towards Community Policing? ......................................................................... 16

    2.3.5 The Homeland Security Era after 9/11 ............................................................. 18

  2.4 The Contemporary Character of Policing in the US .................................................... 20

    2.4.1 Fragmentation ...................................................................................................... 21

    2.4.2 Extension of Powers ......................................................................................... 22

    2.4.3 Predication and Pre-Empion .............................................................................. 24

  2.5 Towards the Militarization of US Policing? ................................................................. 25

    2.5.1 What is Militarization? ...................................................................................... 25

    2.5.2 The Colonial Boomerang ................................................................................. 27

    2.5.3 SWAT ............................................................................................................... 29

    2.5.4 The Police and New Military Urbanism ............................................................. 30

    2.5.5 Police Procurement of Military Equipment ..................................................... 33

  2.6 The New Visibility of American Policing ..................................................................... 35

Chapter 3  Methodology ....................................................................................................... 38

  3.1 Introduction .................................................................................................................... 39

  3.2 Case Study .................................................................................................................... 39

    3.2.1 Thick Description .............................................................................................. 43
3.3 Documentary Analysis ................................................................................................................. 44
3.4 Content Analysis .......................................................................................................................... 46
3.5 Overall Limitations .................................................................................................................... 47

Chapter 4 Ferguson .......................................................................................................................... 49
4.1 Introduction .................................................................................................................................. 49
4.2 Ferguson ....................................................................................................................................... 49
4.3 The August 9, 2014 Shooting of Michael Brown ....................................................................... 51
4.4 Contemporary American Police Brutality and Color-Blindness .................................................. 54

Chapter 5 Reading the Justice Department Report on Ferguson .................................................... 59
5.1 Introduction .................................................................................................................................. 59
5.2 Militarization or Entrepreneurialism? .......................................................................................... 61
5.3 Police Militarism Constituting Social Difference ....................................................................... 62
5.4 Neo-Traditional Policing in Ferguson .......................................................................................... 64
5.5 Neo-Colonial Policing: Normative Othering .............................................................................. 67
5.6 New Visibilities and the Formation of Paramilitary Troopers ...................................................... 71
5.7 The New Political Economy of Policing in the United States ..................................................... 73

Chapter 6 Conclusion ......................................................................................................................... 77
Bibliography ....................................................................................................................................... 83
List of Abbreviations

**CP Model** – Community Policing Model

**JDR** – Justice Department Report

**FPD** – Ferguson Police Department

**FSD** – Full Spectrum Dominance

**MIC** – Military Industrial Complex

**RMA** – Revolution in Military Affairs
Chapter 1

Introduction

Policing in the United States (US) has a complex history, but recent changes to modes of visibility have changed the public’s perceptions of policing. This has led to the common view that the police have become more militaristic rather than community based as in the past. This thesis addresses the question of the militarization of policing in several ways. First, it outlines a history of policing in general and in the US in particular. This provides the historical and theoretical context for a case study of the August 9, 2014 shooting death of Michael Brown by police in the St. Louis suburb of Ferguson, Missouri. In particular, the study of Brown’s death involves an examination of media accounts and the 2015 Justice Department Report. This examination shows that police militarization is not simply a new phenomenon but one that has become more apparent through increased police visibility. The analysis of the Ferguson shooting demonstrates how new modes of police visibility may suggest an emergent militarization of policing, but when Brown’s death is placed in context, it becomes apparent that policing in the US has always involved a militaristic approach to law and order.

Chapter 2 reviews relevant literature in order to provide a broad historical and contemporary overview of policing in general and the US and to help develop a theoretical approach. The first section creates a platform for understanding the shift from early modern to contemporary policing. To that end, it builds on some key concepts in the early history of “policing,” including Sir Robert Peel’s principles, Johann Gottlieb Fichte’s idea of “Applied Natural Right,” and ideas on the duality of police and state. A model of community policing (CP Model) is presented in considering the ideal characteristics of contemporary police. The next
section considers police history in the US more particularly by focusing on key moments of transformation after World War II such as the period of police professionalization, the protests against the Vietnam War, the Civil Rights Movement and the 9/11 terrorist attacks. Five key contemporary characteristics of US policing are then outlined. The first three of these characteristics consists of organisational fragmentation, the continued extension of police power over urban space, and the turn to statistical methods of crime control in the context of the risk society. The fourth characteristic, militarization, is understood through the lens of Stephen Graham’s “new military urbanism,” and Michel Foucault’s concept of the “colonial boomerang.” Finally, the “new visibility” of policing, that has brought renewed attention to the US police, is also considered.

Chapter 3 outlines the methodological framework. The methods chosen for this work are qualitative in nature, featuring a “bricolage style.” The thesis is a case-study analysis using a form of thick description, which employs documentary and content analysis.

Chapter 4 outlines the case in question. It provides a brief historical overview of the State of Missouri, with specific emphasis on the City of Ferguson and the surrounding areas, in order to contextualize the events of 2014. The second section considers the killing of Michael Brown on August 9, 2014, in more detail. This entails looking at media accounts and news coverage to paint a portrait of not only the events that took place, but also to begin to identify some of the possible deeper causes.

Chapter 5 delves deeper into these causes. In order to answer the research question posed at the beginning of this work, this section analyzes the Justice Department Report (JDR) (2015) into the Ferguson shooting and its aftermath in the light of the literature examined in Chapter 2. The purpose is to understand whether Ferguson provides evidence of the militarization of
policing in the US or leads to other conclusions about the new political economy of policing in the US. The first argument that emerges is that events like Ferguson reveal US policing’s militarized nature due to a new visibility, rather than being evidence of a particularly new process of militarization. As will be seen through a close reading of the JDR, the starting hypothesis of this work is ultimately challenged to the point of being disproved and ultimately proved as incomplete, and the conclusion argues that militarization is not the root cause of the current crisis in American policing. Instead, other factors, like long-standing racial divisions and an economically exploitative relationship between police and citizens, provide powerful alternative (or complementary) explanations. Finally, Chapter 6 will conclude with some implications for research and policy and a brief personal reflection.
Chapter 2

Literature Review

2.1 Introduction

American urban policing is a complex and diverse institution, and has had a long and exceedingly complex history. In order to provide context and help generate theoretical understanding, this chapter outlines: the general history of policing, or more accurately, dominant ideas about policing; the more specific history of policing in the United States in the post-World War II period; some important characteristics of contemporary US policing, including in particular, the question of militarization; and finally, the role that new media and a “prosumer” culture play in increasing the visibility of the US police and revealing its militarism or militarization.

2.2 A Brief Historical Overview of Police

In 1904, Ernst Freund suggested that the exact nature of policing was still uncertain: it remained “without authoritative or generally accepted definition” (ii). Today, while there are certainly widely-shared public and policy understandings of what the police is, particularly the uniformed police, policing remains a complex concept. The word police is derived from the Greek word polis which references “a citizen who participates in the affairs of a city or state” (Cox et al. 2014:3).

The early 20th century, when Freund was writing, was a period of dramatic change in the area of policing1 which showed an evolution in perceptions surrounding the police, and law and order in society. Before the idea of a uniformed police force emerged, “police” and “policing”

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1 It was during this time that the idea of the “uniformed” police was becoming associated with police that were public figures and authoritative guardians within city parameters.
had different implications and served a different role in society. As Herbert Packer states, “the policing philosophy utilized by a given institution is guided by and dependent upon the criminal justice model recognized at any given time” (1962:3) and ultimately defines the role of the state in police action.

Markus Dubber traces the ancient roots of policing in Greek and Roman political thought to a long-standing divide between autonomy and heteronomy. Autonomy, or the governing of self through law, must be distinguished from police’s heteronomic rule (government of people by the state) (Dubber 2005). As society became more complex, however, the idea of autonomous governance became more problematic since individuals could not be expected to be fully aware of all governing laws in order to ensure they could become self-governing agents. As a result, there was a shift towards heteronomic rule so that individuals could develop their full potential and function within a more complex society. Considering this civilised, heteronomic rule, Nick Blomley suggests that the “police [do] not govern alone, nor is [it] hermeneutic and fully autonomous” (2012:932). Rather, “it is through state issued powers that the police are entitled with the regulation of promoting general welfare and the condition of good order” (Neocleous 2000). Police are considered the gatekeepers of human civilisation.

In the 17th century, European discourses on civilization began to view the criminal as an animal representing the separation of “us” from “them.” In his Second Treatise of Civil Government, John Locke associated criminality with a type of deviance requiring control. He argued that “beasts such as the Lyon [sic], the Tyger [sic], and the criminal can be understood as having “declared war against all mankind”” (1689: TT, II, sect. 10). By associating the criminal with beasts such as the lion or the tiger, Locke associated criminality with animalism, suggesting that the criminal is as far removed from society as the wild animal. Locke’s conception of the
criminal as “animal” presents one of the first references to a type of “species” that requires a form of control.

The second half of the 18th century saw the return of discourses relating to “civilisation.” At this time, the word criminal was associated with rising social movements which challenged the power of the aristocracy (Neocleous 2014). The aristocracy, especially in Britain, had been considered separate from the “uncivilized” elements of society. As the word “civilisation” became part of the political lexicon, the word “police” took on an important function, serving as “the midwife of a truly civilized society” (ibid:131). Civilisation, referring to that which is proper, controlled, and most advanced, required police to perform a social gatekeeping function, thus beginning the lengthy history of the changing definitions of policing in the centuries to come.

Policing definitions tended to reflect dominant or emergent scientific theories or social norms. At the end of the 18th century, the influential British legal thinker William Blackstone suggested that the police behave like members of a family:

> by the police and the oeconomy (sic), I mean the due regulation and domestic order of the kingdom: whereby individuals of the state, like members of a well-governed family, are bound to conform their general behaviours to the rules of propriety, good neighbourhood, and good manners; and to be decent industrious, and inoffensive in their respective stations (1769/1979:162).

While Blackstone’s definition of policing may seem communal (closer in definition to ideas of “community”), considering the time period, the definition becomes more complex. There are also distinctions to be drawn between “the law” and “policing.” From the perspective of the law, the state is the institutional manifestation of a political community of free and equal persons; the law’s function is to manifest and protect the autonomy of a state’s constituents. From the perspective of police, the state is the institutional manifestation of a household. The police state,
as a paterfamilias\textsuperscript{2}, “seeks to maximize the welfare of his household” (Dubber 2005:3). Both Blackstone and Dubber emphasize a communal, family-based method of policing. Dubber, argues that the police should protect the greater collective good. Dubber also emphasizes that 20\textsuperscript{th} century saw the beginning of changes to common definitions of policing. Police ordinances, referring to instructions and activities considered necessary for the maintenance of good order, means “management and direction of the population by the state, which gives rise to the Polizeistaat, or, the well-ordered police state” (ibid). Differences in the meaning of the “police state” opened a Pandora’s Box of confusion regarding an accepted definition of policing.

The pre-eminent legal theorist of the Polizeistaat was Johann Gottlieb Fichte, a protégé of the philosopher, Immanuel Kant. Great care is needed in reading Fichte’s works which despite how one might read the term “police state” today, try to strike a balance between individual rights and state power (Breazeale 1988). Fichte placed strong emphasis upon the “police” functions of the state. In “Applied Natural Right,” he asks, “What is the police?” and suggests the concept must be deduced. He also argues “the state, as such, stands in a reciprocal contract with its subjects; in consequence of which both sides incur rights and duties” (Fichte [1797] 2000:254). Fichte viewed the police as a link between the executive power and the subjects when difficulty in state supervision arose. Within the twofold relation of the state to its subjects, the state performs duties for the subject, and in return, exercises its rights towards the citizen that they fulfill their duties and obey the laws (ibid). Police power makes it possible for the law to be applied.

While many prominent figures of the 19\textsuperscript{th} century contributed to definitions of policing, a key example is Sir Robert Peel. Peel outlined nine principles of policing as a part of the

\textsuperscript{2} Paterfamilias refers to an individual in the household charged with the extensive powers to manage and discipline the household.
Metropolitan Police Act of 1829, which formally established the “new [uniformed] police” in London, UK. Peel’s work dominated understandings of policing for over a century and as late as 1968, A.C. Germann, Frank Day, and Robert Gallati suggest that “many fundamental principles of the Peelian Reform are as applicable today as they were in 1829” (1968:60), reflecting the still predominantly politically oriented policing tactics that existed before the “reforms” in the 1950s. These principles stem from what Susan Lentz and Robert Chaires (2007) call “the first generation of policing texts” (71). At the time, Peelian Reform signalled the birth of modern policing and was a complete and total revolution in law enforcement (ibid). The nine original principles laid out by Peel emphasized the role of the police as a peacekeeping group. Of the original principles from 1829, the second principle suggested that “the ability of the police to perform their duties is dependent upon public approval of police existence, actions, behaviour and the ability of the police to secure and maintain public respect” (Lee 1901) whereby public approval maintains public respect. Traditional modes of policing concern themselves with a relationship of trust and support between police forces and the public.

Peel himself never formally compiled his principles. Rather, the list was made as part of a training guide for the Metropolitan Police in 1829 and later semi-formalized in Melville Lee’s 1901 book A History of Police in England. Today, Peel’s principles are used by academics in an attempt to analyze their underlying meaning in relation to modern policing. R. Roberg, J. Crank, and J. Kuykendall (2000), for example, suggested a need to reconsider the principles, stating:

One of the most important principles of the Peelian approach was to emphasize preventive aspects of law enforcement. This attitude resulted in police officers being distributed throughout the city… [T]his idea was to become an important part of the development of the police in the United States. Other principles were also implemented to guide the development of the new police force. Originally, there were 12 principles; however, some of them dealt with the same issues and were consolidated and rearranged…(35).
By the turn of the 20th century, the Peelian ethic was already showing signs of shifting again. Freund claimed that policing’s defining characteristic was “a direct aim at securing and promoting public welfare” (1904:3) which required a radical shift away from the police protecting the aristocracy. A long period of evolution ensued in which there were a number of crises and reforms. For example, from 1890 to 1925, the Chicago Police Department was forced to face allegations of corrupt police behaviour (Haller 1976). With a decentralized, military model of organization, the police generally operated under the influence of local political officials (Scott 2010:136). This eventually led to a turn towards the professionalization of police (which will be discussed in the next section) and the elimination of political influence (Walker 1980:134) as a response to direct corruption. While the turn toward eliminating political influence may mean less corruption in policing, this has not been the case historically. The rigid hierarchical arrangement of police organizational structures has created a political environment which continues to allow corruption.

2.3 The History of US Policing

Moving from the evolving general understanding of police in the Western world to the specific case of the US, this section concentrates on the post-WWII period, including the era of police professionalization, the Civil Rights Movement and the Watts Riots in LA, the Vietnam War, the proposed implementation of a “community policing model,” the events of September 11 in 2001, and the continuing War on Terror. Each of these moments has not only changed the history of the US, but has also changed policing as a practice itself.

2.3.1 Pre-WWII Policing in the US

The establishment of an informal system of domestic policing in the US pre-dates independence. As far back as the 17th century, a Watchman system was first established in the
City of Boston in 1631 followed by New York (then New Amsterdam) in 1658. In the post-
independence era, the 1787 Constitution stated that “civilians may be called into military service
if necessary” (Hall and Coyne 2012:11). But the previously informal watchman systems began to
be replaced with formal police only in the mid 19th century with the New York Municipal Police
Act of 1844. This act led to the creation of the New York City Police Department (NYPD) in
1845. In 1857, the metropolitan police subsequently replaced the municipal police through an
amalgamation of police in New York and surrounding areas.

However changes to northern urban policing were not the only roots of the police system
in the USA: across the southern states, policing had its origins as much or more in patrols to
capture escaped black slaves (Brucato 2014). The outcome of the Civil War complicated this
further, with the period after the Reconstruction Act of 1867 seeing the use of the federal Army
as ‘Posse Comitatus’ – the prime official agency of law enforcement at the time (Hall and Coyne
2012:11). However, in 1878, the Posse Comitatus Act3 banned the use of the army as domestic
law enforcement, except when allowed in the Constitution or approved by Congress (ibid).
During the First World War, the Posse Comitatus Act was superseded, allowing for national
military conscription (ibid:12). However, as will be seen throughout this thesis, even with the
formalization and professionalization of police, both the mission of the suppression of black
uprising and a military style of policing, both remained engrained in the fabric of American
police culture, particularly in the southern states. In fact, it can (and will) be argued that issues of
race are as prevalent today as they were in the 18th century and that the freedom of blacks in the
US is still considered a threat to white, middle-class lifestyles.

3 In response to the military presence in the Southern States during the Reconstruction Era, Congress passed the
Posse Comitatus Act (“PCA” or the “Act”) to prohibit the use of the Army in civilian law enforcement (Hammond
1997).
Both internal and external conflicts have had a profound effect on policing in the US. The Haymarket Riot in Chicago, Illinois, as an example of internal conflict, occurred around the mid-1880s as a labour protest due to wage-labour discrepancies (Busch 1955:247). This incident involved the killing of police and civilians through anarchist bombings and police repression. External conflicts, such as the World Wars, also brought forth significant changes to policing. World War II was considered an impetus for US civil rights struggles and global challenges to racial hierarchies (Von Eschen 2012:172). Moving beyond the riots and the World Wars, a change in thinking also flourished across the US due to both the Civil Rights Movement and the Vietnam War to include issues of race and “othering,” thus demonstrating the importance of both internal and external conflict in shaping political discourse.

2.3.2 Post-War Professionalization

The professionalization of policing saw its inception around the mid-20th century. Through the establishment of a “profession of police work” (Sloane 1954:77), efforts were made to present policing as a noble profession rather than simply an occupation. During this transition, the standards for police hiring also changed; high school diplomas were no longer adequate indicators of the ability to police under the new system. Considered “police improvement,” a move towards professionalization warranted conforming to the traditional criteria of a profession which involved not only changes to educational and aptitude requirements, but also required individuals who desired to become police to fund their own education.

However, Richard Staufenberger (1977) suggested that perhaps it was not professionalization that was establishing new modes of policing but rather a growing movement towards increased “organizational efficiency” (679). In suggesting that a highly organized

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4 The term civilian will be used to describe citizens throughout this work due to the militaristic nature of police in the US.
military rank structure is an essential feature of most police agencies, he noted that “the rank structure affects virtually every aspect of policing, including some aspects important to professionalism” (ibid). The new system, which presents a general resistance to change and lateral entry, also “provides little recognition for the importance of the role of the police officer” (ibid). Thus one saw the emergence, for example, of organizations such as the International Association of Chiefs of Police (IACP) which is a prestigious group that is “unrepresentative of the basic police officer” (ibid:680). At the bottom end, it is not unusual for a regular officer to reach maximum salary within a few years of joining the force so the only avenues for advancement are competing for a low-end sergeant position or joining the military, which Staufenberger argues “is where the police borrowed its basic structure from” (ibid).

In response to the establishment of a system of professionalization, rank and file police officers began to unionize. Staufenberger also argues that the professionalization of the police raises the question of “who meets the criteria of professionalism in policing?” (ibid). A movement towards labour unions emerged from these the implementation of professional associations. In the 1970s, it was argued that the union movement would play a positive role in providing peer-review of officers’ actions, freedom from external review, and higher salaries (ibid). However, in the ensuing timeframe, although unions have been established, peer-review is lacking and this has had a profound effect on officer performance and continues to be an issue today.

2.3.3 Protest and Revolt: The Civil Rights and Antiwar Movements

The main goal of the Civil Rights Movement was to end racial segregation and discrimination in the US against African Americans. Police were considered enforcers of segregation policies that touched every aspect of everyday black life; the police were only enforcing racial hierarchy. Once the African American community became aware of the role of
the police, alongside protests, there was violence between some members of the black community and the police (Morris 1986:267).

The Civil Rights Movement, like Vietnam, ushered in fundamental changes to policing in the US. In his book *Community Policing: A Policing Strategy for the 21st century*, Michael Palmiotto suggests that the 1960s “was a time of turmoil, violence, and chaos that resulted in changes in society and policing” (2000:16). He says the Civil Rights Movement opened the floodgates to many other movements (Vietnam War protests, feminist movement, etc) and was “a time of lack of structure for police” (ibid). Furthermore, Palmiotto suggests that the police were perhaps at this time abused more than any other time in American history (ibid). Their role was considered awkward due to the situation of having to defend governmental policies while at the same time upholding the US Constitution.

Of particular note here were the Watts Riots. The killing of a young African American man, Marquette Fry, by a police officer, triggered the riots in the Watts neighbourhood of Los Angeles. According to Vincent Jeffries, Ralph Turner, and Richard Morris, these protests were among “the first prominent outcries against issues of police and race in the United States” (1971:444). Lasting six days, and causing an immense amount of financial damage, this urban rebellion served as an outcry about racial inequalities and shed light on discrepancies between African Americans and the police. The Birmingham Campaign, led by Martin Luther King Jr., attempted illuminate the overly-forceful tactics that police were using on blacks in the City of Birmingham Alabama such as fire hoses and police dogs trained to turn against blacks (Johnson 2007:1). Although the Civil Rights Movement, and the associated riots, brought issues of race and the racial politics of policing to the forefront of American public discourse, they did not mean much of a change to policing *tactics* in the US. As will be noted later in this work,
relations between African Americans and police only continue to reflect the brutal actions and ideologies of the past.

Almost simultaneous with the civil rights movement was another great transformative social and political moment: the Vietnam War. Also known as the Second Indochina War, Vietnam was divided into two parts: the southern Republic of Vietnam (RVN), led by Ho Chi Minh, and the northern Democratic Republic of Vietnam (DRVN), led by Ngo Dinh Diem until his assassination in 1963, and later ruled by Nguyễn Văn Thiệu in 1965. As an external analogue of the police repression of the civil rights movement, Vietnam demonstrated a time of change in the US asserting control, in this case, of an international rather than domestic “other,” and projecting both American military-policing power and values at a distance.

Policing during the Vietnam War affected both the frontlines and the homeland. On the frontlines, as early as the 1950s, the US signed an agreement to aid France in the French-Vietnamese colonies. The main goal of the US was to prevent the spread of communism. The Vietnam War demonstrated how political discourse changes military action and how the state is influential with regards to politically informed military action (and later policing). Additionally, policing during the Vietnam War was pervasive due to an intensification of colonial influence and a heavy infiltration of politically informed policing. Alfred McCoy claims that the “police are a state agency and nonetheless leave their bureaucratic fingerprints on history’s vessels” (2009:51). McCoy ultimately traces this back to US colonial policing during the take-over of the Philippines in the early 20th century (ibid:33). Facing implacable Filipino resistance from the beginning, American colonials married the technologies of their own information revolution to the centralized Spanish police structure, producing a potent hybrid called the “Philippines...
Constabulary” (McCoy 2009:33). This constabulary was a service command for the Armed Forces of the Philippines, established in 1901 by the US that replaced Spanish modes of command. This policy “serves as a model for a militarized policing system in our 21st century domestic American life” (Gray 2015). Heather Gray also suggests that the Constabulary set precedent for arming local police forces like militarized forces since federal troops cannot be sent in to patrol cities and states (ibid).

In the US, many anti-Vietnam War protests broke out. Protest against the Vietnam War sometimes become violent and “this violence was often directed toward the police” (Palmiotto and Unnithan 2010:65). Considering that a large segment of the population was against the war (mostly white, middle-class college students), police were having “major problems with minority populations and white middle and upper class communities” (ibid:174). The Civil Rights Movement set precedent in terms of the way people thought about police brutality. Most people believed that police brutality was focused on minority populations. However, the Vietnam War demonstrations were indicative of police brutality being more widespread against perceived threats to order and to the homeland. In 1968, for example, the Chicago Police “beat up demonstrators wanting an end to the Vietnam War at the Democratic National Convention after labelling them a “threat to existing institutions of government”” (ibid:40). Although police brutality has been aimed at minority populations, what the Vietnam War protests indicate is that police brutality is potentially limitless, expanding to meet perceived “threats to national security.” In this climate, the military qualities were foregrounded. Although the police were attempting to operate under an idealized model of community policing, the response to the

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5 The Philippines Constabulary, as mentioned here by McCoy, resembles Foucault’s notion of the colonial boomerang. This concept will be discussed further later in this chapter.
Vietnam War protests only reinforce that the attempted movement towards community policing was a continually failing to reach that goal.

2.3.4 Towards Community Policing?

The attempted shift towards community policing had begun in the 1950s and peaked in the 1970s. With the professionalization of policing there emerged a shift away from centralized control since a centralized mode of policing stripped officers of discretion and produced “faceless patrolmen” (Staufenberger 1977:679). It was actually during the Civil Rights Movement where the first shift from traditional means of policing to an attempt at a community-based model was seen. The proposed shift, however, failed. In the 1970s, there were renewed organizational changes that “attempted to re-establish the police-community relationship” (ibid:680). Called “team policing,” the movement included making officers responsible for particular jurisdictions rather than being mobile throughout the territory (ibid). Considered an upgrading of the “role of the police officer,” the movement attempted to professionalize the police by changing their role within the community and redefining their visibility in a positive light.

Community policing can be defined as “a proactive, decentralized approach designed to reduce crime, disorder, and by extension, fear of crime by intensely involving the same officer in the same community on a long term basis in order to facilitate the development of trust and cooperation between police and the community’s citizens” (Trojanowicz and Carter 1988:5). Through an attempt at improving social cohesion and the promotion of a more close-knit, trusting model, a shift from political orientation in policing to a more community-orientated method was considered ideal.
Marilyn Corsianos (2009:118-19) describes the “Community Policing” (CP Model) model in eight principles. First, by increasing interaction and exchanges between the police and the public, police/community relations could be improved as the distance between the police and the public is reduced. Second, more foot and bicycle patrols would make police officers more visible and approachable. Third, proactive (pre-emptive crime solving) policing should be emphasized over reactive policing. Fourth, officers should be committed to making the public feel safer in their communities. Fifth, police should not be viewed as the sole experts in reducing and preventing crime; crime control should be viewed as a collective effort between the police and the public. Sixth, officers should be encouraged to live in the area they police to heighten levels of accountability and responsibility to the community. Seventh, small police sub-stations should be created where police would patrol small districts. Eighth, police departments should adopt a “flatter” organizational structure by moving away from the traditional para-militaristic, chain of command hierarchical structures.

Corsianos’s model is complex and features a multiplicity of steps, however it is also a rather idealistic representation of what community police could be. The model does, however, reflect the ways in which the ideals of policing have shifted over time from a politically oriented mechanism to an ideally community-based organization and process that focuses on the needs of individuals in the community. The overall impetus behind implementing a community policing model was to not only improve police-citizen relationships, but to also reduce cost as this method of policing was significantly cheaper. While community policing had the capability of creating a peaceful relationship between police-and-citizen, the movement never reached its full potential and continues to remain a vain hope instead of a real action on the streets of the US.
2.3.5 The Homeland Security Era after 9/11

The terrorist attacks of September 11, 2001 and the continuing War on Terror are further reshaping conceptions of policing. On September 11, 2001, four airplanes were hijacked by al-Qaeda terrorists and flown into various buildings in the US. American Airlines Flight 11 and United Airlines Flight 175 were crashed into the north and south towers of the World Trade Center (also known as the Twin Towers), killing thousands of people. The third plane, American Airlines Flight 77, was crashed into the Pentagon in Arlington County, Virginia and the fourth, United Airlines Flight 93, although headed towards Washington, DC, landed in a field in Shanksville, Pennsylvania. This event is remembered by millions of Americans as an act of terrorism and also sparked an outcry for immediate military action.

This has resulted in overt changes to policing policy and practice in the US and has ultimately confirmed the role of the US police as a militarized institution. Similar to the heroic images of US soldiers and veterans of war, 9/11 created widely shared heroic representations of police, as can be witnessed in the case of the NYPD (who were on the forefront of the 9/11 events) (McLaughlin 2006:1), and in the aftermath, increased powers for police to confront and even pre-empt further alleged threats to national security were pushed forward. Eugene McLaughlin argues that post-9/11 US is a “national security state” (2006:67). In this national security state, the “police forewarn the public that [their] priority is to upgrade security policing as part of the preparations for an inevitable major terrorist incident” (ibid:131) whereby a “post-9/11 rationalization and strengthening of political policing and national security services reach well beyond the gaze of democratic accountability” (ibid:195). In a post 9/11 state, the focus of the police has been far more pre-emptive, with an increased focus on proactively identifying and countering potential terrorist threats, all in the context of expanding and vague definitions of
terrorism. Ann Cavoukian suggests that, as a result of 9/11, the US government “immediately made national security their highest priority, quickly passing sweeping anti-terrorism legislation that dramatically expanded police and surveillance powers” (2003:1). Ultimately, this expansion of power led to the creation and rapid implementation of the USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism), which expanded the rights of the government in surveillance on an international and domestic level. Changing notions of threat allowed police to investigate a far wider range of persons or property that seemed suspicious and possibly related to terrorism, thus expanding their power.

The War on Terror has generated new understandings of law enforcement. William Stuntz suggests that changes to law enforcement practices can be divided into two categories: “special powers that are limited to the fight against terrorism, and changes in the authority of police across the board” (2002:2138). In light of these changes, courts have approved police tactics designed to fight terrorists;” (ibid:2140) the same tactics will be used against other sorts of criminals, thus blurring the line between terrorist and street criminal. Potentially, everyone becomes a prospective terrorist threat, unless proven otherwise. The War on Terror has often transformed what was previously merely criminal into potential terrorism, thus allowing police to use anti-terrorist methods, historically more reserved for the military, in combatting crime. By allowing police to use tactics in a space historically reserved for the military, the role of the soldier and the police officer has become seemingly interchangeable. Stuntz also suggests that, since police are increasingly being called to police homeland security projects (ibid:2139), attention is diverted away from local policing. Considering that the War on Terror is the primary responsibility of the federal government, it is easy to see how political discourses, which inform
policing, are heavily influenced by anti-terrorist regulation and language, only reinforcing the militarized nature of the police in the US.

Since the events of 9/11 and the War on Terror, the Obama administration has put forth changes to definitions of terrorism and the nature of the terrorist threat, and the Department of Homeland Security has played a large role in assisting these changes. Through the development of “Fusion Centers,” which harvest and analyze citizen data, it is possible to conduct “threat assessments” as a form of risk management (ibid). This new wave of intelligence-led policing demonstrates the same mind-set that was seen in Vietnam and 9/11, with the only differences found in the use of technology and new risk assessment tools. Historical events have served as sites of blame that only justify the creation and use of increasingly invasive technologies that exist in clear and public agreement between the state and the police.

2.4 The Contemporary Character of Policing in the US

In his 1992 work *History of Urban Police*, Eric Monkkonen suggests that there are four innovative features that distinguish American police forces. The first is the adoption of a “quasi-military” outlook that led to the hierarchical organization of police work, and personnel, with a vertical command and communication structure, which ultimately promoted the notion that police are apart from civilian life. Second, reform in municipal government gradually placed the police under executive rather than judicial branch, which has further reinforced the “us versus them”, siege mentality that shields the police from external input and weakens community ties. A third feature of the reformed police is the predilection for making their presence highly visible, first through uniforming its officers and later through the deployment of marked patrol cars. Lastly, the police are expected to bring more active policing methods the community than the
constables’ passive and fee-based work; street patrol aimed at detecting and scaring off would-be offenders establishes itself as the core of police work (Monkkonen 1992).

While there are many characteristics of policing in the US, this thesis identifies five characteristics that both overlap with and extend Monkkonen’s now almost 25 year-old list. These are not necessarily to be considered as universal, rather, they are the characteristics that are most relevant in this case. The first, which considers the organization of policing in the US, is *fragmentation*. The second is the way in which police powers over urban space tend towards *extension*. The third characteristic is that in a culture of fear and risk, policing in the US is based on *prevention* or even *pre-emption*. The fourth and fifth characteristics are considered in more detail in their own sections as they form the starting hypothesis of this thesis: *militarization* and *visibility*.

### 2.4.1 Fragmentation

Within the US, modern policing has a hierarchical layout that is regionally specific: it is fragmented. This fragmentation relates to the manner in which policing in the US is divided and hierarchical in nature at the local, municipal, and metropolitan levels of government which varies regionally. American policing is predominantly local policing, complemented by county, township, and federal agencies which supply sanctions, reactively, to a wide variety of offences (Sung 2002:120). The US’s diverse police state spans international and national borders. There is a United States national police force: the FBI (Federal Bureau of Investigation), which deals with national/federal levels of crime prevention and investigation\(^6\). However the FBI have also been joined by the DEA (Drug Enforcement Agency) and most recently the DHS (Department of

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\(^6\) There is also a national US Military Police, but, as their name suggests, they only have jurisdiction in the armed forces.
Homeland Security) (ibid:10) and ATF/BATFE (Bureau of Alcohol, Tobacco, Firearms and Explosives). State police forces operate by the laws of individual states in the US. Their duties include investigations and state patrols (which can include highway patrol), capitol, campus, and hospital police, corrections officers, and wardens and are a part of the Department of Public Safety (ibid:11). Found mostly in metropolitan areas, county policing falls in to three categories: full service (full spectrum of services to entire county); limited service (services to “unincorporated” parts of the district); and restricted service (provides service to county owned and operated facilities and parks) (ibid). The Sheriff’s office provides a similar level of policing duties at the county level. At the municipal level, metropolitan police departments are usually formed by a merger between local agencies (typically several local police departments and the sheriff’s office) in an effort to centralize command in their area (ibid:12). This includes agencies such as the New York Police Department (NYPD) and the Las Vegas Police Department (LVPD). There also exists a sub-category of specialist police departments that have either localized authority or, in some cases (California), have state-wide authority.

2.4.2 Extension of Powers

Although each level of policing warrants its own geographic boundaries and specific rights and duties, the extension of police power over space can be seen as a key feature of local forces, like that examined in the case of Ferguson. I draw on Blomley’s adaptation of Sedran and his research on the “sidewalk” as a jurisdictional7 tool of urban space, and Foucault’s concept of “circulation” of state power. Finally, considering police in this context as an “urban” object encourages the reconsideration of the geographical boundaries of policing.

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7 The term jurisdiction, in legal terms, most normally refers to an area in which a court has power and may implement legal rule. However, Sedran uses the term jurisdiction in a particular way to describe the area over which police have power/operate.
Drawing on Sedran and his research on the regulation of the sidewalk, Blomley considers the sidewalk as “moving beyond a strip of pavement on the side of the road” (Blomley 2012). The geography of urban police extends beyond the designation of its privileged site (ibid:932). By referencing Sedran, there is a simulation of the pavement extending beyond its physical space. Blomley attempts to create an analogy that considers conceptions of police jurisdiction as existing beyond the street pavement by suggesting that the sidewalk also has jurisdiction and is not a “safe zone.” Mark Neocleous suggests that the “law circulates in urban societies as disparate ideologies, embodied performances, and discursive repertoires” (2014:918). By acknowledging the sidewalk as part of the pavement we can begin to see changes in the jurisdictional boundaries of police power.

Foucault’s concept of “circulation” can further help us understand this extension of police power over space. Foucault argued that “with the police, there is a circle that starts from the state power of rational and calculated intervention on individuals and comes back to the state as a growing set of forces…” (1977-78/2007:327). Circulation, Foucault argues, should be understood beyond material conditions under which it operates (e.g.: provisions of roads and sidewalks) by requiring the facilitation of “circulation itself” (ibid:325). Foucault also argues that circulation is “the set of regulations, constraints, and limits, or the faculties and encouragements that will allow the circulation of men and things” (ibid). Circulation refers to the space of operation of biopolitics – the management of bodies by the state (Dillon and Lobo-Guerrero 2008:268) – circulation governs space by referencing the physical body. Circulation is concerned with flows of bodies, which have to be monitored and regulated. Among many other effects, the task of monitoring and regulating flows changes the basic routines and practices of governing institutions (ibid). Although Foucault argues that circulation should look beyond material
conditions, the materiality of the militarization of policing changes and reinforces ideas of circulation. Circulation, assimilated with the militarization of policing, produces circular power relations that are reinforced through the acquisition of military tactics and weapons systems that allow police to govern and monitor citizens through their designated powers from the nation state. The changing nature of police jurisdiction alters the amount of space the police have within which they can be visible.

2.4.3 Predication and Pre-Emption

Ulrich Beck argued that modern societies attempt to pre-emptively manage risk that they have constructed to anticipate and counter catastrophe (2006). In a related fashion, Richard Ericson and Kevin Haggerty (1997) describe discourses surrounding risk production and management through the formation of specific types of knowledge (83-84). In a risk society, governance is directed at the provision of security (ibid:85).

This new governance produces multiple strategies for dealing with risk, but ironically many of these are involved in the construction of risks themselves and the fear that these possible events encourage. Ian Hacking (1990) suggested that facts and figures are what both inform perceptions of risk and fear and create a demand for police. For example, as will be noted later, during coverage of the Ferguson shootings, the use of inflated statistics and unrepresentative numbers only exacerbated fear and encouraged racism in the city. There is nothing to fear (it may seem) but the probabilities themselves. This turn to prediction has been marked in American policing in recent years, particularly since the spread of the digital COMPSTAT (COMPuter STATistics) approach in the 1990s and again in the post-9/11 period (Manning 2008). A facts

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8 Securitization plays a large role in shaping civil discourse surrounding risk and police action. Different than militarization, securitization speech is constructed through ongoing beliefs of threat perception and serves to legitimize police action.
and figure fetishism, and an obsession with statistical chance (Neocleous 2000:53) emerges from citizens’ trust in the state since individuals internalize facts as being part of the citizen-based benevolence of state practices, despite lack of linkage; an uninformed public believes that facts and figures are representative of the truth. Fear and statistics work in tandem since statistics only increase public fear and public (un)awareness of the public sphere. Statistical fetishism leads to a state obsession with information that stems from what Neocleous (ibid) calls the “state’s permanent state of fear about what may or may not be happening… in the minds of those who oppose the threat” (61). This can backfire on the police forces that in many cases have promoted the use of statistics: as will be witnessed in the Ferguson report, rather than encouraging support for police response to risk, available statistics have reinforced a message of police corruption in the city.

2.5 Towards the Militarization of US Policing?

This section deals specifically with ideas of militarization and combined history with contemporary examples in order to attempt to understand the role of militarization in contemporary notions of police action in the US. To do so, I will ask what is militarization? This will then be followed by consideration of Foucault’s idea of the “colonial boomerang,” new military urbanism, and recent American weapons procurement programs for police.

2.5.1 What is Militarization?

Arguably, there really is no clear point at which one can say the militarization of policing began. Some scholars might argue that militarization started when police began to wear uniforms, while others may suggest that it was when police began to professionalize and use military ranks. Militarization can be best understood as the application of military-like tactics, rituals, and ways of thinking to everyday practices. Michael Geyer (1989) calls it “the
contradictory and tense social processes in which civil society organizes itself for the production of violence” (79). Catherine Lutz defines militarization as “drawing attention to the simultaneously material and discursive nature of military dominance where there is no universal set of “military values” whereby cultural forms have intersected with and remade society’s military institutions” (2001). Furthermore, she goes on to suggest that militarization is a tense and contradictory process. There may be tension between those sectors in the population which will benefit from militarization (e.g. small business owners close to a large military base) and those who will not enjoy any benefit but will have to absorb some of the costs (ibid:323). The process is contradictory insofar as the allocation of contracts involves both local interests and federal ones with each competing for military contracts and making claims on the government for the movement to mobilize forces (ibid). Lutz’s analysis of the interplay between state and police plays a definitive role in setting the stage for understanding how the state has come to define, and ultimately encourage, militarization.

The agreed on history of militarization in the US traces its roots to the 18th century and is considered the largest wellspring for this global process (ibid). 20th century US militarization took place, for the most part, in three major bursts: during WWII; with the establishment of the national security state beginning in 1947; and following the events of September 11, 2001 (ibid). This is important because rather than a long period of militarization, the militarization of the US was largely in response to significant international or national events.

The emergence of militarization in the US was realized with the formation of what President Dwight D. Eisenhower identified in a January 17, 1961 speech as the “Military Industrial Complex” (MIC). Eisenhower stated “the conjunction of an immense military establishment and a large arms industry is new in the American experience” (Eisenhower 1961).
While warning of the dangers of the MIC, Eisenhower noted that Americans must guard against the acquisition of unwarranted influence, sought or unsought, of the MIC and warned of the potential outcomes that could arise if the MIC garnered too much power – a situation “which we should not let endanger our liberties or democratic processes” (ibid). Charles Dunlap Jr. suggests that, in the 21st century, accumulating evidence shows that the MIC’s once-feared power is rapidly and dangerously ebbing away (2011:137). Eisenhower’s concern surrounding the “emergence of a near-conspiratorial alignment of military leaders and their analogues in the arms industry” does not exist, according to Dunlap Jr. (ibid:142). However, even though Dunlap Jr. claims this combination does not exist today, it is clear to see that, in the post-9/11 era, the MIC remains active (or has renewed its significance) both in the importance of the arms industry and the close ties between state security and the private sector.

2.5.2 The Colonial Boomerang

As has been noted, policing in the US went through a phase of increased militarization disguised as professionalization. The US has also experienced militarization through a series of what one might call, following Foucault, (1976) “colonial boomerangs” from its military activities in the Philippines and Vietnam and elsewhere, whereby “lessons learned” on the military-policing frontline come back to the “homeland.” Additionally, it seems that with every new large event that occurs (e.g. Vietnam, 9/11), the US police force appears to accentuate or highlight its militaristic nature, although the underlying militarism has existed all along.

When America entered Vietnam, it was because they feared the spread of Communism and viewed the Vietnamese as a population at risk of communist takeover. While risk is an important characteristic of American policing today, it plays an important historical role in the development of contemporary police in the US. American colonial ventures have had a profound
effect on policing in the homeland. The projection of “colonial tropes and security exemplars in post-colonial metropoles in capitalist heartlands is fuelled by a new “inner-city Orientalism”” (Graham 2013). It is no surprise, suggests Graham, “that nation-states and their colonial frontiers are beginning to resemble one another” (ibid:17). McCoy suggests that “in many modern societies police are not simply guardians of an impregnable social frontier that keeps moral outcasts at a safe remove from polite society but serve instead as informal gatekeepers between the state and its social margins, patrolling the boundaries of parallel social systems, civil society, and its criminal netherworld” (2009:51).

The effects of both colonial Philippine policing and the Vietnam War on policing tactics in the US today can be considered through the Foucauldian idea of a “colonial boomerang.” In 1976, Foucault gave a lecture at the Collège de France entitled “Il faut défendre la société” (we must defend society). In his lecture, he gave a rare speech on colonialism suggesting that while colonization, with its techniques and its political and juridical weapons, obviously transported European models to other continents, it also had a considerable boomerang effect on the mechanisms of power in the West, and on the apparatuses, institutions, and techniques of power. A whole series of colonial models was brought back to the West, and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself (Foucault 1976).

Foucault suggests that the West brought its own techniques of colonization to both the “homeland” and the colonial frontier, which become subject to similar logics (Graham 2003:14); the logics that were once reserved for the colonial frontier now infiltrate the homeland. Graham’s notion of “Foucault’s Boomerang” in fact combines Foucault with Ulrich Beck’s observation that in risk societies, “sooner or later, risks also catch up with those who produce or profit from them” (Beck 1992:37). Graham stresses that the “resurgence of explicitly colonial strategies and techniques amongst nation states in the contemporary period involves not just the deployment of the techniques of the new military urbanism (in foreign war zones), but their diffusion through
the securitization of Western urban life” (2003:14). Historical examples of the colonial boomerang include Haussmann’s Parisian boulevards and panoptic prisons, which were all tested on colonies before being settled in to a European context and claimed as their own (ibid). I would argue in addition to the historic colonial-military interventions in the Philippines and Vietnam as noted earlier, the more recent invasions of Iraq and Afghanistan have also meant that “security is coming home” with significant effects on domestic policing of the US and other allied countries (Coaffee and Murakami-Wood, 2006). However, in the US case, there is a more domestic quasi-colonial boomerang that exists in the relations between the North and South of the country, and it is possible to apply the concept of the boomerang at domestic and even local levels.

2.5.3 SWAT

SWAT teams (Special Weapons and Tactics) were one of the most obvious and visible points of origin of contemporary militaristic practices. First established in 1964 by the Philadelphia Police Department as a 100-man unit, their specialization, at the time, was quick response by highly trained, well-armed individuals. In Los Angeles, around the time of the Watts Riots in 1965, the area also saw the use of SWAT teams as a response to highly charged attacks. Images of SWAT teams, or the popular conceptions of SWAT teams today, were really created through the LAPD (Los Angeles Police Department). Many other police forces followed the lead of the LAPD and began to develop specialized control units. SWAT teams saw an increase in popularity that coincided with particular events in the US (Watts Riots, Civil Rights Movement, and most recently, the War on Drugs). The war on drugs continues to be one of the main focal points of SWAT teams. In 1981, under “The Military Cooperation with Law Enforcement Act,” passed by US Congress, there was an allowance for military forces to “assist” civilian police in
drug enforcement (Fisher 2010:11). Essentially, this has led to SWAT teams acting as the main source of law enforcement in high drug-crime areas.

The creation of SWAT teams influences militarization discourse due to its direct link with the military through use of military weapons and military style tactics and operational strategy. SWAT teams use equipment designed for CQC (close quarters combat) and most of the weapons come directly from military surplus (obtained free of charge) which is inclusive of hours of specialized training (ibid:3). Additionally, SWAT team uniforms (utility uniforms) are extremely similar to tactical uniforms worn by soldiers; uniforms even go so far as to include green camouflage patterns. The use of ARVs (Armored Rescue Vehicles) is justified through the belief that, alongside the low cost of upgrading tanks for police use, “[our] officers need the extra protection that the vehicle will give them due to [the criminals] access to weapons of any kind now” (ibid:113). The paramilitary appearance of SWAT teams in the US has played a large role in seeking influence from the military and also influencing civilian police forces as a unit themselves. The direct influence felt by police was highly visible in the 1990s. Using the Columbine High School massacre (Colorado, 1999) as an example, police were trained to respond to situations in a similar fashion as SWAT teams and were given identical weapons and training. The movement towards rapid-response policing is reflective of a militaristic culture and is no longer a convenience in post-9/11 policing because it has now become an expectation.

2.5.4 The Police and New Military Urbanism

Since the end of the Cold War, there has been increasingly talk of a so-called Revolution in Military Affairs (RMA), which has only accelerated since 9/11. In this context, the “War on Terror,” as Torin Monahan suggests, has “fuelled remarkable developments in state surveillance” (2011:84). Monahan suggests that the response to the events of September 11 that has provided
an “impetus for a surge in many pre-existing, but perhaps formant, forms of state surveillance” (ibid). The current political state demonstrates an overt infiltration of military tactics and weapons into the everyday lives of police, which has increased with great vigour since the events of 9/11, but yet also the influence of innovations in urban policing tactics, like SWAT, on military thinking: there is a complex exchange of policies and tactics.

Ben Hayes (2009) suggests implementing the “Full Spectrum Dominance” (FSD) model to explore and conceptualize the inevitable outcome of authoritarian approaches to security, risk, and public order (8). FSD is originally an American military-strategic term for control over all elements of the battle space using land, air, maritime, information technology, and space-based assets, and seeks to harness the full capacity of the RMA, resulting from the revolution in information technology (ibid). FSD refers to an intensive model of international surveillance and a mode of policing based on a combination of surveillance-based knowledge and military force. Steve Wright (2006) suggests that,

the events of 9/11 and the so called revolution in military affairs (R.M.A) have merely accelerated an ongoing trend to build cybernetic military systems where weapons are simply the muscle deployed by a nervous system based upon an intelligent handling of data through communication, command and control. The deployment of these systems in domestic security scenarios as “no hiding place military doctrines” begin “to inhabit future living spaces” and governments “move away from just mass supervision to more prophylactic systems of targeting.”

Wright argues that militarization and the RMA are acting as accelerant, post-9/11, of ideas that were already in motion.

The strategic goals of FSD aim to exert influence on new models of policing. In this conception, policing is not based on consent, as the liberal democratic model holds, but rather on “continual processes of public submission to authority” (Hayes 2009:8). Additionally, the FSD
model reinforces Blomley’s ideas regarding the way in which police have expanded their power over urban space. Complete domination means complete submission. A policing based on a military-style FSD model implies the relative decline in importance of individual freedoms and rights.

Both Hayes’ thesis and the logic of re-emption identified above are given further weight in the urban context by the work of Graham, who argues that “militarization is a sign of a rapidly urbanizing world” (2013:12). He suggests that “the latest doctrine emerging from many state militaries and police forces in the West stresses that means must be found by states and security forces to identify problematic people and threats in advance, before their deadly potential is realized, at a point when they are effectively indistinguishable from – and often are – the wide populace” (ibid). The rapid shift towards military urbanism stems from a desire to identify and distinguish threats before they become reality and their “deadly potential is realized.” The circuits of the new military urbanism blur the legal separations that exist between the “homeland” cities and those on colonial frontiers: “both cities become subject to similar logics of (attempted) reorganization and (attempted) securitization” (ibid:14). On the homeland front, the spaces of the city have become the “battlespace” (ibid:13).

Graham’s thesis also reinforces the colonial boomerang hypothesis. New military urbanism relies on discourses of “us” and “them,” positioning the increasingly inseparable military and police forces’ target as the “other.” As Graham states,

as vague and all-encompassing ideas about “security” creep into virtually all aspects of public policy and social life, these emerging industrial-security complexes work together on the highly lucrative challenges of targeting everyday activities, spaces and behaviours in cities, and the circulations which link them together (ibid:17).
Hayes also emphasizes the central role played by the private sector in “delivering” surveillance-based security policies and the inherently neo-conservative appeal of the “defence of the homeland” against threats to the Western way of life (Hayes 2009:7). This is centred upon the “right to limitless profit-making,” which is at the heart of a desire to “create a lucrative Homeland Security Industry.” These security policies are premised on the neo-conservative (NeoCon) philosophy of global policing and intervention in failed states (ibid). The “NeoConOpticon,” as Hayes labels it, looks towards both pre-empting “threats” to security and furthers the spread of the free maker and Western-style democracy around the world while increasing defining the failed state at more precise levels, belonging at the local level (as demonstrated in Ferguson) as much as other scales.

2.5.5 Police Procurement of Military Equipment

Militarization is not simply a matter of theory or strategy. There are significant physical aspects. In particular, President Obama’s extension of the military weapon’s procurement program, known as the “1033 Program,” whereby old military weapons are distributed to any police force that desires them, demonstrates how a combination of heightened risk assessment practices, new military urbanism, and the revived private sector dominated “NeoConOptic” Military Industrial Complex, are affecting policing policy and procurement. In 1997, the US Congress passed 1033 as a means of “helping law-enforcement fight terrorism and drugs” even though the country was witnessing the lowest crime rate in half a century. Despite the low crime rates, police “snapped up hardware like never before” (Johnson 2011). The Pentagon began offering equipment in order to rid of excessive amounts of “piled up” military equipment such as robots, M-16 assault rifles, tanks, and grenade launchers (ibid). Tim Lynch of libertarian think-tank, the Cato Institute, interviewed by Business Insider in 2011, suggested that it is through the
acquisition of military hardware that the police create paramilitary units in order to justify the use and acquisitions of such weapons, thus making everything “seem fine” (ibid). However, Lynch continues, as time passes, and the equipment is not used, it begins to find its way in to routine policing” (ibid). This function creep⁹ has two implications. The first is that the procurement of weapons in the first place reinforces a culture of fear and risk prevention, whereby police, in their fight against the “other,” have secured means of what is believed to be effective policing. The second is that the use of military weapons has become normalized and part of routine policing, as Lynch predicted, and has made police militarization similarly normal.

In light of the events at Ferguson in August 2014, described in Chapter 4, the 1033 program was blamed for the excessive use of force on both Michael Brown and rioting citizens. In May 2015, Obama himself moved towards “demilitarizing the police” as a means of halting the program instead of admitting its failure. The executive order states that any police force that desires equipment must explicitly state why and how it will be utilized. Furthermore, the type of equipment banned from police revealed startling facts about the alleged attempt at peace (Wyllie 2015). Doug Wyllie reveals two interesting facets of the recall that demonstrate its use as a means of publicity. First, the federal government has talked about taking back issued equipment, which will ultimately lead to police forces searching for alternatives and replacements. Second, the list of banned items only focuses on certain pieces of weaponry. For example, the MRAP Tank is not banned as it “provides ballistic protection to their occupants,” thus revealing “wrinkles in the wording of the order” (ibid). The attempt at “demilitarization” through Obama’s recall is highly symbolic during a time of outcry for peace and changes to policing tactics in the wake of police brutality. Additionally, in August 2015, according to the Guardian UK, the White

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⁹ Function creep, as defined by Talcott Parsons, refers to the creeping of the function of one technology into another realm for full utilization.
House ordered that the City of Ferguson return two Humvees that it had acquired under the “controversial program” (Swaine, Ackerman, and Siddiqui 2015). It is important to note, however, that while the White House claims that they are recalling two Humvees, the article claims that there are actually four in Ferguson, two of which never made it on to the records (ibid). Two of the Humvees, (the “unofficial” tanks), are being taken away from Ferguson and are being relocated to another city in Missouri (ibid). Removing weapons from Ferguson, or any other city in the US, and relocating them into other areas only invites more acts of violence and justified harsh action. The movement is symbolic, and in the wake of the continuing events at Ferguson, a year after the death of Brown, it seems like the right thing for the White House to do to put their conscience at ease while giving the American people false hope for peace and conflict resolution.

2.6 The New Visibility of American Policing

The ongoing development of public perceptions of police influences their role as mere enforcers of the law. The late 20th and early 21st century have seen an intensification of the visibility of the police. It is essential to consider visibility in the context of policing since it is through visibility that an understanding of the US police as militarized has emerged. This new visibility, as it has been called, is complex and consists of various elements and methods of visibility. However, it is important to not underestimate the power of visibility in crafting America’s (and the world’s) perception of policing in the US.

According to Steven Chermak and Alexander Weiss, “the police are widely held to be “by far the most visible of all criminal justice institutions”” (2005:502). Because the police are so visible now, one needs to look at the idea of “visibility” more closely. Andrew Goldsmith (2010) takes a Goffmanesque, performative approach in suggesting that “visibility” was
originally almost wholly (or primarily) based on direct experience or observation. However, the development of mass circulation newspapers led to a significant secondary visibility of policing through the publication of photographic as well as narrative material (Goldsmith 2010:914). Primary visibility stems from direct observation whilst secondary refers to the myriad of media outlets used to portray police action today. In any logical sense, the secondary visibility would succeed the first visibility, however, in the 21st century, Goldsmith argues that the order is reversed. In the contemporary period, Goldsmith argues, secondary visibility shapes perceptions in primary visibility, which in turn shapes the public’s views on policing when experienced firsthand, thus leading to particular expectations. This new visibility, which is a false form of transparency, gives a sense of accountability towards police action (Brucato 2014). However, as will be noted, increased visibility does not lead to an increase in accountability, but rather attempts to justify, with due cause, the brutal, militaristic actions of police.

Visibility of police personnel has been an important operational attribute of modern Western-style policing since the introduction of uniforms in the early/mid 19th century (the NYPD in 1854), and later marked police vehicles. Ultimately, these changes “contribute to public visibility and shapes their image as public officials, as well as assisting their operational effectiveness” (Goldsmith 2010:915). The public’s new expectations involve perceptions that police, in public, should look like the police in the media. When these two images do not match, public expectations of police change, potentially encouraging changes to police behaviour based on poor police/public interactions. It is possible that the police see these new expectations as risky and posing a threat, which may explain an overall increase in violence.
John Thompson’s (2005) notion of “new visibility,” adopted by Goldsmith, refers to something beyond the kind of processes identified by Mathiesen\(^{10}\) (1997) when he talked of the “viewer society.” In part, the viewer society has also become the media producer society in the past decade, and citizens increasingly produce images of police with video recorders, and mobile phone cameras. The new visibility has created a quasi-celebrity status for the police officer. Additionally, public perceptions of policing have shifted drastically based on the new police visibility whereby there has been a shift from traditional, to community based, towards neo-traditional means of policing that is politically oriented, and in the case of the 21st century, overly militarized.

One reality of policing’s new visibility is that “information about police is more available than ever before, creating new challenges for police organizations and their ability to manage their public image” (Goldsmith 2010:9). Daniel Trottier (2012) suggests that the police need to adapt to new forms of technologies and increased visibility in the new digital age. Labeled as “social media policing,” Trottier suggests that this method of policing “is composed of individual and institutional activity whereby individual users enhance the scope of policing instead of supplanting it and are often unwillingly enrolled in the process” (ibid:411). Furthermore, he continues by saying that “this produces a visibility that combines the mandate and impunity of police scrutiny with the optics of everyday life” (ibid). Social media visibility, as part of policing’s new visibility, allows police to take advantage of interpersonal activity and visibility since police are likely to use these sources for criminal informing (ibid:412). Beyond visibility,

\(^{10}\) The making visible of actions and events is not just the outcome of leakage in systems of communication and information flow that are increasingly difficult to control; it is also an explicit strategy of individuals who know very well that mediated visibility can be a weapon in the struggles they wage in their day-to-day lives (Thompson 2005:31).
however, “social media act like digital enclosures, in that they capture and retain personal information” (Andrejevic 2009). With increased visibility, it is argued, comes increased accountability. In Ferguson, and other related incidents, new visibilities have allowed for police accountability and provided evidence about police brutality, thereby demonstrating its use-value as an investigative tool.
Chapter 3

Methodology

3.1 Introduction

The analyses developed in this thesis are based on methods that are qualitative and nonreactive. The methodology is that of the case study, using thick description, documentary analysis, and content analysis. The case study is the shooting death of Michael Brown, which is situated overall within the events at Ferguson and, if one considers the literature review above, further contextualized within the historical context of policing in the US. The case is considered in conjunction with the Justice Department Report on the events, analyzed through a close reading using a combination of thick description, documentary, and content analysis.

3.2 Case Study

If one looks up the “case study” in the Dictionary of Sociology, one would find that it involves “the detailed examination of a single example of a class of phenomena, a case study cannot provide reliable information about the broader class, but it may be useful in the preliminary stages of an investigation since it provides hypotheses, which may be tested systematically with a larger number of cases” (Abercrombie, Hill, and Turner 1984:34). This definition, which is indicative of conventional wisdom regarding case studies, is oversimplified (Flyvbjerg 2006:220). The definition fails to recognize a case study can serve as more than a single example and some case studies can provide reliable information about a broader class. As will be seen in the analyses that follow, a case study is a diverse tool, which utilizes empirical work and combines it with theory in order to create a clear and most often generalizable image of
the social world around us.\footnote{The strengths and merits of case studies are discussed at greater length further below (see page 40).}

Considered part of longitudinal research methods (where a researcher examines the features of people or other units at various points in time (Neuman and Robson 2015:17)), a case study can be defined as “research, usually qualitative, on one or a small number of cases in which a researcher carefully examines a large number of details about each case” (ibid:18). A case study analysis involves in-depth, detailed, varied, and extensive data whereby the researcher studies an issue in detail and considers the specific context of the case (ibid). A case study is considered a container, or a frame, that fundamentally sets boundaries about what you are researching. The case conception (Murakami-Wood 2008), in the case of an empirical study, suggests that within the specific, cases are found, and that within the general, cases are considered objects. The case studied here is the shooting death of Michael Brown, considered through media reports and most significantly through the Justice Department Report (JDR) released in March of 2015. This particular case study is defined by geographical boundaries (Missouri, and more specifically, the City of Ferguson). However, it is also about a specific, temporally defined event. Furthermore, considering the nature of the topic of this thesis, utilizing the events at Ferguson was convenient, recent, and fit the criteria of understanding policing in the 21st century.

Generally, longitudinal research methods are considered reactive in nature, suggesting that there is a form of interaction between the participant and the researcher. Considering the nature of the material being utilized as the object in this project, this case study is non-reactive since the materials, although objectified and given their own properties and characteristics (just like the research subject), are purely observable and not able to be influenced by the researcher.

According to David Murakami-Wood (2008), there are four types of case studies:
extreme/deviant cases, maximum variation cases, critical cases, and paradigmatic cases. The first type, extreme/deviant cases, makes a dramatic example, which can help make a point. The second type, maximum variation cases, is used to obtain information about particular circumstances in case process and outcomes. This type of case features several similar cases with large variation in one characteristic. The third type, critical cases, have strategic importance to a general problem and can conclude that if something is true in this case, it is more likely to be true in others. The fourth and final case, paradigmatic cases, tends to highlight more general tendencies in society at large and needs to be widely accepted or rejected. Although it is possible to combine any of these four types of cases (ibid), for the purpose of this thesis, it can be argued that the approach being utilized is a critical case since it represents an instance in a bigger issue that can be used to deduce and generalize ideas regarding the militarization of policing.

There are also some common misconceptions about case studies. Bent Flyvbjerg, in his 2006 article “Five Misunderstandings About Case-Study Research,” suggests that “a [scientific] discipline without a large number of thoroughly executed case studies is a discipline without systematic production of exemplars” which ultimately renders it “an ineffective one” (219). The purpose of Flyvbjerg’s article is to debunk common misconceptions about the nature of case study research in order to redefine case studies as increasingly complex and useful in the sciences. The five misunderstandings, as suggested by Flyvbjerg (2006:221), state…

1) general, theoretical (context-independent) knowledge is more valuable than concrete, practical (context-dependent) knowledge, 2) one cannot generalize on the basis of an individual case; therefore, the case study cannot contribute to scientific development, 3) the case study is most useful for generating hypotheses; that is, in the first stage of a total research process, whereas other methods are more suitable for hypotheses testing and theory building, 4) the case study contains a bias toward verification, that is, a tendency to confirm the researcher’s preconceived notions, and finally, 5) it is often difficult to summarize and develop general propositions and theories on the basis of specific case studies.
Both theoretical knowledge and practical knowledge are content dependent. This thesis, particularly, considers the case study at hand in the context of a generalizable idea about issues of race and militarization amongst policing in the US. Just as Flyvbjerg suggests, there is a common misconception that the case study, as a singular event, cannot contribute to a wider idea in science. However, a single case can demonstrate both what is and is not true, just as Murakami-Wood suggests when he says that “case studies are ideal for falsifiability” (2008).

Considering the force and power of the example, the case study can be utilized as a reliable tool for generalizing and seeing a large picture while at the same time recognizing what is not true.

Often, case studies are strongly based in narrative. Flyvbjerg, in particular, looks towards summarizing. Thick description, which can be considered an asset to case studies in getting past issues regarding ambiguities within the case, is used to justify why narrative descriptions can be considered important in case study application. A case study is a narrative since it tells a story, from start to finish, about a particular event in a long line of events and works at creating a bigger picture. Case studies are about choices (Murakami-Wood 2008), not sampling. In writing this thesis, I made a choice of studying the shooting death of Michael Brown as my case study. Sampling, on the other hand, would have consisted of utilizing a string of examples from particular events of the same kind in the US as opposed to focusing on one. The main benefit of focusing on this particular event is the emergence of the Justice Department Report in 2015. In utilizing a close reading of the report, in conjunction with positioning the events at Ferguson in August 2014 as the main object of study, it becomes apparent that the common factors that make up a case study are excellent tools for understanding the role of police in the US in the 21st century.
3.2.1 Thick Description

Thick description can be an important tool in the application of case studies and case study narratives. Thick description will be used as a tool of analysis in reading the JDR on the events at Ferguson in August 2014. The report itself is a narrative and it is important that all of the information within the report be read closely and analyzed with great care and detail in relation to the case study. Norman Denzin suggests that “description is the art of giving an account of something in words” (2001:98). However, it is important to acknowledge that thick description is the process of interpreting interpretations and that they [interpretations] “do not present the world as it is; rather, they create the world” (Geertz 1973b). Thick description captures and records the voices of lived experience; it is “an interpretation and contextualizes experience” (Denzin 2001:99-100). While presenting detail, emotion, and context, thick description is layered and creates verisimilitude, thus giving the reader a sense of vicarious experience.

Juxtaposed with thick description is thin description. Thin description involves the “reporting of facts or simple description of occurrences” (ibid:102). While the report itself provides a thin description of the events at Ferguson, it is the purpose of this work to utilize the narrative as the basis for a thick description through which, thematically, it will be revealed that there are discrepancies between what the Justice Department has revealed about the instance versus what media and personal accounts have shown. It is through this form of analysis, combined with the use of content analysis, that interpretations are formed (ibid:103), which is a quality of qualitative research.

Thick description, as inscription, has its own set of categories. For the purpose of this work, I will be utilizing a macro-historical thick description which “attempts to bring an earlier
historical moment or experience alive in vivid detail” (ibid:107), combined with biographical thick description which “focuses on an individual or relationship, typically in a situation” (ibid:108). The report itself is a form of intrusive description in that it allows the researcher to enter into and shape the description as he or she reports it (ibid:111). In order to get past this phenomenon, utilizing a combination of macro-historical with biographical thick description will move past any bias created by the Justice Department and allow for an interpretation of the document that examines the events in context to a bigger issue. In moving past the government’s own political agenda, and how this has influenced the way in which they have written the report, the use of thick description in interpreting the JDR will both improve the quality of the narrative within the case study and provide the reader with a detailed understanding of issues surrounding race, policy implications, and the infiltration of military qualities into domestic policing.

3.3 Documentary Analysis

The third method that will be used is documentary analysis. According to Geoff Payne and Judy Payne (2004:1), “documentary-methods are the techniques used to categorize, investigate, interpret and identify the limitations of physical sources, most commonly written documents, whether in the private or public domain (personal papers, commercial records, or state archives, communications or legislation).” For Max Weber, written order is an essential building block of bureaucracy: the quintessential modern form of organizational life. Documents have an important place in the academic world, and in professional and personal spheres. Despite this importance, “documents in sociological studies tend to be taken for granted and more often than not used as a resource for research rather than as a topic in their own right” (Prior:2008). As a form of secondary analysis, its function is to obtain relevant documentary evidence to support research that involves an analytic reading and review of written and visual material to validate
sources.

Considered an unobtrusive method, documentary analysis looks at newspapers, media sources, and, if necessary, visual documents. Documentary analysis is not a study of talk and speech. In sociological research, documents are usually approached “in terms of what they contain” as a means of conveying information through the instrumentation of communication between a reader and a writer (ibid). Lindsay Prior (ibid) suggests that “documents enter in to human activity in a dual relation: first, they enter into the social field as a receptacle (of instructions, obligations, etc.), second, they enter the field as agents in their own right (due to their having agency once their author no longer exists).” This agency allows continuous manipulation.

A document can be analyzed in many ways. Documents, when viewed as reports on the world, can be useful in a study on a particular “topic” (ibid). Payne and Payne (2004) state “documents are naturally occurring objects (not deliberately produced for the purpose of social research) with semi-permanent existence which tell us indirectly about the social world of the people who created them.” While it is agreeable that documents are naturally occurring objects, it is not necessarily true that they are semi-permanent (considering the rise of the internet and storage practices), nor is it necessarily true that they offer windows into the social world of the creator, as it is possible to create objective articles. As a definitive explanation of documentary analysis, Payne and Payne have produced a superficial definition. However, when deconstructed, documentary analysis constitutes three categories: personal (individual letters, diaries), private (private organizations or businesses; meeting minutes), and public (produced by local and central governments) (ibid). It also follows that documentary methods can be qualitative or quantitative in nature. It is important to assume a definition of what is meant by a “document” in this context.
What constitutes a document is cross-culturally different and can differ from author to researcher. For the purpose of this work, documents will be those previously defined, such as newspapers, journal articles, books, and visual documents.

Documentary analysis limitations vary. For proper documentary analysis, four criteria must be met: authenticity, credibility, representativeness, and meaning (ibid). While documents are easy, and relatively inexpensive to obtain, they offer insight into the past (and present), and allow researchers to quickly crosscheck findings if necessary. Documents do not react to being studied and can be diversely applied. It is in careful judgment that, when the four criteria are met, documents may be used for analysis in the social sciences.

3.4 Content Analysis

Following documentary analysis, the next step in using documents or texts in social science research is content analysis. Content analysis, an unobtrusive method, looks at word and phrase counts. For the purpose of this work, content analysis will be used for qualitative analysis purposes. According to Lawrence Neuman and Karen Robson (2013:20/355), “qualitative analysis includes exploring implied meanings and discourses…it does not only focus on observable messages in text, but seeks to reveal hidden meaning and messages.” Being a nonreactive technique, content looks at implied meaning rather than manifest coding (ibid:321). Content analysis aspires to reveal underlying meaning and convey new ways of thinking about the social world.

There are three types of content analysis: summative, conventional, and directed. Summative content analysis is a type of qualitative analysis that uses both manifest and latent codes and is most closely related to a quantitative content analysis (ibid:322). Conventional content analysis develops themes during the coding process (ibid). Finally, directed content
analysis is a type of qualitative analysis that begins with predetermined codes derived from theory (ibid:323). This work produces a mixture of directed and conventional analysis since it derives some of its forms of analysis from theory, but takes most from observation and is mostly derived from the data. These forms of qualitative analysis allow for largely latent content, which observes motives, purpose, and meaning while looking at entire texts. Furthermore, these methods allow for the identification of themes and focus on those themes, quotes, conceptual maps, and narratives (ibid). In addition, content analysis is flexible in terms of research design (Harwood and Garry 2003). Therefore, this method can be moulded to shape the research design and can allow the researcher considerable freedom in project design.

Qualitative content analysis is not without its limitations. Content analysis runs the risk of providing limited research questions and an interpretation risk, or an “individualist bias,” wherein the researcher will interpret the material subjectively and produce a biased interpretation. At the qualitative level, the method is, at times, criticized for its simplistic technique and not lending itself to quantitative statistics (Elo and Kyngäs 2007:108). However, Kimberly Neundorf (2002) debunks this claim by suggesting that this method is “as easy or as difficult as the researcher determines it to be.” Finally, there arises what some consider an issue of narrative material integrity during the process. To overcome this issue, one must move beyond summarizing and include numerous supporting excerpts so that the richness of the original data appears (Elo and Kyngäs 2008:114). Content analysis is a fine balance between abstracting data without losing its richness and presenting valid, coherent evidence.

3.5 Overall Limitations

Qualitative research features its own limits as a method of analysis. This project, like any other academic endeavour, also features its own limitations. One major limitation is that this
analysis, being both very recent and still unfolding, is based on only information that one could
gather up to this point in time. Given this, some information that will have surfaced during the
reading of this work may change and challenge the presented discussion and analysis. This work
attempts to present an argument based on information available prior to the writing and
submission of this thesis.
Chapter 4
Ferguson

4.1 Introduction

The case study for this thesis is the shooting of Michael Brown on August 9, 2014 in Ferguson, Missouri and the reaction to it. The first section will provide a condensed description of the complex history of Ferguson, Missouri, and the implications that history has for the events at Ferguson that day in order to understand issues of race, colonization, slavery, and police presence. The second section will describe the specific case of the shootings in Ferguson, as well as some contemporary examples of police violence that occurred around the same time.

4.2 Ferguson

The people of St. Louis have been influenced considerably by Missouri’s colonial past and trace its historical roots to the mid 18th century. From the 1820s to the 1840s, there was a boom in the fur trading industry. By 1821, Missouri had established statehood and was said to be the most prosperous in the US (ibid) with an immigration upsurge from Germany and Ireland. In 1820, the first statutes governing slavery (which measured the regulation of the activities of free blacks and abolitionists in Missouri) were influenced by “slave codes” from 1720 brought to the region by Philippe Francois Renault (Missouri State Archives 2015). The French and Spanish owned the territory and their reign lasted from 1682 to 1803 (ibid). Code legislation ruled, until the Civil War, that the activities of black persons were to be closely governed (ibid). The French colonial regime implemented the Code Noir (Black Code12), which attempted to define the parameters of slavery by separating races and putting forth the circumstances under which slaves

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12 The Black Codes of 1865 defined crimes and selected for special enforcement those activities most commonly associated with Blacks, mostly freed slaves and their children (Brucato 2014:40).
(black or Indian) would co-exist (ibid). The code implemented by the French governed slave and slave owners. Owners were also under order to not torture, mutilate, or kill their slaves (although those who went outside these guidelines were rarely punished). Bi-racial reproduction (miscegenation) was prohibited during this time. The increasing population of mulattos in the area proved that this was ineffective.

Missouri, located in the American Midwest, boasted a population of just over five million in 2010. The District of Ferguson, located in the St. Charles and St. Louis region of the state, is home to a population of just over 20,000 individuals (United States Census Bureau 2013). The city is named after William B. Ferguson, an entrepreneur who agreed to deed a strip of land through his farm to the Missouri Railroad (also known as the Wabash Railroad). When the city reached a population of 1,000, Ferguson City (at the time), became a “fourth class city” (ibid). Post WWII, the city boomed with the replacement of commuter trains by automobiles and the employment surge through opportunities provided by new industries (such as Emerson Electric Company).

St. Louis can be considered a “fortified space.” Monahan suggests that fortified enclaves write the literature on social norms and how these norms function politically to enforce sociospatial segregation and to send clear symbolic messages about who does and does not belong (2010:82). An example of this fortified space resides in the restrictive covenants set out by the Supreme Court that did not allow blacks to live in suburban areas of St. Louis Counties (Ferguson being one of these counties). In the post 1950s era, blacks were still excluded from newer suburbs by privatization and institutional discrimination stemming from discriminatory practices by the FHA (Federal Housing Administration) and zoning ordinances (Stahura 1986:132). Joe Darden suggests that “black suburban growth during the 1950s was confined
primarily to suburbs with existent black populations” (Darden 1995:681). There were also many socioeconomic consequences. After 1948, “suburban areas received more than 80% of new employment in manufacturing, retail, and wholesale trade” (Gold 1972) which meant that opportunity for employment and financial growth were located outside of the areas where blacks resided. Ultimately, black families were forced to spend more time and money commuting to and looking for work (Darden 1986:112).

The elimination of racially restricted covenants did not reduce residential segregation in St. Louis since most blacks in metropolitan St. Louis continued to live in specific housing ("Projects"). Between 1970 and 1980, St. Louis experienced increasing black suburbanization (Darden 1995:687) which coincided with a decrease in the allocation of blue-collar trades jobs to individuals of non-white color (ibid:688). Darden comes to the conclusion that blacks have made very little progress in terms of reducing segregation in housing since 1948 (ibid), especially in Missouri. The pressing issue of racial segregation still exists in post-modern America and in St. Louis as is demonstrated by the failure of the Pruitt-Igoe projects.

4.3 The August 9, 2014 Shooting of Michael Brown

On August 9, 2014, 18-year-old Michael Brown was fatally shot by police officer Darren Wilson in Ferguson, Missouri. Earlier that day, Brown had been told to “get off of the street” (Beamen 2015:64) by another Ferguson Police officer who stopped him. An article in the New York Times offers a chronological timeline of the events at Ferguson. Brown and a friend (Dorian Johnson) were seen leaving “Ferguson Market and Liquor” where surveillance footage shows Brown stealing a pack of cigarillos. Minutes later, Officer Wilson approached Brown and Johnson on

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13 The Pruitt-Igoe projects, which began construction in 1954 in St. Louis, was an attempt to house young middle-class white and black individuals as a means of crime reduction. The building became internationally infamous for high crime rates, poverty, and racial segregation. The building was demolished, via televised demolition, in the mid 1970s.
the street and asked the men to move towards the sidewalk as he claimed to have recognized Brown from the surveillance footage (NY Times Nov 25, 2014). Eyewitness claims suggest that Officer Wilson shot two shots out of his car, one “grazing Mr. Brown’s thumb” and the other missing him (ibid). This led to Mr. Brown fleeing east and Officer Wilson leaving his vehicle in pursuit. Moments later, Brown was fatally shot by Wilson (ibid)\(^\text{14}\).

The *Telegraph UK* also chronologically tracked the events that occurred after the shooting in Ferguson. On August 10, St. Louis County Police held a press conference in which claims surfaced that Brown was attempting to reach for the officer’s gun. The same evening, citizens began looting local businesses leading to an intense presence of police in riot gear (Sanchez and Lawler 2015). The next day the FBI announced its involvement in the investigation. That evening, police used tear gas and rubber bullets against protesters. A response from the police falsely alleged, “protestors are firing guns at officers” (ibid). On August 12, US President Barack Obama addressed the nation on the issue of Michael Brown’s death, calling the events “heartbreaking” while simultaneously urging the Ferguson community to “stay calm” (ibid). At this point, the City of Ferguson had still not released the name of the officer (Wilson) involved in the shooting. The fourth consecutive night of protests saw Molotov cocktails\(^\text{15}\) thrown by protestors at heavily armed police deployed in armoured vehicles. The arrest of two protestors was made at a local McDonald’s. During these events, President Obama once again addressed the nation, encouraging protestors to cease and desist, as there was “no excuse for protestors to turn to violence or for excessive force by police” (ibid). On August 14, Governor

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\(^{14}\) This account of the shootings at Ferguson on August 9, 2014 is a basic account that is agreed upon by various news sources. However, it is not suggesting that this is the ultimate account and representation of the events. Many sources suggest that the events that took place that day are uncertain as witness accounts vary and are, at times, confused and discontinuous with one another.

\(^{15}\) A “Molotov cocktail” refers to an incendiary weapon consisting of a glass bottle partly filled with flammable liquid (gas, alcohol, methanol, ethanol, etc). Stuffed in the neck of the bottle is a rag which is soaked in a flammable liquid. This rag is then lit and thrown at the target. Upon breaking, the liquid inside the bottle ignites against the fiery rag, creating an explosion.
Jay Nixon (DEM, Missouri), announced that the Missouri Highway Patrol would be taking control of the law enforcement situation on the ground with hopes of easing tensions between police and protestors (ibid). Darren Wilson was named as the shooter on August 15. A state of emergency was declared a day later by Governor Nixon and a curfew was set, making it illegal to be on the streets after midnight. It was not until August 21 that the National Guard withdrew from the streets of Ferguson. A funeral for Brown was held five days later and was attended by hundreds of citizens. In just sixteen days, a mere two weeks after the shooting of Michael Brown, the City of Ferguson witnessed what seemed to be a historical shift back to an era of overt conflict between African Americans and the police.

Officer Darren Wilson faced a barrage of legal problems and public criticism after his attack on Brown. On September 16, after emerging from hiding, he testified in front of a grand jury. On November 16, which marked one hundred days since the death of Michael Brown, protestors in St. Louis held a “die in” where they blocked a busy intersection and lay in chalk outlines, similar to those of forensic investigation scenes. In the subsequent weeks, Governor Nixon declared a state of emergency once more, as protests increased due to the decision to not indict Officer Wilson. Cities across the US also reacted to this decision. On March 4, 2015, the Department of Justice released a report on the events of Ferguson relating to the shooting of Brown. This report focused on understanding the events that occurred from the perspective of law enforcement through a bureaucratic, governmental perspective. On March 12, 2015 two white police officers were shot in protest over the treatment of black people by a predominantly white police force (ibid). One officer was shot in the head, the other in the shoulder; both were admitted to hospital.
The public and the police reacted very differently. The police believed that it was their role to use force to control the protestors. The Ferguson Police Department experienced a case of “function creep” with the implementation of their new recently acquired surplus military weaponry, which, in turn, changed their ideas about how to deal with rioting populations. As previously mentioned, function creep refers to the way in which a technology moves from one declared use into another realm or expanded realms. The events at Ferguson showed significant function creep in terms of the utilization of military technologies by police officers and the changing nature of the police-citizen relationship. This appears to have had a significant effect on police behaviour, in that it became increasingly forceful and militaristic.

4.4 Contemporary American Police Brutality and Color-Blindness

Ferguson, Missouri was not the only city to experience widely publicized police brutality around this time. On July 17, 2014, a New York Police Department Officer choked Eric Garner to death. Police claim that Garner was selling bootlegged cigarettes on the streets of NY. Following a series of infamous videos on social media, it is depicted that Garner’s last words were “I can’t breathe!” (Ford, Botelho, and Brumfield 2014), thus labeling the event “I Can’t Breathe!” in memory of Garner. In conjunction with the events at Ferguson, a month later, many cities across the US experienced heavy rioting and questions around the behaviour of police. In the following months, New York experienced a “die in,” similar to Ferguson, to protest both the deaths of Garner and Brown.

The events at Ferguson in August 2014 raised public concern regarding police brutality, issues of race, and questions about basic human civil rights. In April 2015 alone, three events took place in the US that compromised the police-citizen relationship. The first, on April 4, 2015, occurred in North Charleston, South Carolina where Walter L. Scott, 50, a black citizen of
S.C., was fatally shot by officer Michael T. Slager, 33 (Schmidt and Apuzzo 2015). Slager claims he “feared for his life because the man had taken his stun gun in a scuffle after a traffic stop on Saturday” (ibid). Shortly following the incident, Slager was charged with murder and was fired from his post as police officer (Swaine and Laughland 2015). As a result of this incident, the Guardian reports that SC passed legislation that requires all police officers to wear body cameras while on duty (ibid).

The second event occurred in Baltimore, Maryland at the end of April 2015. In a Guardian headline that reads “Freddie Gray died after head “slammed into bolt in police van,” reports say,” it is reported that Freddie Gray, 25, died while in police custody on April 12, 2015 (Swaine 2015). One report claims that Gray was subjected to a “rough ride” wherein prisoners do not wear seatbelts and are thrown violently around the vehicle that is being driven erratically (ibid). Gray was on his way to hospital with a broken neck resulting from the injury sustained to his head earlier that day (ibid). Six officers are suspended while the investigation into Gray’s death is currently pending. Baltimore experienced riots and looting events in weeks following Gray’s death. Fox News reported that in the last weeks of April initiatives had been taken by the Governor of MD (Larry Hogan (R)) to suppress the looting and rioting by making a request to the National Guard to deploy 500 members (who have since been deployed) and reports suggest that “they are building to 2,000” (Fox News April 28, 2015). However, looting and rioting continues.

In May 2015, Seattle, Washington was the site of “Seattle May Day Riots.” Headlines read, “3 officers injured, 16 protestors arrested, 25 vehicles damaged” (FoxQ13.com May 1, 2015). Videos on CNN’s live news stream showed citizens rebelling against police, armed with riot gear (pepper spray, shields, body armour, etc.) and also showed individuals hitting police
officers with batons and pile-ups of citizens on police officers. The police suggested that “black-clad May Day marchers hurled wrenches and rocks at officers and hit police with sticks as a Friday evening march through a Seattle neighbourhood turned violent, injuring three officers” (ibid). May Day marches are intended to be peaceful and are intended to support workers’ rights, and citizens marched for an “end to police brutality,” amongst other causes (ibid). What was intended to be a peaceful march advocating for rights turned in to a violent riot that made headlines and only reinforced how the militarized presence of police injures police-citizen relations.

In early May of 2015, another incident occurred in San Francisco, CA. A CNN headline reads “San Francisco arrests under review after officers’ slur-filled texts revealed” (Pearson and Martinez 2015). The paper quotes the San Francisco National Association for the Advancement of Colored People as saying “We are Ferguson” and suggests “3,000 arrests in the past decade are under review…there is a widening scandal over how police officers allegedly wrote racist and homophobic text messages” (ibid). Accordingly, a top prosecutor has revealed that there may have been bias in over a dozen arrests that were made. There has been a proposal to fire eight officers, including a police captain and a sergeant, who are at the forefront of the scandal; three officers have resigned (ibid). The texts messages that were sent were “rife with racist terms” such as one that read, “Yeah we burn the cross on the field! Then we celebrate Whitemas” (ibid). Racial slurs and racist connotations were also used in the series of texts made available by CNN. San Francisco represents the power of police officers as citizen role models. While there were no examples of physical violence, the mental and emotional turmoil resonates just as strongly as the physical violence that was witnessed in places like Ferguson and Baltimore.
Cities such as Baltimore and North Charleston have a shared history of colonialism and slavery. Issues of policing, racial segregation, and rioting in the US are not new phenomena. Tracing its roots as far back as the 1960s, in the open-source political news magazine *Salon,* a headline reading “White America’s racial amnesia: The sobering truth about our country’s “race riots” suggests that major news tends to ignore the history of blacks in the US (Devega 2015). The article traces issues of “black urban unrest” to urban riots during the 1960s suggesting that American policymakers live in a “state of denial” (ibid). It is also suggested that “American people are robbed of any meaningful social or historical context for the police abuse in Baltimore, Ferguson, and many other locales where police thuggery occurs” which impedes [their] ability to understand the meaningful context and long, exhaustive history of the events that are occurring (ibid). One particularly public example of this “amnesia” was seen in “The Situation Room” on CNN with Wolf Blitzer where, for both the events at Ferguson and Baltimore, the host suggested that “America has never seen anything like this before” and that both of these events, although months apart, were ground breaking and about to change the American fabric of race-relations permanently.

Seemingly, a large proportion of American citizens share the same mindset as Blitzer in their lack of understanding for the racial history of the US, evidence of what Ben Brucato calls “color-blind political order” (2014:30). Developed from Joel Olson’s idea of “white-democracy,” Brucato considers race in the US as a dynamic political relation, defined by W.E.B. Dubois’s “color line,” which indicates who is included and excluded in community affairs (ibid:36). While nearly all Blacks recognize racial bias in the criminal justice system and few express confidence in police, only about a third of whites recognize this (racial) bias and over two-thirds express confidence in police (Chaney and Robertson 2013; Tonry 2011). The US, as Brucato (2014)
writes (and Blitzer reinforced that day on CNN), suffers from both color blindness and, as previously mentioned, racial amnesia. Historically, as has been noted, police were created as a means of controlling the black population so as to define boundaries of social class and order; a system that was at first created to administer slavery, then adapted to manage segregation (ibid). Watching Blitzer on CNN perform this idea of color-blindness live called to question what the long-term implications of this racial amnesia might look like. Color-blindness in the US “reproduces the ability of the police to reproduce a social order predicated on racialized constructions of citizenship and criminality” (ibid:34). Blacks in the US do not share the same citizen rights as white Americans; a problem that was only intensified throughout the events at Ferguson. The continued construction of the black man as criminal flourishes due to a lack of conscious regard for the history of race in the US and will only encourage policing driven by racial disparity. The normalization of racial discretion by police is engrained in political activity, which only “works to persevere the enforcement of the color line” (ibid:47). It is through the ignorance of the American people that the color-line will continue to expand and that color-blindness will remain a part of the dominant ideologies informing policing in the US.
Chapter 5

Reading the Justice Department Report on Ferguson

“The rhetoric of urban reform persists, but the substance is extinct.”
(Mike Davis 1999)

5.1 Introduction

On March 4, 2014, the US Department of Justice (DOJ) issued a report entitled “Investigation of the Ferguson Police Department” under the Civil Rights Division. The purpose of this report was to investigate what underlying causes shaped the events of August 2014. The report contains many important elements that attempt to consider how Ferguson’s police actions were driven by revenue generation, and how that may consequently lead to harsh punishment and an increase in military weapons procurement. Additionally, a culture of racial bias and broken community trust is identified within Ferguson. While the report covers a great deal of information regarding the events at Ferguson, it is important to consider the governmental source of this report and any potential bias that may exist within the text.

Considering this, I have attempted to use the information within the report as objectively as possible while subjecting it to analysis. The report itself is extensive, spanning just over 100 pages. Each page contains information that is important and challenging to common (mis)conceptions of police in the US. However, time and space constraints mean that I cannot provide a comprehensive description. Through a close reading of the report, I concentrate on the elements related to the research question posed at the beginning of this work.

16 Throughout this thesis, the report will be known as JDR (Justice Department Report) and cited as (JDR 2015) following any direct quotations from the work. In addition, the Ferguson Police Department will be referred to as “FPD.”
The report, which was published in March 2015, emerged from an investigation which began on September 4, 2014 under the “Violent Crime Control and Law Enforcement Act of 1994” (JDR 2015:1) which protects the rights of people who interact with state or local police or sheriffs’ departments. This act also allows the US to review the practices of law enforcement agencies that may be violating federal rights and may also include anti-discrimination provisions forbidding discrimination on the basis of race, color, sex, or national origin by states receiving federal funds.

The methodology used in the report features a mixed methods approach. These methods consist of the review of over thirty-five thousand pages of police reports, thousands of e-mails and other electronic material provided by the police department, and hundreds of in-person and telephone interviews of individuals who reside in Ferguson or who have had interactions with the local police department (ibid). The report provides insight into the FPD and yields examples regarding brutality that are not reported on television or in newspapers.

This section attempts to bring together issues found in the JDR through a close analysis of the literature utilized in the second chapter of this thesis. By combining these two elements, a holistic image will be painted that will attempt to demonstrate my thesis that US policing has always been militarized and that new visibilities only reinforce this idea as opposed to creating it. This process involves looking at urban policing (which is concerned with how expanding geographical boundaries encourage revenue generation), what I have labeled “neo-traditional” policing in Ferguson (that looks at the failure of community oriented policing), “neo-colonial” policing (which includes considering the role of “othering”), and taking in to account what new visibilities are and how all of these elements have helped in shaping the new political economy of policing in the United States.
5.2 Militarization or Entrepreneurialism?

In Ferguson, the urban logic of policing is increasingly directly tied to revenue generation, which is ultimately the result of a changing urban milieu. The jurisdictional changes to police power and authority have accelerated police brutality in many areas in the US. In Ferguson, especially, police are no longer bound to the other side of the sidewalk as they were in previous times. Police can now claim all space as part of police search, seizure, and conduct, thus making any space unsafe. The reinterpretation of jurisdiction at this micro-level by Ferguson (and indeed all US) police is characteristic of both new urban rule and of the powers that have been allocated through the state: just as a soldier feels that they can claim space to “prevent danger,” so too do police officers feel that, in the name of “upholding justice,” they have the right to enter into any space.

A large aspect of the Ferguson Police Department (FPD)’s new urban operations revolve around generating revenue that comes from the issuing of tickets, citations, and “failures to appear in court” fines. Ferguson’s law enforcement practices are shaped by the city’s focus on revenue rather than by public safety needs which has a “profound effect on FPD’s approach to law enforcement” (ibid:2). With their expanded jurisdiction and powers, Ferguson police have started to utilize their new spaces of operation for both implementing and collecting fines. As stated in the JDR, there has been a large increase in the amount of revenue brought in from fine enforcement, rising $2,000,000 in five short years (ibid:9); this number corresponds neatly with the timeline during which their spatial expansion has taken place. The police are appearing less like the idealized community police and more like a paramilitary force or a gang. The commodification of the policing, with the imperative to increase revenue generation, only enhances a gang-like structure and makes it appear like the police are a self-serving entity rather
than a publicly accountable force. The FPD’s revenue-driven mode of policing is also reflected in its entrepreneurialism. Police are entrepreneurial as they see opportunities for money-making on every street corner; this is only enhanced by the changing nature of police power and jurisdiction. This form of behaviour appears reflective of entrepreneurial capitalist norms rather than logic of militarization, and thus provides a significant challenge to the idea that militarization is the underlying cause of recent police misbehaviour made visible in the US.

Another example of the expansion of jurisdictional powers in urban space is apparent in how the city utilizes arrest warrants. The City of Ferguson uses warrants and fines as a method of punitive justice rather than as a method for restorative justice. FPD officers often randomly check individuals for outstanding warrants, and if a warrant is found, the individual is automatically arrested (ibid:56). The FPD believes that, without threats or the issuing of warrants, there would be no way to collect fines (ibid:58). The expansion of jurisdictional privilege has only set the stage for police being capable of enforcing rule in any space within the city: there are no longer any spaces safe from police surveillance.

FPD’s interactions with *civilians* indicate that they are only considered vessels for financial gain for the city. The expansion of police jurisdiction only expands the space where oppression, for the sake of revenue generation, can take place. Ferguson demonstrates that the expansion of geographical boundaries also creates a larger space for fear and oppression.

### 5.3 Police Militarism Constituting Social Difference

Expanding geographical boundaries, however, are not random. These spaces are hubs of capital flow and revenue generation targeted by police. Neocleous asks “to what degree do police help constitute social differences through its assessment of urban threats?” (2014). Through increased circulation, and the expansion of geographical boundaries, the FPD is only reinforcing
racial bias and “urban threats.” African Americans have come to be defined as the new urban threat in Ferguson. Given the changing nature of jurisdictional powers, the definition of urban threats has also been skewed under the power of the FPD. The City of Ferguson encourages police officers to “enforce municipal code” at all times, even if they are outside of their jurisdictional boundaries (JDR 2015:10). Urban threats, which have been poorly defined as an issue of race in the City of Ferguson, are actually issues of police abusing their jurisdictional powers as sources of revenue for the city.

It is also important to note that the expansion of urban space does not necessarily denote community outreach or increased space for positive police-citizen relations. Rather, urban expansion only creates more space for difference, othering, and the destruction of police-community relations. Ferguson’s concern with finances has led to a cyclical pattern of violence and community backlash. FPD’s approach to law enforcement has resulted in a pattern and practice of constitutional violations (ibid:15). There is also a lack of a system in place that detects and holds officers responsible for their misconduct (ibid), which only leads to increased frustration amongst citizens, thus further skewing any positive perceptions of policing within the city. Rather, citizen behaviour is evaluated based on financial quotas. Citizens have come to understand that police are only concerned with revenue generation and it is ruining police-citizen relations. While it may be true that, physically, there is more space for the police to rule over the citizens of Ferguson, they are utilizing this space as a way to introduce new weapons, military-style command, pushing for revenue generation, and mistreating citizens. Urban growth only increases space for militarized performance and traditional rule whereby revenue is the key factor in determining how police rule the city. Money controls police-citizen relations in the Ferguson.
5.4 Neo-Traditional Policing in Ferguson

Definitions of contemporary policing describe it as a community-oriented practice. Recently, the US police have stated that, as an institution, they aspire to move towards a state of community policing whereby the police-citizen relationship is maintained and harmonious. However, to move towards a model of community policing, the divide that exists between police and state must expand and move away from being based solely in revenue generation. In Ferguson, the division of police and state is nonexistent since police maintain their position as ambassadors of state rule. The City of Ferguson, especially, does not follow a community model of policing. Rather, since revenue generation is a dominant aspect of policing in Ferguson, complemented by “book balancing” (JDR 2015), it is impossible for community policing to exist. Revenue generation, as a top priority, leads to harsh, politically informed modes of punishment that encourage a mindset where finances trump community relations. In the report, it is bluntly stated that the FPD has internalized a culture of reflexive enforcement action unconcerned with promoting public safety. There is “no concern with whether police action actually promotes public safety, and there is also no concern with regards to the impact the decision has on individual lives, or community trust as a whole” (ibid:12). Since the police exist under a heteronomic rule wherein a top-down hierarchal chain of command issues orders, community relations are low on the priority list. This style of command is representative of a military, not a police force.

Broken community trust, especially within Ferguson, stems from poor police interaction with African American citizens (who compose a large segment of the population). Leading to a culture of “normalized racism,” relations between police and citizen are skewed and corrupt due to both the attitudes and nature of police work within the city. Revenue generation, as a main
pillar of policing, is accountable for poor community relations. This lack of good community relations has led to distrust in the police. This distrust goes so far as to have individuals state that they would “not phone the FPD, even if they were being killed” (ibid:81). Additionally, the public confidence has been “further eroded by FPD’s lack of any meaningful system for holding officers accountable when they violate the law or codes of conduct” (ibid:82). Members of the public are now afraid to file complaints in Ferguson, as they fear that there will be repercussions. Policing without any element of community care or interaction is reminiscent of traditional policing whereby political power and heteronomic rule influence and control police action. The implementation of a revenue driven system only increases this idea. It is only through a professionalization of the police that there would be an attempt at shifting towards mending community relations.

The idea of professionalizing the police refers to the removal of political power and influence (Walker 1980:134). Fichte’s idea of a police state does not exist in Ferguson. Fichte believed that police-citizen relationships were to be maintained through reciprocal respect and mutual reinforcement on either side. Ferguson’s police chief stated that “prior to the Michael Brown shooting he thought community-police relations were good” (JDR 2015:80). Without acknowledging that the modes of policing are flawed, the police force could never move towards a state of professionalization where community relations are sound. The FPD, instead of involving the public in their decisions, or respecting individual rights and freedoms, has become confused as to why their citizens have no respect for the forces and live in a state of constant fear. As opposed to instituting a model of mutual respect and public approval, Ferguson continues to misinterpret public opinions through an excessive use of force. Instead of striving for community trust, the FPD insists that proactive policing is a right.
As has been noted to this point, “proactive policing” (or, in Ferguson’s case, “revenue driven policing”), has been one of the most significant issues underlying police corruption in Ferguson. The FPD follows a doctrine of proactive, preventative policing. Corsianos’ CP Model suggests that proactive and preventative policing is a pillar of a community policing as it demonstrates that the police force knows their citizens and can effectively pre-empt crime. Attempting to “prevent crime before it occurs” only leads to an increase in community distrust for the FPD and increases fear; people are afraid to sit in their vehicles without being approached, fined, and arrested. Preventative policing has only tarnished Ferguson’s reputation and has confirmed their status as a militarized, state driven police force obsessed with revenue generation by reinforcing traditional rule. Considering that Ferguson is concerned with revenue driven policing, their approach to a “community” model ultimately fails since policing practices are laden with racial bias stemming from a desire for economic gain. Although preventative measures are important to community oriented policing, given the racial bias of a number of police departments, a full community model of policing will never be realized unless there is drastic reform. Ferguson has only demonstrated the dangers of racial bias in preventative policing and an inability to care for the needs of its citizens which only widens the gap between any form of trust between citizen and authority within the city.

Research has demonstrated that community policing can be more effective at crime prevention and making people feel safer (ibid:87) than retributive policing. Finding a solution to remedy the lack of community-relations, however, is not as easy as it may sound. A diverse police force is not necessarily the easiest solution. While approximately two-thirds of Ferguson’s residents are African American, “only four of the fifty-four commissioned Ferguson police officers are African American” (ibid:88). It may seem as though employing a more diverse
police force would encourage African Americans to deal more comfortably with police. However, an important justification for this (diverse police force not being the solution) is that African American officers can abuse and violate the rights of African American citizens, just as white officers can, and African American officers who behave abusively can undermine community trust just as white officers (ibid:88). This is not just an issue of the white police officer abusing blacks; the issue runs deeper than this. Rather than considering the race of the police officer as the leading factor of his behaviour, it should be considered that behaviour is largely driven by a police culture that focuses on revenue generation and is infected by racial bias (ibid).

It can be deduced that a lack of community policing is indicative of a traditional police that finds its roots in a militarized, hierarchal regime. Moving towards community oriented policing seems more of a symbolic gesture than a realistic approach. In Ferguson, community oriented policing does not exist due to the hierarchy of state issued command. More than just appearing like a military, police forces in the US perceive their role in the community to be an executor of the state rather than a guardian of “civilisation.” Without the removal of racial bias and revenue driven policing, a state of community policing will never be reached and the culture of military styled policing will remain part of policing in the US.

5.5 Neo-Colonial Policing: Normative Othering

There are two main issues that can be dealt with under the theme of neo-colonial policing. The first, which concerns issues of race, echoes the colonial past of the US by looking at the harsh punishment being implemented by the FPD and how racial bias has affected police behaviour. This harsh punishment, as will be seen, only reinforces that traditional methods of policing have re-emerged as the new norm. The second, which looks at the excessive use of
weapons, also replicates colonialism, except on the home front. Through considering the overuse of weapons, it will be revealed that the US is utilizing the same tactics as it did in Vietnam; this is the embodiment of the revived “NeoConOptic” Military-Industrial Complex in American policing.

In the 1960s, it was hoped that police presence (during the Civil Rights Movement) would decrease racial segregation. However, just as in the 1960s, the citizens of Ferguson view police presence as reinforcing and encouraging racial discrimination and bias. This is especially true considering that, in Ferguson, African Americans constitute the largest segments in arrest and crime statistics (despite only comprising 67% of Ferguson’s population (2010)) (ibid:4). The riots in the streets of Ferguson, Baltimore, and New York are representative of a new form of civil rights movement: the issues remain the same, although police tactics have changed. “Race riots” promote questioning of civil and constitutional rights wherein many of the issues the original movement saw have re-emerged. For example, when an African American attempts to stand up against issues of racial discrimination by the police, it only leads to further fines and oppression, thus reinforcing that punishment is being disproportionately targeted towards blacks (ibid:78). Additionally, there is a lack of structure around methods of payment (which is surprising considering that Ferguson is overly concerned with revenue), which makes it difficult for a large segment of the population to pay their fines. This lack of information, which translates into negligence on the part of the individual, results in an increased number of fines and few options for restorative justice (ibid). The punishment in Ferguson is harsh because it is disproportionate with the level of crime. Therefore, it can be argued that, although the issues remain the same, it is the presence and involvement of police that has drastically changed the
landscape surrounding issues of race in Ferguson and across the US: an issue that is only made worse through lack of structure and harsh punishment for police.

It is not only police behaviour, however, that is facilitating the re-emergence of issues of racial bias and colonial tactics within the US. The courts, which have a heavy influence on policing (as they are state mechanisms capable of formally condoning or condemning police actions), are also guilty of racial discrimination and harsh punishment. For example, it is noted that an African American defendant is 68% less likely than other defendants to have a case dismissed (ibid:69). Disparities occur, at least in part, because Ferguson law enforcement practices are directly shaped and perpetuated by racial bias. Race-based disparities are found to exist in every aspect of Ferguson police and court operations and are not isolated or mere aberrations. E-mails sent during work hours (on work accounts) expressed racial views of the President of the United States and his wife, and also made welfare jokes against people of African American descent (ibid). These e-mails show poor conduct for professionals and individuals that are supposed to care for the welfare of citizens, regardless of race or religious belief. Racism is normalized and seemingly encouraged within Missouri.

As can be seen above, the racial disparities in Missouri, and a large portion of the US for that matter, are not new. Rather, they echo a past where the police, who appeared to be quasi-soldiers rather than officers of peace and law, used an individual’s race against them as a means of justification for harsh punishment. In American legal terminology, this form of justification is known as “probable cause” in any given context. Just as the military targets those who they have labeled as terrorists, so too does the US police target African Americans as urban threats.

The Ferguson courts are infamous for not providing adequate information to people so that they can attend court (ibid:45). Just as fines are targeted mainly at African Americans, so too
are the consequences for misinformation since the courts have no concern for the financial burden this problem may place on some families. Ferguson’s law enforcement system does not indicate problems with police or court practices, but instead reflects a pervasive lack of “personal responsibility” among “certain segments” of the community (ibid:5). The city puts blame on African Americans and suggests that that these individuals lack an ability to take adequate care of themselves or control their behaviour. The attitudes of the police, and the courts, only reinforce that African American’s are seen as individuals in need of care and rescue by the police around them, thus only reinforcing their place as the other within their urban milieu.

Over the last 50 years, issues of race have remained constant while policing has intensified. While it has been argued that similar issues re-emerge, police feel that it is necessary to arm themselves more heavily due to the changing perception of the “other” in American culture. The Vietnam War, the Cold War, and September 11 changed the perceived threat of the other and consequently policing tactics. In Ferguson, the culmination of the changing perception of the other has revealed itself through police acquiring excessive weaponry, such as Electronic Control Weapons (ECWs), tanks, Tasers, and canines, just to name a few. The acquisition of these weapons is not the only issue, however; perhaps more important is their excessive use. An example of the overuse of weapons occurred in 2010, when a stun-gun was utilized on an African American woman for a low level crime even though five other officers were standing around (ibid:33). Officers resort to the use of ECWs for low-level threats in order to reassert their authority and power to use force. Another weapon, canines (police dogs), are commonly utilized out of proportion to the threat posed which reflects a culture where officers deploy tools and methods that are almost guaranteed to produce an injury of some type (ibid). Instead of reacting to real threats, officers are reacting to instances that seem annoying or distasteful (ibid).
The FPD is attempting to reinforce a culture of fear in citizens as an avenue for their exercises of power, and to do so, they are targeting marginalized groups as opposed to real criminals.

The FPD acts like an occupying force, apparently unable to differentiate between being police officers or soldiers. The subjects of the neo-colonial occupation are not Filipinos or Vietnamese on the frontline, but are African Americans in the homeland. While African Americans were historically “othered” in the US, it seems that they have become a target for new forms of scrutiny. The JDR demonstrates this clearly through a fetishism for facts relating to African Americans that places them in a different, more dangerous space than whites. Military force and weapons are now considered the only solution for “crime prevention” and “peace keeping” measures as part of what Foucault called “internal colonialism.”

5.6 New Visibilities and the Formation of Paramilitary Troopers

Another essential characteristic in the formation and maintenance of a militarized police force stems from an increased visibility spanning the last half-century on both news and social media platforms. Larry Hoover (2013:56) suggests that the police are now more visible than ever. The Ferguson police are the ideal embodiment of the new visibility since they are extremely visible on both news media and social media. The emergence of this new visibility has revealed the nature of police as militarized. We live in an age of “prosumers” where the consumer is also the producer. Ferguson police are subject to the gaze of local citizens and the world – policing is no longer bound to locality. Just as Goldsmith (2010:9) has said, “one reality of policing’s new visibility is that information about police is more available than ever before, creating new challenges for police organizations and their ability to manage their public image.” Although, unlike many other recent police killings, Michael Brown’s death was not captured on any cameras, the events at Ferguson gained attention due to videos on popular news outlets and
YouTube, which is ultimately a result of new visibility in the digital age. It is not only the individual that plays a role in the new visibility of police, however. Ferguson police, with the acquisition of new weapons and riot gear, also gained body armour equipped with wearable cameras that allowed them to film their interactions. The rationale for this is that visibility increases pressure for good police performance. However, in practice this theory does not appear to hold. The Ferguson police appear to have internalized the new visibility as an opportunity to assert and demonstrate their power, authority, and dominance over certain segments of the population, believing that they are impressing the rest of the world with their “prowess.” A transition from being a once historically relatively closed and secret group of individuals to achieving quasi-celebrity status has drastically changed the nature of policing by revealing new police vulnerabilities and performance tactics for media outlets that have now become engrained in US police pop-culture.

Police are the most visible of all criminal justice institutions. In previous eras, police effectiveness was evaluated by their static presence in newspapers and media outlets. The new age of “prosuming” has led to a culture of police over-performance as every police action is now completely visible through live, real time, video streaming. The increased presence of the police in the media has led to an era of (ir)responsibility and embarrassment for police forces across the US, and has also led to the resignation of many officers and chiefs.

Part of this new visibility, however, can be attributed to a statistical fetishism, which ultimately changes the nature of responsibility. Throughout the entire JDR, there is a use of numerous statistics to serve as a means of justification for police actions. For example, it is suggested that 85% of car stops and 95% of use-of-force tactics were due to the poor behaviour of African Americans (JDR 2015:57). The presence of inflated statistics, which are overtly
present in the media, have led to an era of responsibility through increased visibility. As Trottier says “the visibility afforded to police by social media enclosures reframes relations with the public such that exceptional practices become mainstream” (2012:420). Perhaps it can be argued that the new expectations for the Ferguson Police are that they brutalize African Americans and that their over performance stems from an attempt to create impressive statistics in order to demonstrate that there is in fact a real problem which they need to fight. Ultimately, this could serve as a means of justifying the purchase of large weapons and the excessive uses of force for which the FPD are now infamous. Crime and arrest statistics, which are created through and by the police, for the public, serve as a means of increasing their visibility by justifying that they are taking the right action to “combat” threats within the city.

As stated above, in Ferguson there is an increase in pressure to perform which invites an increase in pressure to assert police authority and dominance in demonstrating a sincere effort to “fight crime.” A community-based regime of policing would not coincide with media pressures, as performing power does not adhere to the maintenance of community relations. Neo-traditional models of policing have ushered in a new visibility through which the police demonstrate, on the front stage, their ability to have dominance and power over citizens. The militarization of the Ferguson police denotes an element of performativity, as a town with such a small population is not in need of military weapons; it is their way of asserting their power as a police force and group of neo-imperialists in a post 9/11 world laden with “threat and terror.”

5.7 The New Political Economy of Policing in the United States

In Ferguson, an intense securitization discourse is over-utilized as a means of justifying the use of military weapons and harsh punishment on residential streets. This discourse is seemingly facilitated through new visibilities and the presentation of crime statistics as a means
of behavioural justification. However, considering the amount of backlash being felt by police, it is unclear as to whether or not securitization discourse truly works. At the level of the citizen, securitization discourse only increases the distance felt from police. Throughout the JDR, for example, it is increasingly reiterated that the citizens of Ferguson have never felt such a lack of trust and reliability towards their police forces.

Securitization discourses are considered to be mechanisms for the intensification of brutality and discrimination; they are crafted specifically for bureaucrats. In Ferguson, securitization discourses are consumed by top officials and funnelled brashly in to police practices. In May 2015, for example, President Obama utilized securitization discourses, once more, when he called for a ban of weapons to local police forces through halting the Pentagon’s 1033 Program first used to combat the “war on drugs” in the early 1990s. As an innumerate public, civil society would believe that the President was “protecting” them by not allowing tanks and arms on their streets. However, after closer inspection of the list of weapons that are banned, it is revealed that the weapons on the list are not utilized nor desired by most towns, thus allowing them to keep the weapons they already have. Securitization discourse is a large part of why militarization has evolved since 9/11 and continues to be an issue in police forces; the embodiment of securitization through civil discourse is a pinnacle force in the new political economy of policing.

Securitization discourse also takes another form. At the end of the JDR, there is a section that suggests “ways of moving forward” and mending police-citizen relations. Throughout this entire section, there is a sense that responsibility should be placed on the police and the courts, and that these institutions should be subject to closer scrutiny and punishment themselves. This form of securitization discourse attempts to place responsibility on the oppressors as a means of
demonstrating some form of responsibility and attempt at change. This form of securitization
discourse may appear positive as it demonstrates that the city realizes that it has a problem.
However, the opposite is true since this form of discourse only suggests that there is an “attempt”
at fixing issues, rather than posing real, plausible solutions. While issues continue to worsen, a
securitization discourse will continue to be utilized that suggests that there is an attempt to fix the
problem while issues continues to rise.

Although securitization discourse is a large factor in justifying problematic behaviour, the
fact remains that the FPD is attempting to gain their legitimacy through a perception of increased
militarization, which is found most obviously in their increasing stock and use of military
weapons. Although the colonization of African Americans seems to be the big issue within
Ferguson, it can be argued that there is another form of colonization occurring. The new military
urbanism “colonizes the norms of everyday life and reinforces projective war or force against
demonized other” (Graham 2013:23). The new norm of military urbanism is that war-like tactics
have a place in the new urban center as a means of removing threats, reducing risk, and
producing a space of “peace” through increases to security discourse and military strategy. In
Baltimore, New York, Ferguson, Seattle, and other places that have experienced racial bias and
oppression by a militarized police, all attempts to “counter” the urban geography have only
reinforced the existence and dominance of a military police within the urban center. A
combination of de-modernization with the failing of the urban space only promotes the existence
of a traditional, oppressive police force as the new model of contemporary policing.

Ferguson also embodies NeoConOptic surveillance. Through a neo-conservative appeal
to “defence of the homeland,” the city has come to consider coercive modes of profit making a
top priority. Considered a form of police extortion, these modes of revenue generation are
characteristic of NeoConOptic surveillance as the new MIC. This ideological shift only reinforces the “need” for militarized arms and tactics. Ferguson is in a state of Full-Spectrum Dominance whereby authoritarian approaches to security assert full control over the “battlespace,” or the new urban centre. James Fisher has said that the US has a history of excessive use of military-style force against criminal suspects without histories of violence who are not likely threats to police (2010:39). Within the City of Ferguson, those who pose the least threat tend to receive the most punishment and attention, which only reinforces their justification for increased militarization. The use of excessive military force on minor threats represents Ferguson’s method of asserting authority and dominance and their ideological shift towards the embodiment of urban militarism; Ferguson has become the new battlespace.

Visibility also plays a role in the new political economy of policing by bringing together all of the above elements. On December 8, 2014, for example, President Barack Obama called for more US police to wear lapel-mounted body cameras that record their interactions with the public as the White House moved to calm public outcry over the Ferguson shooting incident (Telegraph.co.uk 2014). This demonstrates a merging of all of the elements of the new political economy. The call for new technologies finds itself placed within a securitization discourse. However, a call for arms is part of the de-modernized urban space whereby the NeoConOpticon has asserted its presence and an obsession with profit making only encourages the militarization of police. The cameras themselves find their place in the changing notions of visibility and how they only demonstrate how increased militarization is tied to visibility. Policing in Ferguson is based on dominance, not consent, which only reinforces traditional ideologies in orienting the role of police within the urban space. It is not the police that are to blame for their own actions, but rather the bureaucracy promoting the Military Industrial Complex.
Chapter 6

Conclusion

At the beginning of this thesis, I suggested that police militarization is not a new phenomenon. Instead, it is realized that it has become apparent through increased police visibility. Throughout this work, I argued that new forms of visibility have exposed the militaristic nature of policing in the US. After the close analysis of both the shooting death of Michael Brown and the JDR, I can conclude that the research question has been proven to be if not completely incorrect, at least incomplete. The case study revealed that the militarization of the police, although still a significant issue, is perhaps not the only problem, or even the biggest problem of policing in the US. Rather, it has been found that the police in Ferguson (and there is every reason to believe that this is not untypical) have become increasingly dominated by imperatives of revenue generation, which combined with their violence and systemic bias against African Americans, has led them to take on the characteristics of an occupying paramilitary force or gang. The issue, then, is not simply militarization, but rather the way in which excessive force is combined with the financial exploitation of policed populations and the still very much live racial division of US society. This was revealed mostly through the research conducted in the JDR.

During the writing of this thesis, much has happened regarding police brutality and the treatment of blacks in the US. Most of these events are mentioned throughout, however, even after this work is completed, it is more than likely that events will continue to occur. For example, in mid-August 2015, new protests took place in Ferguson on the one-year anniversary of Michael Brown’s death on August 9, and many others have occurred inspired by the growing #BlackLivesMatter movement. At the same time, the continued acquisition of weapons is taking
place in the same areas that once had them recalled. On August 14, 2015, for example, acoustic cannons were acquired by the FPD as a means of dealing with the protests. When the Michael Brown issue first surfaced, police appeared militarized since they were being handed out weapons from a weapons transfer program at the Pentagon. However, as time passed, and more information regarding the nature of the police surfaced, it was revealed that the police are now increasingly procuring their own weapons, apart from specific federal programs, as a means of dealing with issues in their hometown.

This only reinforces what the previous chapter noted, that the US police are increasingly working for their own benefit, growth, and protection. The “new” political economy of policing in the US has seen the emergence of policing focused on revenue generation, perhaps more indicative of the dominance of imperatives linked to private goals of profit maximization and entrepreneurialism rather than militarization. Although the re-birth of militaristic tactics is important to understanding some policing characteristics today, it can be seen that, rather, policing, focused on revenue generation is perhaps better seen through the logic of a private firm or paramilitary or gang-like institution. Militarization is more noticeable due to its visibility, and certainly the acceptability of this militarization has been supported by its supposed role in fighting “terror” in the homeland, using techniques that have “boomeranged” back from the War on Terror in other parts of the world. However, the combination of military-style action and exploitative revenue-generation imperatives means that true community oriented policing remains a distant ideal. There appears to be an institutional preference for confrontation and control over peace and civil rest.

However, this conclusion is also inadequate on its own. As described in Chapter 2, the US police’s historical roots lie partly in citizen-funded methods of keeping control of the black
population. Do events in Ferguson really show anything that different? There is an underlying thread that has persisted in America.

This case-study has suggested then that militarization alone is an inadequate description of processes in contemporary US policing for three reasons, that: 1) there has long been a military quality to American police, 2) because entrepreneurship and revenue generation appear to be significant driving forces; and 3) the policing of racial boundaries persists. Each of these should be a subject of further research.

No project is without limitations. There are two main limitations within this particular thesis. The first stems from the JDR while the second is concerned with the thesis itself. Although the Justice Department produced an objective report on the FPD and the City of Ferguson’s court practices, some important ideas were not included. The report features three main limitations and does not acknowledge a plethora of valuable information. The first limitation of the report is that there is no mention of President Obama’s military weapons procurement program, only ECWs and canines, thus ignoring alternative methods being used to “control” citizens. The second limitation is that the report is exclusive to Ferguson. Although the title of the report is “Investigation of the Ferguson Police Department,” the main pillar of this report is racial bias and its impact on the relationship between the FPD, the city, and citizens. After Brown’s death, cities such as Baltimore and New York experienced similar tragedies. The report could have benefitted from considering other events in an attempt at a comparative report. Focusing solely on Ferguson makes it seem that Ferguson is the only and most corrupt police force and courts system in the US, which simply is not true. The third, and final, limitation of the report is the repetitiveness and lack of realistic “outcomes” for moving forward. Throughout most of the report, many elements are repeated up to four times, ranging from the listing of fines
to quotes from interviewed citizens. The report also features an overly optimistic presentation of ways to “move forward” and improve community relations. The mention of moving forward focuses on ways to “change” the attitudes of the FPD and the courts and makes no mention of any type of punitive measures for police malpractice. It is possible that the report believes in restorative justice, however, restorative reform may not produce the desired results for a force that is as corrupt as the FPD. Rather, it seems that the police and the courts, as the primary guardians of the law, only need reformation as opposed to punishment for their behaviour in the same manner that they are punishing others. The biggest limitation of this work itself was the inability to perform fieldwork with empirical results. Ideally, this project would have featured a quantitative, mixed methods component as opposed to focusing solely on websites and newspapers for factual representation of issues. The second limitation, relating very closely to the first, was a reliance on newspaper and government sources for facts relating to the history of Ferguson and Missouri, and the events of riots and police action in the US. Newspapers and websites report news through their respective ideological leanings. Ideally, this project would have utilized an in-depth historical overview of the state of Missouri, with special emphasis on Ferguson. However, given the allotted time of completion, readily available information provided by city and state websites provided the information. A final limitation is that this thesis, unsurprisingly, does not feature an ultimate solution to the issues of policing in the US. Each murder that has occurred over the last year has its own story; these stories may or may not contradict or support the particular theories presented. Since more shootings have occurred after the completion of this thesis, it is to be considered that this work suggests at least one or two directions for future research.
The implications for future research rely mostly on time constraints. As mentioned above, in the future, it would be ideal to have a larger amount of time to provide an historical analysis and contextual overview of the state of Missouri and the City of Ferguson itself. In future endeavours, it would be ideal to consider colonialism and political ideologies in relation to historical contexts to better comprehend different perspectives on the history of the state and the city as opposed to a more general history of the US. Furthermore, future research should consider other events that are similar in nature to the events at Ferguson. A large limitation that was found during the research project was a narrow focus on Ferguson as a seemingly singular event in the presentation of racial bias and discrimination towards African Americans by police. Cities such as Baltimore, MD and New York, NY were left out of the context of the shootings and no connection between these events – and others not listed – were given any opportunity. Future research would aspire to take a comparative approach to policing in the US. Given the opportunity to add to this paper, a chapter on policing outside of Ferguson would provide an example of how Ferguson is not an isolated incident. Additionally, as mentioned previously in the section on new research questions, future research on this topic should consider the increasing exploitative entrepreneurialism of policing rather than militarization which, at this point, seems more of a persistent historical issue than the main paradigm.

There are also several policy implications. A re-orientation of policing in the US should consider changing police interactions through reforming police, changing the nature of police incident recording, moving towards a system of true redress, rehabilitation and restoration (as opposed to carrying on with a punitive system), and the complete removal of military weapon procurement for police forces (not just symbolic gestures). The police should once again be shifted towards community-oriented policing. At the moment, as witnessed in the Ferguson case,
Police punishment is limited while citizen punishment is ample. Furthermore, police incident reporting is a skewed practice where an objective review system that reviews incidents and ascribes proper punishment, if necessary, should be in place. A restorative justice system would allow citizens more options to “pay” for their crimes if they cannot afford their fees through community service or volunteer work. Ideally, this new system would change how people view the police and courts through a shift away from revenue driven policing that would lower levels of public fear. This option would lower financial strain and ideally work around work schedules, as some individuals are highly dependent on their income to support their families. Finally, the removal of military weapons from the hands of local police forces would change their presence in the city. Although President Obama symbolically put a stop to his original program from 2014, a true halt to military weapons procurement is the only solution in moving towards a community-based model of policing.

At the beginning of this work, I had some idea about the existing culture of police brutality and police discrimination based on race in the US. However, upon further research, it became clear that the culture of police brutality is much worse than I had initially believed, which fostered a deep anger and frustration as research progressed. The level of injustice and violence that African Americans are faced with on a daily basis from a systemically racist, militarized, revenue-driven policing system needs deep reform. Many citizens do not trust police, and this has caused the system to fail. Only when police are capable of moving towards a culture of protection, peace, and justice will there be a sound relationship between citizen, police, and state.
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