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The Exceptional State of America:

Militarization, Police Drones, and the Special Case of Security in the
United States.

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ABSTRACT

The militarization of law enforcement agencies in the United States is an obvious and indisputable reality. It has been criticized for its contribution to increasing rates of police violence, deteriorating relationships between civilians and law enforcement, and a threat to democracy itself. In order to justify this militarization, proponents highlight the importance of such weaponry in an era characterized by global terror threats, civil unrest, and other high risk activities that put officers lives at risk, blurring the lines between police and military functions. More recently, the addition of drones to the law enforcement equipment cache may be seen as an expansion of the concept of militarization, and while current legislation forbids domestic drones to be outfitted with weapons systems, it is a growing concern on the home front.

This thesis aims to evaluate whether police militarization in the United States is a proportional response to the current state of security in the country with a special focus on how this militarization is justified despite the numerous negative effects associated with it. Additionally, this thesis will also explore the relationship between militarization and the recent adoption of drones by law enforcement agencies, and will attempt to determine whether police drones represent an expansion of militarization or whether they might be capable of curbing some of the adverse effects of militarized police forces.

Following the development of this thesis, this research asserts that police in the United States have become excessively militarized due to the presence of an armament culture deeply rooted in the principles of militarism, and while the introduction of drones into law enforcement may offset certain negative effects of militarization, it is imperative that drones remain unarmed in the domestic sphere to avoid exacerbating the issues that stem from police militarization.

Keywords: Militarization, Militarism, Security, Armament Culture, Drones, Civil Rights, United States, law enforcement.

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CHAPTER 1: GENERAL INTRODUCTION

"Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war, the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty to resort for repose and security to institutions which have a tendency to destroy their civil and political rights. To be more safe, they at length become willing to run the risk of being less free." - Alexander Hamilton[1]

1. Problem Diagnosis

Assault rifles, grenade launchers, night vision goggles and armoured vehicles. These are just some examples of the weapons and military-grade equipment flowing in to domestic law enforcement agencies across the United States today. When reflecting on this list of equipment, it is not unreasonable to conjure up images of a warzone complete with dust-covered soldiers in a far off place, but one need not look further than Ferguson, Missouri, where in 2014 following the death of an unarmed teenager[2], local police sporting body armour riding atop mine-resistant vehicles were deployed to combat rioting, a scene more reminiscent of soldiers at war than domestic police officers patrolling city streets[3]. Making headlines worldwide, the events in Ferguson drew attention and criticism to the armed state, or 'militarization' of domestic law enforcement agencies throughout the USA, highlighting the growing indistinction between police and military functions across the country.

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[1]A. Hamilton, 'The Federalist No. 8: The Consequences of Hostilities between the States', *Constitution Society*, 20 November 1787, <http://www.constitution.org/fed/federa08.htm> (accessed 11 June 2017).

[2] "Michael Brown, an unarmed black teenager, was shot and killed on Aug. 9, 2014, by Darren Wilson, a white police officer...prompting protests that roiled the area for weeks".
L. Buchanan, et al., 'What Happened in Ferguson?' The New York Times, 10 August 2015, <https://www.nytimes.com/interactive/2014/08/13/us/ferguson-missouri-town-under-siege-after-police-shooting.html> (accessed 13 June 2018).

[3] 'Ferguson riots: Ruling sparks night of violence', *BBC News*, 25 November 2014, https://www.bbc.com/news/world-us-canada-30190224, (accessed 8 June 2018).

Defined as "the process whereby civilian police increasingly draw from, and pattern themselves around, the tenets of militarism and the military model,"[4] this phenomenon is made possible by programs like the US Department of Defense 1033 Program, the Department of Homeland Security Grant Program, and the BJA Edward Byrne Memorial Justice Assistance Grant Program, all federally funded initiatives that allocate excess military equipment to civilian law enforcement agencies, resulting in heavily armed officers trained in military-style tactics[5]. This process of militarization, which will be expanded upon later in chapters 2 and 3, has been criticized for its contribution to increasing rates of police violence and excessive use of force[6], lack of transparency and oversight at all levels of government[7], disproportionate and adverse effects on racial minorities[8], and even a threat to democracy itself (the demise of the Posse Comitatus Act)[9].

In January of 2015, following the events in Ferguson and recognizing the need to address the obvious problems associated with militarized police forces, then-US President Barack Obama issued Executive Order 13688, entitled 'Federal Support for Local Law Enforcement Equipment Acquisition', which was designed to standardize and limit the acquisition of military equipment and improve training for law enforcement officials responsible for using said equipment (which also included special training on civil rights and non-discrimination).[10] This executive order also prohibited the transfer of certain military equipment entirely, which included armoured vehicles, weaponized aircraft of any kind, grenade launchers, firearms and ammunition of .50-caliber or higher, bayonets, and camouflage uniforms[11] .

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[4] P. Kraska, 'Militarization and Policing - Its Relevance to 21st Century Policing', *Policing: A Journal of Policy and Practice*, vol. 1, no. 4, 2007, p. 4. https://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf (accessed 29 March 2018).

[5] American Civil Liberties Union, 'War Comes Home: The Excessive Militarization of American Policing', *ACLU Foundation*, 2014, p. 20, <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police> (accessed 12 May 2018).

[6] Ibid.

[7] Ibid.

[8] Ibid.

[9] Kraska, *'Militarization and Policing'*, p. 2.

[10] Executive Order 13688-Federal Support for Local Law Enforcement Equipment Acquisition, 2015 (United States Congress), <https://www.gpo.gov/fdsys/pkg/DCPD-201500033/pdf/DCPD-201500033.pdf> (accessed 8 June 2018).

[11] Ibid.

[12]. Regrettably, this attempt by the Obama administration to create a more structured and transparent system was short-lived, and was revoked by current US President Donald Trump in August of 2017[13], leaving no real opportunity to properly assess the impacts of the initial Executive Order 13688.

In order to justify this action, the importance of access to these materials in an era characterized by global terror threats was stressed by the current Trump administration, with the majority of the aforementioned programs citing counter-terror and counter-drug operations as a central driving factor behind the dissemination of this excess military equipment. For example, the Department of Defense 1033 program explicitly states that "preference is given to counter-drug and counter-terrorism requests"[14]. In addition, the safety of police officers was also emphasized as motivation for the accrual of these materials, since recent domestic violence and crime in the United States has led to multiple police deaths, such as the incident in Dallas, Texas where a rogue sniper shot and killed five police officers in act of retaliatory violence[15]. Thus, by rationalizing the use of such heavy equipment in the name of national security and officer safety, the current system is able to bypass congressional oversight and even incentivizes the militarization of law enforcement agencies across the United States. This will undoubtedly continue to threaten civil liberties and deteriorate community policing should this practice of military weapons transfer not be more carefully scrutinized. Therefore, the first half of this thesis will attempt to analyze the current state and consequences of police militarization in the United States by employing an interdisciplinary approach, which includes the research and analysis of

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[12] A. Thomas, 'What you need to know about Executive Order 13688', *PoliceOne*, 2016, <https://www.policeone.com/jag/articles/210318006-What-you-need-to-know-about-Executive-Order-13688/> (accessed 10 June 2018).

[13] Presidential Executive Order on Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources, 2017, (United States Congress) <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-restoring-state-tribal-local-law-enforcements-access-life-saving-equipment-resources/> (accessed 10 June 2018).

[14] 1033 Program FAQs, *Defense Logistics Agency*, [website], n.d. <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx> (accessed 11 June 2018).

[15] The shooter in this incident reacted in protest to a string of fatal police shooting incidents involving black men across the country, stating he was "upset about Black Lives Matter" and that he was "he was upset at white people". J. E. Bromwich, M. Fernandez, and R. Perez-Pena, 'Five Dallas Officers Were Killed as Payback, Police Chief Says', *The New York Times*, 8 July 2016, <https://www.nytimes.com/2016/07/09/us/dallas-police-shooting.html> (accessed 12 July 2018).

primary documents, policies, and scholarly work on the subject of police militarization. The concept of militarism will be used to better understand the legitimation behind this phenomenon, and ideologies borrowed from the theory of armament culture, securitization theory, and American exceptionalism will also be applied to interpret how threats in the United States are constructed and justified, leading to the present militarized state of law enforcement.

The second half of this thesis will focus on an emerging issue which also examines the use of machinery originally designed for military application but is now found in law enforcement agencies throughout the USA. Unmanned Aerial Vehicles (UAVS), which will henceforth be referred to as drones, are the latest tool to be employed by law enforcement agencies across the country to assist police officers in carrying out their duties. The United States military has been using drones overseas for decades, however their usage spiked significantly post 9/11 in an effort to combat the seemingly endless 'War on Terror', with the majority of these drones being used for targeted killings and reconnaissance missions. Drone proponents praise the technology for their ability to work in all sorts of terrains, their effective information gathering, and their ability to carry out mission objectives without risking the lives of military personnel. Despite the usefulness of military drones however, their use overseas have been heavily criticized by human rights advocates for operating in a legal grey zone - publicity that has likely contributed to mixed perceptions about their use on the homefront, as many civilians still see them as "faceless weapons of war" rather than multi-purpose machines[16]. All this aside, the interest in domestic drones persists, with a number of police departments already in possession of the technology.

According to the Centre for the Study of the Drone, "at least 910 state and local police, sheriff, fire and EMS, and public safety agencies have acquired drones in recent years, with law enforcement agencies making up two-thirds (599) of the public safety agencies with drones"[17]. In fact, in the past year alone (from May 2017 to May 2018), there has been an 82% increase in the number of public safety agencies with drones, a significant statistic that will surely change the

[16] I. Thresher, 'Can Armed Drones Halt the Trend of Increasing Police Militarization?', *Notre Dame Journal of Law, Ethics & Public Policy*, Vol. 31, no. 2, 2017, <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1781&context=ndjlepp> (accessed 14 June 2018).
[17] D. Gettinger, 'Public Safety Drones: An Update', *Centre for the Study of the Drone at Bard College*, 2018, <http://dronecenter.bard.edu/public-safety-drones-update/> (accessed 10 June 2018). p. 1

way in which law enforcement agencies conduct work going forward[18]. This recent influx of drone use however, has not been met without controversy, as is the case with many dual-use technologies, and civil rights groups have been quick to point out the problems that may generate from the introduction of drones in to police work. The central controversy surrounding the use of drones within law enforcement mostly relate to privacy issues stemming from unwarranted surveillance, as this technology "expands law enforcement surveillance capabilities to an extent that was previously unrealistic due to resource constraints or technological feasibility"[19], a notion that may lead to feelings of unease and mistrust in police should strict guidelines not be enforced. Furthermore, there is growing concern on the potential for these drones to become armed, with some drone manufacturers now offering drones capable of carrying less-than-lethal payloads[20]. Recently, in a comprehensive special report published by TIME Magazine entitled *The Drone Age*, an Administration official was quoted as saying "it's not if these devices will be weaponized in the homeland but when"[21].

In order to legitimize the use of drones within law enforcement, a common narrative used by proponents highlights the usefulness and utility of drones in high-risk situations, such as "terrorist attacks, hostage situations, the pursuit of armed offenders, riots and protests"[22]. By employing drones in to risky scenarios, officers are effectively put out of harm's way and less likely to be injured in the line of duty, echoing argument in the case of foreign drones. While the benefits that drones could offer to police forces have the potential to be impactful, perhaps even minimize the adverse effects caused by police militarization, it is critical that the public understand exactly what law enforcement agencies intend to do with these drones and that

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[18] Ibid.

[19] C. Jenks, 'State Labs of Federalism and Law Enforcement "Drone" Use', *Washington and Lee Law Review*, vol. 72, no. 3, 2015, p. 1399 <https://scholarlycommons.law.wlu.edu/wlulr/vol72/iss3/11/> (accessed 13 March 2018).

[20] "United States company, Vanguard Defense Industries, has manufactured a drone called Shadowhawk which can be armed with grenade launchers or shotguns with laser designators and can be fitted with an XREP taser, delivering neuromuscular incapacitation to the person targeted".
 P.J. Watson, *Big Sis Gives Green Light For Drone That Tazes Suspects From Above,* PrisonPlanet.com, 2011, cited in C. Heyns, *Human Rights and the use of Autonomous Weapons Systems (AWS) During Domestic Law Enforcement,* Human Rights Quarterly, John Hopkins University Press, 2016, vol. 38, p.360. <https://repository.up.ac.za/bitstream/handle/2263/53259/Heyns_Human_2016.pdf?sequence=1&isAllowed=y> (accessed 1 March 2018).

[21] W.J. Hennigan, 'Experts Say Drones Pose a National Security Threat — and We Aren't Ready', *TIME Magazine*, 31 May 2018, <http://time.com/5295586/drones-threat/> (accessed 10 June 2018).

[22] M. Salter, 'Toys for the Boys? Drones, Pleasure, and Popular Culture in the Militarisation of Policing', *Critical Criminology,* vol. 22, no. 02, 2014. p. 14. Available at: academia.edu, (accessed 13 March 2018).

transparency remains central. Building on the first half of this thesis, the second half will attempt to link the adoption of police drones to police militarization by exploring whether their application in law enforcement could represent an expansion of militarization, indicative of an armament culture via weapons acquisition, or whether it is possible that police drones have the potential to curb the adverse effects of militarization, by aiding or replacing officers in high-risk scenarios.

2. Relevance of the Work

"Also, just as I promised, we are allowing our local police to access surplus military equipment — something the previous administration, for some reason, refused to do. Explain that one. Explain it to me, please. Never understood that one. Somebody out there can explain. Anybody want to stand up and explain it? It'd be tough" - Donald Trump[23]

Following the revocation of Obama's Executive Order 13688 by President Trump in 2017, it is clear that the new administration operates in line with the principles of militarism, in which the use of force and threat of violence is emphasized as the best way to achieve results, a stronger political stance from that of previous years. Therefore it is politically and socially relevant to investigate the continued support for militarized police forces going forward. Domestic counter-terror initiatives remain high on the list of priorities for the Trump administration, and given the current state of terrorist activities internationally, it is relevant to explore how terrorism is fought on the homefront. Moreover, these policy changes on military equipment transfers have occurred parallel to a massive surge in civil rights movements in the United States, such as Black Lives Matter, who accuse law enforcement agencies across the country of brutality and excessive use of force (particularly on minority populations), contributing to a wave of anti-police sentiment[24]. As a result, police officers are also fearful for their safety, highlighting the disconnect between

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[23] Donald Trump, 'Remarks by President Trump at FBI National Academy Graduation Ceremony', speech to the FBI National Academy in Quantico, Virginia, 15 December 2017, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-fbi-national-academy-graduation-ceremony/> (accessed 12 June 2018).

[24] "Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise...members organize and build local power to intervene in violence inflicted on Black communities by the state..."
'Herstory', *Black Lives Matter,* < https://blacklivesmatter.com/about/herstory/> (accessed 12 June 2018).

law enforcement agencies and the communities they serve. For these reasons it is important to understand how militarized forces are legitimized and whether the addition of military equipment will improve or deteriorate police and civilian relations. Expanding on this narrative, the addition of drones to the law enforcement equipment cache may be seen as an expansion of the concept of militarization, given their notoriety as targeted killing machines overseas. And since drones being used for police work is a relatively new occurrence, with records of drone acquisition dating back only as far as 2009, it is relevant to explore the topic as it emerges. [25] Drones have already demonstrated their exceptional utility and multi-purpose functionality overseas, proving the technology is here to stay, which makes it reasonable to assume that drones will become commonplace in a not so distant future. While the current state of research on domestic drones is growing, there is not a significant amount of scholarly work linking the use of drones by law enforcement to the militarization of police forces in the United States. Therefore it is relevant to investigate the adoption of this technology and how it may factor into the current state of domestic policing across the country.

3. Central Guiding Questions, Research Goals

3.1 Research Questions

This thesis will attempt to answer the following two queries: (1) To what extent have American law enforcement agencies become militarized in the United States and how is this militarization legitimized? (2) Could the adoption of police drones aid in combating the adverse effects of excessive militarization of law enforcement agencies in the United States?

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[25] Gettinger, '*Public Safety Drones: An Update*', p. 2

3.2 Research Goals

This thesis aims to evaluate whether police militarization in the United States is a proportional response to the current state of security in the country with a special focus on how this miliatization is justified despite the numerous negative effects, such as increased police violence, noted by civil rights groups and subject-matter experts. This thesis will also explore the relationship between militarization and the recent adoption of drones by law enforcement agencies, and will attempt to determine whether police drones represent an expansion of militarization, or whether they might be capable of curbing some of the adverse effects of militarized police forces. The main hypothesis that will be developed as this thesis progresses is that police in the United States have become excessively militarized due to the presence of an armament culture deeply rooted in the principles of militarism, and while the introduction of drones into law enforcement may offset certain negative effects of militarization, drones will still represent an expansion of the militaristic stance towards 21st century policing in the United States based on their military origins and the language and actions used to legitimize their effectiveness against real and perceived threats. Ultimately, this thesis aims to dissect the complexities of police militarization and criticize the adoption of police drones for domestic security purposes.

3.3 Timeline

The timeline of this thesis will briefly examine the origins of police militarization following the end of the Gulf War in 1991, which is when the federal government began to initialize programs to supply domestic law enforcement agencies with excess military equipment no longer required for use overseas. The majority of this thesis however, will investigate the rapid expansion of police militarization that followed the terrorist attacks of September 11, 2001, as this is when domestic security changed indefinitely in the United States. The use of military drones also significantly increased post 9/11 and their transition in to the domestic sphere still remains a work in progress up until this day.

3.4 Limitations

The limitations of this thesis centre around the fact that the adoption of drones by law enforcement agencies is a relatively new development, with the majority of growth taking place only within the last 3 years[26]. Therefore data and scholarly work on the societal impacts of employing drones in police work remains minimal and mostly speculative at this point in time, drawing inferences from their use overseas. Another challenge this thesis may face is the ongoing policy and legislation development currently under review by organizations like the Federal Aviation Administration (FAA). As more individual actors acquire domestic drones the FAA must attempt to adjust legislation on an ad hoc basis due to unforeseen problems often associated with new technologies. Lastly, a final challenge for this thesis is the difference in state-law, which is responsible for overseeing law enforcement activities as well as drone legislation (though it important to note that most states comply with FAA guidelines). This thesis will assess the topic with a broader scope, as a state-by-state analysis would be challenging given the time constraints.

4. Methods and Structure

4.1 Methodology

The methodology that will be employed to answer the central guiding questions of this thesis will be based mostly on qualitative research, which includes the content analysis of primary sources, such as US policy and legislative documents, official speeches, press releases, and executive orders. Additionally, scholarly work on the subject of police militarization, militarism, and securitization theory will be examined. Some quantitative data will be used to highlight rates of police violence, weapons transfers, and drone statistics, which was mostly gathered from reports issued by non-profit organizations (such as the American Civil Liberties Union) or academic institutes (such as the Centre for the Study of the Drone at Bard College).

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[26] Gettinger, '*Public Safety Drones: An Update',* p. 2 (Graphic: *Public Safety Agencies with Drones by Year*).

4.2 Structure

This structure of this thesis will be broken down into 5 chapters, the first being the general introduction. This will be followed by chapter 2, which will provide a comprehensive set of definitions identifying the theoretical framework that will be applied throughout the course of this thesis. Militarism, Militarization, Armament Culture, Securitization (according to the Copenhagen School of Security Studies), and American Exceptionalism will be defined followed by a review of the existing relevant literature relating to police militarization and domestic drones in law enforcement. Chapter 3 will focus specifically on police militarization and will examine the degree to which American law enforcement agencies have become militarized. By analyzing the use of war as a metaphor and exploring the symptoms of an armament culture, this chapter will attempt to determine how militarization is legitimized, why it persists, and what are the overall effects of police militarization. It will conclude by speculating on how the recent adoption of drones into police work might exacerbate or alleviate the issues that stem from militarization, and will explored in the following chapter. Chapter 4 will review the military application for drones and look to determine how their use is legitimized overseas and domestically. It will also provide a technical definition of drone technology followed by an investigation into the utility of drones in domestic police work, and ultimately will look to determine whether this transfer of technology will expand or abridge the effects of police militarization. Chapter 5 will serve as the overall conclusion and sum up the main findings of this thesis by answering the research questions.

CHAPTER 2: THEORETICAL FRAMEWORK

1. Definitions and Theories

This section is designed to give a general description of some of the key terms and theories that will be referred to throughout the course of this thesis.

1.1 Militarism

Before delving into the definition of militarization, a core tenet of this paper, the concept of militarism must be explored first. This ideology is the primary theory on which militarization is derived, and is defined as a set of "beliefs, values, and assumptions that stress the use of force and threat of violence as the most appropriate and efficacious means to solve problems"[27]. Some scholars question the relevance of militarism in the 21st century, as its ideologies are intrinsically linked with nationalism and imperialism, therefore better suited for analysis of past systems in an era where territorial expansion and State sovereignty were the primary objectives[28]. However, Michael Mann, perhaps one of the most influential modern scholars on the subject of militarism, argues that the post 9/11 'War on Terror' has created a climate in which a military mentality has been revived, referring to the United States as a country "excessively reliant on military power which extends beyond merely a matter of 'attitude' but one of 'social practice'"[29]. For nearly two decades now the United States has been fighting against the 'War on Terror', and drastic security developments post 9/11, such as the creation of the Department of Homeland Security or the introduction of the Patriot Act are just some of the actions that have been taken to enhance

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[27] Kraska, *'Militarization and Policing'*, p. 3.

[28] M. Shaw, 'Twenty-First Century Militarism: A Historical Sociological Framework', in A. Stavrianakis and J. Selby (eds.), *Militarism and International Relations: Political Economy, Security, Theory*, London, Routledge, 2012. <https://historicalsociology.files.wordpress.com/2011/08/shaw-twenty-first-century-militarism-a-historical-sociological-framework.pdf> (accessed 20 June 2018).

[29] M. Mann, *Incoherent Empire*, London, Verso, 2003, cited in M. Shaw, *Twenty-First Century Militarism: A Historical Sociological Framework*, in A. Stavrianakis and J. Selby (eds.), *Militarism and International Relations: Political Economy, Security, Theory*, London, Routledge, 2012. p. 1 <https://historicalsociology.files.wordpress.com/2011/08/shaw-twenty-first-century-militarism-a-historical-sociological-framework.pdf> (accessed 20 June 2018).

national safety. Defense of the homeland has always been a key pillar in the National Security Strategy (NSS) under the Bush and Obama administrations, and the latest version, released in December of 2017 under the Trump administration is no different. Militaristic undertones run throughout the document, highlighting the need to preserve peace through strength by the renewal of military and defense capabilities[30], apparent in phrases like "preserving peace through strength"and "ensuring our military power is second to none"[31], indicative of a culture deeply rooted in military prowess.

Mann's theory, paired with the post 9/11 circumstances in which the United States currently operates, suggests that militarism in the US has gradually become normalized, which is especially important for this paper contextually, since much of the existing literature on police militarization attributes the increasingly indistinct line between military functions and police functions (in terms of appearance, weaponry, and tactics) to the normalization of war through the use of the war metaphor and/or war rhetoric. In the case of police militarization, the infamous 'War on Terror', declared by former President George W. Bush in 2001 has created a narrative which law enforcement agencies have utilized to acquire funding, weapons, and other military hardware. For example, in 2011 the Department of Homeland Security gave out $34 billion in anti-terror grants allowing cities like Fargo, North Dakota, to "buy assault rifles, kevlar helmets, and an armored truck with a rotating turret", simply by expressing their need to defend against potential terrorist attacks[32]. While this request for military equipment might be justified for law enforcement agencies in New York City, ground zero for the 'War on Terror', there is little reason for a police department in Fargo, a city with no documented terrorist attacks[33], to be in possession of such heavy equipment. This belief that any city could be the potential site of a terror attack is suggestive of a militaristic mentality, in which the solution to combating the

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[30] United States, and Donald Trump. 2017. National security strategy of the United States: The White House. p. 26. <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf> (accessed 24 June 2018).
[31]Ibid. p. 25 - 26.
[32] R. Balko, *'Rise of the Warrior Cop: The Militarization of America's Police Forces'*, New York, Public Affairs, 2013, loc. 872 - 878. <https://www.dmt-nexus.me/users/cosmicspore/RiseoftheWarriorCopTheMilitarizationofAmericasPoliceForces.pdf> (accessed 26 June 2018).
[33]According to the Global Terrorism Database, the most recent verifiable 'terrorist' incident in Fargo, North Dakota was carried out by an anti-abortion extremist in 1998. There were no casualties and the perpetrator acted alone. National Consortium for the Study of Terrorism and Responses to Terrorism (START), '*Global Terrorism Database*', [Data file], 2017, <https://www.start.umd.edu/gtd> (accessed 28 June 2018).

problem, the threat of terror on the homefront, is best dealt with by arming police officers with military material. This can be problematic, as the audience (law enforcement and the communities they police) have been convinced through war rhetoric that weapons and other military hardware are the most effective tools in order to preserve peace and safety, thus normalizing threat of violence (via military hardware) to solve societal issues.

Additionally, militarism "emphasizes the exercise of military power, hardware...and technology as its primary problem-solving tools"[34], a notion perhaps suggestive of an armament culture, in which war is glorified by the acquisition and use of advanced weapons systems, or the "fetishisation of weapons systems"[35]. In fact, a priority action in the 2017 National Security Strategy stresses the importance of weapons modernization and fielding new capabilities to maintain a competitive edge globally[36]. "Ensuring that the U.S. military can defeat our adversaries requires weapon systems that clearly overmatch theirs in lethality", is just one of many quotes taken from the 2017 National Security Stategy, representative of an armament culture[37]. While this document addresses security at the national level, it's effect can be felt domestically too. In order to justify the militarization of their forces, law enforcement agencies argue that dangerous weapons are becoming increasingly accessible to violent actors, therefore it is important to maintain a competitive advantage when combating violent crime. Perhaps one of the best examples to support this line of argumentation is the 1997 North Hollywood Shootout incident, in which "two heavily armed criminals...wore body armor and had combat-modified assault weapons with 100-round drum magazines, a variety of other weapons, and hundreds of rounds of ammunition" engaged in a firefight with police[38]. Armed with only .38 caliber revolvers and nine-millimeter handguns, the Los Angeles Police Department was seriously outmatched and as a result eleven officers were injured[39]. Although the concept of an armament culture is often framed negatively, focused on a weapons obsession, perhaps if the police had

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[34] Kraska, *'Militarization and Policing'*, p. 3

[35] R. Luckham, 'Armament Culture', *Alternatives*, Boulder, Colo., vol. 10, no.1, 1984. Available from: ProQuest, (accessed 20 June 2018).

[36] United States, and Donald Trump. 2017. National security strategy of the United States: The White House. p. 29. <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf> (accessed 24 June 2018).

[37] Ibid. p. 29.

[38] J. T. Fowler, 'Police Militarization in America - A Negative or Positive Trend?', *IN Homeland Security*, 25 April 2017, para. 13, <https://inhomelandsecurity.com/police-militarization-america/> (accessed 29 June 2018).

[39] Ibid. para 14.

been in possession of more advanced and better matched weapons, this scenario might have spared injury and led to a different outcome.

Armament culture is also a useful rationale in supporting the drone narrative that will be explored in relation to militarization later in this thesis, and while it is important to note that concept of armament culture is not a perfect synonym for militarism, it is rooted in the "warlike values" of militarism, where weapons are responsible for shaping social constructs, and therefore this paper will adopt a definition of militarism that includes this sentiment[40].

1.2 Militarization

Building on the previous definition, Kraska, a noted scholar on the subject, defines militarization as the "implementation of the ideology, militarism...It is the process of arming, organizing, planning, training for, threatening, and sometimes implementing violent conflict"[41]. Traditionally violent conflict "involves at least two parties using physical force to resolve competing claims or interests"[42]. While this definition is not a perfect fit contextually, it can be inferred that police militarization is a reaction to an opposing group equally capable of employing force, thus building on the argumentation in the previous section which stresses the importance of maintaining a competitive edge; if criminals are using heavy weapons, so too should the police.

Additionally, Kraska's definition mentions the physical manifestations of militarization (arming, organizing, planning, and training), in which he has devised a model composed of key traits that identify the phenomenon, determined by the presence of four vital indicators: material, cultural, organizational, and operational indicators[43].

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[40] R. Luckham, 'Armament Culture'.
[41] Kraska, 'Militarization and Policing', p. 3.
[42] M.-S. Frère and N. Wilen, 'INFOCORE Definitions: "Violent conflict"', Bruxelles: ULB, 2015, p. 2, <http://www.infocore.eu/results/definitions/> (accessed 28 June 2018).

[43] Kraska, 'Militarization and Policing', p. 3 - 4

1.2.1 Material Indicators

Material indicators of militarization are the tools and hardware required for the execution of force, essentially all weapons, technology, and equipment that share similarities with tools used in a military application. Police acquisition of this equipment is made possible by programs like the US Department of Defense 1033 Program, the Department of Homeland Security Grant Program, and the BJA Edward Byrne Memorial Justice Assistance Grant Program[44] among others, all of which are federally funded initiatives that allocate excess military equipment to civilian law enforcement agencies resulting in heavily armed officers. According to a 2014 study conducted by the New York Times, 432 law enforcement agencies were in possession of Mine-Resistant Ambush Vehicles (MRAPs), and another 435 were in possession of other armoured vehicles[45], both instances illustrating the presence of material indicators on the basis that these vehicles were originally designed for military application. Based on this information, an area for further investigation might focus on *why* these government programs continue to facilitate military hardware transfers, as many critics, such the the American Civil Liberties Union, insist that these programs incentivize militarization and lead to increasing rates of police violence/excessive use of force, lack of transparency and oversight, and disproportionate adverse effects on racial minorities[46]. Chapter 3 of this thesis will explore the motives behind these federally funded programs in greater detail and whether militarized police do more harm than good in the communities they serve.

1.2.2 Cultural Indicators

Other features of the military model include the employment of military lexicon, the adoption of military garb, and values that align with the principles of militarism, collectively considered to be the cultural indicators of militarization[47]. These cultural indicators essentially mark the ways in which police units appropriate characteristic specific to the the military domain, often evident

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[44] American Civil Liberties Union, 'War Comes Home: The Excessive Militarization of American Policing', *ACLU Foundation*, 2014, <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police> (accessed 12 May 2018).
[45] M. Apuzzo, 'War Gear Flows in to Police Departments', *The New York Times*, 8 June 2014, <https://www.nytimes.com/2014/06/09/us/war-gear-flows-to-police-departments.html> (accessed 5 June 2018).
[46] American Civil Liberties Union, '*War Comes Home*', p. 20.
[47] Kraska, *'Militarization and Policing'*, p. 3- 4.

in elite police units, namely Special Weapons and Tactics teams (SWAT) throughout the country. SWAT teams are generally described as elite police squads that operate beyond the capabilities of the average police officer, with tactical training and skills tailored for use in high risk situations[48]. These special police units are trained with a 'warrior' mentality, and "typically wear combat helmets and 'battle dress uniforms' (BDUs)"[49]. Furthermore, the training designed for these SWAT teams employs a narrative parallel to what might be found in the military sphere, with statements like "build the right mind-set in your *troops*", and "you the police officer are our *Delta Force*"[50], terminology and phrases that would normally be associated with the military. At surface level, it is reasonable to ascertain that this rhetoric is reflective of militarism, likely invoking a martial sentiment among SWAT teams in training, however it is important to remember that rhetoric is also relative, and the context in which these phrases are uttered is necessary in order to assess the situation in full. SWAT teams are most often deployed in extremely high risk situations, like active shooter situations, and phrases that invoke a soldierly feeling might aid with confidence and assuredness in SWAT team members when actively engaging in dangerous scenarios. Cultural indicators of militarization then, must always be viewed contextually, as the situations in which these elite police squads are deployed may dictate how they will operate.

1.2.3 Organizational Indicators

Organizational indicators refer to the normalized use of special police forces, like SWAT teams, and the extent of martial arrangements[51]. In his research, Kraska "estimates that the number of SWAT teams in small towns grew from 20 percent in the 1980s to 80 percent in the mid-2000s, and that as of the late 1990s, almost 90 percent of larger cities had them"[52], demonstrating the growing prevalence, or normalization, of special police forces across the United States. This

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[48] Los Angeles Police Foundation and the LAPD, '*S.W.A.T. special weapons and tactics*', [website], 2018. <http://www.lapdonline.org/inside_the_lapd/content_basic_view/848> (accessed 20 June 2018).

[49] American Civil Liberties Union, '*War Comes Home*', p. 22.

[50] Ibid, p. 23.

[51] Kraska, '*Militarization and Policing*', p. 3

[52] P. Kraska, '*Militarization and Policing—Its Relevance to 21st Century Police*, Oxford University Press, 2007, cited in American Civil Liberties Union, '*War Comes Home: The Excessive Militarization of American Policing*', ACLU Foundation, 2014, <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police> (accessed 12 May 2018).

expansion in SWAT teams can be attributed to a number of difference causes, but the central arguments supporting this expansion name the "War on Drugs", shooting incidents like the previously mentioned North Hollywood incident or the Columbine school shooting, and the post 9/11 "War on Terror" as justification. These events also coincided with an a surplus of military material no longer needed for use overseas following the Gulf War, leading to the creation of some of the programs that supply local law enforcement with excess equipment, creating a unique set of circumstances in the history and evolution of American elite police forces. Once again, the war metaphor was invoked to demonstrate the necessity of SWAT teams to combat the drug problem facing the United States at the time, as it is now when facing the 'War on Terror'. Further, arming officers with weapons, equipment, and training that will outmatch violent criminals in shooting incidents builds on the idea of an armament culture.

1.2.4 Operational Indicators

Finally, operational indicators of militarization are determined according to the patterns of police action in various areas of operation[53]. For example, the Los Angeles Police Department states that their SWAT team "responds upon the request of the Incident Commander to barricade/hostage episodes, and/or suicide intervention, as well as initiate service of high risk warrants for all Department entities"[54], highlighting the formal structure, procedure, and conditions for the use and deployment of SWAT teams. These indicators, deemed the 'military model' by Kraska[55], will be explored again in chapters 3 and 4, and used to assess the current state of militarization in the USA.

1.3 Securitization

Another school of thought that this paper will integrate into its analysis is securitization theory, which is particularly important for understanding how police militarization is legitimized in the

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[53] E. Lieblich and A. Shinar, 'Police Militarisation and the Presumption of Threat', *The College of Law and Business*, 2017. <http://www.clb.ac.il/research/2017/Militarization.pdf> (accessed 20 June 2018).
[54] Los Angeles Police Foundation and the LAPD, '*S.W.A.T. special weapons and tactics*', [website], 2018. <http://www.lapdonline.org/inside_the_lapd/content_basic_view/848> (accessed 20 June 2018).
[55] Kraska, *'Militarization and Policing'*, p. 3.

United States. This theory will also be applied to assess the domestic drone discourse to understand how proponents for and opponents against the use of drones in police work substantiate the issue. This theory was selected as a framework of reference based on existing literature, which is explored in greater detail in the subsequent section. Many scholars blame the 'war metaphor' for the rapid expansion of militarization, while others suggest that politicians use crisis-related fear to shape opinions and serve as a mechanism for justifying extraordinary measures, all of which are examples of security concerns shaped by rhetoric, following in line with securitization. It should be stated that while this paper does explore the influential powers of language, it is not strictly a discourse analysis, but rather a mixed methods approach that will borrow ideas from discourse, content, and comparative analyses.

According to the Copenhagen School of Security Studies, security concerns can be created by framing specific social issues or problems as threats. Thus, by establishing an issue as a security concern, it is then possible to use extraordinary measures as a means of combating the threatening issue. Buzan, Waever, and de Wilde argue that "the special nature of security threats justifies the use of extraordinary measures to handle them. The invocation of security has been the key to legitimising the use of force, but more generally it has opened the way for the state to mobilize, or to take special powers, to handle existing threats"[56]. Essentially, securitization is a mechanism or tool designed to justify behaviour or actions that would otherwise be considered unacceptable or questionable in any normal circumstance. Put into practice, this theory could explain why militarized police forces are a legitimate response to crime control based on specific societal problems, such as the war on terror or the war on drugs, framing both issues as inherent threats to security, thus creating an exception for the expansion of militarized police forces and use of military materials and tactics.

This idea is echoed in the idea of American Exceptionalism, which emphasizes the circular logic behind discourse, stating that "because there is an 'exceptional,' there is its accompanying 'normal' and because that 'normal' is normal, talking about it is trivial so the emphasis goes

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[56] B. Buzan et al., *'Security: A New Framework for Analysis'*, Colorado and London, Lynne Rienner Publishers, Inc., 1998, cited in M. Duhaâ, *'EUROPE AT A CROSSROADS: The EU migration crisis, a governance test for the future of the Union'*, Master's Thesis, University of Hamburg and the European Inter-University Centre for Human Rights and Democratisation, 2017, p. 10.

back on the 'exceptional'—conspicuously underlined by the US, which directs the attention on a threat"[57]. To give an example in line with the aims of this paper, the 'exceptional', such as terrorism, is accompanied by a 'normal', militarized police forces, and since this 'normal' is normal, the focus then returns to the 'exception', combatting terrorism, thus redirecting attention to the initial security threat - terrorism in the homeland. This concept of normalizing exceptions is useful for both core topics of this paper, particularly for the subject of militarization of police, framing the issue as an unavoidable but necessary measure to ensure national security, therefore the advancement of this thesis will include ideas borrowed from securitization and American Exceptionalism.

2. Literary Review and State of Current Research

This section will provide a brief overview of the existing literature and current research in the areas of police militarization and foreign and domestic drone use in the United States. It will describe the central studies and the scholarly work that have been pivotal in the formation of this thesis, as well as identify gaps in the current literature. Since there is a considerable amount of academic work available on both militarization and drones, this thesis was tasked with selecting only literature most relevant to the topic in question - linking domestic drone use with police militarization.

The starting point for this thesis began with an essay published in 2016 by Christof Heyns, the former United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, entitled "Human Rights and the use of Autonomous Weapons Systems (AWS) During Domestic Law Enforcement". In this essay he implies that military technologies have a tendency of finding their way into law enforcement, and argues that the use of AWS in police work has been overlooked, which will undoubtedly threaten the right to human dignity, lead to complications

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[57] G. B. Gobeil, 'How we talk in Politics': A Critical Analysis of the American, Elitist Pro-Drone Political Discourse', *Concordia Political Science Graduate Student Journal*, Vol. 3, Fall, 2014. <http://www.concordia.ca/content/dam/artsci/polisci/docs/psgsa/Vol%203%20ChallengesDisconnects.pdf#page=57> (accessed 18 June 2018).

with accountability, and will ultimately lower the threshold for the exertion of force[58]. Heyns points out the ethical dilemmas that emerge when meaningful human control is relinquished to machines and ultimately is opposed to the use of AWS in law enforcement "since autonomy precludes proper accountability"[59]. He also raises the question, "to what extent can humans exercise control over their fate", positing that AWS will deny agency[60]. Although this essay focuses primarily on AWS in future police work, similar arguments can be made in the case of drones presently and is supported by the subsequent literature review.

Beginning with the topic of police militarization, Kraska and Kappeler represent two central figures in the study and analysis of police militarization in the United States. In 1997, their study entitled "Militarizing American Police: The Rise and Normalization of Paramilitary Units" was instrumental in establishing a foundation for future academic work on the subject. They conducted a study on the rise of paramilitary policing units (PPUs)[61] - police units modelled after military and special operations teams - in the United States, tracking the expansion and normalization of military tactics and ideology in 690 law enforcement agencies "representing all the various political subdivisions of state and local governments"[62]. Based on their findings, (which indicated a significant growth in PPUs), Kraska and Kappeler argue that the increasing number of militarized police forces can be attributed in part to the American penchant for militarism; the ideology that the use of force by military power, hardware, and technology is the best way solve problems and gain political political power[63]. They also posit that militarization in law enforcement is legitimized by the war metaphor, the idea that allegory can be used to shape and construct reality, thus, by framing crime, terrorism, and drug problems using militaristic language, corresponding thoughts and actions will most likely reflect this military model[64]. In another essay, Kraska articulates his position on the subject of militarization, noting

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[58] Heyns, '*Human Rights and the Use of AWS'.*
[59] Ibid. p. 375 - 378.
[60] Ibid. p. 378.
[61] PPUs are a generic term used to describe elite police forces that mimic training and tactics from the military practice, SWAT teams are specific term, and will be used interchangeable throughout the course of this thesis, as they are fundamentally the same - special police units operating with military-grade equipment, training, and tactics.
[62] P. Kraska and V. Kappeler, 'Militarizing American Police: The Rise and Normalization of Paramilitary Units', *Social Problems*, vol. 44, no. 1, 1997, p. 5. Available from: JSTOR, (accessed 14 June 2018).
[63] P. Kraska and V. Kappeler, 'Militarizing American Police: The Rise and Normalization of Paramilitary Units', *Social Problems*, vol. 44, no. 1, 1997, p. 1. Available from: JSTOR, (accessed 14 June 2018).
[64] Kraska, '*Militarization and Policing*', p.5.

that complete demilitarization is unrealistic since the State is obligated to threaten and use force when necessary. However, law enforcement agencies should remain cautionary of the negative consequences of militarization (such as civil rights violations) and attempt to operate with as little equipment as possible in order to remain democratic[65].

 Abigail Hall and Christopher Coyne also build on the work of Kraska and Kappeler, arguing that "the militarization of domestic policing will continue into the future as the U.S. government continues its unremitting "wars" on drugs and terrorism..."[66]., echoing the idea of the war metaphor. They were able to approach the subject of militarization from a post 9/11 perspective, and argued that the US government played on public anxieties relating to terrorism, using "crisis-related fear" to legitimize the expansion of militarization and justify the increasingly indistinct separation of police and military functions.[67] Security of the nation and its peoples was of utmost importance at this time (and arguably remains so today), and using security issues as a rationale behind the expansion of militarized police is generally reflective of securitization theory as defined by the Copenhagen School. Based on this information, this American fixation on security, arguably to the point of obsession, might be another issue worth exploring, with security efforts being a commonly acceptable narrative when justifying the use of extraordinary measures.

Outlined in the previous section on securitization theory, Gabriel Boulianne Gobeil promotes the idea of American Exceptionalism in his essay 'How we talk in Politics': A Critical Analysis of the American, Elitist Pro-Drone Political Discourse', in which he uses critical discourse analysis (CDA) to highlight how politicians use exceptions to normalize and legitimize American foreign drone use by using specific language to expunge dissenting opinions[68]. This is done for the benefit of drone proponents, Gobeil arguing that this use of rhetoric is responsible for normalizing drone strikes by the USA. Although the scope of this article was on the use of

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[65] Ibid. p. 11.
[66] A. Hall and C. Coyne, 'The Militarization of US Domestic Policing', *The Independent Review,* vol. 17, no. 4, 2013, p. 500. <http://www.independent.org/pdf/tir/tir_17_04_01_hall.pdf> (accessed 14 June 2018).
[67] Ibid. p. 494.
[68] G. B. Gobeil, 'How we talk in Politics': A Critical Analysis of the American, Elitist Pro-Drone Political Discourse', *Concordia Political Science Graduate Student Journal*, Vol. 3, Fall, 2014. <http://www.concordia.ca/content/dam/artsci/polisci/docs/psgsa/Vol%203%20ChallengesDisconnects.pdf#page=57> (accessed 18 June 2018).

American foreign drones, much of the theory behind it proves useful for the domestic drone discourse as well, explored later in chapter 4. Similarly, securitisation theory according to the Copenhagen School follows a comparable sentiment, which asserts that by defining an issue or action as a threat, the issue or action discussed will then become a security concern, thus becoming securitised[69]. In the case of domestic drones, securitization can occur on both sides of the debate; proponents use the war metaphor as leverage to promote domestic drone use, securitizing the 'War on Terror', while the opposition describes drone technology and foreign drone discourse as a threat to civil liberties and safety, thus securitising the drone.

'Toys for the Boys? Drones, Pleasure, and Popular Culture in the Militarisation of Policing' by Michael Salter[70] represents a piece of academic literature in which the author directly links the adoption of domestic drones to police militarization, arguing that police drones are a symbol of American weapon fetishisation - "expressing desire for and approval of the object and its capacities"[71] - which stems from the principles of militarism. He argues that the "fusion of technology, pleasure and militarism within the drone has potentially grave implications", indicative of consumer militarism which he claims makes a mockery of war. Additionally, he suggests that drones may even undermine democracy by "reducing the political risks associated with engaging in war", reflected domestically where police drones simply 'play' at war[72]. Conversely, in an essay by Ian Thresher titled 'Can Armed Police Drones Halt the Trend of Increasing Police Militarization', the author argues that the utility of drones may in fact curb the negative effects associated with police militarization by reducing the risk of armed confrontations between police officers and civilians, and offers up a number of potential scenarios in which drones could be deployed to de-escalate violence in high-risk situations[73]. Aside from these few articles, there is not a significant amount of literature that directly links the

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[69] B. Buzan et al., *'Security: A New Framework for Analysis'*, Colorado and London, Lynne Rienner Publishers, Inc., 1998.

[70] Salter, '*Toys for the Boys?*'.

[71] T. Dant, *Fetishism and the social value of objects*, Sociological Review, 1996, cited in M. Salter, *Toys for the Boys? Drones, Pleasure, and Popular Culture in the Militarisation of Policing*, Critical Criminology, 2014, p. 17. Available at: academia.edu (accessed 13 March 2018).

[72] Salter, '*Toys for the Boys?*', p. 19.

[73] I. Thresher, 'Can Armed Drones Halt the Trend of Increasing Police Militarization?', *Notre Dame Journal of Law, Ethics & Public Policy*, Vol. 31, no. 2, 2017, <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1781&context=ndjlepp> (accessed 14 June 2018).

use of police drones with police militarization, and for this reason it is worth exploring the issue further, especially with such a significant growth in the American drone industry.

Data and statistics for the use of this thesis was gathered from a variety of sources including reports from the NGO/non-profit sectors, like the American Civil Liberties Union (ACLU). For example, the ACLU published a report in 2014 investigating the rapid militarization of 260 police forces in 25 states across the USA, documenting the frequency of human rights offences committed by Special Weapons And Tactics (SWAT) teams[74]. Public records for federal programs like the Depatment of Defense 1033 program also provided as extensive set of military equipment transfer data[75]. Furthermore, the Bureau of Investigative Journalism offers a plethora of information on foreign drone strike data, including thorough records on civilian deaths as a result of targeted drone strikes overseas which date back as far as 2001[76]. Finally, the Centre for the Study of the Drone at Bard College has published a number of reports covering all drone-related activities in the United States. 'Drones at Home: Public Safety Drones'[77], and 'Public Safety Drones: An Update'[78] are two reports that have been particularly useful for this thesis for their comprehensive overview on drones used in domestic policing and by the military overseas.

3. Conclusion

Following the preceding overview of key theories and relevant literature, it is important to revisit the central questions guiding this research: (1) To what extent have American law enforcement agencies become militarized in the United States and how is this militarization legitimized? and (2) Could the adoption of police drones aid in combating the adverse effects of excessive militarization of law enforcement agencies in the United States? Based on the existing

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[74] American Civil Liberties Union, *'War Comes Home'*, p. 10.

[75] LESO Public Information, *Defense Logistics Agency*, 2018, <http://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/PublicInformation.aspx> (accessed 15 June 2018).

[76] J. Purkiss and J. Serle, 'Drone Wars: The Full Data', *The Bureau of Investigative Journalism*, 2017, <https://www.thebureauinvestigates.com/stories/2017-01-01/drone-wars-the-full-data> (accessed 18 June 2018).

[77] D. Gettinger, 'Drones at Home: Public Safety Drones', T*he Centre for the Study of the Drone at Bard College*, 2017, <http://dronecenter.bard.edu/public-safety-drones/> (accessed 16 March 2018).

[78] D. Gettinger, 'Public Safety Drones', *The Centre for the Study of the Drone at Bard College*, 2018, <http://dronecenter.bard.edu/public-safety-drones/> (accessed 14 June 2018).

framework laid out in this chapter, a substantial amount a literature and theory is available to build upon and develop the main hypothesis of this thesis.

Militarism, the belief that the use of force and threat of violence is the most appropriate and efficacious means to solving problems, provides context for this paper, highlighting the conditions that exist within the United States that contribute to the normalization of war through war rhetoric and war metaphor. It also serves as a framework for the theory behind armament culture, which emphasizes the "exercise of military power, hardware...and technology as its primary problem-solving tools"[79]. Additionally, the concept of an armament culture will likely be a useful theory when exploring police drones in the following chapters, especially since drones are often viewed as superior tools whose utility has the potential to ensure officer safety.

Militarization, a core tenet of this thesis, defines the process by which law enforcement agencies model themselves after the military, as indicated by Kraska's military model. This model identifies the central characteristics of militarized police forces, and through the exploration of these characteristics, has led to the identification of additional areas for research, which include the potential incentivization of militarization via federally funded military equipment transfer programs, the effects of militarization on local communities, and the rhetoric (war on drugs, war on terror, etc.) that has contributed to the significant increase in SWAT teams throughout the United States.

Securitization also provides a theoretical framework that is useful in identifying the ways in which police militarization is legitimized by determining how security concerns are created by framing specific social issues or problems as threats. Building on this theory, another area worth investigating is the American security obsession, which has allowed any action taken to preserve security efforts to be accepted as a common narrative when justifying the use of extraordinary measures.

The subsequent chapters will analyze the current state of police militarization and the resulting consequences viewed through the lens of militarism, and will borrow theory from the

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[79] Kraska, *'Militarization and Policing'*, p. 3

Copenhagen School on securitization and American Exceptionalism to determine how militarization is legitimized despite some of the negative outcomes that special police forces have had on the communities they serve. Following this, an in-depth analysis of drone use within the borders of the USA will be conducted, and will employ the theory behind armament culture to demonstrate the link between domestic police drones and police militarization.

CHAPTER 3: POLICE MILITARIZATION IN THE USA

"One of [America's] greatest strengths is that the military is responsive to civilian authority, and that we do not allow the Army, Navy, and the Marines and the Air Force to be a police force. History is replete with countries that allowed that to happen. Disaster is the Result".
- Marine Lt. Gen. Stephen Olmstead in his 1987 testimony before the US Congress [80][81].

1. Demise of the Posse Comitatus Act

The phenomenon of police militarization in the United States is a unique case in that is has been progressively occurring despite legal doctrine limiting military participation in domestic law enforcement. Where other similarly developed countries, such as Canada, have managed to minimize the use of military equipment by police, the USA has created a series of exceptional circumstances, mostly related to the preservation of internal security, in which this divide between police and military functions has become less distinct[82]. Previously, **"**in response to the military presence in the Southern States during the Reconstruction Era, Congress passed the *Posse Comitatus Act* to prohibit the use of the Army in civilian law enforcement. The Act embodies the traditional American principle of separating civilian and military authority and currently forbids the use of the Army and Air Force to enforce Civilian laws"[83]. In essence, this

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[80] R. Balko, *'Rise of the Warrior Cop: The Militarization of America's Police Forces'*, New York, Public Affairs, 2013, loc. 74 - 75. <https://www.dmt-nexus.me/users/cosmicspore/RiseoftheWarriorCopTheMilitarizationofAmericasPoliceForces.pdf> (accessed 26 June 2018).

[81] "Lieutenant General Stephen G. Olmstead was the former Deputy Assistant Secretary of Defense for Drug Policy and Enforcement and the Director of the Department of Defense Task Force on Drug Enforcement, Washington, D.C." .
Marine Corps League, '*LtGen Stephen Olmstead USMC (ret) President YPF Foundation'*, [website], 2008, para. 1, <https://www.mclwestchester.org/membership/viewbio.asp?fn=Olmstead,-Stephen-G> (accessed 28 June 2018).

[82] For example, "most Canadian surplus military equipment is either sold abroad or donated to museums".
J. M. Blais, 'Policing in U.S. vs. Canada: A study in contrasts', The Chronicle Herald, 15 December 2015, <http://thechronicleherald.ca/opinion/1327801-policing-in-u.s.-vs.-canada-a-study-in-contrasts>, (accessed 5 July 2018).

[83] M.C. Hammond, 'The Posse Comitatus Act: A Principle in Need of Renewal', *Washington University Law Review*, vol. 75, no. 2, 1997, <http://openscholarship.wustl.edu/law_lawreview/vol75/iss2/11> (accessed 2 July 2018). Emphasis added.

Act was responsible for laying the foundation for which modern democratic policing was built and in principle remains valid today, and while some may question the relevance of a document devised in 1878, it's message remains clear: domestic law enforcement is to operate separate and free from military participation. This vision of a distinct separation of police and military functions, however, has come under threat, mutated to mirror the needs of the nation throughout the last century, and as a result has been amended to include a number of exceptions which allow for the use of military participation in a variety of specific domestic scenarios. Subsequently, militarized police forces have managed to circumvent this age-old precedent by making use of exceptional provisions to justify the need and use for military equipment and training in law enforcement. One such exception authorizes the Secretary of Defense to "make available any military equipment and personnel necessary for operation of said equipment for law enforcement purposes. Thus, the Army can provide equipment, training, and expert military advice to civilian law enforcement agencies...[84]." Furthermore, the rationale behind the implementation of this exceptional circumstance was a direct response to the drug crisis facing America at the time[85], formed to assist police officers in their "battle" against the 'war on drugs', effectively validating police militarization[86].

Once again, this example highlights how the invocation of war is used to rationalize the implementation of extraordinary measures. By creating an enemy, all things associated with illegal drugs, groups in power (in this instance the US Congress), shape public opinion through metaphor, creating a situation in which military participation is a reasonable response to fighting crime, thus normalizing the exception. Upon consideration, it is not unreasonable to argue that this practice undermines democratic principles by manipulating the public to believe that minor infringements of civil liberties are acceptable if done in the interest of public safety. However, on the contrary, this action can also be considered a proportionate response to solving a societal

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[84] E.V. Larson and J. E. Peters, '*Preparing the US Army for Homeland Security: Concepts, Issues, and Options*', Santa Monica and Arlington, RAND, 2001. p. 243.
[85] While outside the scope of this paper, the 'drug crisis' in the United States began in the late 1970s and early 1980s, ultimately leading to the 'War on Drugs', declared by Ronald Reagan in 1982. It is important to note that while there is a significant amount of scholarly work available on the subject (see Peter Reuter, Jonathan Caulkins), for the purposes of this paper the drug crisis and 'War on Drugs' will only serve to supplement the war metaphor as it relates to the rationalization of police militarization. Furthermore, the 'war on drugs' narrative explored within this paper will focus on the development of the issue post 1990.
[86] E.V. Larson and J. E. Peters, '*Preparing the US Army for Homeland Security*. p. 244.

problem, like drug-violence, and is therefore the responsibility of the State to ensure that it's citizens are safeguarded via competently equipped police. While this example pertains specifically to the 'war on drugs', similar argumentation can be made in the case of the 'war on terror' and other war rhetoric that is used to further the extent of militarization in the USA. This chapter will build on the idea of war as a metaphor, analysing the power of language in the American police militarization narrative. Furthermore, it will look to understand *why* militarization persists despite the negative commentary from civil rights groups, who argue that the current policing culture in America "needs to evolve beyond the failed 'War on Drugs', and stop perceiving the people who live in the communities they patrol as enemies"[87]. Because of this, the following section of this chapter will seek to determine whether the current state of militarized police forces are a reasonable response to the security conditions that exist within the United States presently.

To guide the reader through this chapter some important questions to consider are:

- ➢ How is police militarization legitimized?
- ➢ Why does police militarization persist?
- ➢ What are the effects of police militarization?

2. War as a Metaphor

"The fact that war is the word we use for almost everything—on terrorism, drugs, even poverty—has certainly helped to desensitize us to its invocation; if we wage wars on everything, how bad can they be?" - Glenn Greenwald[88]

The war metaphor plays a leading role in legitimizing police militarization in the United States. Building on principles of militarism (beliefs, values, and assumptions that stress the use of force and threat of violence as the most efficacious means to solve problems)[89], the war metaphor

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[87] American Civil Liberties Union, '*War Comes Home*', p.41.
[88] G. Greenwald, 'A Tragic Legacy: How a Good vs. Evil Mentality Destroyed the Bush Presidency', New York, Three Rivers Press, 2007, p. 130.
[89] Kraska, *'Militarization and Policing'*, p. 3

evokes a version of reality that that stresses the use force and threat of violence against a common enemy in order to resolve specific societal issues. This linguistic device allows social realities to be constructed through the use of tailored language, replacing one concept with another to suggest a likeness or analogy between them[90]. According to Lakoff and Johnson, noted scholars on the subject, metaphors govern thought, mould perspectives, and are capable of steering future action[91]. These future actions will almost always reflect the theme of the initial metaphor - in this case, war - and "will, in turn, reinforce the power of the metaphor, to make experience coherent. In this sense, metaphors can be self-fulfilling prophecies"[92].

When considering the issue of police militarization, likening drug-related crime and domestic terror threats to wars which must be won creates a simplified version of a complex problem in which the most logical solution is to respond with physical force, analogous with actual war practices. Therefore, a sudden spike in police forces using military equipment does not appear to be out of sync with the image of war evoked. Further, militarization of police forces in response to the wars at home *has* become a self-fulfilling prophecy, reinforced by the threat of domestic drug-violence and terror so strongly that the population (particularly law enforcement agencies), believe it to be true, and thus, military equipment essential for protection from this threat. The result of this is an atmosphere of war observed through BDU-clad[93] police officers riding atop mine-resistant vehicles. For example, three city police departments in New Hampshire (Concord, Keene, and Manchester), were able to acquire armoured BearCats[94] using grants disseminated by the Department of Homeland Security[95]. In their respective grant applications, the discourse stressed the importance of military tools in order to combat the war on terror, with a list of justifications that included "prevention, protection, response, and recovery activities pertaining to weapons of mass destruction and the threat of terrorism"[96]. Moreover, in the

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[90] 'Metaphor', Merriam Webster, 2018, <https://www.merriam-webster.com/dictionary/metaphor> (accessed 8 July 2018).
[91] G. Lakoff and M. Johnson, 'Metaphors we Live By', Language, Thought, and Culture, 1980, p. 132. <https://www.cc.gatech.edu/classes/AY2013/cs7601_spring/papers/Lakoff_Johnson.pdf> (accessed 2 July 2018).
[92] Ibid. p. 132.
[93] BDUs - "battle dress uniforms" - see Chapter 2, section 1.2.2.
[94] A Bearcat is a tactical SUV designed by Lenco Industries, a global leader in the production of armoured vehicles. The BearCat Tactical SUV "features military grade armor that offers true multi-hit protection and under body protection against hand grenades".
Lenco Industries, Inc, '*Lenco Armored Vehicles introduces the BearCat Tactical SUV*', [website], 2014, para. 1-2 <https://www.lencoarmor.com/2014/02/lenco-armored-vehicles-introduces-the-bearcat-tactical-suv/> (accessed 3 July 2018).
[95] American Civil Liberties Union, '*War Comes Home*', p. 25
[96] Ibid. p 25

application submitted by the city of Keene police department (one of the above-mentioned cities), their local pumpkin festival was identified as a possible terrorist target, prefaced by a lengthy narrative on domestic terrorism in which they assert that the goals of terrorists "encompass the creation of fear among the public,convincing the public that their Government is powerless to stop the terrorists…" therefore, awarding the Keene police department with an armoured vehicle is a justified step towards combating this fear-mongering enemy[97]. From this, it is reasonable to posit that the war metaphor has manifested itself in the fight against domestic terrorism, echoing argument from Hall and Coyne[98], in which the war metaphor has been successfully used to play on public anxieties relating to terrorism, using 'crisis-related fear' to normalize the expansion of militarization. Otherwise, what other reason would a town with no record of terrorism be convinced that their annual pumpkin festival is a potential site for a terror plot? [99]

Historically, political gain or influence has been the most obvious reason for using this literary trope. Most often, the war metaphor is a tool used to sway public opinion in favour of the reallocation of funds or to justify political actions (like the creation of exceptional circumstances for military participation in domestic policing). For instance, "between 1992 and 2008, state and local expenditures on police doubled" in support of the so-called 'war on drugs', framed as a necessary expense to aid police in their "battle"[100]. At face value, increasing funding to police seems a proportionate response to a local problem, however, what this additional funding did was facilitate the flow of military-grade weapons into the hands of domestic police. Within this same time frame, between 1997 and 1999, the Department of Defense "doled out $727 million worth of equipment, including 253 aircraft, 7,856 M-16 rifles, 181 grenade launchers, 8,131 bulletproof helmets, and 1,161 pairs of night-vision goggles" to domestic law enforcement agencies in an effort to combat the drug problem in America[101].

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[97] Keene Police Department, 'NH Department of Safety-Grants Management Unit: FY 2010 Homeland Security Grant Application', Keene, 2010, cited in American Civil Liberties Union, 'War Comes Home: The Excessive Militarization of American Policing', *ACLU Foundation*, 2014, <https://www.aclu.org/report/war-comes-home-excessive-militarization-american-police> (accessed 12 May 2018).
[98] Hall and Coyne argure that "the militarization of domestic policing will continue into the future as the U.S. government continues its unremitting "wars" on drugs and terrorism..."
A. Hall and C. Coyne, '*The Militarization of US Domestic Policing*'.
[99] There is no record of Keene, New Hampshire in the Global Terrorism Database.
[100] M. Lynch, 'Theorizing the role of the "war on drugs" in US punishment', Theoretical Criminology, 2012, p. 175–199 cited in H. LF Cooper, 'War on Drugs Policing and Police Brutality', *Substance Use & Misuse*, vol. 50, no. 8-9, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4800748/#R27> (accessed 4 July 2018).
[101] R. Balko, *'Rise of the Warrior Cop',* loc. 726.

Based on this information, the war metaphor has the potential to become problematic, as the action taken to fight the war on drugs has resulted in American police forces saturated with heavy weapons and military equipment, which will undoubtedly glorify war, build a militaristic mentality, and result in an armament culture. In fact, the existence of an armament culture could adequately address the question posed earlier - what other reason would a town like Keene, New Hampshire have to be convinced that their annual pumpkin festival is a potential site for a terror plot. To further this argument, in a report conducted by the American Civil Liberties Union, when asked about domestic terror a Keene city councilman was quoted as saying: "Our application talked about the danger of domestic terrorism, but that's just something you put in the grant application to get the money. What red-blooded American cop isn't going to be excited about getting a toy like this? That's what it comes down to"[102][103]. Thus, legitimizing militarization through the use of the war metaphor risks creating a warmongering culture, beneficial only to those who employ this analogy (i.e. politicians) as it simplifies the issue. This ultimately leads to a simplified solution and effectively allows politicians to sidestep critical discourse on the issue of militarization.

Fortunately, civil rights groups have been active in tracking the progression of police militarization in United States and are highly critical of the war rhetoric used to legitimate it. The American Civil Liberties Union, for example, argues that rationalizing police militarization by citing "counterdrug and counterterrorism activities" perpetuates the image of war on the homefront and minimizes other issues that stem as a result of increased militarized police forces, which include the undermining public trust and community safety as a result of unnecessarily aggressive policing techniques[104]. To expand on this, the example of the Ferguson, Missouri riots will be given. The incident began with the killing of unarmed black teenager, Michael Brown, at the hands of a local white police officer. An investigation into the actions of the officer by a grand jury ensued, and ultimately the officer was not indicted, resulting in days of rioting within the city[105]. The resulting chaos led to the deployment of a heavily militarised police response,

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[102] American Civil Liberties Union, '*War Comes Home*', p. 25.

[103] Interestingly, upon publication of this report, the ACLU's scrutiny of the Keene city police department and the terrorism narrative used to acquire an armoured vehicle led to a riot/protest at the city's annual pumpkin festival, where students taunted police officers into using their weapon to the point where police were forced to use tear gas and pepper spray pellets to dispel the crowds.
R. Windram, 'Pumpkin Festival Cited as Terror Target Hit by Drunken Riots', NBC News, 20 October 2014, <https://www.nbcnews.com/news/investigations/pumpkin-festival-cited-terror-target-hit-drunken-riots-n229996> (accessed 4 July 2018).

[104] American Civil Liberties Union, '*War Comes Home*', p. 16-18.

[105] L. Buchanan, et al., '*What Happened in Ferguson?*'.

creating a scene more reminiscent of a war zone than a civilian riot operation, with reports of a weapons cache that included:

- Two large armoured trucks
- Helmets and all-black body armour, some with partial urban camouflage
- Night-vision goggles
- 12-gauge shotguns and "super-sock" bean-bag cartridges
- Rubber bullets
- Wooden baton rounds
- Mini "flashbang" stun grenades
- Sniper-style rifles (speculated to be AR-15 assault rifles)
- Grenade launchers (for shooting gas canisters)[106]

Contrary to the rationale given by those in favour of militarization, incidents like this only serve to distance communities from the police sworn to protect them. In fact, a recent study conducted by Harvard, Stanford, and other universities, determined that the use of surplus military equipment in local policing had the "net effect of increasing violence, not of decreasing or preventing it"[107]. The study, initialized shortly after the incident in Ferguson, drew data from police killing statistics in four US states (Connecticut, Maine, Nevada, and New Hampshire) that utilized the Department of Defense 1033 Program to acquire excess military equipment[108]. Following an empirical assessment on the relationship between militarization and police violence, the study found that the "receipt of more military equipment increases both the expected number of civilians killed by police and the change in civilian deaths" and that "moving from the minimum to the maximum expenditure values, on average, increases civilian deaths by roughly 129%"[109]. While this study was limited in that it only assessed the effects of militarization in four states, its conclusion proved valuable, as it indicated a trend between the use of military equipment by domestic law enforcement and an increase in police violence, and

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[106] A. Holpuch and J. Swaine, 'Ferguson police: a stark illustration of newly militarised US law enforcement', *The Guardian,* 14 August 2014, <https://www.theguardian.com/world/2014/aug/14/ferguson-police-military-restraints-violence-weaponry-missouri> (accessed 5 July 2018).
[107] C. Delehanty et al., '*Militarization and police violence: The case of the 1033 program*', Sage Journals, 2017, cited in L. P. Jackson, '*50 Years of Police Militarization Against Communities of Color*', Vera Institute of Justice, 23 April 2018, <https://www.vera.org/blog/two-societies/50-years-of-police-militarization-against-communities-of-color> (accessed 4 July 2018).
[108] Delehanty et al., 'Militarization and police violence: The case of the 1033 program', Sage Journals, 2017, <http://journals.sagepub.com/doi/full/10.1177/2053168017712885> (accessed 5 July 2018).
[109] Ibid, para. 14.

therefore presents an opportunity for future research on the adverse effects of police militarization across the country.

Based on this information it is obvious that the war metaphor has proven a useful tool for those in favour of militarization. By using it, the war metaphor assumes that popular opinion will value security of the homeland above certain civil liberties (i.e. Posse Comitatus Act), and therefore extraordinary measures taken to protect the homeland will permit the implementation of irregular actions. However, rationalizing the use of such heavy equipment by likening specific societal issues to war runs the risk of becoming a self-fulfilling prophecy, creating an omnipresent atmosphere of war. Signs of this are already apparent in incidents like Ferguson, Missouri, and despite reports of the adverse effects that militarized police have on local communities, militarization persists, bringing into question the motives behind the phenomenon.

3. Armament Culture

"Washington has incentivized the militarization of local police precincts by using federal dollars to help municipal governments build what are essentially small armies - where police departments compete to acquire military gear that goes far beyond what most of Americans think of as law enforcement" - Senator Rand Paul, in an op ed piece for TIME magazine[110].

To fully comprehend the persistence of police militarization in the United States, the theory of militarism must be revisited, particularly the emphasis placed on the exercise of military power, hardware, and technology as primary problem solving tools (see chapter 2 section 1.1 for complete definition)[111]. This belief is reflective of an armament culture, which is an ideology that seeks to explain and understand mankind's inherent obsession with weapons as the ultimate instrument of power. Lukham, a key theorist on armament culture, asserts that armament culture neutralizes the premonition of danger by converting fear into a source of power and profit for those in control[112]. Essentially, armament culture persists because it provides a tangible solution to the fear of being in danger, and as a result, those in control (politicians, government, etc.), can

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[110] R. Paul, 'Rand Paul: We Must Demilitarize the Police', *TIME*, 14 August 2014, <http://time.com/3111474/rand-paul-ferguson-police/> (accessed 11 July 2018).
[111] Kraska, *'Militarization and Policing'*, p. 3
[112] R. Luckham, '*Armament Culture*', p. 5

use this desire for safety via weapons acquisition to expand their sphere of influence and in some instances even generate a profit from it. In the case of modern police militarization, this idea is perhaps best demonstrated by President Trump's revocation of Executive Order 13688, entitled "Federal Support for Local Law Enforcement Equipment Acquisition', which was initially implemented under the Obama administration to limit and control the transfer of military weapons and equipment flowing into domestic law enforcement agencies. Obama's action, taken in response to the brazen and irresponsible display of police militarization in Ferguson in 2014, was arguably a tenable approach to combating the negative effects of armament culture and what some scholars, such as Kraska, suggest is the result of an obvious military-industrial complex (M.I.C.), embodied in the form of federally funded military equipment transfer programs[113]. It is important to note here that while the intricacies of the M.I.C. are beyond the scope of this paper, the possibility of an M.I.C. as a key contributor to increasing police militarization in the United States is worth mention, as certain features behind the phenomenon reflect the ideologies of an armament culture.

Originally coined by Dwight D. Eisenhower in 1961, the term military-industrial complex (M.I.C.) provides a useful rationale for the persistence of contemporary militarization and is attributed to the informal relationship between the government, military, and the defence/arms industry, in which the key objective is to "to marshal political support for continued or increased military spending by the national government"[114]. By abolishing Obama's initial Executive Order, the Trump administration has reignited a military paradigm that favours the defence and military industries by reinstating programs like the US Department of Defense 1033 Program, the Department of Homeland Security Grant Program, and the BJA Edward Byrne Memorial Justice Assistance Grant Program to assist domestic police with crime control by facilitating the acquisition of weapons and military hardware. Although this move does not explicitly indicate a push for increased military spending by the government, it does martial political support for

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[113] In his essay 'Militarization and Policing—Its Relevance to 21st Century Police', Kraska raises the distinct possibility of a growing overlap between military and criminal justice complexes in which "the crime-control enterprise operates as an analogous industrial complex—complete with political, governmental, and private-growth pressures".
Kraska, '*Militarization and Policing*', p. 5
[114] R. N. Weber, '*Military-Industrial Complex*', Encyclopaedia Britannica, Inc., 2018, <https://www.britannica.com/topic/military-industrial-complex> (accessed 9 July 2018).

militarization by building on the aforementioned fear or "premonition of danger" through war rhetoric, naming the the war on drugs and terror as rationale behind the revocation of Executive Order 13688, which effectively "neutralizes" this fear of danger by showing support for federally funded weapons transfer programs. By advocating for these programs, the government indirectly promotes an armament culture by implying that the possession of weapons is the key to minimizing danger and boosting security on the homefront. This then builds a militaristic mentality in the minds of the public, in which weapons are equated with safety, reinforced by phrases like "preserving peace through strength"[115]. Based on this, it is reasonable to infer that this American penchant for militarism will prove advantageous for the defense industry, as the demand for superior weapons will likely remain stable so long as domestic security is associated with arms possession. Thus, the M.I.C. is a justifiable explanation for the reinstatement of the above-mentioned federally funded programs, exploiting the ideologies behind militarism (the assumption that the use of force and threat of violence via military power, hardware, and technology are the most appropriate and efficacious means to solve problems) to leverage support and interest for the military and defense industries.

To expand, the BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program provides states and local government with funding to support a variety of justice-related initiatives and organizations that includes law enforcement, crime prevention and education, drug treatment and enforcement, crime victim and witness initiatives, mental health programs and many other justice system related programs[116]. Despite the options, however, activity reports indicate that the majority of this grant funding is allocated to law enforcement agencies. In fact, between April 2013 and March 2015, JAG grantees spent on average 64% of their funding on law enforcement, which is significantly more when compared to other program areas. In contrast, JAG grantees in this same timeframe spent only 7% of funds on prevention and education and 9% on prosecution, courts, and public defense[117]. Furthermore, in 2015 alone, $23,552,487 million went towards the

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[115] United States, and Donald Trump. 2017. National security strategy of the United States: The White House. p. 25 - 26. <https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf> (accessed 24 June 2018).

[116] Bureau of Justice Assistance, 'Edward Byrne Memorial Justice Assistance Grant Program', *Office of Justice Programs,* [website], 2018. <https://www.bja.gov/jag/index.html> (accessed 9 July 2018).

[117] Bureau of Justice Assistance, '*Activity Report 2016: Justice Assistance Grant Program September 2016*', p. 2-4, <https://www.bja.gov/programs/JAG-Activity-Report-Sept-2016_508.pdf> (accessed 9 July 2018).

purchase of equipment, supplies, and technology for law enforcement agencies which included items like weapons and vehicles[118]. This preference to use grant funding for law enforcement purposes undoubtedly has supported the defense industry, creating a market tailored specifically to the needs of police. For example, Lenco Industries, the maker of the previously mentioned Bearcat, describes itself as a " leading designer and manufacturer of armored police vehicles for Law Enforcement Agencies and State Police and Sheriff's Department SWAT teams", a very specific target audience which can only be attributed to the presence of a M.I.C.[119]. Additionally, this choice to bolster law enforcement initiatives over other program areas only adds to the argument that militarization stems from the presence of an armament culture, in which police prioritize weapons acquisition over education and prevention.

The Department of Defense 1033 Program is another federally funded program whose motto "from warfighter to crimefighter" embodies the very essence of an armament culture[120]. Since its inception in 1990, the program has doled out over $5 billion in excess military equipment to domestic law enforcement agencies across the United States, with preference given to officer security and counter-drug/terror requests[121]. However, this program in particular has been met with great controversy due to minimal limitations on the application process and a lack of federal oversight. In fact the American Civil Liberties Union has publicly criticized the program for incentivizing police militarization throughout the country[122]. While this this assertion does hold merit (recall the armoured Bearcat awarded to the city of Keene police department to defend their annual pumpkin festival from terrorists), it is important to acknowledge the current state of security in the United States to fully understand the continued support for the program.

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[118] Ibid, p. 4.

[119] Lenco Industries, Inc, '*About Lenco*', [website], 2014, para. 1 <https://www.lencoarmor.com/about/> (accessed 9 July 2018).

[120] American Civil Liberties Union, '*War Comes Home*', p. 26.

[121] T. Meagher and G. Dance and S. Musgrave, 'The Pentagon Finally Details its Weapons-for-Cops Giveaway', T*he Marshall Project*, 12 March 2014, <https://www.themarshallproject.org/2014/12/03/the-pentagon-finally-details-its-weapons-for-cops-giveaway> (acessed 10 July 2018).

[122] American Civil Liberties Union, '*War Comes Home*', p. 16.

According to the Marshall Project, a non-profit criminal-justice journal, more than 130 college and university police departments across the United States have received weaponry and equipment from the 1033 program valued at more than $12 million[123]. At first it might seem that these numbers reflect an excessively militarized police force, especially one that operates only on campus grounds, marking the presence of an armament culture via weapons acquisition facilitated by the 1033 program. However, the United States has dark and surprisingly populus record of school shootings, therefore requesting such heavy military equipment begins to seem less irrational and more sensible when taking this in to account. For example in 1999, two young students from Columbine High School armed with guns and bombs opened fire on their peers, killing 13 students before killing themselves[124]. Moreover, the responding SWAT teams waited 47 minutes before even entering the school, as the officers were not equipped or trained to deal with an active shooter situation like this[125]. Because of their inability to respond effectively, many lives were lost and the police response in this situation was widely criticized. In another incident in 2007, 32 people were shot and killed at the Virginia Polytechnic Institute and State University campus by a lone shooter, which at the time was the worst mass school shooting in US history[126].

These examples begin to demonstrate the complex security situation that presently exists within the United States, where law enforcement agencies tread a fine line between excessive militarization and necessary militarization. Following these examples, officer safety is a valid concern, and the "right to bear arms", codified by the Second Amendment, has created a climate in which access to weapons, particularly firearms, has become so normalized that any US citizen of age can walk to their local WalMart and purchase a gun[127]. Therefore, utilizing the 1033

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[123] T. Meagher and G. Dance and S. Musgrave, 'The Pentagon Finally Details its Weapons-for-Cops Giveaway', T*he Marshall Project*, 12 March 2014, <https://www.themarshallproject.org/2014/12/03/the-pentagon-finally-details-its-weapons-for-cops-giveaway> (acessed 10 July 2018).
[124] R. Sanchez, 'How Columbine changed the way police respond to mass shootings', *CNN*, 15 February 2018, <https://www.cnn.com/2018/02/15/us/florida-school-shooting-columbine-lessons/index.html> (accessed 10 July 2018).
[125] Ibid.
[126] C. Hauser and A. O'Connor, 'Virginia Tech Shooting Leaves 33 Dead', The New York Times, 16 April 2007, <https://www.nytimes.com/2007/04/16/us/16cnd-shooting.html> (accessed 10 July 2018).
[127] N. Lund and A. Winkler, '*Common Interpretation: The Second Amendment*', The National Constitution Center, [website] <https://constitutioncenter.org/interactive-constitution/amendments/amendment-ii> (accessed 9 July 2018).

program to arm and train domestic police officer seems an appropriate response to combating gun violence in the United States. Returning to an earlier definition borrowed from Kraska, militarization "is the process of arming, organizing, planning, training for, threatening, and sometimes implementing violent conflict", and can be interpreted as a reaction to an opposing group equally capable of employing force, thus building on the argumentation of an armament culture in which both sides depend on weapons to achieve their goals. Based on this, it is reasonable to infer that while the 1033 program offers a solution to police officers in combating crime, it essentially advocates fighting guns with guns, further perpetuating the armament culture in the United States.

4. Results of Police Militarization

Reflecting on this chapter, the effects of police militarization are numerous. Most notably, police militarization has strengthened the American proclivity for militarism in which the divide between police and military functions has become blurred. Exceptional circumstances relating to the preservation of internal security have allowed groups in power to justify militarized police forces by invoking war through metaphor to rationalize these exceptions, creating a situation in which military participation is a reasonable response to fighting crime, thus normalizing the phenomenon. Further, the assumption that popular opinion will value security of the homeland above certain civil liberties has permitted the implementation of irregular action, resulting in an American police force saturated with heavy weapons and military equipment, which glorifies war, reinforces militarism, and perpetuates the existence of an armament culture.

Counterdrug and counterterrorism rhetoric has generated an image of war on the homefront in which an omnipresent atmosphere of war has become a socially constructed reality and by focusing on this narrative and creating an enemy, this desire for safety via weapons acquisition has minimized other issues that stem as a result of increased militarized police forces, such as the undermining of public trust and community safety through the use of unnecessarily aggressive policing techniques. Moreover, studies on the effects of police militarization have demonstrated a correlation between the use of military equipment by domestic law enforcement and an

increase in police violence, proving that arming police with heavy weapons will negatively impact the communities they serve, thus having the opposite effect of what militarization supposedly restores.

Despite all this, however, police militarization persists in the United States, and excess military equipment transfer programs continue to facilitate heavy weapons into domestic law enforcement agencies. Upon review, these programs mask the underlying reasons for their continued support, which reveal the presence of a possible military-industrial complex by virtue of a deeply rooted armament culture in which the use of force and threat of violence is combated with more force and more violence. Ultimately, police militarization is an expedient solution for a much more profound social problem - a weapons-obsessed armament culture in which "Americans have fallen prey to militarism, manifesting itself in a romanticised view of soldiers, a tendency to see military power as the truest measure of national greatness and outsized expectations regarding the efficacy of force"[128].

The following chapter will attempt to look for a solution to the problem of police militarization by assessing the utility of drone technology in domestic policing in the United States. Drones have already demonstrated their efficacy and multi-purpose functionality overseas, proving the technology is here to stay, therefore their transition into domestic police work is worth exploring as the benefits may have the potential to offset some of the adverse effects caused by militarized police forces. However, since the original design and purpose behind drone technology was made for use in a military setting, it is equally plausible that their application in domestic law enforcement could represent an expansion of militarization and militarism, reflective of a weapons-obsessed armament culture where the desire to outmatch adversaries is done through weapons possession. Therefore it is relevant to investigate the integration of police drones on the homefront and seek to determine whether it is possible that drones have the potential to curb the adverse effects of militarization or exacerbate them.

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[128] A. J. Bacevich, '*The New American Militarism: How Americans Are Seduced by War*', New York, Oxford University Press, 2013, ed. 2, p. 2.

CHAPTER 4: POLICE DRONES IN THE USA: (DE)MILITARIZATION?

1. Mission Creep

Notorious for their role overseas in the seemingly ceaseless 'war on terror', drones have proven to be an extremely advantageous tool for American military personnel. Their utility in reconnaissance missions and targeted strikes on known terror organizations have effectively removed soldiers from the front lines, thereby minimizing casualties and injury by eliminating the risks associated with military deployment. They have also been praised by proponents for their successful contributions towards combating the 'War on Terror' by efficiently eliminating enemies of the state, like Anwar al-Awlaki, a leader of the Al Qaeda syndicate, who was the first known terrorist affiliate to be killed in a targeted drone strike[129]. While this action was not met without controversy (which will be expanded upon later in this chapter), it demonstrated the new face of modern warfare in which precision weapons are capable of achieving military objectives while simultaneously keeping soldiers out of harm's way.

In addition, those in favour of military drones are quick to point out their exceptional multi-purpose functionality, advocating for their practically in a range of scenarios in which they highlight their utility as more than just advanced weapon systems. Because of their size and flight capability, they are easier to mobilize and deploy compared to traditional military equipment, allowing for faster reaction times compared to bulky ground-operated machinery. Drones can also be equipped with a variety of data-gathering systems and can perform functions such as "surveying land and measuring cellular, radio, and other technological coverage over a variety of terrains", making them extremely useful for enhancing situational awareness[130]. This is a huge advantage for military personnel and operators, as using drones to collect and relay

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[129] S. Shane, 'The Lesson of Anwar al-Awlaki', *The New York Times Magazine*, 27 August 2015, <https://www.nytimes.com/2015/08/30/magazine/the-lessons-of-anwar-al-awlaki.html> (accessed 13 July 2018).
[130] Unmanned Aerial Vehicle Systems Association, '*Advantages of UAS*', [website], 2013, <http://www.uavs.org/advantages> cited in A. Hall, '*The Political Economy of Drones*', PhD Thesis, George Mason University, 2015, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2285820> (accessed 14 June 2018).

information in order to capture a more accurate perspective of the environment and surroundings allows for a more holistic assessment of any given situation. This in turn can minimize the likelihood of unnecessary escalation or misinformation in a field of war. By framing the utility of drones as a innovative new technology that spares lives and injury, it is no surprise that there is a growing demand for drones to be used in a similar capacity domestically. Already this technology has managed to creep into the domestic sphere, used by both state and civilian actors, especially popular among local law enforcement agencies.

Because of their effectiveness overseas, law enforcement agencies in the United States have expressed enthusiasm in procuring drones for use in domestic police work, with many agencies already in possession of the technology. These agencies praise the superior functionality of drones in situations that include "domestic surveillance operations to protect the homeland, assistance in crime fighting, disaster relief, immigration control, and environmental monitoring"[131]. In fact, according to the Centre for the Study of the Drone, "at least 910 state and local police, sheriff, fire and EMS, and public safety agencies have acquired drones in recent years, with law enforcement agencies making up two-thirds (599) of the public safety agencies with drones"[132]. In the past year alone (from May 2017 to May 2018), there has been an 82% increase in the number of public safety agencies with drones, a significant statistic that will surely change the way in which law enforcement agencies conduct work going forward[133].

Much like foreign military drones, this recent influx of domestic drone use has not been met without controversy, as is the case with many dual-use technologies, and civil rights groups have been quick to point out the privacy problems that may generate from the introduction of drones in to police work. Also, the future potential for these drones to become armed with less-than-lethal weapons[134] has created debate about the ethical use of drone technology in the homeland,

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[131] R. M. Thompson II, 'Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Legislative Responses', *Congressional Research Service*, 2013. <https://fas.org/sgp/crs/natsec/R42701.pdf> (accessed 18 June 2018).

[132] D. Gettinger, 'Public Safety Drones: An Update', *Centre for the Study of the Drone at Bard College*, 2018, <http://dronecenter.bard.edu/public-safety-drones-update/> (accessed 10 June 2018). p. 1

[133] Ibid, p. 1.

[134134] Less-than-lethal weapons are often employed when police officers are required to use force in dangerous situations and include items such as conducted-energy devices (such as Tasers), beanbag rounds, pepper spray and stun grenades.

foreshadowing the argument made by Christof Heyns, which raises concerns about accountability and violating the right to human dignity when humans are removed from the equation[135]. Furthermore, the adoption of drones by law enforcement raises the question of whether or not this technology transfer is symptomatic of militarization, motivated by the militaristic desire to maintain a competitive edge in securing the homeland via weapons acquisition, strengthening the assertion that the United States is at its core an armament culture. Building on the theories discussed in the previous chapters, this chapter will seek to establish the potential effects that domestic drone adoption may have on the issues that stem from police militarization in the USA and will look to determine whether the technology will expand or abridge the process of militarization. Since the adoption of drones into the domestic policing sphere is a relatively recent development (the majority of growth taking place only within the last 3 years[136]), it is important to remind the reader that the ensuing analysis linking police drones to militarization is somewhat limited and mostly hypothetical, as much of the scholarly work on the societal impacts of employing drones in police work remains minimal and ongoing at this point in time.

2. Technical Definition

Before assessing the impact of drones in domestic policing, it is imperative to briefly define the technology in order to gain a better appreciation and understanding of what types of drones are being used domestically and abroad. Drones can widely be described as an "aircraft that flies under the control of an operator with no person aboard"[137]. They can be programmed to fly autonomously or controlled remotely via a ground operator and are useful tools in a variety of scenarios both in the military and civilian sectors[138]. Drones can be classified into three main categories; micro and mini drones, tactical drones, and strategic drones, and are grouped

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National Institute of Justice, '*Less-Lethal Technologies*', Office of Justice Programs, [website], 2011, <https://www.nij.gov/topics/technology/less-lethal/Pages/welcome.aspx> (accessed 11 July 2018).
[135] Heyns, '*Human Rights and the Use of AWS*'.
[136] Gettinger, '*Public Safety Drones: An Update*', p. 2 (Graphic: *Public Safety Agencies with Drones by Year*).
[137] A. Cavoukian, 'Privacy and Drones: Unmanned Aerial Vehicles', *Public Safety Canada*, 2012, p.3 <https://www.publicsafety.gc.ca/lbrr/archives/cnmcs-plcng/cn29822-eng.pdf>, (accessed 21 June 2018).
[138] Ibid. p. 3.

according to size, function(s), and flight capability[139]. Mini and micro drones generally weigh less than 30 kilograms, fly at altitudes below 300 metres, and are best used for surveillance and information gathering (although some mini drones, like the Vanguard Shadowhawk, offer payload options[140])[141]. According to a 2018 report released by the Centre for the Study of the Drone, the majority of American law enforcement agencies presently using drones in police work employ drones that can be categorized as mini or micro, the most popular model being the DJI Phantom[142], with the most advanced version only weighing in at approximately 1.4 kilograms[143].

Conversely, tactical and strategic drones are much larger in scale, the former weighing in between 150 - 1500 kilograms, and the latter weighing up to a maximum of 12,000 kilograms[144]. These larger drones are much more technologically advanced, capable of long-haul flights, and are generally used in military applications[145]. The Department of Homeland Security Customs and Border Protection however, possesses of a number of Predator B drones (also known as a MQ-9 Reaper in the military sphere)[146], which operate "in support of law enforcement and homeland security missions at the nation's borders" as part of an anti-terror unmanned aircraft system (UAS) program that utilizes drone technology to "identify and intercept potential terrorists and illegal cross -border activity"[147]. While the use of the Predator B drones within American borders represents an exception, it is important to note that the majority of drones that will be discussed in relation to domestic police use throughout this chapter mostly fall under the aforementioned mini and micro drone category.

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[139] Ibid. p. 6 - 7.

[140] Vanguard Defense Industries, '*Shadowhawk Unmanned Aerial System*', 2015. <http://docs.wixstatic.com/ugd/709bcc_afcf73d27be44c7e82d0029f04743c11.pdf> (accessed 21 June 2018).

[141] Cavoukian, 'Privacy and Drones', p. 6.

[142] D. Gettinger, 'Public Safety Drones: An Update", p. 3.

[143] DJI, '*Phantom 4 Advanced*', [website], 2018. <https://www.dji.com/de/phantom> (accessed 21 June 2018).

[144] Cavoukian, 'Privacy and Drones', p. 6 - 7.

[145] Ibid, p. 6 - 7.

[146] General Atomics Aeronautical, 'MQ-9 Reaper/Predator B: Persistent Multi-Mission ISR data sheet', [website], 2018. <http://www.ga-asi.com/Websites/gaasi/images/products/aircraft_systems/pdf/MQ9%20Reaper_Predator_B_032515.pdf> (accessed 25 June 2018).

[147] US Customs and Border Protection 'Unmanned Aircraft System MQ -9 Predator B FactSheet', [website], 2014. <https://www.cbp.gov/sites/default/files/documents/FS_2013_UAS_new.pdf> (accessed 25 June 2018).

3. Drones Overseas

"We are at war with an organization that right now would kill as many Americans as they could if we did not stop them first. So this is a just war—a war waged proportionally, in last resort, and in self-defense" - Barack Obama in his speech on foreign drone policy[148].

The military application of drone technology is undoubtedly most prominent for its role in the fight against terrorism overseas, particularly in Iraq and Afghanistan following the attacks that occured on September 11, 2001[149]. In fact, the Department of Defense increased their drone expenditure post 9/11 from $363 million in 2001 to $2.9 billion by 2013[150]. This significant investment can be attributed to the 'War on Terror', which the previous chapters have demonstrated is an effective phrase for legitimizing the use of force and threat of violence to sway public opinion in favour of certain actions, such as the reallocation of funds (like boosting drone expenditure) or to justify political acts (like the targeted killing of Al Qaeda affiliate Anwar al-Awlaki). The main argument in favour of continued drone use overseas, however, is centered on the fact that these units operate without a pilot aboard, making drones an appealing and easier alternative to the deployment of military personnel. Proponents often praise drones for their utility in high-risk situations, effectively removing soldiers from the ground, thereby minimizing exposure to the dangers associated with warfare. For example, "boots-on-the-ground assaults and large-scale air strikes tend to have much greater casualties, about seven times as many" when compared to casualty rates from previous wars like the Vietnam War, or more recently, the war in Kosovo[151] . Additionally, increasing technological advancements allow

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[148] Barack Obama, 'Obama's Speech on Drone Policy', speech at the National Defense University, 23 May 2013, <https://www.nytimes.com/2013/05/24/us/politics/transcript-of-obamas-speech-on-drone-policy.html?pagewanted=all> (accessed 11 July 2018).

[149] While timeline of this paper will focus on drone usage and development post 9/11, the application of drones in the military sphere is not a new phenomenon, with the use of 'drone-like' technology dating back to the First World War. Although these unmanned aircraft were not referred to explicitly as 'drones' at the time of WWI, remote controlled planes were considered the first 'drone-like' technology and surfaced following the Wright brothers discovery of flight. The first official 'drone' was developed in the interwar period in the UK, and was called the "Queen Bee, which was a bi-plane converted to be controlled by radio from the ground."
The Bureau of Investigative Journalism, '*History of Drone Warfare*', [website], n.d. <https://www.thebureauinvestigates.com/explainers/history-of-drone-warfare> (accessed 12 July 2018).

[150] A. Hall, '*The Political Economy of Drones*', p. 17.

[151] W. Saletan, '*Don't Blame Drones*', Slate, 24 April 2015, cited in M. Simkovits, '*Drone Strikes, Pro*', The Common Reader, 16 June 2017, <https://commonreader.wustl.edu/drone-strikes-pro/> (accessed 13 June 2018).

present-day drones to function with an even greater range of capabilities, which is why unmanned flight systems remain a desirable alternative to the deployment of troops on the ground, especially as modern combat and military engagements have begun to transform the way in which war is waged - increasingly boundless and across a variety of domains domains.

Based on the above information, it is clear that a high degree of value is placed on the life of an American soldier and that the routine use of drones in military missions have come to represent a solution for the preservation of this life, reflecting the principles of militarism by "manifesting itself in a romanticised view of soldiers"[152]. However, in this instance it is important to recognize that States hold an obligation to minimize threats posed to its citizens, "and since drone strikes certainly do so in the case of American soldiers, this is a strong point in their favor"[153]. What this argument fails to acknowledge, however, is the serious loss of life that can occur on the receiving end when a drone strike takes out more than its intended target. Collateral damage is a major area of contention, and military drones (armed drones specifically) face heavy criticism for their involvement in targeted killings, where many opponents (particularly civil rights groups) argue that the technology lowers the threshold of violence, minimizes the true extent of collateral damage, and operates against the Universal Declaration of Human Rights. According to the Bureau of Investigative Journalism, between 3594 and 4879 people (civilians included) have been killed by American drone strikes in Afghanistan since 2015, bringing into question the true precision of the technology and the lack of transparency on behalf of the government, with most foreign drone operations shrouded in secrecy[154]. Additionally, drone strikes have been criticized for violating the right to due process, as was the controversy surrounding the case of Anwar al-Awlaki, in which civil society accused the American government of breaching Articles 14 and 16 of the International Covenant on Civil and Political Rights (ICCPR)[155].

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[152] A. J. Bacevich, '*The New American Militarism',* p. 2.

[153] M. Simkovits, '*Drone Strikes, Pro*', The Common Reader, 16 June 2017, <https://commonreader.wustl.edu/drone-strikes-pro/> (accessed 13 June 2018).

[154] Bureau of Investigative Journalism, '*Strikes in Afghanistan*', [database], 2018, <https://www.thebureauinvestigates.com/projects/drone-war/charts?show_casualties=1&location=afghanistan&from=2015-1-1&to=now> (accessed 12 July 2018).

[155][155] Article 14 of the ICCPR states that "all persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law….and

Because of this, those in favour of the continued use of drones in military missions must legitimize drone strikes in a way that demonstrates their necessity in the fight against terror. Building on the argument developed by Gobeil in chapter 2, which attributes the pro-drone discourse to American Exceptionalism[156], terrorism is framed as the 'exception', which is always accompanied by a 'normal', which in this case is the use of drones to combat terror. Since this 'normal' is normal, the focus then returns to the 'exception', combating terrorism, thus directing attention to the initial issue - fighting against the "War on Terror' overseas. This concept of normalizing exceptions is useful for proponents of foreign drones, as it frames the issue as an unavoidable but necessary measure to ensure national security is maintained. Furthermore, this rationale behind the use of American drones overseas mirrors the discourse used to rationalize police militarization in the United States, making it reasonable to infer that there is a clear connection between perceived and real threats to security and the actionable use of force. Essentially, this obsession with safeguarding the nation has allowed groups in power to bypass legislation and impose on certain civil liberties to deliver "safety" to the people, which begs the questions - will this same narrative be used in support of domestic police drones by emphasizing the superior functionality of drone technology thereby disguising police militarization.

4. Drones at Home

Mirroring the rationale used to legitimize both police militarization and foreign drone use, the common narrative employed by proponents to legitimize the use of drones within domestic law enforcement highlight their usefulness and utility in high-risk situations, such as "terrorist attacks, hostage situations, the pursuit of armed offenders, riots and protests"[157]. For example, when questioned about the intended use of a requested police drone, Missouri Police Chief

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have the right to be presumed innocent until proved guilty according to law. Article 16 states that "everyone shall have the right to recognition everywhere as a person before the law".
UNGA Res 2200A (XXI), 'International Covenant on Civil and Political Rights', 16 December 1966.

[156] American exceptionalism emphasizes the circular logic behind discourse, stating that "because there is an 'exceptional,' there is its accompanying 'normal' and because that 'normal' is normal, talking about it is trivial so the emphasis goes back on the 'exceptional'—conspicuously underlined by the US, which directs the attention on a threat"
G. B. Gobeil, '*How we talk in Politics'*.

[157] M. Salter, 'Toys for the Boys?', p. 14

Captain Sam Dotson told reporters that the drone would be useful for "monitoring public spaces", as well as "terrorist, and suspicious activity"[158]. Using a drone in this way will undoubtedly benefit police officers by enhancing their situational awareness in specific scenarios that require a watchful police presence, such as protests or any crowded event. By allowing police to capture a more integrated and accurate survey of their surroundings, officers would likely be able to react to situations of high-risk with more clarity, thus minimizing the likelihood of unnecessary escalation or altercations with the public. In this instance, the adoption of police drones could represent a partial solution to the tensions that often rise during difficult crowd-control situations (recall the incident in Ferguson, Missouri), allowing officers to respond more proportionally. This technology could even build trust between citizens and law enforcement, as it would capture both perspectives in any given situation, allowing for a more neutral assessment and greater appreciation for police reputation and perception in the communities they serve. Further, drones could also allow police to observe a much greater expanse than what was previously possible, which is especially useful for law enforcement agencies that are short on manpower. However, in order to fully assess the impact of police drones, it is important to be critical of the aforementioned rationale and to note the anti-terror rhetoric included in Chief Dotson's response. Yet again, discourse linked to the 'War on Terror' has pervaded the domestic sphere, which arguably influences how drones will be perceived on the homefront. By framing the benefits of domestic drone use in same light as foreign drones - an exceptional multi-purpose technology that, like soldiers, will aid police in combating a common enemy - law enforcement agencies are able to minimize dissenting discourse on this transfer of technology, masking the process of militarization indicated by the material and cultural appropriation of military drone discourse and technology.

Customarily, civil rights groups have been vocal in voicing their concerns about the use of this military technology in the domestic sphere in which the central controversy surrounding their use for law enforcement purposes mostly relate to privacy issues stemming from unwarranted surveillance. They argue that this technology "expands law enforcement surveillance capabilities

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[158] Ibid, p. 14.

to an extent that was previously unrealistic"[159], a notion that may lead to feelings of unease and mistrust in police should transparency not be maintained. In fact, a recent survey conducted by Rasmussen Reports indicated that while "36% of American Adults now favor the use of unmanned drones by police agencies in the United States, slightly more (39%) still oppose the use of police drones", placing law enforcement agencies in a very precarious situation should they look to garner continued support for the implementation of drones[160]. Articulating these privacy concerns, Hilary Ferber, an active lawyer known for her work in domestic application of unmanned aircraft systems, states that "drone surveillance will eventually enable law enforcement to gather unprecedented amounts of information about individuals, making it virtually impossible to shield oneself from government watch", infringing upon the Fourth Amendment, and once again highlighting the trade-off between civil liberties and public safety (via police surveillance drones)[161]. However this argument is becoming increasingly invalid, as recent changes in from the Federal Aviation Administration surrounding drone policy has led many states to require warrants before using drones over private property. In fact, drone surveillance could actually prove to be beneficial to the public and even combat the current issues that stem from police militarization, such as the excessive use of force (particularly on minority populations) and incidents of police violence. Much like body cameras, drones have the ability to gather audio and visual information, providing a factual and unbiased representation of real events. In this sense, drones have the potential to increase police and civilian accountability, their mere presence in any given situation a sort of pseudo-panopticism. For example, a police officer in Balch Spring, Texas who recently shot and killed a teenager gave a statement that was inconsistent with the body-cam he wore, which resulted in his firing and subsequent murder charges[162]. If a body-worn camera is able to capture and recreate a crime scene, than drones, being a superior technology, will undoubtedly be capable of producing equal results. Building on

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[159] C. Jenks, 'State Labs of Federalism and Law Enforcement "Drone" Use', *Washington and Lee Law Review*, vol. 72, no. 3, 2015, p. 1399 <https://scholarlycommons.law.wlu.edu/wlulr/vol72/iss3/11/> (accessed 13 March 2018).
[160] 25% of persons surveyed remained undecided.
Rasmussen Reports, 'Americans Warm to Police, Commercial Drone Use', [website], 2017, <http://www.rasmussenreports.com/public_content/lifestyle/general_lifestyle/january_2017/americans_warm_to_police_commercial_drone_use> (accessed 13 July 2018).
[161] C. Jensen, 'The Future of Drones in Police Work', *Drones and Society*, 14 November 2016, <http://www.dronesandsociety.org/2016/11/14/the-future-of-drones-in-police-work/> (accessed 13 July 2018).

[162] M. Wiley, 'Body Cameras Help Everyone — Including the Police', *TIME*, 9 May 2017, <http://time.com/4771417/jordan-edwards-body-cameras-police/> (accessed 12 July 2018).

this, drones could also aid in active shooter situations, allowing officers to safely 'enter' a dangerous arena to assess the threat and determine a strategic plan of action before deploying SWAT teams to engage. Police officers would be given a competitive advantage via drone perspective, putting them out of harm's way while simultaneously allowing them to react to their surroundings more efficiently. Additionally, drones in active shooter situations could even aid officers in distinguishing civilians from threatening suspects, minimizing 'collateral damage'.

The greatest concern in the case of drone adoption however, is the potential for these drones to become armed. While current legislation in the United States dictates that this will not become a possibility any time soon, based on the adoption and praise for military weapons in law enforcement (militarization), it is probable that less-than-lethal weapons systems will appear on future police drones as the technology becomes more commonplace.Vanguard Defense Industries for example, already manufactures a drone capable of carrying a payload, and is specifically marketed as a "First Responder Application" targeting law enforcement agencies, playing into the American militaristic mentality, in which the previous chapter has proven is inherently weapons-obsessed[163]. This also builds on the belief that the United States supports a military-industrial complex, in which defense industry benefits from the armament culture and political interest in promoting national security through force and physical power (recall the National Security Strategy quote "building peace through strength"). In fact, the Department of Homeland Security Grant Program and the BJA Edward Byrne Memorial Justice Assistance Grant Program offer funding to law enforcement agencies that can be put towards the purchase of drones for police purposes[164]. Further, this development has created an entirely new market for drone producers, a simple Google search producing an extensive selection of police-tailored drone systems, revealing a an active and competitive marketplace. In this instance, arming drones will open up a new market for the defense industry to exploit, and runs the risk of exacerbating the effects of militarization by building on belief that superior weapons systems are the most logical and efficacious option in resolving problems.

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[163] *Vanguard Defense Industries*, [website], 2015 <http://unmanned.wixsite.com/vanguarddefense> (accessed 12 July 2018).
[164] T. Mathews, 'How to fund a police drone', *PoliceOne,* 2018, <https://www.policeone.com/police-products/Police-Drones/articles/475505006-How-to-fund-a-police-drone/> (accessed 12 July 2018).

5. Results: (De)Militarization?

This chapter set out to determine whether the addition of drones into domestic law enforcement agencies would expand or abridge the negative effects of police militarization. By outlining the traditional military application and successful use of drones overseas, the technology has made it way into the domestic sphere through carefully constructed narrative in which drone technology is praised for its utility in high-risk scenarios and multi-purpose functionality. As a result, the legimiation behind drone use in both foreign and domestic applications mirror one another, the most important argument being that the technology spares life and injury by effectively removing soldiers and police officers from dangerous situations. However, in the case of police drones, the utility of the technology is particularly compelling, as it presents new possibilities that have previously would not have been possible.

If employed responsibly, police drones have the potential to combat the negative effects of police militarization in a number of ways. For instance, drones have the potential to aid police officers by enhancing their situational awareness, allowing police to capture a more integrated and accurate survey of their surroundings, giving them better clarity in any given situation, thus minimizing the likelihood of unnecessary escalation or altercations with the public - a tool that might have proven useful in the Ferguson riots. Additionally, the technology could work to combat problems like the undermining of public trust, a demonstrated result of militarization. In this respect, drones could be used to capture perspectives from both law enforcement and civilians, allowing for a more neutral assessment and greater appreciation for police reputation and perception in the communities they serve. Moreover, this ability to collect audio and visual information could act an accountability mechanism, providing factual and unbiased footage of real events, its mere presence invoking a sort of pseudo-panopticism. Additionally, police drones have the potential to distance Americans from the armament culture in which they reside, acting as a non-violent tool to combat crime. In the previous chapters officers safety was stressed, especially in a country where access to weapons is relatively simple, and high-risk situations, such as active shooter scenarios force police to be equally armed in order to combat this violent crime. In situations like this, drones can allow officers to enter and assess a dangerous arena

without having to unnecessarily put themselves in harms way, giving police a competitive advantage via drone perspective.

Based on this assessment, the adoption of drones by law enforcement agencies has the real potential to curb some of the negative effects of police militarization in the United States. If the technology remains neutral, employed only in monitoring and surveillance situations, both civilians and law enforcement would benefit greatly from domestic police drones. The caveat however, is the potential for these domestic drones to become armed, which is a growing concern, with certain drone producers already marketing payload options directly to law enforcement agencies. Furthermore, this indicates the presence of a military-industrial complex fuelled by an armament culture, a situation that parallels the root problems of police militarization in the United States. By arming police drones, the lines separating police and military functions will undoubtedly disintegrate, and the "faceless weapons of war" overseas will become a reality on the homefront. Therefore it is imperative that drones remain unarmed in the domestic sphere, else the drone will represent yet another action towards militarizing American police forces.

CHAPTER 5: CONCLUSION

The question imposed at the beginning of the thesis sought to determine whether the process of police militarization in America was proportional in response to the current state of security in the United States by exploring the ways in which this phenomenon was legitimized. The goal of this question was to add to the existing research on the subject while attempting to offer an explanation for why the process of militarization persists despite adverse effects reported by various civil rights groups. In addition, the recent adoption of drones into law enforcement agencies formed the subquestion - could police drones aid in combating the adverse effects of excessive militarization of law enforcement agencies in the United States? Since drones have proven to be a useful tool in military applications, exploring the possibilities and benefits that this technology could bring in a domestic police setting is topical based on recent statistics supporting the growth and demand for drones within US borders. Because domestic use of drones for law enforcement purposes is a relatively recent development, this question was mostly exploratory, as much of the scholarly work on the societal impacts of employing drones in police work remains minimal and ongoing at this point in time.

Chapter 2 laid out the framework for this paper in which the central theories employed throughout the course of this analysis were outlined. Militarism, the belief that the use of force and threat of violence is the most appropriate and efficacious means to solving problems, provides context for this paper, highlighting the conditions that exist within the United States that contribute to the normalization of war through war rhetoric and war metaphor. It also serves as a framework for the theory behind armament culture, which emphasizes the exercise of military power, hardware and technology as its primary problem-solving tools[165]. The central characteristics of militarization were also defined, and through the exploration of these characteristics, led to the identification of an additional area for research - the incentivization of militarization via federally funded military equipment transfer programs. Securitization theory and American Exceptionalism also provided a theoretical framework useful for identifying the ways in which police militarization is legitimized by determining how security concerns are created by framing specific social issues or problems as threats.

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[165] Kraska, *'Militarization and Policing'*, p. 3

Chapter 3 was was dedicated to understanding the phenomenon behind police militarization, and sought to determine how police militarization is legitimized, why it persists, and identify the effects of a militarized police force. Following an in-depth assessment, the main findings concluded that exceptional circumstances relating to the preservation of internal security have allowed groups in power to justify militarized police forces. By invoking war through metaphor to rationalize these exceptions, a situation is created in which military participation in domestic policing is a reasonable response to fighting crime, thus normalizing the phenomenon. Further, the assumption that popular opinion will value security of the homeland above certain civil liberties has permitted the implementation of irregular action, in which weapons possession offers the best solution to maintaining a secure nation, glorifying war and perpetuating the existence of an armament culture. Moreover, studies on the effects of police militarization have demonstrated a correlation between the use of military equipment by domestic law enforcement and an increase in police violence, proving that arming police with heavy weapons will negatively impact the communities they serve, undermining public trust. Further, assessment into the reasons why militarization persists despite these adverse effects revealed the presence of a military-industrial complex by virtue of a deeply rooted armament culture in which the use of force and threat of violence is combated with more force and more violence. Based on this information, the process of police militarization represents an expedient solution for a much more profound social problem - a weapons-obsessed armament culture in which security concerns create an exceptional state that allow groups in power infringe upon certain civil liberties to expand their militaristic agenda.

The final chapter of this thesis looked to explore the effects that police drones might have on the aforementioned effects that come as a result of police militarization. Based on the assessment, the multifunctionality of drone technology exhibits the potential to curb these negative effects so long as the technology remains neutral, employed only in monitoring and surveillance situations. Drones offer a solution to combating police violence and public mistrust by acting as an accountability mechanism through the use of audio and visual recording, and like foreign drones, can enhance situational awareness for police officers. This has the potential to minimize the likelihood of unnecessary escalation or altercations with the public, providing officers with better clarity and a more robust understanding of their environment in any given situation.

Additionally, police drones may actually present and alternative solution to fighting violence with violence, moving away from an armament culture by acting as a non-violent tool to combat crime. The caveat however, is the potential for these domestic drones to become armed, a growing concern with the potential to reinforce the military-industrial complex fuelled by the armament culture identified in chapter 3. Arming police drones will most definitely link the process of police militarization with the adoption of domestic police drones by bringing the precision killing machines used to combat terror overseas to the homefront, disintegrating any remaining distinction between police and military functions. Thus, the current planned use of drones will in fact aid in combating the effects of police militarization however, it is imperative that drones remain unarmed in the domestic sphere, else the drone will represent yet another action towards militarizing American police forces.

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