From Contradiction to Confusion
Reflections on the challenges facing policing and questions to help bring clarity

January 13, 2021

The year 2020 will be remembered as an incredibly difficult and challenging year for many for good reason. With the death of George Floyd and on the heels of other controversial deadly force incidents, we witnessed a spring and summer of unrest with a serendipitous outcome— people across all backgrounds came together to declare that Black lives matter. Furthermore, in a number of these events, we saw law enforcement officers and leaders marching in solidarity.

As unrest and deadly force incidents continued, including the June 2020 shooting of Rayshard Brooks in Atlanta, calls for police reform and defunding emerged. Key demands included less force and violence, decreased militarization and enforcement, the elimination of racism, increased relationship building and trust, and a fair, and just unbiased response when and where needed. Local and state governments took steps to reduce police presence and restricted the types of force that were used, including the prohibition of certain tactics, such as tear gas and other less lethal tools. The failure to use such tools is legitimately being questioned today.

This New Year began with insurrection at the United States Capitol. Unmistakable was the differential response to the vastly White, far-right and other rioters who stormed the Capitol, including many whom were seen wearing or displaying symbols of hate and white nationalism. Understandable are the questions about why the police were not more prepared, more militarized, more forceful, or better armed, and why they did not enforce and make more arrests. Was there a difference in the way the police responded compared to how they responded to some of the racial and social justice demonstrations in 2020? **The answer is unquestionably, yes—there are differences.** But it was not *just* different. It was also a failure and we should not presume that to have been intentional. Few, if any, fail intentionally.

For many, the contradictory approach is the sole focus and that is understandable. But for those of us who have pledged to improve policing and thereby protect democracy, **we cannot stop there**. We must dig deeper and probe and expose additional contradictions. We must resolve confusion and ensure that contradictions do not lead to or perpetuate further contradiction or confusion. We must probe multiple areas, including:

- What type and level of force should be used in these incidents and when? Is it best to cede property and only meet force with force or is there a line drawn elsewhere?

- Should all less lethal tools and munitions be eliminated from policing to reverse militarization (e.g., riot gear, less lethal weapons & munitions) or is there an appropriate <u>and</u> acceptable use for some tools considered to represent militarization?

- What was the role played by federal officials at law enforcement and political levels? Was there direction or influence to take a particular stance for optics or other reasons? What impact did federal leadership in turmoil and the federal government in transition have on the federal response and support?

- Is race the differentiating factor in the different responses or something else, such as the nature of the cause or perceived alignment with police? Research suggests that the 2020 Summer Protests were more diverse than many presume, yet the cause was specific.

- Are far-right groups or others manipulating police and intentionally eroding their legitimacy? If so, how do we stop it?

- Is there threat group infiltration in the responding agencies or those overseeing preparation? What is the extent of involvement of current or former military and law enforcement within the group that stormed the Capitol? If there is substantial involvement, what does this mean for policing and safety more broadly?

- What is the role that social media and disinformation campaigns play in these situations and others, and what can be done about it?

- To what extent should agency leaders and officers attempt to engage in order to diffuse tense situations? Does the use of "Blue Lives Matter" and similar symbolisms create a situation where the threat is not taken seriously? Should we begin to discourage officers and chiefs from marching or taking a knee with other protestors as a way of avoiding misunderstanding and manipulation?

- Though many officers acted valiantly, why did officers respond with force (including deadly force) in some situations but appear to "abandon post" in others or facilitate entry?

- How can we appropriately recognize and respond to the repeated trauma that officers responding to these events are undeniably facing?

The contradictions are many and now confusion abounds. We have come full circle and there is currently no answer to the question being asked by many in policing—how *do* we police

these events? What preparation is too much or not enough? When is force justified or seen as appropriate?

Now, more than ever, our work is just beginning. Those on the front lines deserve clarity and leadership from above. We must avoid quick and summary assessments of this incident and pursue a comprehensive and thoughtful process of review and learning. We have learned much through many after-action and critical incident reviews. This cannot be left unexamined or examined superficially.

The National Police Foundation stands ready to support the process of an objective review and scientific analysis. We intend to engage and listen to stakeholders and communities as we contemplate these questions to ensure that they do not continue to lead to confusion but to fair and democratic policing regardless of cause, color or affiliation. Justice must be blind in order to be fair.

Sincerely,

Jim Burch, President, National Police Foundation