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**Intro:** Welcome to the Let’s Talk Government Podcast that is provided for you by the Department of Government at Minnesota State University, Mankato located in Minnesota in the United States. I am your host Dr. Pat Nelson the chairperson of the Government Department. I want to thank you for joining us as we explore different topics about government. Some may be surprising to you and some may not, so please enjoy.

**Dr. Nelson:** Welcome to episode 13 of the Let's Talk Government podcast. Today, we are going to talk about comparing police response to demonstrations. I'm joined by two faculty members from the Minnesota State University, Mankato law enforcement and criminal justice programs, Dr. Thor Dahle and Dr. Carl Lafata. You will recognize them from some earlier podcast. So thank you for joining me today. Let's start by talking about the different responses that can be clearly compared. I'm going to provide kind of a brief overview of the black lives matter protest on June 1st, 2020 and the Capitol riot, and on January six, 2021 on June 1st, 2020, a crowd of similar size to those I gathered, um, for the storm in the capital protests gathered outside the white house to protest. After the police killing of George Floyd, they were a diverse group who called for an end to police brutality and racial inequity, and an army of federal agents assembled after Trump demanded a show of domination, sent them running with chemical agents and rubber bullets. There were 289 arrests that day. And this, this show of force occurred before the seven o'clock curfew that was set by the Washington DC on January 6th, several hundred supporters of president Trump charged inside the Capitol to overturn an election. They were mostly white and they roamed freely through the halls taking selfies and stealing souvenirs, smashing doors and defacing statutes, mid sporadic calls to hang Mike Pence and do other violence to lawmakers, as well as assaulting police officers. There was advanced notice for both the storming, the Capitol and the black lives matter protest, but there was definitely an inequitable police response. So I'm going to turn over to Carl to start off was what do you think of the police response in both of those incidents? And then we'll go to Thor.

**Dr. Carl Lafata:** Okay. Well, the police response in both of those incidents were obviously widely disparate. Um, when you look at the picture of the national guard, uh, soldiers that were along the steps of the Lincoln Memorial, uh, you know, in their gear with helmets and glasses and masks, you know, looking very, um, obviously a very forceful presence. And then you look at the, the modicum of police protection that was afforded to the Capitol. Uh, the second day, you can tell that one group was seen as a, more of a threat than the other. And, you know, when you hear newspeople, uh, or political pundits or whomever trying to compare the black lives matter protests and the, uh, protests, uh, which later turned into an insurrection at the Capitol and on January six, um, it's really a false equivalency when you really break it down and look at what both groups were trying to accomplish. You know, the, the black lives matter anti-police brutality protests. It was generally peaceful protests, uh, people that were basically protesting what they consider to be the unchecked use of government sanctioned force against people of color. And the insurrectionists were largely members of, and this is established far, right? White supremacist, extremist groups, hate groups. Their members were basically angry about what, what about the changing face of America? The prospect of people who look like them losing power. And so, you know, completely divergent, uh, you know, uh, groups of people that were treated in very different ways. And as opposed to condemning the insurrection, you had people that were saying, but what about the black lives matter protest? And what about the riots and, and this and that. And yeah, there were particular instances of violence in places like Minneapolis and other words, uh, other places, but even attorney general BARR, former attorney general, bill BARR said, uh, that those instances were committed by outside agitators with an agenda. And in Minneapolis, for example, you had, uh, the arrest of a Boogaloo boy member from Texas who was arrested for firing shots at the MPD, a third precinct. And for those of you don't know, the Boogaloo boys is an anti-government anti-police organization. Um, and so, you know, you have, uh, one group is, is essentially, uh, looked at as, as needing to be kept in its place. And the other group, uh, looks like, you know, a group that was essentially escorted to, to the, uh, to the Capitol. Um, and then things went to hack. You know, I have video, uh, for one of my classes of the capital, uh, officers, some of the capital officers taking selfies with the insurrectionists had another one where the capital officer opened the gate for the insurrectionist. And then you juxtapose that with the Australian news camera man, who, uh, was filming the clearing of, of Lafayette square for the Trump photo Opry held up the Bible. Like it was, you know, some sort of penalty card in a soccer match. And, uh, you know, this, this officer strikes the camera man with his shield and as a police officer who, and a former state trooper who, uh, has worked many of these, these types of incidences, uh, as a supervisor on a squad leader, I was infuriated by that. And, uh, the disparity in general,

**Dr. Nelson:** Dr. Dahle, what do you think about the responses? What do you see?

**Dr. Thor Dahle:** Well, it's hard not to be a little bit angry, you know, watching, it's hard not to put yourself in that place after working in law enforcement, especially at the Capitol, how prepared they were in a lab and, uh, how intelligence was ignored. Both events were known ahead of time that they were going to occur. It's pretty hard to avoid, uh, seeing the political motivations of the responses. The first was driven by rhetoric from the government saying that these protests were dangerous and the second was essentially ignoring the danger and suggesting they weren't dangerous that there were offers of assistance from other agencies to the Capitol police that were ignored prior to that, that the attack on the Capitol. Um, I suppose you could suggest they didn't expect that it would go that far. I'm sure most people didn't, but intelligence suggested people were coming there armed and prepared to take action and that the look of the protesters, seeing what they were carrying, and then the encouragement from the president all suggested this was going to be much more serious than they might have initially thought. So even from a police perspective, we'd like to think our politics don't get involved in the decision making process, but in this case, it was pretty clear that that was the case, that it was minimized for one group. And the other group was suggested to be substantially more dangerous than anything that had anything that was really suggested to be likely,

**Dr. Nelson:** You know, and I think it's important to note that the three of us have professional experience and I can probably speak for all three of us by saying we've both, we've been part of both incidents that pop up unexpected riots, um, damage to property after a specific incident that wasn't planned. And we've also responded to things that were planned, uh, for example, the Republican national convention that was held in St. Paul, I was training for that for months and we were on standby. So what we are really talking about is response to a planned known incident. It's not like nobody knew the story, the capital's going to happen will happen. And that's also why I picked the fourth day of the black lives matter. So there is intelligence that things are going to happen. I mean, they had chatter online for the storming, the Capitol, bring your guns were going to assault the Capitol. Nobody's better stand in our way. We will have to use violence. We're on the black lives matter side. He did not have that chatter about violence. Although there might've been some outliers. Um, so let's talk about breaching the Capitol. I mean, how, how is the breaching of the capital with the group that did that different than the surrender of the third precinct in Minneapolis during the protest, after the George Floyd death? What do you see from your perspective on that? What's the difference?

**Dr. Thor Dahle:** I think one was intentional, but the allowing the third precinct to fall in Minneapolis was seen as possibly, uh, reducing the tension between the groups, by giving them that as a sacrifice, so to speak. Whereas in the situation with the Capitol, that was obviously impossible. They couldn't just, you know, give it away now as doc for a fight. I had mentioned there was evidence that some officers allowed people into certain areas, but I watched many videos where the police battled valiantly during that protest, but because of a lack of preparation and poor leadership, they were put in a position where all they could do was essentially delay things for a time. In the case of the third print precinct, my argument would be, they could have prevented it had they chose to which could have led to some confrontation, but that in the end, allowing that to take place, didn't improve the situation.

**Dr. Carl Lafata:** I think also what, uh, you know, you see at the Capitol versus in Minneapolis is the officers were essentially United against the protestors. In other words, there was a clear and delineated enemy if you will. And that was the protestors. Whereas the Capitol police essentially were, were divided. You had some albeit a small number that were sympathetic to the insurrectionists cause. And you had others that, you know, like the, the officer who was getting crushed in a steel door, the officer who was bludgeoned by a fire extinguisher, the officer who's getting beat down with an American flag, uh, that were the victims of the insurrectionists ire. And so, you know, you have, uh, you know, this, this idea where, um, you know, people who they did not believe initially were going to be, uh, aggressors or the enemy, all of a sudden became that. Whereas I think the, the officers in Minneapolis were primed to see, uh, this, this group as being, uh, you know, obviously, uh, an enemy combatant force, if you will.

**Dr. Thor Dahle:** Also, when they're seen as an enemy like that, I think it, it, uh, the behaviors that are allowed or perceived to be allowed, seem to expand dramatically, like was previously mentioned, you know, assaulting somebody, uh, with very little cause and, and watching some of the videos of the riots and the frustration of police and guard members that were there doing things that would seemingly outrageous like slashing people's tires seems to suggest that because they're dealing with the perceived enemy, whatever they do is allowable. Um, the restraint on the other hand at the Capitol was I thought remarkable that more lives weren't lost, that it didn't get worse than it was because the potential for damage to democracy and the government was real that the vice president was present in the building, hundreds of congressmen and senators were present. Um, you know, it's, to me remarkable that it didn't because of some of the actions of the Capitol, they saved that, but, and also the Washington metropolitan police that's really what came into to stop a lot of that. But, um, it could have been much worse.

**Dr. Carl Lafata:** Absolutely. Those, those officers who stayed true to their oath and, uh, did, did their jobs, um, and they narrowly averted. If you, you know, if anyone reads about, uh, how close we came to disaster, the potential, uh, taking of hostages, the potential murder of elected officials, we came very, very close to having that sort of thing happen here in the United States. Uh, you know, there's a, uh, you know, this idea that left-wing protesters, uh, tend to be more violence. Um, that's not necessarily the case. There's a recent study out of Princeton. They analyze 13,000, uh, civil disturbances, and they found that, uh, police officers responding to things like black lives matter, protesters, police brutality protests, uh, those were, uh, the police officers in those situations were three times as likely to use higher levels of force or high levels of force than other types of protests and rallies. And so this is no surprise. Um, I got the impression when I heard about the tire slashing, uh, by the, uh, troopers and the sheriffs in, in, uh, the Minneapolis riots that, that came completely punitive. And the funny thing was, is, uh, they were very, uh, the public information officers were very coy about it. And then, you know, all of a sudden the Canadian, uh, global news said we've got video. Oh. And they had to admit, and they said, well, you know, it's not a, a common tactic, uh, but we did it because of this issue. And so they were trying to make up reasons on the fly. And I can tell you, as a Michigan state police trooper, we would respond to, I was assigned to the Lansing post and, you know, multiple, uh, over the course of my career, but especially from Lansing, because we're centralized, we never ever slashed a tire ever. And, uh, you know, the, the Canadian news reporters, you know, said that the officers are giggling and laughing when they were slashing these tires and turns out they were slashing news, media, medics, and, you know, it wasn't, you know, uh, the protesters, uh, so they had to kind of make excuses for that. And so it really comes down to, you know, looking at, I think in law enforcement, uh, looking at who is the quote unquote enemy, and when you are challenging their authority to use force or channeling their authority in general, uh, you start getting into that contempt of cop area where, you know, well, how dare you. And the idea is, you know, I'm gonna use this amount of force necessary that I see as appropriate as opposed to what, uh, you know, their training would indicate in the last thing that I'll say to that point is the New York police department was just sued by the New York state attorney general for, uh, using excessive force during the summer protests and NYPD response. And I'm paraphrasing here was, um, by the way, let me back up. When you have that type of lawsuit, you have to prove a pattern. In, in other words, this Is an ongoing thing. And NYPD his response was, well, you know, they didn't debate that what they did was brutal or that it was excessive. They just said, well, you didn't prepare it in practice. So your, your lawsuit has no merit. They didn't defend themselves in their actions. Is that what you didn't just use to improve pattern practice?

**Dr. Nelson:** Well, something else that I think both of you kind of brought up is that perception of disparity and actual disparity that happens. Because when we look at the two incidents, I brought up with the black lives matter protest and the storming, the Capitol, you know, you have 289 arrests after the black lives matter protests. That's a Russ, people are handcuffed their process, their chart, you know, they're either charged and released, or they're held in jail that same night, where if we look at the actual arrests that take took place after the storming, the Capitol, there were very few that left the Capitol in handcuffs. It's been a lot of after the, um, after the event arrests and going back and finding them. Um, so there is a processional disparity there. Um, I don't know if they didn't have the resources or not. They probably did to arrest at the storm in the Capitol and just did not do that at that point. Um, another thing that this brings up is jurisdiction issues, right? Uh, the storming, the Capitol, the Capitol police is the primary police force for that. The DC Metro police did not come in until the officer involved shooting at three o'clock. And the national guard was much later. Um, we saw this in Minneapolis, too, where they kept saying, well, why didn't they call in the national guard earlier? Why didn't they call in other agencies earlier? And there is a lot of complexity with jurisdiction. So, uh, how, how do you think jurisdiction might play into this? How does political, uh, I don't know, political presence of chiefs play into this? What do you think about that Thor you've been achieved? How would that be impacting the decisions they're making about responses?

**Dr. Thor Dahle:** I think in some cases it may be that they're afraid to ask for help, or don't want to be perceived as not prepared or unable to take care of their own business by asking for help. Um, but most agencies, jurisdictions have mutual aid agreements. We did that with agencies that surrounded us, knowing that there were going to be times where we couldn't handle a specific event. And when we would have something like a riot, no single agency is generally going to be able to handle that capital police are a little bit different to small geographic area with a relatively large department, but when a significant event occurs, they're typically going to involve other agencies in this case, they didn't do that. It's a little bit hard to understand why, uh, as far as calling the national guard, that's not so simple as you're not gonna, they're not gonna respond in a few hours, you know, to mobilize them. Those are people that are coming from all over the state or in the case of Washington, DC, all over the country, mutual aid with neighboring jurisdictions. Normally that's people coming in in a matter of minutes when we had a riot in a neighboring jurisdiction, I was called, um, at home at, I think it was midnight, went to the station within an hour. It had a dozen other officers to join me. And we all went to the, the scene of the riot. So we were there within an, you know, not within minutes, but within a couple of hours, we had a dozen people that were responding. And so it's, it's a very significantly different, you know, mechanism to D to develop. Now, of course, as time went by, and these, these black life protests became more common and continued day after day, that is going to allow you to activate the guard that the difficulty is, is this activation going to make it better or worse is a military presence is going to make the improve the situation, or just make it more confrontational. It's a difficult balance to strike. Um, so I'm not going to suggest that there's a perfect time or a perfect, you know, algorithm that allows me to decide this is how many this is when and when to do it.

**Dr. Carl Lafata:** Well in every state's jurisdiction, uh, jurisdictional laws are different as well. So in Michigan, as a state trooper, I could essentially empower local and County officers who are working with me by the very nature of them working at the direction of a state trooper. They had statewide authority. Other States don't have, uh, something like that. Um, when you talk to, or when, when they, when the press has talked to, uh, various elected officials, uh, about the national guard response, a couple of things come out. In fact, there was an article in the military times talking about how the national guard in Maryland and the national guard in DC had already been posted up. They were ready to go, but because of the jurisdictional issues, they had to be invited in, otherwise they would have no authority to do what they would be asked to do. And so those calls didn't come in and the chief of the DC police or not the DC police, but the Capitol police, um, you know, basically said, I asked for these things, I asked for these resources and I was denied because in the, the excuse of the reasoning that's being used is that the, um, uh, the people, that's my dog in the background that people, uh, didn't want, uh, the, the poor optics of having military present during what was supposed to be, uh, or what was built as supposedly a patriotic peaceful rally. Um, so, you know, you have those issues as well, uh, that that would prevent people from, from engaging.

**Dr. Nelson:** You know, I think we, we definitely in this country have a very poor history of law enforcement handling, peaceful protests and violent protest, demonstrations riots very differently, depending on the part of country you're in what kind of protest demonstration or riot is going on. I mean, you just look at the civil rights marches and the images that come out of that and how that impacts how you respond now, and then the military militarization. I mean, sometimes you can't even tell who is a police officer, who's from the national guard standing next to each other, but as we kind of get into the last part of the podcast, I'd like to talk about maybe rebuilding or even starting to build, um, legitimacy and trust in agencies. Uh, we're hearing reports now that, um, up to 10 to 15% of those that were involved at the storming, the capital were active or former military. We know that there were active and former police officers out there and peop the public sees that image of them attacking the Capitol building, and then even attacking the police officers, they're turning on them. What can, what can happen in law enforcement? What can we do in law enforcement to help build some more legitimacy or even start building legitimacy with the public and building trust after these images are what they've seen on the media all the time?

**Dr. Thor Dahle:** I think the first thing is accountability, and that's, you're starting to see that in this case, it obviously going to take time to identify who exactly was there and what their role was, and where were they? There has to be an investigation. There has to be some due process, but agencies have taken that step now where they're holding officers accountable for their actions there. Uh, and, and, and during other protests as well, that it can't be that you ignore these things. We mentioned the tire slashing, and it's unfortunate when an agency tries to go glass over something like that. But the only way you're going to be able to show the public that they can trust the police is if those people who violate the rules violate other people's rights are held accountable. And to me, that's the first step. The next step is going to be a little bit more difficult in that, in that opening, that dialogue, and, and, and this, that starts going into that conversation on defunding the police as well.

**Dr. Carl Lafata:** You know, and, and you've heard me say this in other podcasts, and this is kind of my mantra in my diversity class, but from fair and consistent application of the law. And if the public perceives that different groups are being treated differently or given preferential treatment, um, you know, the most, and if that most obvious reason between the groups, uh, is something that is obvious, that is easy to be seen, like skin tone. Then the police will lose that legitimacy because they're seen as being punitive and a use of force. Any action they take is being seen as punitive to that group, as opposed to the actions that optic has lost. Right. Um, there is a bit of support for what would be considered a socially conservative ideology. And I've got my little air quotes. I use, um, positions in law enforcement. Um, and so there's a little bit of overlap in some of those groups that were present in DC. And this is why you see the thin blue line flags followed by many of these groups at the rallies. And, and, you know, it ties in, you know, the idea that you should not be afraid of these groups or wary of these particular groups like the black lives matter protesters, or those who would dare say that police officers need better training, or that the institution of policing needs to be reformed. Um, and so, you know, police officers are taught formally in training and even informally by senior officers, what the quote unquote enemy looks like. And so to an example, I was, co-hosting a diversity training session with a twin cities, Metro police agencies, and a deputy sheriff in the group, this large group. He says, well, look, I'm just going off of my experience. If I see a group of white males on one corner and a group of black males on the other, I'm going to focus on the black males based on my experience. And so we had to kind of unpack that, you know, because it has, it ties into this group or this, this discussion, right. And when you're talking about groups of protestors of color, you know, police officers either subconsciously or consciously see them as more of a threat than the people who were at the DC protest, because let's be honest, the people at the DC protest, which later became an insurrection look a lot, like most of the police officers in the country, you know, white males. And so, you know, it's, I, I look at the, the response based on again, that conscious and subconscious fear, uh, that is programmed into law enforcement, through training, through, through history, uh, through, you know, informal measures, uh, you know, senior officers teaching younger officers and just, just general, you know, what the enemy or what the bad guy, quote, unquote sort of looks like.

**Dr. Nelson:** Well, I'm going to jump on the political bandwagon for a second. And, um, kind of ask you guys your perspective. So we know that in law enforcement, we need to, we need as individual officers to remain neutral, right? You might have to protect either side of an argument. So then why do we continue to allow police leaders and police union leaders and police organizers to support individual political camp, um, candidates, does that not defeat the purpose of us being neutral and protecting both sides? I'm going to ask your guys' opinions on it. I'll start with my opinion. I think it does defeat it. If we are, if a police union is supporting one candidate over the other that is telling the police, um, population, this is who we think is a better choice. And the other one is not a good choice. So if the police officer is faced with who do I need to protect more, who do I need to listen to more? They're probably influenced by, uh, what their police union is doing. And I'm not saying police unions are bad. I've been a part of that. I just think that they need to stay out of the political endorsement and campaigning, um, arena, if anything. So, all right, I'm going to lay that out there. Who wants to go next on this?

**Dr. Carl Lafata:** I'll jump into that since I have, uh, quite a bit of experience with labor unions. Um, I grew up in, in Metro Detroit. So I'd been in the UAW and the Teamsters and, uh, obviously police unions. And when I served in California, I was also the association president. So, uh, I would, even though we were a small organization, I would routinely get asked by, uh, look, candidates for local office or state office, you know, Hey, can you endorse me as a candidate? You know, and even if we, 100% clicked on their, their policies and positions, I would say no, because, and the excuse was, or the reasoning was, if I endorse you, then we as a department immediately, we immediately alienate people who don't agree. And even though the association is different from and distinct from the department itself, we are seen as representing all law enforcement. And so this brings me to, you know, the idea of confirmation bias people in some parts of the country, in some communities in some cities think that police are violent. They're racists, they're they're anti-democratic right. They're fascists, they're authoritarians. Now you have a group of people who rated the capital, very anti-democratic they're fascists, they're violent, they're racist. How can we as law enforcement separate that idea when you have the Minneapolis police union wandering around in cops for Trump, t-shirts they say, well, Trump and Trump's supporters are this rightly or wrongly. You saw what happened on January six, police officers are supporting this individual air go. They support the, that same ideology. And Oh, by the way, that confirms what I always thought is what they're thinking, right? So if police are smart enough to stay apolitical, stay out of the fray, they would avoid all of that.

**Dr. Thor Dahle:** Oh, policing for decades to remove itself from a political era of policing, where every time a new politician was elected, they could come in and clean house and get rid of all the officers that were there and replace them with their own change chiefs. And what, one of the inevitable outcomes of that was they tended to have some political influence in the community then on who voted for who, who retained office, because they were politically motivated to keep their jobs. When, when policing can't see that there's a danger there of being too close to politicians, it is just as was described very hard for them to separate themselves. When something happens, they're going to feel inclined to support one side, the side that they feel is more supportive of them. Historically, when I've also seen, um, political support from law enforcement officers or agency heads, it's usually a one issue support it's whoever is suggesting they support policing more, or will provide more funding. It's almost like, Hey for play. You know, I'll help you. If you give me this and it, it, uh, it's not a global assessment of which candidate is better for the constituents. It is what Canada is better, better for me and my organization. And it comes off as a myopic, uh, approach that many of us, I, I think, look at that and say, well, you're only supporting them because it's specifically benefiting you and not necessarily the greater good, and it's exactly why policing should stay out politics. They shouldn't Be supporting a politician. That's not their job. And it ends up with a crossover that is dangerous.

**Dr. Carl Lafata:** You know, it's funny you bring up the historical piece. And I always thought it was ironic that law enforcement was started in this country to deal with groups of people who are, uh, or who were considered to be problematic. And whether you're talking about, you know, recently freed slaves, or you're talking about immigrants, or you're talking about organized labor, uh, my agency, the Michigan state police was created in 1917 to break the copper, mine strikes up in the upper peninsula. Um, and you know, politicians would use, uh, you know, this new fangled law enforcement agency, whichever state or jurisdiction you're talking about to impart, break the strikes and prevent organized labor from basically taking shape. And, uh, you know, they would consider it to be communist. You know, the last line of the communist manifesto was workers of the world unite and, you know, fast forward a hundred years, and now police unions, uh, unionized police officers hold this enormous amount of political sway in, um, many parts of the country. And, uh, they've kind of lost sight of, you know, that, that historical piece and the damage, as you said, that the political involvement in decisions, uh, you know, of, of you know, who to police and why to police and, you know, the damage that that can do to the air of legitimacy in a community as, as, uh, you know, we know that that legitimacy, if it is lost, essentially equates to an inability of a police agency to do its job and its community.

**Dr. Nelson:** Well, I think that actually kind of just brings us back around full circle is that law enforcement is used by politics and politicians, but part of our legitimacy and trust building can be removing the law enforcement endorsement, right? Cause we, the agencies are controlled by political entities. But one thing that we could do as a profession is take a step forward and say, we're no longer endorsing candidates. That's not what we should be doing. As law enforcement professionals, granted, every individual is going to have their own decisions and they're going to vote and they're going to have preferences, but as a collective, we should not be endorsing politicians or candidates because that also questions our legitimacy. So well, thank you gentlemen. I know we could talk on this more and we are seeing some disparities and we need to continue with moving forward on how can we help address them? What can we do in the future? And it's always interesting to see our different points of view. So thanks for talking about the responses to the demonstrations and riots. I appreciate it.

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