In the wake of Michael Brown’s death and the subsequent protests in Ferguson, Missouri, a national consensus has emerged around the idea that community policing is the solution to the problem of police militarization. Police militarization and community policing are incompatible, we are told. But though police militarization and community policing are indeed strange bedfellows, they are not necessarily at odds with each other. In fact, militarization and community policing can not only co-exist, but they can also be part and parcel of a coherent approach. Counterinsurgency as practiced in Iraq and Afghanistan tells us as much.

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I. DISPATCH FROM THE FRONT LINES

Master Sergeant Michael Cutone, an Army Special Forces soldier—one of the storied “Green Berets”—had a plan. He would get the community involved in solving its own problems.

* Student, Harvard Law School and Captain, United States Marine Corps Reserve. I am deeply indebted to Harvard Law Professor Adriaan Lanni, who first encouraged me to pursue this topic and who graciously supervised my writing. I am also indebted to Aaron Bray, Michael Knapp, Coby Loup, David Coughran, John Bertetto, Michael Cutone, Kit Parker, Adam Braskitch, Seth Stoughton, Lyle Rubin, Daniel Fisher, Frank Wood, and Jack Goldsmith for their thoughts, suggestions, and support.
Those problems were real and dangerous—typified by the groups of young men on scooters toting assault rifles, terrorizing residents. The groups operated with impunity. They had established that this was their territory and that they were willing to fight to keep it. Some of the cheapest heroin in the entire country could be found here.

Master Sergeant Cutone established a small team, hand-selected for the mission and specifically trained for the challenge. The team walked the streets, knocked on doors, and hung out in neighborhood shops trying to woo the locals. Not everyone welcomed them, initially. But they kept at it and eventually developed intelligence sources. Tips began to trickle in. The trickle soon became a flood.

The team was so awash in information that it began to electronically organize and store the data. The data was then mined to produce intelligence for use in targeting bad actors. Sophisticated “social network analysis” software tools created charts of the groups and of the connections between individual bad actors—who was talking to whom, whose name kept popping up in anonymous tips, how the groups were interconnected. The team used this intelligence to target the most influential actors—the key nodes in the network—in the hopes of fracturing and disrupting the groups so individual group-members could be isolated and targeted one-by-one.

After raids—violent affairs that involved breaking down doors in the dead of night and pointing big guns at people—the team would put on a “charm offensive,” engaging with surrounding residents to explain what had occurred, and why. Engagement with residents in the aftermath of the raids was a planned part of the operations—nearly as important as the raids themselves. It built trust and contributed to the community’s feeling of safety.

Every Thursday Master Sergeant Cutone and his team held an “elder’s meeting” where residents, politicians, social service providers, educators, business owners, and security forces came together to exchange information, air grievances, and develop solutions.

The end result? A 62% drop in crime during the first year of the team’s efforts.¹

Was this an Iraq or Afghanistan success story?

Far from it. Master Sergeant Cutone and his team were operating in the North End of Springfield, Massachusetts. And Master Sergeant Cutone wasn’t operating as a soldier—a reservist, he only donned his camouflage for one weekend a month and two weeks a year. Rather, he was just doing his day job: patrolling the streets of Springfield as a Massachusetts State Police Trooper.²

II. THE FERGUSON CONSENSUS & WHY IT’S WRONG

There have been two major and seemingly contradictory trends in American law enforcement over the past generation: on one hand, police departments across the country almost universally claim to have adopted community policing; on the other, the equipment and tactics used by those same departments have increasingly grown to resemble the equipment and tactics employed by the military.

The clashes between protesters and law enforcement in Ferguson, Missouri, in the wake of Michael Brown’s death at the hands of police officer Darren Wilson threw these trends into sharp relief. In the aftermath of the protests, commentators from across the political spectrum have made the case that police militarization not only threatens civil liberties but is also ineffective and counterproductive. Indeed, there appears to be a growing national consensus that police militarization is a problem and that community policing is the solution.


Wesley G. Skogan, Police and Community in Chicago: A Tale of Three Cities (Oxford University Press, 2006), 5 (reporting results of 1997 survey of police departments finding that 85% of them had adopted community policing or were doing so and that 100% of departments in cities with populations greater than 100,000 had adopted community policing); Jeremy M. Wilson, Community Policing in America (Routledge, 2006), 2 (reporting Law Enforcement Management and Administrative Statistics survey data showing that the number of police departments claiming they had community policing officers doubled from 34% to 64% from 1997 to 1999, and reporting Bureau of Justice statistics showing that of large departments with more than 100 officers, 79% employed community policing officers in 1997).


The seeds of this consensus were sown well before Michael Brown’s death. From December 2013: “The growing militarization of U.S. policing may be threatening community policing.” And from all the way back in August 2001: “Community policing initiatives and stockpiling weapons and grenade launchers are totally incompatible.”

Ferguson hardened these opinions into conventional wisdom. Police militarization leads to the “destruction of community policing.” “Community policing is about making the police less, not more, of a paramilitary organization.” Militarization “has all but destroyed ‘community policing.’”

Why do people fear police militarization? Because “normally a close alliance between the military and the police is associated with repressive governments.” Because “[t]he more the police fail to defuse confrontations but instead help create them—be it with their equipment, tactics, or demeanor—the more ties with community members are burned.” Because “[t]he ubiquity of SWAT teams has changed not only the way officers look, but also the way departments view themselves,” conditioning police “to see streets and neighborhoods as battlefields and the citizens they serve as the enemy.” And because while 25.6% of towns with a population between 25,000 and 50,000 had a SWAT team in 1984, by 1990 52.1% did, and by 2005 80% did. Police militarization “is harming civil liberties, ramping up the ‘war on drugs,’ impacting the most marginalized members of society and transforming neighborhoods into war zones.”

13 Kraska, Militarizing the American Criminal Justice System, 3
16 Balko, Rise of the Warrior Cop, xiv.
17 Balko, Rise of the Warrior Cop, 308.
18 Alex Kane, “11 Chilling Facts About America’s Militarized Police Force,” Salon, July 4, 2014:
Police militarization and community policing are incompatible, we’re told. Is that right?

The community policing and police militarization trends seem discordant because they’ve been framed in opposition to one another in the post-Ferguson conversation. Police militarization and community policing are indeed strange bedfellows. And police militarization may very well be a terrible idea, for all the reasons mentioned above. But it’s not necessarily at odds with community policing. In fact, militarization and community policing can not only coexist, they can be part and parcel of a coherent approach.\(^\text{19}\)

Counterinsurgency as practiced in Iraq and Afghanistan tells us as much.

But first, the trends.

A. Trend 1: Community Policing

Community policing is a problematic term. It’s vague and hard to define,\(^\text{20}\) and, as a result, people are able to see in it what they want.\(^\text{21}\) Despite this ambiguity, it seems safe to say that community policing, broadly defined, is a philosophy—an approach to law enforcement—that encourages collaboration between citizens and police to identify and solve problems in a decentralized, neighborhood-by-neighborhood fashion.\(^\text{22}\)

Community policing has its roots in the unrest of the 1960s and 1970s,\(^\text{23}\) though in many respects it marks a return to the policing techniques of the...

\[^{19}\text{Interestingly, DeMichele and Kraska, in “Community Policing in Battle Garb: A Paradox or Coherent Strategy?,” came to the same conclusion, though for different reasons: “Our analysis offers evidence, therefore, that the simultaneous rise of community and paramilitary policing should be seen at least partially as reflecting a consistent logic and coherence[.]” (page 96).}\]

\[^{20}\text{George L. Kelling, “Defining Community Policing,” Subject to Debate (April 1994), 3 (“Whether one calls community policing a philosophy, a strategy, a model, or a paradigm, it is a complex set of ideas that simply cannot be put into a simple one-sentence definition.”); DeMichele and Kraska, “Community Policing in Battle Garb,” 84; Kristian Williams, Our Enemies in Blue: Police and Power in America (Cambridge, Massachusetts: South End Press, 2007), 203.}\]

\[^{21}\text{See e.g., Balko, Rise of the Warrior Cop, 325 (“Police departments and policymakers should embrace real community policing . . . [that doesn’t mean] calling the deployment of SWAT teams to clear out entire neighborhoods ‘community policing’ because such actions involve both ‘police’ and a ‘community.’”).}\]

\[^{22}\text{See Bureau of Justice Assistance, Understanding Community Policing: A Framework for Action (August 1994), 3 (“As defined by the Community Policing Consortium, community policing consists of two core components, community partnership and problem solving . . . ”); Skogan, Police and Community in Chicago, 5 (“It is an organizational strategy that leaves setting priorities and the means of achieving them largely to residents and the police who serve in their neighborhoods.”); David H. Bayley and Christine Nixon, “The Changing Environment for Policing, 1985-2008,” in New Perspectives in Policing (September 2010), 7: https://www.ncjrs.gov/pdffiles1/nij/ncj230576.pdf.}\]

nineteenth and early twentieth centuries. The perceived inability of the police to manage the turmoil of the 1960s and 1970s—and the perception by much of the public that police practices had precipitated, or at least exacerbated, much of the unrest—led to demands for reform and oversight. No fewer than five blue-ribbon national commissions, including the famous “Kerner Commission,” were formed during this period to investigate police practices and other causes of unrest and to propose reforms.

The calls for reform ranged from cosmetic to radical. Writing in 1980, Samuel Walker, then a professor of criminal justice at the University of Nebraska at Omaha, summarized them:

Police-community relations experts stressed the need for sensitivity training for police officers, the hiring of more black officers (and greater promotional opportunities for those on the force), formal liaison with members of the black community, and meaningful discipline of genuine police misconduct. Police administrators added a few new ideas of their own. Departments opened “storefront” offices in the ghettos (thereby reversing a sixty-year-old trend toward centralization), often under the direction of special community-relations units . . . . Other innovations included such things as “ride-along” programs, competitive sports events between the police and black groups, or special summer camps for ghetto youngsters . . . . Police critics demanded more. The radical solution was “community control,” decentralizing the police department and putting the police in each neighborhood under the control of elected boards of commissioners.

Some of these reforms took hold, to varying degrees, over the subsequent decades, while some fell by the wayside. But by the mid-1990s a consensus of sorts was developing as to what community policing—at least in theory—should entail. This emerging consensus was captured in Understanding Community Policing: A Framework for Action, published by the Bureau of Justice Assistance, a division of the Department of Justice, in 1994.

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27 Walker, Popular Justice, 227.
28 The ambitions of the document were set forth in its first chapter: “To date, no succinct overview of community policing exists for practitioners . . . [this document], prepared by the
year that the Community Oriented Policing Services (COPS) unit was established within DOJ to advance community policing nationwide through grants and training. Understanding Community Policing painted an idyllic picture of the police and policed in near-perfect harmony.

It stipulated that patrol officers should be given manageable beats with clear boundaries that reflected the “unique geographical and social characteristics of neighborhoods.” Contact between patrol officers and community members should be “optimized” by getting officers out of their patrol cars and onto the streets. Some officers should work out of “ministations” that would bring them in closer contact with the community. Community meetings and forums should be held to “afford police and community members an opportunity to air concerns and find ways to address them.”

Citizens, in turn, would grow to trust the officers policing their neighborhoods and, as a result, would begin to feel safer. And as they felt increasingly safe, they would begin to actively participate in policing by attending meetings and cooperating with crime prevention and investigative efforts.

But just getting out of the car and into the community wouldn’t be enough. In order to win the trust of the policed, officers would need to be “skillful mediators” able to balance “the collective interests of all citizens with the personal rights of individuals.” Police departments would have to embrace a broadened mission; no longer would rote responding to 911 calls be sufficient. Instead, police would need to serve their communities in a variety of non-traditional ways, to include resolving neighborhood disputes before they turned criminal, working with residents to improve conditions, providing emergency social services, and facilitating social service referrals. By broadening their mission and winning the trust of the community, police would “gain greater access to valuable information from the community”—in the form of tips—that could lead to the solution and prevention of crimes.

Perhaps unsurprisingly, this ideal was rarely, if ever, realized.

From its inception, community policing came under attack for being unworkable and soft on crime, with the staunchest resistance to reform coming from...
from police officers themselves.\textsuperscript{32} In the words of Ed Mullins, a member of the New York City Police Department and current president of the Sergeants Benevolent Association, the union that represents NYPD sergeants: “To be honest with you, I think community policing is a big joke. I think it’s a feel-good for the public. They do this big group-hug thing that accomplishes nothing.”\textsuperscript{33}

As with most, if not all, complex and controversial policy issues, there is no definitive answer to the question of whether community policing actually works.\textsuperscript{34} People are able to see what they want to see in the published studies and available data on community policing, just as they are able to see what they want to see in the term itself. But, despite the criticisms and uncertainty swirling around it, an overwhelming majority of citizens, across racial groups, support community policing and want it—whatever they imagine it to be—practiced in their own neighborhoods.\textsuperscript{35}

Indeed, the very first item listed under Section V, “Changes Necessary to Remedy Ferguson’s Unlawful Law Enforcement Practices and Repair Community Trust,” of the DOJ Civil Rights Division’s “Investigation of the Ferguson Police Department,” published in March 2015, is: “Implement a Robust System of True Community Policing.”\textsuperscript{36} (The report writers’ decision to modify “community policing” with “true” is telling and serves to underscore the problematic nature of the term.)

At the same time community policing was gripping the public imagination and nudging police departments in a new direction, another drastic change in American policing was underway, a change that, in many respects, seems to stand in direct opposition to community policing: militarization.

B. Trend 2: Police Militarization

The debate over police militarization burst into the national conversation as a result of the police response to protests in Ferguson. The American public


\textsuperscript{34} Skogan, A Tale of Three Cities, 10.


was shocked by images from Ferguson showing mostly white police, many of whom were dressed in military uniforms and wearing gas masks, training military-grade weapons on mostly black protesters from armored vehicles that looked better suited to the streets of Baghdad or Kabul. Though these images caught the public—and, seemingly, even elected officials—by surprise, the history of police militarization in America runs more than a generation deep.

As do efforts to document the trend. *The Iron Fist and the Velvet Glove: An Analysis of the U.S. Police*, was one of the—if not the—first treatments of police militarization. Published in 1975, ten years after the Watts Riots in Los Angeles and eight years after the inception of the nation’s first SWAT team (the brainchild of future Los Angeles Police Department Chief Daryl Gates), the monograph traced the rise of the “police-industrial complex” following the unrest of the 1960s and featured chapters on “the military-corporate model” of policing, SWAT, and the “private security industry.” Two decades later, beginning in the mid-1990s (and continuing to the present day), Dr. Peter B. Kraska, a professor at Eastern Kentucky University’s School of Justice Studies, began writing prolifically on police militarization and on how the “war on drugs” was blurring the lines that had traditionally separated the police from the military. And in the wake of the police response to the Occupy Protests of 2011, police militarization garnered the attention of the mainstream media: *The New York Times*, *CNN*, and *The Guardian*, for example, all ran pieces on the topic.

But it wasn’t until the July 2013 publication of *Rise of the Warrior Cop: The Militarization of America’s Police Forces*, by investigative journalist and current Washington Post blogger Radley Balko, and then, hot on its heels, the police response to the Ferguson protests, that police militarization really entered the public consciousness. Synthesizing the earlier scholarship and reporting on the subject, Balko traced the history of police militarization from Watts, through America’s first SWAT raid in December 1969 (led by Gates, on the Los Angeles headquarters of the Black Panthers), through the Reagan-era drug war policies that enabled and encouraged collaboration between the military and law enforcement, through the Waco and Ruby Ridge fiascos in the early 1990s, to the advent, in 1997, of the now-much-reported-on “1033 program” which established the Law Enforcement Support Program to transfer

39 Baker, “When the Police Go Military.”
equipment from the military to local police departments across the country. From there, Balko documented the acceleration of police militarization since 9/11.

Then, following the police response to the Ferguson protests, the internet exploded with stories on the topic. Building on Rise of the Warrior Cop and earlier efforts to document the trend, the reporting thoroughly explored the history and implications of militarized police forces generally and in Ferguson specifically.

Like “community policing,” however, “militarization” is a fraught, ambiguous term. At the beginning of Rise of the Warrior Cop, for example, Balko defines the term broadly: police militarization is the phenomenon of “turning our cops into soldiers.” Commentators have made a compelling case that in some ways, cops increasingly do resemble soldiers. But only in some ways: equipment, armaments, uniforms, and, to a lesser extent, tactics. In other words, “militarization” seems to mean that police and soldiers increasingly look alike and increasingly have the same equipment.

But couldn’t some forms of militarization be good? For example, in the wake of Ferguson, it’s hard to imagine that citizens wouldn’t want local police departments to be as well-trained, disciplined, and trustworthy as the military is generally regarded to be. Indeed, even before Michael Brown’s death and the Ferguson protests the military was far and away the most trusted institution in the country, with 39% of respondents in a June 2014 Gallup poll saying they had a “great deal” of confidence in the military (compared to 25% for the police) and an additional 35% saying they had “quite a lot” (28% for police).

Underlining this unfavorable contrast, many vets took to the internet to voice their dismay and disgust with the police response in Ferguson. Matt Farwell, an Army vet writing in Vanity Fair online, captured the sentiment:

I couldn’t get past the fact that the police in Ferguson were wearing better battle-rattle and carrying more tricked-out weapons than my infantry platoon used in one of the most dangerous parts of Afghanistan. Looking at the lines of cops facing off against angry protesters, I was alarmed at their war-like paramilitary posturing.

Or perhaps “Broken Handmic,” tweeting as @13F2PL7 on August 13, 2014, summed it up best: “A lot of vets, me included, would go to Ferguson

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42 Williams, Our Enemies in Blue, 203.
43 Balko, Rise of the Warrior Cop, 41.
and gladly teach some classes on crowd control and patrolling [sic] You are fucking it up.”

Balko even seems to acknowledge the possibility of “good militarization” on the second-to-last page of his book:

As I’ve written and spoken on this issue over the years, I’ve even had current and former members of the military tell me they object to the word militarization—not because they disagree with the basic premise of what’s happened to police departments in recent years, but because from their own experience, the military is more accountable and disciplined than many police departments today. Several have even told me that military raids on residences where they suspected insurgents may be hiding are done more carefully and with more deference to the rights of potential innocents than some of the SWAT raids they see and read about today. The police today may be more militarized than the military.

That last sentence—“The police today may be more militarized than the military”—reveals the problematic nature of the term militarization: the term’s current meaning seems to be that the police have some of the same equipment as the military, but don’t have the training, expertise, experience, professional standards, or individual and organizational discipline to properly employ it (or, rather, to employ it as well as the military). In other words, militarization, as least as it’s currently used by critics of the phenomenon, implies that the police are both too much (with respect to equipment and weapons) and too little (with respect to intangibles, like training and professionalism) like the military.

Further complicating things, it’s not clear that militarization is the primary factor—or even a primary factor—driving a wedge between the police and policed. For example, the primary source of friction in New York City, at least until very recently, was “stop-and-frisk,” the widespread practice of police—regular, uniformed patrol officers, not SWAT—stopping and questioning large numbers of citizens. Though considered an aggressive tactic, “stop-and-frisk”

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47 Balko, Rise of the Warrior Cop, 335.
doesn’t fit the cops-acting-like-soldiers definition of militarization.\textsuperscript{51} And the primary complaint of Ferguson residents was that they were brutalized and treated as a source of revenue by the police department, not that they were the target of SWAT raids or other forms of military-like policing.\textsuperscript{52} As a result, blame for discord between the citizenry and its police forces cannot lie solely with police militarization. Many other factors are at play. It may very well be that everyday indignities, such as those suffered in Ferguson—rather than rare-by-comparison SWAT raids and other more militarized forms of policing—are the real culprit.

Though the term “militarization” certainly has its problems, it’s clear that the trend—at least the “bad militarization” trend—is real. The photos and reporting from Ferguson during the height of the protests only confirmed it. But so is the trend toward community policing. Can one survive the other?

III. AMERICAN COUNTERINSURGENCY IN IRAQ & AFGHANISTAN

Field Manual 3-24, \textit{Counterinsurgency},\textsuperscript{53} was jointly published by the Army and Marine Corps to great fanfare in 2007. A cultural phenomenon, the manual was published for a popular audience by the University of Chicago Press. Sarah Sewall, then the Director of Harvard’s Carr Center for Human Rights Policy and now a State Department official, wrote an introduction. It was reviewed in the \textit{New York Times} Sunday Book Review by Samantha Power, now the United States Ambassador to the United Nations.\textsuperscript{54} Though widely hailed for its fresh thinking, the manual was essentially a selective distillation of military practices from earlier conflicts, primarily the French war in Algeria, the British “emergency” in Malaya, and the American war in Vietnam.\textsuperscript{55} The manual was signed by then Lieutenant Generals David Petraeus of the Army, who needs no introduction, and James Amos of the Marine Corps, who retired as Commandant, the Corps’ highest-ranking officer, in October 2014.

In stark contrast with the prevailing approach in Iraq up to that point, the manual equated counterinsurgency—or COIN—with “armed social work,”\textsuperscript{56} stating that “some of the best weapons for counterinsurgents do not shoot” and

\textsuperscript{51} Of course, one could retort that “stop-and-frisk” breeds—and is typical of—the “us vs. them” mentality that is so central to the militarization phenomenon. See e.g., Balko, \textit{Rise of the Warrior Cop}, 169–70.

\textsuperscript{52} See generally United States Department of Justice, Civil Rights Division, “Investigation of the Ferguson Police Department.”

\textsuperscript{53} The manual has since been revised; the updated manual was released as \textit{Insurgencies and Countering Insurgencies} in May 2014.


\textsuperscript{55} See Headquarters, Department of the Army, Field Manual No. 3-24, \textit{Counterinsurgency} (December 15, 2006), Annotated Bibliography; see generally, Fred Kaplan, \textit{The Insurgents: David Petraeus and the Plot to Change the American Way of War} (Simon & Schuster, 2013).

\textsuperscript{56} \textit{Counterinsurgency}, A-7.
that “sometimes, the more force is used, the less effective it is.”

The manual directed commanders to “focus on the population, its needs, and its security” and to conceptualize the conflict not as a contest between two opponents but as “a struggle for the population’s support.”

But while these kinder, gentler aspects of COIN have been widely publicized and praised, they don’t tell the whole story. Because while the American military did radically shift its approach following the publication of *Counterinsurgency* and the ascension of General Petraeus and General Stanley McChrystal, another COIN acolyte, to the top spots in Iraq and Afghanistan, it never stopped killing and capturing, and it’s not like COIN replaced more traditional military tactics and functions.

Rather, COIN subsumed those functions and attempted to integrate them into a comprehensive prescription for dealing with the problem of insurgency. COIN intended to create a one-two punch in which the touchy-feely “social work” aspects of COIN and the ugly reality of defeating an irreconcilable enemy would complement and reinforce one another.

Focusing on the population’s needs and security would encourage members of the population to turn against and provide information on the insurgents in their midst, the theory went. Credible tips from the populace would be acted upon in order to remove bad actors, show the population that the authorities were listening, and enhance perceptions of security and stability.

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57 *Counterinsurgency*, 1-27.
58 *Counterinsurgency*, 1-29.
59 *Counterinsurgency*, 1-28.
61 Kaplan, *The Insurgents*, 344 (“. . . Petraeus stepped up the kill-and-capture side of the operation. In his first three months as commander, US warplanes and drones dropped 1,600 weapons on targets in Afghanistan . . . . He also let loose the JSOC Special Ops forces all over the country, to a greater extent than even McChrystal . . . .”); Gretchen Gavett, “What Is the Secretive U.S. ‘Kill/Capture’ Campaign?,” *Frontline*, May 10, 2011: http://www.pbs.org/wgbh/pages/frontline/kill-capture/what-is-kill-capture/; Interview: General David Petraeus, *Frontline*, June 14, 2011: http://www.pbs.org/wgbh/pages/frontline/afghanistan-pakistan/kill-capture/interview-general-david-petraeus/; *Counterinsurgency*, 1-23 (“Clearly, killing or capturing insurgents will be necessary, especially when an insurgency is based in religious or ideological extremism.”); Michael Hastings, “The Runaway General,” *Rolling Stone*, June 22, 2010: http://www.rollingstone.com/politics/news/the-runaway-general-20100622?page=4 (“Even in his new role as America’s leading evangelist for counterinsurgency, McChrystal retains the deep-seated instincts of a terrorist hunter. To put pressure on the Taliban, he has upped the number of Special Forces units in Afghanistan from four to 19. ‘You better be out there hitting four or five targets tonight,’ McChrystal will tell a Navy Seal he sees in the hallway at headquarters.”).
This would in turn encourage more cooperation and engagement. And the virtuous cycle would continue.62

This design put a natural check on the military’s more traditional functions. “Kinetic operations”—in which doors were kicked in, flash-bangs were thrown, and people were killed—were meant to be undertaken only after a utility analysis: Will this operation create more insurgents than it takes off the streets?63 The benefit of removing an insurgent was to be weighed against the cost of killing or injuring the wrong person and creating a new crop of insurgents by accident.64 Decision-makers were asked to perform “insurgent math.”65

One could imagine just such a cost-benefit dynamic at work in domestic law enforcement. Indeed, it’s exactly what some proponents of police reform call for.66

And the similarities between COIN and community policing don’t end there: criticism of COIN was (and still is) remarkably similar to the resistance that met, and continues to plague, community policing reforms. As with community policing, the most recent vintage of American COIN has been heavily criticized as politically correct, out of touch, and impossibly idealistic.

“[I]t's really hard to read the COIN Field Manual and not be left with the impression that it is as much an article of faith as it is an elucidation of military strategy.”67 COIN is “going to lead us into failure, sacrificing our soldiers and

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62 Counterinsurgency, 1-23 (“As the [host nation] government increases its legitimacy, the populace begins to assist it more actively. Eventually, the people marginalize and stigmatize insurgents to the point that the insurgency’s claim to legitimacy is destroyed.”).
63 Kaplan, The Insurgents, 142; Counterinsurgency, 1-25 (“An operation that kills five insurgents is counterproductive if collateral damage leads to the recruitment of fifty more insurgents.”).
66 See e.g., Rachel A. Harmon, The Problem of Policing, Michigan Law Review, Vol. 110:761 (March 2012) (“... police engage in many legal but disturbingly intrusive searches: they enter homes at night in full SWAT gear, bang down doors with battering rams, detain partially dressed family members . . . Reasonable regulation of the police would ask not merely whether the officers at the scene had good enough reason to do each of those things but also whether searches could have been conducted just as effectively and safely but less harmfully, as well as whether in a specific case or in the aggregate that level of intrusion is worth the societal gain.”).
Marines for nothing: Political correctness kills. COIN hubristically masquerades as “an oracle, a cipher that unlocks the keys to success in any counterinsurgency as long as its precepts, principles, and rules are adhered to.”

Just as with community policing, resistance among the rank-and-file was often more intense. Take this anecdote from “The Runaway General,” the 2010 Rolling Stone article that led to the resignation of General McChrystal just a year after he’d assumed command in Afghanistan:

> But however strategic they may be, McChrystal's new marching orders have caused an intense backlash among his own troops. Being told to hold their fire, soldiers complain, puts them in greater danger. “Bottom line?” says a former Special Forces operator who has spent years in Iraq and Afghanistan. “I would love to kick McChrystal in the nuts. His rules of engagement put soldiers’ lives in even greater danger. Every real soldier will tell you the same thing.”

This sentiment—distinguishing between “real” soldiers and not—echoes almost exactly the attitude shared by many police officers that community policing is not “real” police work.

Did COIN work in practice? As with community policing, it depends on whom you ask. While there has been some empirical research on the question of whether community policing works, by comparison there has been very little on the same question as it pertains to COIN in Iraq and Afghanistan. This dearth of evidence has left room for fierce dispute, both within the military and without, regarding COIN’s recent track record and the lessons to be drawn from Iraq and Afghanistan for future conflicts. One observer’s

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70 Hastings, “The Runaway General.”
71 Skogan, Community Policing: Can it Work?, xxxii; Miller et al., Community Policing: Partnerships for Problem Solving, 138–139, 141–142.
72 Skogan, Police and Community in Chicago, 10.
73 See e.g., Weinberger, “A Data-Driven War on Crime.”
74 Weinberger, “A Data-Driven War on Crime.”
resounding COIN success is another’s abject failure. These debates have been rekindled in recent months as the self-proclaimed Islamic State has rapidly undone much of what the American military and diplomatic corps took years to achieve in Iraq. 

Though this article certainly won’t settle the did-COIN-work debate, it doesn’t have to: the simple fact that the military implemented COIN in Iraq and Afghanistan, however imperfectly, demonstrates that military tactics and equipment (indeed, the military itself) and something that bears a strong resemblance to community policing can coexist. The Iraq “surge” provides an example.

The surge is the most widely—though not universally—accepted example of COIN’s success in Iraq and Afghanistan. Roughly coinciding with the appointment of General Petraeus as commander of Multinational Force-Iraq, the surge—the deployment of 20,000 additional troops, primarily to Baghdad and western Iraq—was announced by President George W. Bush on January 10, 2007. But more important than the number of troops was the change in how they were employed. Tom Ricks, in The Gamble, his 2009 book on the surge, provides one such example of the shift in tactics:

Despite being attacked constantly [in early 2007], Baker Company [of the Army’s 2nd Infantry Division], with roughly 125 men, began conducting patrols around the clock. It tried to be precise in the use of force. “Shooting the right guy teaches the enemy and population that evil has consequences,” [wrote a member of the unit]. “The corollary is that a poor shot—one that hits an innocent person or leads to collateral damage—is worse than not shooting at all.” . . . Baker Company’s most effective tactic didn’t involve firepower but instead walking and talking. Its soldiers


78 See e.g., Gentile, “Misreading the Surge Threatens U.S. Army’s Conventional Capabilities”; Gentile, Wrong Turn; additionally, a Google search of “Iraq + surge + failure” returns a flood of commentary and scholarship contesting the conventional wisdom of surge success.


80 Unsurprisingly, Ricks and The Gamble have been the subject of harsh treatment in some quarters; notably, Ricks has been accused of being a COIN advocate rather than an impartial reporter. See e.g., Tara McKelvey, “Too Close for Comfort?: Tom Ricks and the Military’s New Philosophical Embeds,” Columbia Journalism Review, September 9, 2009: http://www.cjr.org/cover_story/too_close_for_comfort.php?page=all.
conducted a thorough census that mapped the 3,500 households in its area of operations, photographing all male inhabitants, and collecting their grievances. Another example, also from early 2007:

[The American commander] sent his soldiers into Iraqi homes to learn who lived in the neighborhood [sic] to converse, drink tea, take photographs, and census data, and learn about local concerns. [The commander wrote that] “[t]he American soldier was no longer a mysterious authority figure speeding by in [an armored vehicle] behind two-inch glass who occasionally rifled through their home[.] After repeated encounters, our soldiers began to learn who was related, which families did not get along, who provided useful insight, and many other intimate details.”

The effect of this shift in tactics? It at least partially accounted for the turnaround in Iraq in late 2007. Ricks again, writing about the situation in Baghdad in the spring of 2007, just months after the surge began: “[T]he new strategy was beginning to show results in hundreds of ways. Every day, American troops found that more Iraqis were beginning to talk to them. Better intelligence was coming in, and was being acted on more quickly.”

By 2008, the surge was being widely touted as a success and the Iraq War had become all but an afterthought for most American civilians, in large part due to the quantitative success of the surge in reducing casualties and incidents of violence. In other words, the military had, at least for a time, won the “insurgent math,” in part because COIN emphasized doing just that.

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81 Ricks, The Gamble, 168.
83 It’s impossible to determine exactly why things turned around in Iraq in 2007. In addition to the change in tactics, many other variables were at play: the personal charisma of General Petraeus, the arrival of the surge troops, the turning of the Sunni tribes in al Anbar against al Qaeda, the separation and sorting—through ethnic cleansing, or a close cousin of it—of Sunnis and Shiites in Baghdad, and so on. Ricks identified five major variables, of which the shift in tactics was one. See, Ricks, The Gamble, 200. Other observers have reached different conclusions.
84 Ricks, The Gamble, 191.
86 Ricks, The Gamble, 254.
87 Ucko, The New Counterinsurgency Era, 126.
While the surge demonstrates that militarized security forces—in this case, the military itself—and a close cousin of community policing—COIN—can not only coexist, but can be part of a coherent approach, that doesn’t mean that police militarization is a good idea. There are all sorts of reasons to demilitarize, or to not militarize in the first place. But that’s not the point. The point is that the post-Ferguson conventional wisdom, in which police militarization and community policing are framed in opposition to one another, is wrong.

Given that police militarization and community policing can coexist here at home, is COIN able to tell us anything about how they should?

IV. WHAT WOULD A COUNTERINSURGENT THINK OF AMERICAN POLICING?

A central prescription of American COIN in Iraq and Afghanistan was that the ugly business of countering the irreconcilable few must be fully integrated with—indeed, must be slave to—the gentler “social work” aspects of protecting the populace and winning its trust.

In many American cities, however, it’s just the reverse. Despite fervent protestations to the contrary, in those cities community policing isn’t so much an approach as it is a token public relations effort. Why?

In their article on police subcultures and community policing, Richard L. Wood, Mariah Davis, and Amelia Rouse give this answer:

[O]pponents of community policing portray it as reducing the mission of policing to customer service alone; in their caricature, community policing simply involves being nice to the community and the idea that police should do what the community wants . . . they portray community policing as asking them to be a weak cop or Officer Friendly: glad-handing citizens, doing public relations work, being a positive presence in the community[.] Thus, those opposed to reform seek to identify community policing with this weak community-oriented policing caricature and to emasculate community policing advocates as “empty-holster cops.”

As a result of this strong resistance, community policing (if it’s still worthy of the term) has often been reduced to a separate, discrete unit—usually called “Community Relations,” or some variation—within most

88 Skogan, A Tale of Three Cities, 8-9; Miller et al., Community Policing: Partnerships for Problem Solving, 141.
90 See e.g., Tcholakian, “NYPD Community Policing Plan Gets Mixed Reception” (“Taylor explained that rather than training the whole force to operate differently in the field, there were specific community policing officers assigned to specific beats.”).
91 A Google search of “police + ‘community relations unit’” reveals the term’s prevalence; in October 2014, the top five results were for the Community Relations units of the
police departments. The Ferguson Police Department provides a typical example:

FPD has no community policing or community engagement plan. FPD currently designates a single officer the “Community Resource Officer.” This officer attends community meetings, serves as FPD’s public relations liaison, and is charged with collecting crime data. No other officers play any substantive role in community policing efforts.\(^\text{92}\)

A similar description is provided in a profile of Cathy Lanier, Chief of Washington, D.C.’s, Metropolitan Police Department since 2007:

The district did have 16 community policing officers [when Lanier first joined the force], paid for with federal money, but they were roundly disliked by the rank and file, including Lanier[.] “We’re like, ‘This is the grin-and-wave squad. They don’t do no police work,’” [Lanier says]. By separating the 16 community policing officers from the 4,500 rank-and-file police, what the department was essentially saying to the rest of the police department was, Lanier says, “We don’t expect any of the rest of you to talk to the community. These 16 guys will do it for the city.”\(^\text{93}\)

As these examples demonstrate, in many departments Community Relations is either non-existent or, perhaps just as bad, is viewed as a hiding place for officers who don’t want to do “real” police work.\(^\text{94}\) By contrast, SWAT—in many ways the exact opposite of Community Relations—is a prestigious assignment that often attracts the most capable and committed officers.\(^\text{95}\)

An American counterinsurgent in the Petraeus mold might conclude that this separation between Community Relations and the rest of the department, but particularly SWAT and other more militarized units, is a problem for two reasons. First, a counterinsurgent might conclude that SWAT and similar units are operating blind because they lack an understanding of the community they’re operating in and therefore have little capacity to perform the police equivalent of “insurgent math” (for lack of a better term, let’s call it “offender

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\(^{\text{92}}\) United States Department of Justice, Civil Rights Division, “Investigation of the Ferguson Police Department,” 87.


\(^{\text{94}}\) Skogan, Community Policing: Can it Work?, xxxii; Miller et al., Community Policing: Partnerships for Problem Solving, 138–139, 141–142.

\(^{\text{95}}\) Wood et al., “Diving into Quicksand,” in Skogan, Community Policing: Can it Work, 141–143.
“offender math”) before conducting an operation. Second, a counterinsurgent might conclude that Community Relations is equally disadvantaged by the division. In addition to suffering a talent deficit relative to SWAT and other more prestigious units, a counterinsurgent would likely perceive Community Relations as relatively toothless, with no capacity to remove bad actors and therefore no way to utilize the information it gathers at meetings and other events where it comes into contact with the community. A counterinsurgent would likely be concerned that citizens won’t provide tips to Community Relations if those tips are never acted upon.

What might a Petraeus-type counterinsurgent prescribe? First, that community engagement—frequent, close contact with those being policed—should become a priority in those departments where it isn’t already. But, more than that, a counterinsurgent might recommend that the purpose of community engagement, and the mission of Community Relations, should change. Instead of engaging with the community for cosmetic, public relations purposes, a counterinsurgent might recommend that police departments recast community engagement as an unparalleled opportunity to gather information. Counterintuitively, the information to be gathered would need to be about everyone other than offenders and suspects, because usually there is plenty of information on them already. Rather, the information would need to go toward answering questions like: Which residents are going to be affected, and how, by a given operation? Will a given operation improve their disposition toward law enforcement, or not? What measures could be taken to win their trust and cooperation?

A counterinsurgent might recognize that a change of this magnitude would require leaders to overcome the “empty-holster-cop” reputation of Community Relations. One way to achieve this would be to assign quality officers to Community Relations and give them an important, challenging mission: to do “offender math” based on extensive intelligence.

Chief Lanier achieved a measure of success in this regard—albeit with patrol officers, rather than Community Relations officers—after she was appointed to D.C.’s top spot in 2007:

With 23 years of experience backing her up, Lanier knew she couldn’t instruct her officers to go out and do community policing. “I know what that is going to be: negative, negative, negative.” So instead, Lanier went to her patrol officers with a different directive: develop sources. “And how do you

96 In the domestic context, the math—obviously—is concerned with reducing the number of criminal offenders, not insurgents. This is an important distinction, but it doesn’t really change the analysis: the central question is still whether, in the long-term, a given operation will do more harm than good.
98 See Bertetto, “Counter-Gang Strategy.”
develop sources?” she asks. “You get to know people. You treat people with respect. You establish relationships. You know who knows what, and you have to know everybody to get information. It was a big change. Previously, cultivating sources had been something detectives did[,] Patrol officers walking the beat responded enthusiastically to the challenge. At the end of [2011], 85 percent of all active informants originated with beat officers.99

Chief Lanier’s success in persuading patrol officers to engage with the community by reframing their mission suggests that a similar rethinking of Community Relations might be possible.

But any information collected by Community Relations—or anyone else, for that matter—would be worthless if it wasn’t shared with those who needed it, in this case SWAT and other paramilitary-type units. Achieving the timely sharing of information in this manner would be much harder than it sounds. The military was able to achieve a measure of success in Iraq and Afghanistan in this regard because it already had a well-developed intelligence collection, processing, and sharing capability, albeit one that was designed for a conventional war on the Eurasian steppe. When the military found itself fighting a war it hadn’t anticipated—urban insurgency in Iraq—it took a while for it to adapt this architecture to the task of targeting individuals in an insurgent network, rather than Soviet tank formations.100 But that’s all that it had to do: adapt. America’s police departments, on the other hand, are faced with the task of creating an intelligence infrastructure nearly out of whole cloth, a task made all the more difficult by the fact that some departments still use reporting systems that are largely paper-based.101

But even if a department succeeded in creating the necessary plumbing to get intelligence from Community Relations to the units that need it, that would largely miss the point. The point, from a counterinsurgent’s perspective, isn’t that SWAT and its ilk should be able to exploit Community Relations-collected intelligence so that they can better target and arrest offenders; rather, the point

102 See e.g., City of Tucson, “Technology Initiatives,” accessed November 23, 2014: http://police.tucsonaz.gov/police/technology-initiatives (“Tucson Police Department (TPD) officers currently use a paper-based system to document the criminal and non-criminal incidents that they respond to. A small subset of this information is automated from the point that a caller contacts the police. The majority of the information contained in the police report is handwritten by field personnel based on data gathered during a response to a call for service. Later, data entry personnel enter a subset of the handwritten report information into department databases. However, a significant portion of the report, including the case narrative, is never automated at all. Accessing the non-automated portions of a police report can be a cumbersome process.”).
is that they shouldn’t conduct operations at all unless the “offender math” spits out a favorable number.

This is where a counterinsurgent of the Petraeus vintage might prescribe more radical change: the dissolution of discrete Community Relations units in favor of adopting a top-to-bottom commitment to the tenets of community policing. Setting aside the current debate about COIN’s exact degree of effectiveness, it’s clear that it wouldn’t have worked at all if it had only been implemented by discrete “COIN units” that were told to do COIN while everyone else continued doing things like they’d always been done. Yet this accurately describes the role of Community Relations and the state of community policing in many departments today.

V. CONCLUSION

Trooper Cutone and his team in Springfield offer a glimpse of policing modeled after COIN and, in doing so, turn the post-Ferguson conventional wisdom on its head. Their success has drawn both national and international attention: the Danish National Police recently spent three days observing the Troopers in action and the National Security Council has solicited a white paper from the Troopers on the Springfield model.103

The success of the Troopers, and the enfeebled state of community policing in many police departments, raises an uncomfortable question: might “good militarization,” rather than demilitarization, be the most effective response to “bad militarization?”