

5 THINGS YOU NEED TO KNOW ABOUT PRIVATE MILITIA GROUPS

Strictly defined, militias are unauthorized, armed private paramilitary groups that present a threat to public safety—furthermore, it is unlawful (nor is it protected by the Second Amendment) in all 50 states to form such coordinated groups.¹ However, because 36 states allow the open carry of firearms at protests, militia groups participating in those events while wearing tactical gear can generate the public impression that private militias are sanctioned by the government. The normalization of the gathering of these groups in public and the possible appearance of these groups' alignment with police agencies presents unique challenges to public and officer safety. During 2020, unauthorized armed groups protested public health lockdowns, opposed racial justice protestors, conspired to abduct state governors and kill law enforcement officers, and in an event indelibly imprinted on the country, participated in the siege of the U.S. Capitol on January 6, 2021, during which five people died.

THE ISSUE

In open carry states, armed groups are an increasingly common presence at political protests. This is further complicated by local laws which state that militias are not subject to prosecution for their mere presence, and that state laws may have high bars for prosecution. How police services agencies interact with such groups presents new challenges for policing.

Sources:

¹ [State Fact Sheets](#)

² [Progovernment Militias](#)

1

THERE ARE IMPLICATIONS FOR OFFICER SAFETY

While many militias claim to be pro-law enforcement, a minority have targeted and killed law enforcement officers. Law enforcement officers should refrain from assuming that militia groups, regardless of any perceived appearance of supporting law enforcement, are safe to trust. Law enforcement officers should be cautious in their in-person and online interactions with militia members, organizations, and activities.

2

PERCEPTIONS OF POLICE LEGITIMACY CAN BE DAMAGED

There have been reported incidents in 2020 (e.g. in Albuquerque, Kenosha, Louisville and the U.S. Capitol) when officers' interactions with militias gave the appearance to the public that that these groups were receiving preferential treatment over other groups of protestors. Such incidents can threaten local police legitimacy, damage the public's trust and confidence in American policing nationally, and may lead to reputational damage for police and police leadership.

3

INTERNATIONAL EXPERIENCE WITH ARMED MILITIAS SUGGESTS DANGER

Experience gained from armed conflicts around the world suggests that, when left unchecked, militias formed with seemingly the best of intentions—for example, as patriots or freedom fighters—routinely morphed into little more than elaborate criminal gangs, severely damaging communities, policing efforts, and the very countries in which they were formed.² By not turning our collective attention to these groups' heavily armed presence on public streets, police services agencies risk contributing to increasing radicalization that can lead to flashpoints and result in widespread and more lethal violence.

4

NORMALIZATION IS PROBLEMATIC

In 2020, militia activity became increasingly common, public, and mainstream. The acceptance of these groups in society presents long term risks to public safety. While many militias assert that they have a mandate for public safety, these groups obviously have no legal role in ensuring public safety. With many of these groups appearing to “support the blue”, some officers may engage with them in a way that gives an appearance of mutual support. This can contribute the normalization of such groups while at the same time risk alienating large segments of the public that those officers are paid to protect, thus damaging their ability to increase the public's trust and confidence in the police as an institution.

5

MEASURES YOU CAN TAKE

Law enforcement agencies should have clear policies regarding engagement, membership or participation in, and/or support of militia groups. Officer and staff engagement in and support of extremism should be strictly prohibited. Audit the police organization's culture, hiring screening criteria, and review the use of social media for indications of affiliation with militia groups. Watch for uniform, vehicle and other markings where officers may add their own insignias which give the appearance of partiality toward one group or another. Ensure the treatment of all protest groups by the police is equal regarding the manner in which officers speak to protestors, provide them with or receive water from, provide support or guidance to protestors, etc. Familiarize the workforce with the events that occurred at the U.S. Capitol on January 6, 2021, highlighting the danger of normalizing extremist groups who are not supporters of the police, although they may appear that way.

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