

Noetic Note

A framework for integrating military equipment into law enforcement capabilities

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Preface

This Note was authored by Jason Fritz from our Washington DC office. It is written in the context of increasing militarization of US law enforcement capabilities enabled through direct government funding and gifted equipment. The Note discusses whether and/or how to integrate military equipment into law enforcement organisations in the US, and then proposes a Capability Framework approach to managing and integrating such capability.

Although the US context is different to that in which Australian law enforcement organisations operate, the considerations regarding an operational needs analysis and use of a Capability Framework – with clearly understood and articulated inputs to capability – is relevant to an Australian audience. A Capability Framework approach is relevant to all law enforcement and emergency management organisations. This framework has already been used successfully as the basis for developing capability frameworks for a number of Australian organisations.

Introduction

The police response to the demonstrations in Ferguson, Missouri in August 2014 drove the issue of police militarization to the forefront of public debate. This debate highlighted the significant amount of money and equipment flowing to state and local police forces from the federal government, while raising fundamental questions about these transfers. Do law enforcement agencies need this equipment? Can they maintain it? How do they incorporate it into their existing operations?

This Noetic Note provides analysis to assist the United States' many police forces in considering whether and/or how to integrate militarized equipment into their organizations. The decision to build policing capabilities upon military-specific equipment should not be taken lightly, as robust capabilities challenge the balancing of the three pillars of community policing: Building Trust and Legitimacy, Officer Wellness and Safety, and Community Policing and Crime Reduction.¹ While considering the guidance provided here, law enforcement executives must also consider if newly developed capabilities protect officers, improve the agency's ability to execute its mission, and does so while remaining true to the principles of community policing. We also stress that executives consider the long-term costs associated with high-end equipment, often missed, particularly when the end-item is given to the agency free of charge.

This Noetic Note explores the diffusion of military equipment among law enforcement agencies in the United States. It presents the concept of a capability framework view as a means to understand how organizations turn operational needs into operational competencies. Finally, it specifically applies this framework to the integration of military equipment into law enforcement capabilities and examines the implications of taking a capability approach to this challenge.

The Militarization of Policing: Evidence and Implications

From 2009 to 2014, the U.S. federal government gave roughly \$18 billion of support to state and local law enforcement agencies.² Spread across the nearly 18,000 individual police forces throughout the United States, these agencies have had easy and cheap access to funds and equipment. The '1033 Program' is one such means for police forces to obtain militarized equipment from excess stocks in the Department of Defense, and as seen in Figures 1 and 2, there has been an increase in the amount and value of equipment transferred over the past 10 years.³

Police forces seek this equipment for many reasons, primarily to ensure the safety of their officers and the people they are sworn to protect. However, the implications of obtaining such

1 COPS Office, *President's Task Force on 21st Century Policing: One-Year Progress Report*, Washington, DC: Office of Community Oriented Policing Services, 2016, p. 1.

2 Executive Office of the President, *Review: Federal Support for Local Law Enforcement Acquisition*, 2014, p. 3. The original dataset for this equipment for the years 2006 to 2014 was obtained from the Department of Defense's

3 Defense Logistics Agency, which oversees the 1033 Program, by the *New York Times* and is available from <https://github.com/TheUpshot/Military-Surplus-Gear>. The author coded each line of transferred equipment, nearly 250,000 in all, as military or non-military equipment. These figures and subsequent analysis consider only the military equipment in this data.

equipment may have more pervasive effects. A series of studies in the 1990s found that police forces of all sizes were militarizing in their materiel and organizational structures, but that this militarization was not related to violent crime rates.⁴ These studies further found that organizational and materiel militarization led to increasingly militarized operations as measured by the use of military tactics to conduct routine police activities, such as issuing warrants or patrolling. More recently, based on regression analysis of the 1033 Program from 2006 to 2014, violent crime rates have had virtually no effect on the decision to acquire military equipment, indicating that police are getting this equipment for reasons other than their operational needs.⁵

These indicators of how and why law enforcement agencies acquire and integrate military equipment raise a number of challenges that agencies should address before and after gaining this materiel. As military equipment provides police forces with a capability, Noetic believes that integrating this equipment into existing operations requires a capability perspective to assess whether or not to obtain the equipment and if so, to optimize its utility within the organization's mission.

Figure 1. Number of pieces of military equipment

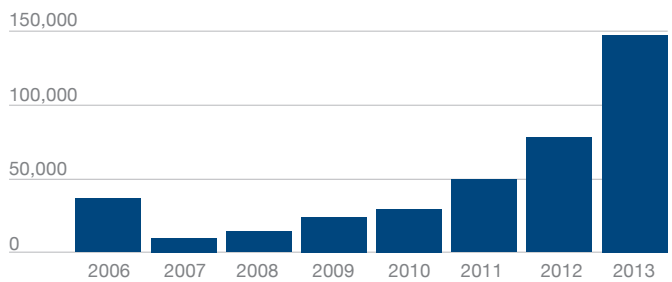
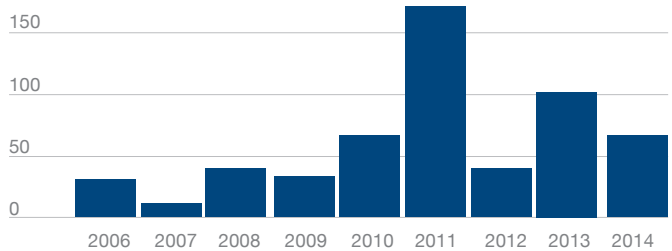


Figure 2. Value of military equipment (USD Millions)



⁴ Peter Kraska and Louis Cubellis, "Militarizing Mayberry and Beyond: Making Sense of American Paramilitary Policing," *Justice Quarterly* (14:4), 1997, pp. 607-629; Peter Kraska and Victor Kappeler, "Militarizing American Police: The Rise and Normalization of Paramilitary Units," *Social Problems* (44:1), 1997, pp. 1-18.

⁵ This regression analysis was based on the data discussed above with the addition of covariates. Analysis was conducted at the county-year level with fixed effects for the entire sample and within quartiles. The calculated elasticities, with standard errors, were nearly negligible for all model estimations. Results are available upon request.

A Capability Framework Overview

Before applying a capability framework to police materiel militarization specifically, we will first describe a capability framework. A capability here refers to those activities that a law enforcement agency believes it needs to be able to execute to fulfil its mandate. A capability framework is a methodological analysis of how an organization develops, employs, and resources a capability. A capability view is an important foundation on which organizations can strengthen their ability to drive change and shape evolution. It helps both internal and external audiences to understand what the organization does and the breadth of activities needed to meet its mandate. A well-developed capability view provides an excellent platform on which to base decisions concerning interoperability, the distribution of functions across and between agencies, and other aspects of policing operations.

Fundamental Inputs to Capability

Capability results from the combination of a variety of fundamental inputs. While many large organizations have mnemonics to address the elements of a capability, Noetic uses POiSTED, which stands for People, Organization, information, Support and Facilities, Training, Equipment and Doctrine.⁶ Each of these inputs is underpinned by resource considerations, but the inputs are the necessary intermediate step to connect dollars and outcomes. The creation, evolution or termination of any capability is only possible through the adjustment of the particular POiSTED arrangements for that capability.

- + **People.** Recruiting, developing, and retaining the necessary people with appropriate skills to manage all operational and corporate activities.
- + **Organization.** Ensuring that each capability has a clear place in the chain of command and that accountabilities are clearly defined.
- + **Information.** Information and communications technology including hardware, software, communications systems, data, and networks.
- + **Support and Facilities.** The infrastructure and services that are integral to the operations of each capability.

⁶ POSTED was the model utilized by the Australian Army to describe the inputs to capability until the ADF adopted the more complicated eight elements under the rubric of the Fundamental Inputs to Capability (FIC). The FIC include Command and Management, Organizations, Major systems, Personnel, Supplies, Support, Facilities, Collective Training.

Noetic has added a lower case i to illustrate the inclusion of information in the Information and Communications technology context. Noetic believes that POiSTED is more succinct and memorable than FIC. The background materials on a Capability Framework came from a document prepared for the Victoria Country Fire Authority in Australia.

+ **Training:** The individual and collective training required to ensure that personnel and organizations are able to realize the capability.

+ **Equipment:** Major systems, task specific equipment, and general equipment.

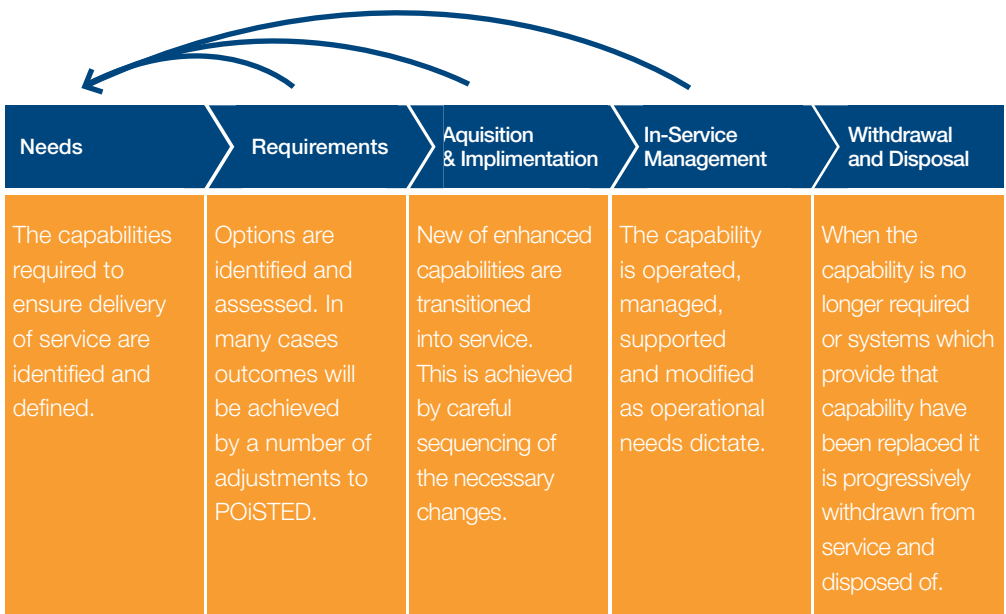
+ **Doctrine:** Collective knowledge that has been structured and systematized to facilitate its application in practice and prepared for dissemination in a way appropriate for its intended audience.

These inputs must be tightly integrated and managed holistically within a defined or constrained financial envelope in order to realize and sustain a capability: a deficiency in any one adversely impacts the whole.

Capability Lifecycle

All capability models such as the POiSTED model are linked to a Capability Life Cycle (CLC). The CLC will begin with the identification of the need for a new capability or the need to enhance an existing capability. After this Needs Phase, the process moves through a Requirements Phase, during which the new capability is defined in terms of the necessary adjustments to POiSTED. Once the organization understands what it needs to do to generate the capability being sought, it acquires or implements that capability and then manages it through its service life. Once a capability is no longer needed or is superseded, it is withdrawn from service and disposed of. The CLC is depicted in Figure 3 below.

Figure 3. The CLC will normally cycle back to the Needs Phase near the end of In-Service Management but may cycle back in earlier phases



Understanding the relationship between POISTED and the CLC is critical. For example, when someone examines the need for a new capability, they must also begin to develop an understanding of the associated resources required to withdraw that capability at the end of the CLC. Resources associated with a new capability must be matched with resources at each stage of the CLC. This will ensure that the capability is fully resourced throughout the CLC and that the organization does not suffer from resource overruns as a result of avoidable poor planning.

**A Capability Framework
View of Military Equipment
in Law Enforcement**

Recognizing that the capabilities we discuss here center on the acquisition of military equipment, our capability framework assessment presents law enforcement executives with a set of questions that they should address when considering obtaining new military equipment. As shown in the studies mentioned above, this equipment can fundamentally change how an agency does its work and each piece should be considered a capability. As such, executives should consider the questions, but not only these, for each of the POISTED inputs listed in Table 1.

Table 1. Capability Inputs Specific to Law Enforcement Agencies Acquiring Military Equipment

<p>People</p> <ul style="list-style-type: none"> + Does the agency currently have the right personnel to operate and maintain this equipment? + If not, what are the additional costs of obtaining the right personnel? + Does the agency currently have qualified operators and maintainers?
<p>Organization</p> <ul style="list-style-type: none"> + Does the agency have a clear subdivision to own the equipment? + Who exactly is responsible to operate the equipment? + Who exactly is responsible to maintain the equipment? + For high-end capability equipment, such as armored vehicles, what is the chain of responsibility to deploy and redeploy the equipment during operations?
<p>information</p> <ul style="list-style-type: none"> + For rolling-stock equipment, is the communications setup compatible with existing communications systems? + For acquired communications and information technology systems, are communications security measures of the acquired systems compatible with existing standards and needs?

Support and Facilities

- + Does the agency have adequate maintenance support, including special tools, test equipment, and repair parts?
- + Does the agency have adequate supply support to maintain both operational and training activities?
- + Can the agency provide the movement and transport of the equipment?
- + Does the agency possess the necessary infrastructure, including buildings, structures, properties, equipment, and areas for training?
- + Are there any specific administrative or corporate services associated with the capability?

Training

- + Does the agency have the capability and capacity to conduct individual and collective training?
- + Do trainers need to be contracted?
- + How will training on this equipment impact existing operations?

Equipment

- + Does this equipment fill an identified operational need?
- + Does this equipment compliment or increase current capabilities? Or is it redundant?
- + How does the equipment integrate into existing fleet and stock management processes?

Doctrine

- + How does this equipment fit into existing agency doctrine?
- + Does new doctrine need to be developed, or does existing doctrine need to be modified?
- + Who would develop this new/modified doctrine?
- + Who would test this new/modified doctrine?
- + What is the cost of developing and testing new/modified doctrine?
- + In what ways could the employment of this equipment build or challenge the trust built between the agency and the population?

This set of questions helps law enforcement agencies consider the implications of acquiring military equipment and aids them in understanding how high-end equipment contributes to developing a new capability. Consideration of the POiSTED inputs does not end when an agency decides to acquire equipment, rather these questions should be asked throughout the lifespan of the capability created by the equipment. Each phase of the CLC generates specific and unique POiSTED requirements and good capability planning seeks to identify and provide for all of them.

Implications

There is no one-size-fits-all solution to integrating military equipment into domestic law enforcement capabilities. Every agency has its own set of particular needs, resources, and expectations that its executives must balance as best they can. The chief of the New York City Police Department, the largest in the country, and the sheriff of Loving County, Texas, the least populous county in the United States, would have different answers to each of the questions posed above. However, both of these executives have jurisdictional mandates to reduce and prevent crimes, to protect their officers, and to maintain trust with the population they are sworn to protect.

The POiSTED inputs, and the questions posed here to help understand those inputs, will help a law enforcement agency of any size grapple with the decisions related to building capabilities around military equipment. It is important to not only ensure that an agency has the right inputs, but recognizes the resources needed to create, maintain, and phase out a capability throughout that capability's life cycle. Just because a piece of equipment is initially paid for by the U.S. government does not mean that this equipment will not cost the receiving agency in the long run.

Ultimately, and beyond dollars and cents, agencies must consider the three pillars of community policing alluded to earlier: Building Trust and Legitimacy, Officer Wellness and Safety, and Community Policing and Crime Reduction. The law enforcement capability created around military equipment should assist law enforcement in fulfilling its mandate to reduce and prevent crime while protecting officers from the dangers inherent to their profession. And yet, these capabilities cannot fundamentally threaten the trust and legitimacy that the population places in its law enforcement. Balancing these essential needs is difficult to undertake when law enforcement acquires equipment designed for the battlefield and not Main Street, but this capability framework view provides a means by which executives can begin to do so.

Conclusion

This Note highlights the fact that law enforcement agencies at every level across the United States have cheap and ready access to military equipment to support their activities. Multiple studies have found that merely having this equipment has fundamentally changed how police organizations operate with a trend of isomorphism toward military operations. Events of the past couple of years, most noticeably in Ferguson, indicate that failing to consider this equipment as part of distinct capabilities can create many problems for the agency. Specifically, these capabilities need to simultaneously solve an operational need related to crime and protection, increase the safety of the officers on the force, while preventing an erosion of trust between law enforcement and the population.

This Note provides a capability framework view that provides law enforcement executives a systematic method by which to integrate military equipment into capabilities. This framework considers all of the capabilities inputs, as encapsulated by POiSTED, across the life cycle of the capability that allows the agency to optimize its outcomes. The set of questions offered above will aid decision makers in considering how to best develop, maintain, and retire capabilities. Most importantly, it will help law enforcement agencies maintain the difficult balance of operational needs, officer safety, and public trust.

About the Author

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Jason is a Senior Consultant with the Noetic Corporation. Jason, also a doctoral student in the Department of Justice, Law, and Criminology at American University's School of Public Affairs, specializes in the research and analysis of high-end policing, political violence, and quantitative methods. He is an experienced researcher and consultant on issues related to national security, criminal justice, and foreign policy. Prior to his consulting career, Jason was an officer in the U.S. Army and had served in Iraq. Jason is a senior editor at the web magazine War on the Rocks and holds a Bachelor's of Science in Mathematics from the United States Military Academy.

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