

“Thugs” and “Riots”: Legitimizing Police Violence at Protests Against Police Violence

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The litany of names is by now very familiar. Michael Brown, Tamir Rice, Walter Scott, Eric Garner, Freddie Gray, John Crawford III, George Floyd—unarmed Black men (and children, as in the case of Rice) suspected of criminal behavior who wound up dead. There is another list of names that is likely not as well-known: Michael Wilcox, Eric Fein, Ryan Giroux, James Holmes, Jared Lee Loughner, Dylan Storm Roof. Armed and demonstrably dangerous criminal white men who were arrested without incident. Why is it that the state, in the form of its most visible manifestation of violence (i.e. the police), acts so disparately against communities of color? Why is it that when those communities then protest against that treatment, these same agents of the state respond with even more violence?

The Distinctions in Police Violence

After an instance of fatal violence by the police, the primary concern from the standpoint of the state is whether the behavior was legally justifiable. In the current climate, this means applying the test of “objective reasonableness” as established by the Supreme Court of the United States in *Graham v. Connor*.¹ Specifically, the Court held that “the ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.”² However, the Justices declined to define the primary components of “reasonable” or “reasonableness,” leading to a situation in which we are effectively forced to accept the responding officer’s determination that an individual posed a significant threat.

Ostensibly, this legal restriction on law enforcement behavior means officers would not be able to, for example, shoot someone for merely having a weapon in a jurisdiction where open carry is legal.³ Yet this is precisely what happened to John Crawford III, who was shot and killed by officers of the Beavercreek (Ohio) Police Department while holding a pellet gun in a Walmart store. In a subsequent lawsuit, Crawford’s family alleged that the responding officers did not do their due diligence to determine if he was a threat, thus violating the *Graham v. Connor* standard.⁴ That lawsuit was recently settled by the city for \$1.7 million, with no admission of wrongdoing, and no criminal charges were ever filed.⁵ The shooting of Laquan McDonald, in contrast, provides perhaps the clearest example of what objective reasonableness means in the legal sense. Despite a widespread cover-up to exaggerate the threat posed by McDonald, it remains true that only Chicago Police Department officer Jason van Dyke fired his weapon while numerous other officers were also at the scene.⁶ In that context, there was ample evidence of what a “reasonable officer on the scene” would do, which was to not fire their weapon, and as a result van Dyke was sentenced to 81 months in prison.

Perhaps more complex than the legal considerations regarding fatal violence by police officers are the moral ones. The relative lack of legal consequences for law enforcement officers involved in these situations (Jason van Dyke notwithstanding) has led to a focus on what are now known as “awful but lawful” uses of fatal force, in which it is acknowledged that the officer’s

actions were within the law as established by *Graham v. Connor*, but were morally repugnant.⁷ In order to claim moral standing during these actions, law enforcement agencies (and, to a certain extent, individual officers) must have established legitimacy within the community. Highly-visible acts of (even perceived) police misbehavior lead to a lack of legitimacy, which in turn “might also have an important influence on everyday compliance with the law.”⁸ This cycle does not exist in a vacuum. It originated in a “civil rights [movement that] confronted American policing in direct and visible ways. In response to these confrontations, the police, generally speaking, became militant [resulting in] police riots.”⁹

As a remnant of the earliest days of policing in the United States, when law enforcement agencies were tasked with returning runaway slaves to their owners, communities of color have felt both under- and over-policed for their entire existence.¹⁰ “[P]oor minority communities experience aggressive enforcement patterns [which] fosters patterns of racial bias, but feel they are not adequately protected from crime.”¹¹ Indeed, minorities often feel that they “have been subjected to a dual system of law enforcement in which [they] remain ‘at risk’ for police antagonism and violence while...the police in [those] neighborhoods continue to operate as an ‘occupying force’ established to police (not protect).”¹² In an increasingly-militarized atmosphere, this has meant that “the use of paramilitary weapons and tactics primarily impact[s] people of color [revealing] stark, often extreme, racial disparities in the use of SWAT...especially in cases involving search warrants.”¹³ Thus, while such tactics may be permissible within the law, they are disproportionately deployed within communities of color, leading to yet more calls for reform.

The inequitable distribution of police protection and use of force has resulted in numerous instances of local law enforcement agencies being sued by the US Department of Justice under the “patterns and practices” provision of the 1994 Violent Crime Control Act. In these situations, the “DOJ consent decrees include language requiring police agencies to develop policies to prevent biased policing.”¹⁴ However, while previous presidential administrations have used such decrees with success, the Trump administration made a concerted effort to diminish their importance.¹⁵ There has also been a strong emphasis on the implementation of community-oriented or problem-oriented policing, which has been shown to have positive effects on citizen satisfaction and police legitimacy.¹⁶ However, recent evidence suggests that agencies are far more involved in the rhetoric of community policing than its application in practice.¹⁷ Indeed, even in the face of such rhetoric, “routine police violence...is justified by ideological notions about the mandate, the police role to serve and protect and to control crime.”¹⁸ The critical question is: Who do they serve and who do they protect?

Training and Preparing to Face the Enemy

Many law enforcement agencies use training videos featuring officers being killed in the line of duty. Taken from dashboard and body cameras, these videos emphasize to officers that they face life-and-death situations as a routine part of their job description.¹⁹ However, these felonious homicides of officers represent a statistical anomaly; in the year 2019, 48 officers were killed as a result of suspect actions.²⁰ When officers are taught to emphasize officer safety, and when that is reinforced by training videos that provide strong visual evidence of the need for that safety, we begin to see how the gap between the mindset of officers and citizens widens. In fact, “the

existence of these videos, and the role they play in training law enforcement professionals...serve as a reminder that police officers and the people they are sworn to protect often see things very differently.”²¹ This is unfortunately perpetuated by the American media, as intense coverage of statistically-rare events leads to a moral panic on the part of all those involved.

Although there is a general lack of data on police use of deadly force, available evidence suggests that violence both by and against officers has not increased significantly over the past decade, despite increased media coverage.²² In fact, law enforcement officers have a significantly lower risk of experiencing a job-related fatality than do numerous other occupations, such as loggers, roofers, sanitation workers, or truck drivers.²³ However, this “War on Cops” theme serves to heighten tensions, increasing the likelihood of further violence. When protests against that violence occur, police officers see that as confirmation of their suspicion that the general public is against them and does not understand the nature of police work when, in fact, they recognize it all too well. Indeed, the view of citizens as the enemy is often enshrined in training²⁴ and reinforced by the use of equipment and tactics that blur the line between the military and law enforcement.²⁵

Implicit Bias and Rhetoric

The vagaries of the written law, as well as the unbalanced rhetoric used by police and the media, both reflect and reinforce what social scientists refer to as implicit bias. In describing the latter, it is noted that “implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner...[as they] are activated involuntarily and without an individual’s awareness or intentional control.”²⁶ Importantly, implicit biases: (a) are pervasive and robust; (b) do not necessarily align with our declared beliefs; and (c) can be held even against one’s own ingroup.²⁷ Thus, rather than requiring officers to be racist in order to justify their disproportionate violence in communities of color, implicit biases merely require that they be human. One need only look at the testimony of officer Darren Wilson who, in describing Michael Brown “like a demon,” retreated to familiar tropes about Black men as dangerous creatures.²⁸

In fact, “when white [officers] aren’t generally associating Black people with criminal activity, they are viewing people of a darker hue as otherworldly.” This applies to minority officers as well.²⁹ The implicit bias to view Black individuals as animalistic, supernatural, or predisposed to criminality, has inevitable consequences for behavior. Specifically, this “increases endorsement of violence against Black suspects,”³⁰ with the “effect observed among white and non-white participants...and not moderated by [their] explicit racial attitudes or their motivation to control prejudice.”³¹

Along with implicit bias, the overt rhetoric of Black criminality is defined by police behavior, both visible and behind the scenes. In one example, the official website of the Omaha (Nebraska) Police Officers Association posted a video of a Black toddler in a diaper cursing at, and being cursed at, by several adults. The police union representative noted that “despite the fact that it is sickening, heartbreaking footage, we have an obligation to share it to continue to educate the law-abiding public about the terrible cycle of violence and thuggery that some innocent young

children find themselves trapped in.”³² Although no illegal behavior has taken place, and there is absolutely no indication of violence, the police union has made it quite clear that they believe this child is destined to grow up as a “thug” and presumed criminal. Again, the media feeds this narrative, as when pundit Bill Maher described shooting victim Michael Brown as “acting like a thug” while also noting that it was disappointing that, “[they] just side with their own people and don’t look at the facts.”³³ Of course, Maher failed to note that police and their apologists do the same. Similarly, reports out of Baltimore following the death of Freddie Gray while in police custody emphasized that “the rioters set police cars and buildings on fire, looted a mall and liquor stores and hurled rocks, bottles and cinder blocks at police in riot gear, [who] responded occasionally with pepper spray.”³⁴ This trend has continued in coverage of the Minneapolis protests after the death of George Floyd, as the media focused on the looting and arson taking place over a 3-day period, rather than on the peaceful protests over the course of several months.³⁵

In addition to the police and the media, government officials are also responsible for promoting the narrative of dangerous criminality within communities of color. When discussing the protests surrounding Freddie Gray’s death in Baltimore, Mayor Stephanie Rawlings-Blake, Maryland Governor Larry Hogan, and President Barack Obama all used the word “thugs,” demonizing those involved regardless of their actual participation in illegal activity.³⁶ If the discussion surrounding events such as these remains focused on the criminal behavior of a few individuals, “we can continue to ignore the [underlying racial tensions].”³⁷ This escalated dangerously with President Trump’s response to the widespread protests of the George Floyd murder, with the clearing of Lafayette Square in front of the White House the most visible example of law enforcement being used in an attempt to delegitimize peaceful protests.³⁸

The terminology of “thugs,” “rioters,” and “criminals” is clearly disproportionately applied to communities of color. To illustrate this point, Cord Jefferson of media website *Gawker* went on MSNBC to satirically condemn a “white culture of lawlessness.” The video demonstrates the fact that the media fails to apply the same terminology to White individuals engaged in similar behaviors (e.g. personal violence, property destruction).³⁹ In a more direct comparison, [Brave New Films presented a video](#) in which audio from media coverage of protests in communities of color was dubbed over video of predominantly white rioters.⁴⁰ These videos make clear that different standards and terminology are applied to the same behavior on the basis of race. There is also evidence that this type of double-standard of media coverage applies to discussions of protests on the basis of their content. The most recent research finds that “[a]rticles about conservative protests—like protests opposed to immigration or LGBT rights, or protests supporting Trump and gun rights—are less likely to be negatively framed as ‘riots’ than other types of protests. In contrast, Black Lives Matter protests are more likely to be framed as riots, as news coverage focuses more on violence, property damage, and confrontations with police.”⁴¹

The final piece of the rhetorical puzzle is the placing of blame on those engaged in protests of violent police behavior for subsequent increases in crime. Indeed, it is common to argue that spikes in the crime rate in areas surrounding recent “riots” reflect the initial criminal behaviors of Black protesters against the police, dubbing this “the Ferguson effect.”⁴² In fact, “many communities have protested aggressive anti-crime tactics, including stop-and-frisk and the use of force [and] that backlash, which turned violent in Baltimore and Ferguson...has sparked police

slowdowns, which in turn has been blamed for upticks in crime.”⁴³ This begs the question of why such slowdowns, as an abdication of an officer’s duty to “protect and serve,” would be seen as an acceptable response. This is particularly important when one considers that more careful study has concluded that increases in the violent crime rate in general, and in the homicide rate more specifically, are not “attributable to the Ferguson [effect].”⁴⁴

The Policing of Protests

When police are called upon to manage protests, there are obvious considerations of 1st, 4th and 14th Amendment issues. This has generally been conceived of as “five dimensions of protest policing: (1) First Amendment rights; (2) tolerance for community disruption; (3) communication; (4) extent and manner of arrests; and (5) extent and manner of using force.”⁴⁵ Beginning with the Civil Rights movement, police behavior during protests against state action (e.g. Jim Crow laws, the Vietnam War, police brutality) has focused on strategies of escalated force (roughly 1960-1980),⁴⁶ negotiated management (1980-1999),⁴⁷ and command and control (1999-present).⁴⁸ These philosophies have followed a parabola inverse to the arc of justice, as the early and most recent time periods both emphasize excessive use of force at protests. Interestingly, it is in the middle time period of 1980-1999, when crime in the United States was at its peak (and then at the very beginning of its decline),⁴⁹ that police actions taken at protests were the most lenient.

In regards to policing protests during the Civil Rights period and the following decades, the importance of actions taken in Birmingham (1963) and Selma (1965) cannot be understated. The stated purpose of the Southern Christian Leadership Conference in Birmingham, Alabama was to “[use] direct action...to create a situation so crisis packed that it [would] inevitably open the door to negotiation.”⁵⁰ While non-violent protest was the method, it elicited a violent response from segregationists and the police, ensuring that such confrontation would result in increased support for the Civil Rights movement.⁵¹ The highly-visible violence by agents of the state, precisely when abuses by the state were the subject of the protest, generated support due to the focus on violence, rather than legal means, to subdue the protests.⁵² The dogs, fire hoses, and batons of Birmingham were repeated, even amplified, on Bloody Sunday during the first attempted 1965 march from Selma to Montgomery.⁵³ The confrontation on the Edmund Pettus Bridge between non-violent protesters, led by Student Nonviolent Coordinating Committee leader John Lewis, and Alabama state troopers (as well as a mob of deputized segregationists) shocked the conscience of Americans who had their evening television viewing interrupted. Two weeks later, after widespread outrage, the protesters completed their march to Montgomery under protection of the National Guard.⁵⁴

The Civil Rights movement saw further violence during protests in 1965 (Watts), 1966 (Chicago), and 1967 (Newark, Detroit, Milwaukee), before culminating in a series of 125 disturbances in 1968 after the assassination of Martin Luther King, Jr. Given that these occurred in areas with sizable Black populations, involved large numbers of Black protesters, and were protests of state action, they were especially likely to feature the escalated force tactic of protest management. Indeed, in looking at nearly 15,000 protest events in the United States from 1960-1990, research has found that from the period 1960-1971, as the percentage of Black persons involved in a protest increased, so did the likelihood of police presence, number of arrests made,

and amount of force used at those protests.⁵⁵ Importantly, this is also true of protests where social movement organizations (such as the SNCC, or more recently, Black Lives Matter) are present⁵⁶, or the protest is specifically directed at police brutality.⁵⁷

After mounting pressure, this time period also saw the establishment of numerous political commissions to study these recent events. The President's Commission on Law Enforcement and the Administration of Justice, for example, found that much of the civil unrest had been sparked by the disturbingly common use of force by police in seemingly routine encounters.⁵⁸ In looking more specifically at civil unrest, the National Advisory Commission on Civil Disorder (known more commonly as the Kerner Commission) "found that in half of the twenty-four riots investigated in detail, police actions were pivotal in the initiation of the riots" and recommended that jurisdictions eliminate "abrasive police practices" and use the minimum force necessary to control protests.⁵⁹ Similarly, the US National Commission on the Causes and Prevention of Violence (also known as the Eisenhower Commission) stated that the First Amendment was of primary importance at protests, and "noted [that] excessive use of force at protests was unwise and inflammatory."⁶⁰ In that context, the commission argued that "the police used uncalled-for force, often vindictively, against protesters, often regardless of whether the latter were 'peaceful' or 'provocative.'"⁶¹

As the Civil Rights movement began to have success in reducing de jure discrimination, law enforcement agencies moved to the negotiated management model of policing protests. This tactic saw police: "(1) negotiate permits [in advance] under public forum law regardless of speech content; (2) [h]ave high tolerance for community disruption...viewed as an inevitable by-product of demonstrations; (3) [have] discussions [with protesters] of their respective goals, policies and practices; (4) go to great efforts to avoid making any arrests; and (5) [avoid force] except as necessary to overcome resistance to arrest or to prevent death or serious bodily harm."⁶² However, even during this relatively less aggressive era, police were nearly twice as likely to show up at events protesting police brutality, and used force at these events at 1.5 times the rate used at events protesting other issues.⁶³ Thus, police "through their own actions...often provoke[d] the expected violence and 'proved'" that protesters were not peaceful.⁶⁴ This era came to a rather abrupt end in 1999 after massive disruptions to the World Trade Organization meeting in Seattle. With relatively little communication prior to the event, police had difficulty managing the protest. As "protesters blocked streets, broke windows and successfully shut down the WTO meeting [stalling] trade talks...police responded with tear gas and rubber bullets."⁶⁵ In acknowledging that the response of the Seattle Police Department had escalated events, Chief Norm Stamper resigned from the position, later becoming a fierce critic of police militarization and aggressive responses to protests.⁶⁶

In relation to the five dimensions of protest policing, the command and control currently in place emphasizes: (1) controlled access; (2) an aversion to community disruption; (3) a "divide and conquer" approach to crowd management; (4) zero tolerance for law-breaking (i.e. arrests made for even minor offenses, such as graffiti); and (5) a "shock and awe" approach to the use of force.⁶⁷ In addition to the elements of militarization,⁶⁸ this tactic clearly reinforces the idea of protesters as the enemy, thus increasing the likelihood of violence. Much as with the application of deadly force, this then introduces greater complexity when analyzing the current policing of protests from both a moral and legal framework. If protests are handled in the context of law

enforcement functions, there are numerous relevant legal guidelines and restrictions on that behavior. Yet, “the police use of force in these circumstances is completely unconnected to the notion of a ‘continuum of force’ used in other policing situations”⁶⁹ and “[officers are] willing to use dangerous levels of force [in response to] minor violations of the law or permits.”⁷⁰ This is particularly problematic given that “domestic police forces in the United States may use chemical agents, identical to those forbidden in international contexts, offensively against peacefully assembled citizens.”⁷¹ Yet, as noted previously regarding the law governing excessive force, the totality of the circumstances (severity of the crime, immediate threat, active resistance/evasion) must be taken into account before the use of such unmitigated, potentially deadly, violence.⁷² The protests in Ferguson after the killing of Michael Brown in 2014 saw yet another instance of militarized response from law enforcement agencies, and an after-action report by the Department of Justice determined that “police relied on ‘ineffective and inappropriate tactics’ that ‘had the unintended consequence of escalating rather than diminishing tensions.’”⁷³ In fact, even some law enforcement agencies expressed concerns about the response, with “Sam Dotson, Chief of the St. Louis Metropolitan Police Department [choosing] not to send tactical resources to assist in the protest response because he disagreed with the tactics being used.”⁷⁴ The public outrage over both the initial killing and the response to the protests resulted in the formation of yet another committee, the President’s Task Force on 21st-Century Policing, which recommended that “law enforcement agencies should create policies and procedures for policing mass demonstrations that...minimize the appearance of a military operation and avoid using provocative tactics and equipment that undermine civilian trust.”⁷⁵

It is well-established that the police may respond with proportional violence when confronted with protesters who throw rocks (or other missiles) and light fires, and those actions do greatly increase the likelihood that such justifiable uses of force will take place.⁷⁶ However, even when such actions by protesters are taken into account, police use disproportionately more force at protests where: (1) a significant proportion of the protesters are Black;⁷⁷ and (2) the issue being protested is police brutality.⁷⁸ This perhaps reflects the attitudes of the majority (White) public, of whom only 24% think that law enforcement killings of Blacks is a serious problem (as compared to 73% of Black respondents), with nearly 60% of Whites arguing that police killings are isolated instances while only 18% of Black respondents believe that is the case.⁷⁹ Despite (or perhaps due to) 780 Black Lives Matter protests taking place between August 2014 and August 2015, generally in areas that had experienced the killing of a Black individual by a police officer,⁸⁰ Black respondents had far more positive views of protests against police violence than did White respondents.⁸¹ While this remains true for the most current events, overall public opinion is far more supportive of protests than just a few years ago, with all demographic groups stating that they support the George Floyd protests (with the exception of a sharp divide by political affiliation, as only 22% of Republicans indicated support).⁸²

Current Events

Despite increased public support, it would appear that law enforcement agencies have not learned the lessons of the past, nor heeded the reforms called for by various investigatory commissions over the past five decades. The most recent series of protests across the United States, following the killing of George Floyd, have further highlighted the issues endemic to policing in general, and to the policing of protests more specifically. The 1st Amendment has

been brushed aside as officers on the street have been given (often overbroad)⁸³ discretion to declare an unlawful assembly, while a total of 164 incidents of aggression against freedom of the press (journalists arrested, attacked, or equipment seized by the police) have been verified with an additional 505 reported and counting.⁸⁴ While this is an alarming development, it pales in comparison to the number of individuals whose 4th Amendment rights have been threatened since May 26, 2020.

While law enforcement agencies have increasingly militarized, this has also meant an increase in the use of “less-lethal” options during crowd control and tactical operations. While tear gas and pepper spray are chemical weapons, they are often presented as options that will do minimal long-term damage to those who encounter them. Kinetic impact projectiles (e.g. rubber or plastic bullets, sponge rounds, bean bag rounds), in contrast, present an immediate potential threat of injury or death. Given that previous research has identified that strikes to the head and neck with such projectiles dramatically increase the risk of death or permanent disability,⁸⁵ it is unconscionable that agencies have used these tactics against protesters, even in cases where firing at the head/neck/torso is explicitly prohibited by policy (to say nothing of the practical difficulty of firing a projectile in such an environment).⁸⁶ It has quickly become apparent that this type of excessive force is common; at protests against police violence, the police respond with even more violence. In examining 400 posts on social media, journalistic investigation “found troubling conduct by officers in at least 184 of them. In 59 videos, pepper spray and tear gas were used improperly; in a dozen others, officers used batons to strike non-combative demonstrators; and in 87 videos, officers punched, pushed and kicked retreating protesters, including a few instances in which they used an arm or knee to exert pressure on a protester’s neck.”⁸⁷ In closer analysis and follow-up on 68 of those videos, the investigation found only 7 instances where an officer was disciplined for excessive force, with 6 of those having been high-profile events that were shown on national news broadcasts.⁸⁸ Similar investigations by human rights groups have found consistent human rights violations and widespread excessive force which violated the constitutional rights of protesters across 40 states and the District of Columbia in the 2-week period from May 26 to June 5, 2020.⁸⁹ In examining specific videos, former police officers (including command staff and chiefs of police) have noted that an aggressive posture from police (i.e. wearing full riot gear including gas masks, brandishing pepper spray canisters or tear gas launchers) often invites a response from protesters in a self-fulfilling prophecy.⁹⁰

The police have failed to appreciate the context of the overwhelmingly peaceful protesters marching throughout most of the country exercising their constitutional rights.⁹¹ Importantly, despite this violence being laid at the feet of “far-left radicals,” it has become clear that law enforcement agencies were aware that far-right extremists presented a much larger threat during these protests.⁹² Events over the last months of 2020, where large-scale protests in support of President Trump’s lies regarding the election have taken place, have made clear that this situation is perhaps even worse than feared. In finding that the police are roughly three times more likely to use force against leftwing protesters than against rightwing protesters, researchers also noted that the police used violent force in nearly half of the leftwing protests requiring intervention, while only doing so in one-third of the rightwing protests requiring police action.⁹³ Perhaps more importantly, considering the divisive political climate of the past four years, studies also find that at events with protesters and counter-protesters, the police are significantly more likely to arrest individuals supporting leftwing causes.⁹⁴ The response of law enforcement

agencies during the George Floyd protests has been emblematic of the very reason for those protests, namely differential treatment (certainly as viewed against the contrasting behavior at rightwing protests) and unnecessary escalation. Until these issues are resolved, we will remain trapped in a cycle of self-fulfilling violence.

Conclusion

Policing in communities of color has suffered from systemic problems associated with misdirected training and human nature. The response of law enforcement agencies to the questioning of their authority surrounding excessive force events has only made matters worse. It has been suggested that “reform must be systemic [as] the problems of overly-aggressive policing are cultural and cannot be solved by merely identifying a few ‘bad apples’ or dismissing the problem as a few isolated incidents.”⁹⁵ To that end, the Department of Justice has recently added emphasis on training officers to identify their implicit biases.⁹⁶ Careful analysis suggests that this can best be accomplished by increased contact with the “outgroup,” much in the way that the ideal of community policing describes an effective relationship between law enforcement and the community. Unfortunately, such diversity training is often dismissed by officers as “useless public relations.”⁹⁷ Until law enforcement agencies are able to elevate their training above the level of mere rhetoric, police violence in communities of color will continue unabated. Of additional concern, highlighted by activities over the past few months, is that it may be difficult to overcome the conservative nature of policing itself, as well as its membership. Racial bias in policing is not merely an existential threat to the minority community, it represents a national security threat as well. “[T]he lack of a unified national condemnation of the racial bias endemic in our nation’s law enforcement constituted a red carpet and open door for the violent attempt to overthrow the results of a constitutional fair and free election.”⁹⁸ Considering not only the failure of law enforcement to prepare for the attack on the Capitol building, but also the presence of off-duty police officers among those engaging in that criminal behavior, the future of policing as an institution is in doubt.⁹⁹ In the face of such long odds to improve traditional policing, even under a community policing philosophy, the recent protests have resulted in a growing call to defund the police. This would reallocate resources away from law enforcement agencies to non-police actors such as social services and community-centered organizations focused on education, food, housing, and medical care.¹⁰⁰ If we focus more on the humanity of our distressed communities, we can ultimately reduce our reliance on violence to police them.

Endnotes

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