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Factors Leading to Civil Unrest in the Wake of Police Lethal

Use of Force Incidents: A Tale of Two Cities

A Dissertation Submitted in partial fulfillment of the
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Doctor of Public Administration

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Division of Online and Professional Studies

Department of Public Administration

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A Tale of Two Cities

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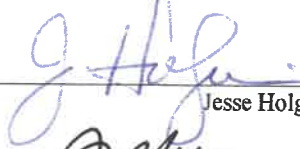in partial fulfillment of the requirements

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ABSTRACT

Factors Leading to Civil Unrest in the Wake of Police Lethal Use of Force Incidents:

A Tale of Two Cities

by George Richard Austin, Jr.

Since August 9, 2014, the day Officer Darren Wilson shot and killed Michael Brown in

the small city of Ferguson, Missouri, large-scale protests after police-involved lethal use

of force incidents have become much more prevalent. While there is much academic and

public debate on why civil unrest occurs after these unfortunate incidents, there is very

little scholarly literature that explores the structure of civil unrest events or literature that

attempts to explain why and how peaceful protests turn violent. This dissertation,

through exploratory content analysis of extensive after-action reports, provides insight

into two instances of civil unrest in the wake of officer-involved lethal use of force

incidents: the Minneapolis, Minnesota, civil unrest in the aftermath of the November 15,

2015 shooting of Jamar Clark and the Charlotte, North Carolina, civil unrest in the wake

of the September 16, 2016, shooting of Keith Lamont Scott. The study examines the

phenomenon of civil unrest from the theoretical frameworks of representative

bureaucracy and rational crime theory and utilizes a case study comparison and content

analysis research design. The author is a police veteran of almost 3 decades and retired at

the command level from a major city police department in the southeast. He currently

serves as the police chief of a midsized municipal police department in the Metro-Atlanta

area.

Keywords: police use of force, civil unrest, rational choice theory, representative
bureaucracy, content analysis, wicked problems, nonlethal force

Declaration of Conflict of Interest

This researcher worked for the Charlotte-Mecklenburg Police Department during the time of the Keith Lamont Scott shooting incident. The researcher had no direct connection, decision-making responsibility, or influence in the preparation for or management of the civil unrest that ensued. At the time, the researcher was assigned as a captain in the CMPD Internal Affairs Bureau, which was the unit responsible for the internal review of the shooting; however, the researcher had no direct connection in reviewing the case and retired before the shooting board convened.

ACKNOWLEDGEMENTS

DEDICATION

This work is dedicated to my beautiful wife Ashley and our wonderful daughter, Claire. Thank you for your love and support during this journey. I would also like to dedicate this work to the loving memory of my parents, George Richard Austin, Sr. and Carolyn Ferrell Austin, who taught me to work hard and to reach for my goals. You are truly missed. . .

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CHAPTER 1: INTRODUCTION

Focus of the Study

This dissertation examines two post-Ferguson instances of major civil disorder after incidents of police lethal use of force to determine what, if any, identifiable factors or indicators may be correlated as to whether civil unrest is likely to occur in a municipality in the wake of an officer-involved lethal use of force incident. The study analyzed the Charlotte, North Carolina, civil unrest in the wake of the September 16, 2016 police shooting of Keith Lamont Scott and the Minneapolis, Minnesota, civil unrest in the aftermath of the November 15, 2015, police shooting of Jamar Clark. The study examined the results from the theoretical framework of representative bureaucracy and rational crime theory and utilized a case study comparison and content analysis research design.

Statement of the Problem

It is generally accepted in the field of criminal justice research that the shooting death of Michael Brown by Ferguson, Missouri, Police Officer Darren Wilson, on August 9, 2014, serves as an historical marker for increased public scrutiny of the police especially in the wake of officer-involved deadly use of force incidents. During the days and weeks after the Michael Brown shooting, Ferguson was the scene of daily civil unrest that placed both citizens and officers at great risk. And since the extensive civil unrest following the Ferguson incident, civil unrest after such incidents has become more prevalent (Bylander, 2015; Kahn & Martin, 2016; Lawrence & Carter, 2015). Bylander (2015) focused on the particularly violent nature of the Baltimore, Maryland, civil unrest after the well-publicized death of Freddie Gray while in police custody. Lawrence and

Carter (2015) concentrated on the unrest following the death of Eric Garner after he was placed in a chokehold by New York Police Department (NYPD) officers. Kahn and Martin (2016) also discussed high-profile incidents involving the death of civilians by police uses of force that also led to violent protests in their analysis of the cases of Sean Bell and Oscar Grant.

To add to the complexity of this issue, civil unrest incidents such as these, besides the unfortunate violent outcomes, also shed light on deeper issues of racial disparity and the possibility of uneven social control (Chaney & Robertson, 2015; Chaudhry, 2016; Lawrence & Carter, 2015). Chaudhry (2016) found evidence of a large concern of structural racism among the African American community in the aftermath of the Ferguson shooting while Lawrence and Carter (2015, citing Peak, 2007) offered that police training is suffused in social control theory, which the authors purported to be dangerous to society when too much control is given to government entities when underserved communities are left at the mercy of a punitive system.

Also germane to the conversation is Chaney and Robertson's (2015) work, which showed that U.S. police are involved in significantly more civilian shooting deaths than other developed countries. Chaney and Robertson, citing King, pointed out that in March of 2015, U.S. police officers killed more civilians (111) than the United Kingdom police had killed since 1900 (52). And while the death of a citizen at the hands of government would pragmatically be of concern to society in general, it should particularly draw the attention of public administrators.

Public administrators are stewards of public resources and interests, and thus, civil unrest would logically be an issue of great importance to those serving in these

positions. Such unfortunate incidents can devastate communities and may have long-lasting negative effects on municipal operations. Public administrators also have an ethical stake in this wicked problem.

The American Society for Public Administration (ASPA, n.d.), Code of Ethics, among other ideals, states that public administrators must "uphold the Constitution and the law" (para. 2). Ensuring this is done in a fair and equitable manner is of paramount importance, especially if government entities are to maintain legitimacy. According to the ASPA Code of Ethics, public administrators should also promote democratic processes and empower citizens within these processes. If all citizens felt that they had a significant role in the democratic process, perhaps those involved in civil unrest would be less inclined to turn to violence and destruction. This concept also lends to the strengthening of social equity, which is another tenant of the ASPA Code of Ethics.

Besides lives lost, people injured, communities torn apart, and the ethical considerations, public administrators must also consider these incidents in terms of costs of additional police overtime, the financial and human resources it takes to repair public property damage, lost revenue for the municipality, and increased liability for the entity. While the damage caused and extra resources deployed are readily apparent, capturing the economic impact of post-Ferguson civil unrest incidents is surprisingly absent from the scholarly literature. However, media reports including this information are abundant.

The *Baltimore Sun* reported that the civil unrest in the aftermath of the aforementioned Freddie Gray incident created costs of approximately $20 million of which the city is expecting a 75% reimbursement from the Federal Emergency Management Agency (FEMA), thus showing the national effect of the localized unrest

(Wenger, 2015). Just in terms of property damage to buildings, the aftermath of the Ferguson riots amounted to nearly $4.6 million (Unglesbee, 2014). More recently in 2016, policing the civil unrest in the wake of the Keith Lamont Scott shooting cost Charlotte, North Carolina, taxpayers $3.9 million in police overtime and an additional $60,000 in damage to police vehicles (Harrison, 2016). Clearly, examining the driving force(s) that spark such incidents as well as mitigation techniques during these incidents is a worthwhile endeavor.

Racial tension, identified as a significant factor leading to civil unrest, has been a common theme in the law enforcement literature. Recent literature treats the factors of racism and race relations as pragmatically linked to civil unrest in the wake of officer-involved lethal uses of force (Chaney & Robertson, 2015; Chaudhry, 2016). One purpose of this study was to empirically explore this assumption and also investigate the possibility of other factors that may contribute to this problem.

This is not to say that race relations between police and the communities they serve are not of paramount importance. Striving to maintain positive race relations is foundational to ethical police work and fosters trust and legitimacy. However, a more nuanced view would examine the problem and subproblems of civil unrest as issues that cannot be neatly compartmentalized into race relations or a lack thereof. Also, the multifaceted problem of civil unrest will not likely be solved by a single individual or agency. Such societal issues were coined as "wicked problems" in a seminal work by Rittel and Webber (1973).

Rittel and Webber (1973) differentiated societal-based wicked problems from "tame problems" as found in the hard sciences in that when considering the results of

tame problems, the outcomes are absolutely definable with clearly findable solutions

while in wicked problems the same is simply not true (p. 160). Wicked problems include

most public policy issues. This is because in the public arena, the crux of an issue may

be as much (or even more so) dependent on perspective than "correct" and may not be

solved but rather only temporarily resolved (Rittel & Webber, 1973). McGrandle and

Ohemeng (2017) outlined briefly Rittel and Webber's (1973) following 10 components

of a wicked problem:

1. Problem not clearly defined.

2. No exhaustive list of solutions or amendments.

3. Differing perspectives on the value of proposed solutions.

4. No clear test of the value of solutions.

5. No trial-and-error phase for resolution.

6. Lack of criteria to examine whether all solutions have been identified.

7. Unique issues making generalizations practically impossible.

8. Usually linked to other problems.

9. The framework of the problem is based in perspective.

10. Intense pressure on public policy makers to resolve the issue (McGrandle & Ohemeng,
    2017).

      Because major civil unrest is a wicked problem, police and municipal leaders

have a difficult task in finding alternatives to address the issues concerning the problem.

The fact that the problem may be defined differently from various demographic, faith, or

social communities within a municipality makes even framing the issue problematic.

What may be a sound alternative for one segment of a community may be diametrically

opposite to what other sectors may find acceptable or even tolerable. Because of the

wicked nature of this problem, it seems prudent for police and municipal leaders to

engage regularly with a wide range of community members from whom they may learn

various viewpoints and linked issues so that decision-making may be more informed

especially in times of crises.

Further evidence of the complexity, scope, and wicked nature of this issue was the

call for a meeting of several police leaders throughout the United States hosted by the

Police Executive Research Forum (PERF, 2018) in April of 2016. The meeting was an

open forum to discuss best practices based on experiences that the leaders' respective

cities had during recent mass demonstrations. This is a strong indicator that this ideal of

how to best avert, or at least mitigate, major civil unrest is somewhat unchartered

territory not only in the existing literature but also among leading practitioners.

The PERF meeting was chronicled in a report that was published in 2018 entitled,

The Police Response to Mass Demonstrations: Promising Practices and Lessons

Learned. The report featured the perspectives of police leaders from St. Louis and

Ferguson, Missouri; Pasco, Washington; Oakland, California; Seattle, Washington;

Boston, Massachusetts; New York, New York; and Minneapolis, Minnesota. These areas

were selected because each had experienced at least one significant mass demonstration

event in recent history. Besides police leaders, also in attendance were academicians,

leaders from the American Civil Liberties Union (ACLU), and members of the

Advancement Project. The leaders shared ideas from the following topics of discussion:

- Communicating with demonstrators

- Response planning and preparation

- Training

- Use of force

- Maintaining officer wellness

- Mutual aid

- Arrest policies

- Transparency and accountability (PERF, 2018, p. 2)

The report stated that the overall nature of protests, including the expectations of the police departments that respond, had changed dramatically in recent years (PERF, 2018). Unlike other literature on this topic, the report acknowledged the paradox of policing in mass demonstrations when the focal point of the demonstrations is centered on the police themselves, such as in the wake of an officer-involved shooting incident (PERF, 2018). One of the more innovative approaches to police response outlined in the research document is the concept of *proportionality* (PERF, 2018). The ideal of proportionality in responding to mass demonstrations involves gauging the actions and overall tenor of the crowd to ensure that police do not take actions that would inadvertently increase tensions (PERF, 2018). While this seems pragmatic, there are no formulae for gauging this information. Much of the response seems to be more art than science; however, having officer intelligence funneled back to commanders and other decision makers could help those in authority to make more informed decisions. This demonstrates further a need for literature that informs decision makers and works to identify some level of logic within these rapidly evolving and volatile situations.

Clearly, the issue of civil unrest in the aftermath of police lethal use of force incidents falls squarely into the realm of wicked problems. While understanding the

dynamics of the issue as a wicked problem, the purpose of this research work was to explore the potential occurrence of major civil unrest events (operationalized in this section) in the aftermath of police lethal use of force incidents. This study intentionally refrained from focusing on the possible societal ills that transpired before the lethal force incident; however, it focused more narrowly on the significant events that occurred after the two incidents studied to determine whether there may exist significant factors in the aftermath that may help public administrators and/or law enforcement decision makers to determine what factors lead to such unrest. By better understanding what factors may lead to civil unrest in the wake of such an incident, the author's goal was to provide information that will help guide decision makers in steps they can take to at least mitigate, if not avert, civil unrest in their jurisdiction after a lethal force incident.

The research work examined and analyzed two of the qualifying post-Ferguson incidents of major civil disorder after an incident of police lethal use of force to determine whether there is any correlation in the events leading to the civil unrest after police lethal force was utilized. The study also examined the results within the framework of representative bureaucracy and rational crime theory. While an analysis of the factors and accompanying theories will likely shed light on the racial components so often touted as correlative, the author utilized exploratory analysis to identify other possible factors that may be significant within the timeline of events that led to the civil unrest in the two cases studied.

For the purpose of this study, the author used a modified definition of the legal definition of civil disorder as found in U.S. Code Title 18 Chapter 12—Civil Disorders, which defines civil disorder as "any public disturbance involving acts of violence by

assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual" (Civil Obedience Act of 1968, 1968/1994). The modified definition includes protests of 100 or more persons. The definition was also modified to only include civil disorder incidents that caused serious injury or death and/or property damage and/or police overtime costs that exceed $100,000 aggregately. In the study, these types of incidents are termed *major civil disorder incidents*; however, there is no such distinction in the legal definition (see Appendix A for a complete list of terms). The reasoning behind raising the threshold from that of the legal definition is to capture events that require significant public resources and that have the potential to threaten police and local government legitimacy. While it may be relatively straightforward to define major civil unrest, defining legitimacy is a much more difficult task.

Part of the reason the definition of legitimacy is so elusive is that the term is discussed in a variety of bodies of literature from politics to philosophy to social sciences (Reynolds, Estrada-Reynolds, & Nunez, 2018). However, no definition has risen as universally accepted (Reynolds et al., 2018). This author, however, utilized the definition developed by Reynolds et al. (2018) because the definition, rather than being rigid and rife with concepts that may in actuality be antecedents or subsequent concepts involving legitimacy, is rather straightforward. The definition of legitimacy utilized in this work, based on Reynolds et al.'s definition is as follows: The public approval of the authority of the police, which is derived from quality interpersonal treatment of citizens, perceived trustworthiness, positive intrinsic motivation of the officers, perceived integrity, and willingness of the agency to engage with the community.

Purpose and Scope of the Study

The purpose of this study was to inform public administrators in the wake of an officer-involved lethal use of force of identifiable factors that may be indicative of pending civil unrest after such incidents. The idea is that by providing information to public administrators, they may be guided in the decision-making process as to how to most appropriately direct resources in a manner that will help reduce the likelihood of civil unrest. In order to accomplish this, the author explored the following research question: "What factors lead to civil unrest after police lethal use of force incidents?"

The next section of this work discusses the current literature and the theoretical framework of the study in more detail.

CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Cases Reviewed

Discussed in greater detail in the next section, the methodology employed in this

dissertation is a case study comparison of two high-profile instances of police lethal uses

of force. The study analyzed the Minneapolis, Minnesota, civil unrest in the aftermath of

the November 15, 2015, shooting of Jamar Clark and the Charlotte, North Carolina, civil

unrest in the wake of the September 16, 2016, police shooting of Keith Lamont Scott.

The research examined the results from the theoretical frameworks of representative

bureaucracy and rational crime theory and utilized a case study research design and

employed content analysis to deepen understanding of the cases. The analyses of these

cases were based on two main pieces of literature detailing the events. These analyses

are two after-action reports prepared by the National Police Foundation, completed in

partnership with the office of Community Oriented Policing Services (COPS), which is a

division of the U.S. Department of Justice (DOJ). The after-action report regarding the

Jamar Clark incident is entitled, *Maintaining First Amendment Rights and Public Safety*

in North Minneapolis: An After-Action Assessment of the Police Response to Protests,

Demonstrations, and Occupation of the Minneapolis Police Department's Fourth

Precinct (Straub et al, 2017). The after-action report regarding the shooting of Keith

Lamont Scott and the ensuing civil unrest is entitled, *Advancing Charlotte: A Police*

Foundation Assessment of the Charlotte-Mecklenburg Police Department Response to

the September 2016 Demonstrations (Straub et al., 2018).

The National Police Foundation is a nonpartisan nonprofit organization whose

goal is to conduct research on policing in an innovative manner in order to develop policy

briefs, comprehensive reports, model policies, and police programming (Straub et al., 2017). The National Police Foundation utilizes empirical research along with subject matter expertise to provide critical response and technical assistance to the field of policing (Straub et al., 2017). According to the National Police Foundation, the organization's core competencies include conducting rigorous research, utilizing strong data analysis, and employing experts in the field of policing with the goal of providing exceptional technical assistance to law enforcement (Straub et al., 2017). The National Police Foundation also often works in collaboration with COPS as they have in the two after-action reports (Straub et al., 2017). COPS is "responsible for advancing the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources" (Straub et al., 2017, p. 98). Based on this researcher's review of these after-action reports and the grant-funding source (DOJ-COPS), the reports appear to be nonbiased attempts to gather facts regarding the respective incidents utilizing best practices in empirical research and employing generally accepted data-gathering and research methodologies. The following sections describe the timeline of each of the two incidents as compiled by the after-action reports.

Jamal Clark Shooting Incident

On November 15, 2015, at approximately 12:45 a.m., two Minneapolis police officers responded to a 911 call of an assault on Plymouth Avenue in the North Minneapolis neighborhood (Straub et al., 2017). While en route, the nature of the call was changed to a request for police assistance because a male had reportedly become confrontational with medical personnel on the scene (Straub et al., 2017). After arriving at the location, the officers got into a brief struggle with the alleged suspect of the assault,

Jamar Clark (Straub et al., 2017). During the encounter, one officer fatally wounded Clark by shooting him with his service weapon (Straub et al., 2017).

Almost immediately after the officer-involved lethal use of force incident, accusations were made that Clark was shot while handcuffed resulting in a 3:00 a.m. press release clarifying that Clark was not handcuffed when shot (Straub et al., 2017). At approximately 4:00 a.m., Minneapolis Police Department (MPD) Deputy Chief Folkens spoke at a press conference and reiterated that Mr. Clark was shot after a brief struggle with MPD officers, but he was not handcuffed when the shooting occurred (Straub et al., 2017).

The same day, MPD Chief Janeé Harteau requested that the Minnesota Bureau of Criminal Apprehension (BCA) lead the investigation (Straub et al., 2017). The BCA agreed to the request. This was significant because this was the first time in recent history that the MPD brought in an outside agency to investigate an internal critical incident (Straub et al., 2017).

In the immediate aftermath of the shooting, purported witnesses as well as other community members gathered in the area of the incident and outside of the MPD's Fourth Precinct building. The gatherings were tense among conflicting narratives of whether Jamar Clark was cooperative or combative and whether he was handcuffed or not handcuffed when shot (Straub et al., 2017). The increasingly vocal and agitated crowd of 100 to 200 people marched from the scene to the MPD Fourth Precinct office voicing frustrated concern that yet another African American citizen had been shot in the wake of perceived increases in police brutality across the country (Straub et al., 2017).

Early demands were made that the officers be criminally charged for the shooting of Clark (Straub et al., 2017).

At approximately 3:00 p.m., another protest ensued from the shooting scene and moved to the Fourth Precinct (Straub et al., 2017). Unlike the earlier spontaneous protest, this demonstration was planned in partnership between leaders of Black Lives Matter (BLM) and the Minneapolis chapter of the National Association for the Advancement of Colored People (NAACP; Straub et al., 2017). During the peaceful protest, many of the participants linked arms in the area and created what they termed a "no cop zone" while chanting, "No justice, no peace! Prosecute the police!" (Straub et al., 2017, p. 13). It was during this protest that 12 members of the local BLM chapter entered the front atrium of the Fourth Precinct and began a sit-in (Straub et al., 2017). The group stated that the sit-in would continue until police video of the shooting was released, there was media coverage of witnesses, and an independent investigation was agreed upon (Straub et al., 2017). The group also demanded that the department put into place a residency requirement for officers and create a community-based police oversight board with full disciplinary power (Straub et al., 2017).

During the sit-in, the Urban League had simultaneously organized a meeting near the precinct office; however, BLM leadership reportedly refused to attend (Straub et al., 2017). The Urban League was described by many in attendance as tense with many recounting incidents of negative contact with the MPD (Straub et al., 2017). Another prevalent theme in the meeting was a question of whether the MPD could fairly conduct an internal investigation of the shooting (Straub et al., 2017). At the conclusion of the meeting, a large portion of those attending, as well as other community members, joined

in the protest at the Fourth Precinct, which brought the total number of demonstrators to approximately 300 to 400 (Straub et al., 2017).

As evening fell, the precinct was surrounded by protestors. The driveways for the ingress and egress of police vehicles were obstructed, and property destruction of police vehicles began (Straub et al., 2017). Physical assaults on police also ensued with rocks, bottles, and bricks being thrown at officers over the security fence surrounding the Fourth Precinct building (Straub et al., 2017).

The following day (Monday, November 16, 2015), officers were deployed to the perimeter of the Fourth Precinct to guard against further breaching (Straub et al., 2017). Throughout the course of the day, the fluid crowd outside of the Fourth Precinct ranged from 50 to 300 protesters. The protestors represented the Minneapolis Chapter of the NAACP, BLM, the Black Liberation Project, and community members at-large (Straub et al., 2017). The vocal crowd again demanded the release of the body camera footage of the incident as well as the termination and criminal prosecution of the officers involved (Straub et al., 2017). During the day, an American flag was taken down outside of the precinct office by demonstrators (Straub et al., 2017). Protesters also shattered one of the precinct's front windows (Straub et al., 2017).

At approximately 6:00 p.m., the group of approximately 300 protesters began migration from the Fourth Precinct to the downtown area (Straub et al., 2017). Several members of the group entered onto Interstate 94 (I-94) west and blocked all five lanes of the busy highway (Straub et al., 2017). This action resulted in the arrest of 43 adults and eight juveniles by the Minnesota State Patrol (Straub et al., 2017). Later that evening, the

Hennepin County Medical Examiner's Office reported that Jamar Clark had been removed from life support and died at 9:32 p.m. (Straub et al., 2017).

After the blockade on I-94, several of the demonstrators migrated back to the Fourth Precinct where the occupation continued and again turned violent (Straub et al., 2017). During the night, protestors threw objects over the wall surrounding the Fourth Precinct building at the officers guarding the perimeter and pelted the squad cars with debris (Straub et al., 2017). Besides the violence toward the officers, there were two civilian shootings approximately two blocks away from the protest location (Straub et al., 2017). Since it could not be determined whether the shootings were related to the ongoing demonstrations, a Special Weapons and Tactics (SWAT) team was dispatched to the area to gather more information (Straub et al., 2017). According to one SWAT team member, a point of contention occurred when SWAT was ordered against deploying the team's armored rescue vehicle for fear that the response would appear militaristic (Straub et al., 2017). Radil, Dezzani, and McAden (2017) noted the general public concern regarding the aggressive militaristic police response to the riots in Ferguson, Missouri, in 2014 in the wake of the shooting of Michael Brown by Ferguson Police. Radil et al. stated that since that time the militarization of the police has become a sensitive public policy issue.

During the very early morning hours of Tuesday, November 17, 2015, protesters placed four canopies and several tents outside of the precinct building near the foyer area, which was still occupied by protestors (Straub et al., 2017). Protestors also damaged several community members' cars in the area, continued to throw bottles and rocks

damaging several police vehicles, and two males attempted to force open the front doors

to the precinct but did not successfully make entry (Straub et al., 2017).

On Wednesday, November 18, 2015, in the early morning hours, a Black Bloc

anarchist flag was displayed (Straub et al., 2017). The Black Bloc is an anarchist group

of protestors who are typically leaderless and do not wish to negotiate with authorities for

peaceful resolution (Paris, 2003). The members have also been called nihilists (rather

than anarchists), which are protest groups without a political agenda who look for

opportunities to create more chaos in already chaotic protest situations (Paris, 2003).

Since Black Bloc members are not typically interested in negotiations with authorities,

they are virtually ungovernable (Paris, 2003). One common tactic utilized by Black Bloc

members is to insert themselves into the general melee of a demonstration, particularly as

the police begin to arrest protesters in large numbers (Paris, 2003). Of note, the Black

Bloc is not a movement or a group but rather an entity that accepts into its ranks anyone

who wishes to intensify the social and economic costs of what they view as repressive

government action (Paris, 2003).

Further, on November 18, 2015, at approximately 2:00 p.m., officers cleared the

vestibule of the Fourth Precinct based on an order by the chief of police, (Straub et al.,

2017). Also, by order of the police chief, the officers clearing the vestibule did so

without utilization of tactical gear or protective helmets (Straub et al., 2017). Officers

then formed a line between the protestors and the vestibule to provide space for the

officers to clear the area; however, this tactic was ineffective protection because other

officers who approached the area where the protestors were occupying were assaulted by

demonstrators who threw rocks and bottles (Straub et al., 2017).

Once the vestibule was cleared, the intensity of the protests changed dramatically (Straub et al., 2017). This was because many of the demonstrators had the viewpoint that the police were escalating the protests by the removal of the protestors from the precinct (Straub et al., 2017). Perceived militarization also continued to be a point of contention. Protestors who were later interviewed stated that the intensity of the protests was exacerbated by the police department's deployment of military-type equipment, including dressing in camouflage, carrying automatic firearms, and the strong presence of tactical officers (Straub et al., 2017).

Also, in the afternoon of November 18, 2015, the president of the Police Officers Federation (the Federation) released a statement that claimed before Clark was shot, he tried to grab the service weapon of one of the officers and Clark was not handcuffed when shot (Straub et al., 2017). In addition, other significant government activities included the arrival of city council members to the scene of the protests to show support for them (Straub et al., 2017). Police tactics also soon changed (Straub et al., 2017).

Later that evening, the MPD moved from a field command led by the Fourth Precinct command staff to a department-wide operation once departmental executives realized that the protests would most likely continue for the foreseeable future (Straub et al., 2017). Also, upon this realization, the city's Emergency Operations Center (EOC) was opened and an MPD command center was placed next to the EOC (Straub et al., 2017). The activities of the command center included organizing and directing personnel, logistics, and planning and also employed a financial component to track spending (Straub et al., 2017). Regular briefings were also held in order to keep the

police chief, the command staff, and the departmental executives apprised as the situation developed (Straub et al., 2017).

During the night, officers were again attacked with bottles and rocks; however, protestors escalated, deploying Molotov cocktails and throwing cinderblocks, which prompted a wider police response from officers throughout the city (Straub et al., 2017). Protestors also began destroying the precinct's security fence and rendered a surveillance camera inoperable (Straub et al., 2017). The protest further escalated when demonstrators tied tarps to the back gate of the police facility to shield the view of the police (Straub et al., 2017). Demonstrators also held up tarps to protect the identity of protesters who were throwing objects (Straub et al., 2017). The police response included the utilization of chemical irritants and the firing of nonlethal marking rounds to help later identify individuals engaged in assaulting officers with objects (Straub et al., 2017).

While the MPD was transitioning to a department-wide response and activating the EOC, the BCA completed its initial investigation having interviewed all officers and known witnesses regarding the shooting and subsequently named the two officers involved (Straub et al., 2017). The officers were Mark Ringgenberg and Dustin Schwarze (Chanen & Sawyer, 2016).

Though remaining a tense situation, Thursday, November 19, 2015, was not as eventful as the previous days; however, key activities occurred. At approximately 2:00 p.m., Minneapolis Police Chief Janeé Harteau addressed the media, emphasizing the danger to officers as she displayed a brick that had been thrown at an officer by a protestor (Straub et al., 2017). Chief Harteau also reported that chemical irritants had been utilized on demonstrators and that the damage totals to police equipment, including

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damaged police vehicles, totaled $38,000 (Straub et al., 2017). The mayor, Betsy

Hodges, also spoke at the press conference, emphasizing her desire to protect the freedom

of speech of the demonstrators and to maintain public safety (Straub et al., 2017).

The Federation president also publicly stated through a radio outlet that officers

were frustrated that the mayor would not allow the police to end the occupation of the

Fourth Precinct, claiming that she was reluctant to do so because many of the

demonstrators made up a portion of her voter base (Straub et al., 2017). He emphasized

the Federation's viewpoint that the demonstration was not in reality about the Clark

shooting specifically but rather a larger activism movement (Straub et al., 2017).

Also, on Thursday, November 19, 2015, a Joint Information Center (JIC) was

formed that facilitated the flow of information between senior city and state government

officials (Straub et al., 2017). Of note, at first there was no police representation at the

JIC; however, a police deputy chief and a police public information officer were later

included (Straub et al., 2017). The JIC members conferenced several times a day to

exchange information regarding tactics, operations, needed resources, and also discussed

"community flashpoints" (Straub et al., 2017, p. 20).

Although the night of November 19, 2015, was much less violent, verbal threats

continued to be directed at officers; however, some demonstrators assisted police by

posting photos on social media of individuals who they thought were attempting to

provoke further violence (Straub et al., 2017). That evening at the occupation site, a U.S.

representative, a member of Congress (both had arrived to attend the vigil for Mr. Clark),

and several city council members spoke about the need to release the shooting videos

from the officers' body-worn cameras (Straub et al., 2017).

On Friday, November 20, 2015, at approximately 2:30 a.m., violence at the occupation again erupted with demonstrators taunting officers with Molotov cocktails (Straub et al., 2017). To add to the tension and chaos, a woman was apprehended by officers for intoxicated driving and property damage after attempting to drive into the Fourth Precinct rear fencing (Straub et al., 2017). Almost simultaneously, shots were fired near the Clark shooting scene (Straub et al., 2017). While it was discovered that the shots were unrelated to the protests and it was inconclusive as to whether the incident at the back fence was related, the incidents added more tension to the already volatile situation (Straub et al., 2017).

The day concluded with two significant events. First, a peaceful vigil for Mr. Clark was held at 4:00 p.m. with the national NAACP president as the guest speaker who called for justice and reminded the attendees of the importance that demonstrations remain peaceful (Straub et al., 2017). Second, at 8:00 p.m., the Federal Bureau of Investigation (FBI) in conjunction with the U.S. Attorney's Office released a joint statement, which indicated that the videos of the shooting would not be released until the conclusion of the investigation (Straub et al., 2017).

Saturday, November 21, 2015, was a day with no arrests and no violence (Straub et al., 2017). The only police activity of significance was the removal of graffiti from the Fourth Precinct building, which had been placed there by protesters earlier in the week (Straub et al., 2017). During the morning, the mayor went to the Fourth Precinct to conduct a question-and-answer session with officers regarding ending the occupation (Straub et al., 2017). The governor of Minnesota and the area's U.S. representative also met with BLM leadership to discuss the possibility of ending the occupation (Straub et

al., 2017). After the meeting, the governor's office released a public request that the DOJ

investigate whether any civil rights had been violated by the police during the occupation

(Straub et al., 2017). The governor also announced a special legislative session to discuss

racial disparities across the state and pledged to meet further with the BLM organization

(Straub et al., 2017). The governor also called for the videos of the shooting to be

released (Straub et al., 2017). BLM made a public commitment to end the occupation but

without giving specific details (Straub et al., 2017).

On Sunday, November 22, 2015, no arrests or violence occurred that were related

to the occupation (Straub et al., 2017). An official from Mayor Hodges's office attended

a meeting with a group called Neighborhoods Organizing for Change (NOC; Straub et

al., 2017). At that meeting, BLM leaders made a commitment to end the occupation by

Tuesday, November 24 (Straub et al., 2017).

On Monday, November 23, 2015, the lull in violence continued throughout the

day but came to an abrupt halt late in the evening. At 10:40 p.m., officers from the

Fourth Precinct responded to a call to the area just outside of the Fourth Precinct building

in which five protestors had been shot (Straub et al., 2017). According to interviews, 911

recordings, and police radio traffic, the scene was chaotic and tense (Straub et al., 2017).

As the officers arrived, they reported that several protestors were moving toward them

and the crowd surrounding the victims was hostile to both officers and to medical

personnel who were attempting to render aid. A few of the officers reported that they

were not allowed to get near the victims (Straub et al., 2017). The area outside of the

Fourth Precinct, which had been the epicenter of events, became a crime scene. After the

victims were eventually transported from the area for medical attention, detectives began

their investigation, indicating that the suspects were multiple White males (Straub et al., 2017).

According to Straub et al. (2017), there was conflicting information regarding the handling of the shooting in the initial response. Protestors who were interviewed stated that victims had to be taken to the hospital by coprotestors because the responding officers were not acting quickly enough, and some of the responding officers were antagonistic, yelling to protestors that they were "just waiting to be shot" by supremacist factions (Straub et al., 2017, p. 26). Whether accurate or not, that narrative spread among the protestors outside the Fourth Precinct and intensified the tension between the police and protestors (Straub et al., 2017).

On Tuesday, November 24, 2015, after working through the night, detectives from the MPD positively identified the five suspects (Straub et al., 2017) from the shooting. Two of the involved suspects (accomplices) were taken into custody in Minneapolis while the actual shooter was located and arrested in a neighboring jurisdiction (Straub et al., 2017). Two more accomplices surrendered to law enforcement later that day (Straub et al., 2017).

While Mayor Hodges released a video condemning the shooting and emphasizing her commitment to safety, the chair of communication of the Minneapolis Chapter of the NAACP provided an on-air interview to CNN claiming that the MPD was "allowing injustices and the bullying of demonstrators," thus supporting White supremacists (Straub et al., 2017, p. 27). The transcript from the CNN interview between CNN anchor, Brooke Baldwin, and Minneapolis Chapter NAACP representative, Raeisha Williams, stated verbatim,

We know that the police department is behind this. This is our personal belief after receiving witness accounts. We believe the police department is facilitating the injustice and bullying the protesters and believe they are involved in this shooting. We know from black boards and chat rooms and also videos that we have posted on our website that police from different counties and different districts have come down to entice the protesters. . . . we stand behind our belief that the Minneapolis Police Department are not protecting us and, therefore, they stand with racist White supremacists who want to destroy a peaceful movement all over the country when things like this have happened. And Minneapolis, we have not rioted or burnt anything. Even after we have been shot at and injured by White supremacists and police did not but begin to mace our protesters, we have not taken to the streets angry. We're a peaceful group of all nationalities and religions and all different points of views. We all come together to stand in one righteous truth. We want justice for Jamar. (CNN Transcripts, 2015, n.p.)

That same day, the Clark family released a statement thanking the community for their support but urging the protests to stop. According to Minneapolis NBC affiliate KARE 11, the Clark family released a statement calling for the protests to end (Knoll, 2015). According to Knoll (2015), the statement delivered by Jamar Clark's brother, Eddie Sutton, stated,

We appreciate Black Lives Matter for holding it down and keeping the protests peaceful. But in light of tonight's shootings, the family feels out of imminent concern for the safety of the occupiers, we must get the occupation of the Fourth Precinct ended and onto the next step. (para. 7)

According to Knoll, one protester in response to the statement told reporters that the protests no longer were focused on the Clark family but on larger issues.

At approximately 2:00 p.m., the crowd swelled to nearly 1,000 protestors as demonstrators marched from the Fourth Precinct, through the Clark shooting scene, and ended at city hall where demands were again made for the release of the police body-worn camera footage (Straub et al., 2017). While this was occurring, another crowd of approximately 500 demonstrators remained at the Fourth Precinct and attended a concert held there (Straub et al., 2017). After the march to city hall concluded, the scene at the Fourth Precinct again became violent with protestors throwing rocks and other objects at officers and at police vehicles parked in the rear lot of the station (Straub et al., 2017).

Significant activities on Wednesday, November 25, 2015, included the funeral of Mr. Clark, which was held from 10:00 a.m. until approximately 1:00 p.m. At the conclusion of the service, the president of the Minneapolis Urban League and a U.S. representative who had attended the funeral, along with the Clark family, again called for an end to the occupation of the Fourth Precinct and a restoration of order (Straub et al., 2017). According to Straub et al. (2017), community leaders and clergy agreed that the time was right for the protests to end and this "served as a distinct change in the dynamic of the occupation moving forward" (p. 29).

Thursday, November 26, 2015 (Thanksgiving Day), proved to be relatively quiet with no significant police activity (Straub et al., 2017). Mayor Hodges met with representatives from the DOJ (n.d.) Community Relations Service (CRS) to work on details of a meeting with the leadership of the Minneapolis Chapter and the wider Minnesota Chapter of the NAACP. The purpose of the meeting was to discuss moving

the occupation toward closure. During the meeting, the group decided that the tents in front of the Fourth Precinct would be removed beginning at 8:00 a.m. the next day (Straub et al., 2017). About 100 protestors remained peacefully outside the Fourth Precinct the majority of the day (Straub et al., 2017).

While no significant police activity occurred on Friday, November 27, 2015, neither did any activity occur to take down the tents at the occupation site as agreed upon in the previous day's meeting (Straub et al., 2017). Several small marches from the occupation site to various parts of the city were held, but without incident (Straub et al., 2017).

Saturday, November 28, 2015, was also a day without significant police activity (Straub et al., 2017). It was, however, politically busy. Mayor Hodges and the leaders of the NAACP of Minnesota negotiated for 8 hours during which time the NAACP agreed to have the fires in the encampment area extinguished if the city would supply heaters and other needs for the protestors (Straub et al., 2017). When city leadership refused the demands, negotiations stalled (Straub et al., 2017). At the Fourth Precinct, the numbers had dwindled to approximately 80 demonstrators during the day to 10 to 15 overnight with no significant incidents occurring (Straub et al., 2017).

On Sunday, November 29, 2015, while no significant police activity occurred, a representative from Mayor Hodges's office along with the Minneapolis Fire Department (MFD) fire chief and an assistant chief visited the occupation site to inspect the warming fires (Straub et al., 2017). During the visit, protestors were asked to extinguish the flames (Straub et al., 2017). On the political front, Mayor Hodges continued to work through representatives from the DOJ CRS in talks with BLM leadership in an attempt to

bring the occupation to a close the next day (Straub et al., 2017). During a meeting,

BLM leaders indicated several demands, including that Minnesota law be changed to

bring about more power of civilian review of police departments, that significant changes

would be made to the contract between Minneapolis and the Federation, and that all

charges be dropped for the individuals involved in blocking I-94 west during the protests

(Straub et al., 2017). In addition, BLM leaders demanded a federal investigation into the

shootings of the five protestors and that the suspects be charged with terrorism (Straub et

al., 2017). Also, they wanted Mayor Hodges's backing of the Working Families Agenda

initiative, which would create an increased minimum wage and other benefits for

working-class families (Straub et al., 2017). Lastly, BLM leadership advocated for the

occupation to last through December (Straub et al., 2017). When the demands were not

considered, the negotiations again stalled (Straub et al., 2017).

Monday, November 20, 2015, Mayor Hodges, a U.S. representative, a Minnesota

Department of Human Rights representative, and current and past city council members

signed a document petitioning for an end to the Fourth Precinct encampment (Straub et

al., 2017). The document focused on the safety hazards of all involved as well as the

surrounding community and reemphasized the mayor's commitment to improving racial

equity and overall police-community relations (Straub et al., 2017). BLM and the

NAACP responded by stating that the occupation would not end until the police body-

worn camera videos were released (Straub et al., 2017). At the Fourth Precinct site,

protestors called the occupation a place of healing (Straub et al., 2017). Rumors began to

circulate of imminent police action to clear the site, and in response, protestors began

building "more permanent and robust structures" (Straub et al., 2017, p. 35).

On Sunday, December 1, 2015, a planned operation to remove the occupiers from the area of the Fourth Precinct was quashed when it was discovered that a member of the Minneapolis Department of Public Works leaked the information about the operation to the press (Straub et al., 2017). After the operation was halted, officers only monitored the 30 to 35 protestors who remained peaceful throughout the day (Straub et al., 2017). At approximately 4:00 p.m., BLM members accompanied by members of clergy led a march to city hall where they renewed demands for the release of the officers' body-worn camera footage (Straub et al., 2017). Also of note, Minneapolis Governor Mark Dayton called for an end to the protests to allow residents in the surrounding area to return to normalcy (Straub et al., 2017).

On Monday, December 2, 2015, North Minneapolis residents and the protestors began to clash. The community members accused the occupiers of "[losing] sight of what was important" (Straub et al., 2017, p. 37). In response, BLM leaders continued to insist that police videos relating to the shooting be released. They also indicated that the occupation would not cease until the footage was released (Straub et al., 2017). Also, on that Monday, MPD solidified plans to clear the area the next day (Straub et al., 2017).

On Tuesday, December 3, 2015, at approximately 3:45 a.m., members of the MPD and the MFD, along with private contractors, converged on the encampment with the intention of clearing the area (Straub et al., 2017). Fires were extinguished, tents were removed, and garbage was picked up (Straub et al., 2017). All valuable items were turned into property and evidence by MPD (Straub et al., 2017). Of the 35 protestors who remained, several refused to leave and were arrested without incident (Straub et al., 2017). Other protestors reunited at city hall, claiming they had been evicted and stating

that the protests would continue (Straub et al., 2017). Later that day, Chief Harteau publicly thanked her officers who worked at the occupation area, assisted with marches, and investigated the shooting (Straub et al., 2017). The 18-day occupation was officially over.

The cost of the occupation to the City of Minneapolis was just over $1.15 million (Straub et al., 2017). Most of the cost was associated with police overtime, which was almost $1 million (Straub et al., 2017). Another $165,000 was spent by the city on barriers and fencing (Straub et al., 2017). Unlike other large-scale protests across the country in recent history, the Minneapolis occupation saw no significant rioting or extensive property damage (Straub et al., 2017). In contrast is the fatal shooting incident involving the Charlotte-Mecklenburg (NC) police and Keith Lamont Scott, discussed in the next section.

Keith Lamont Scott Shooting Incident

On Tuesday, September 20, 2016, at approximately 3:54 p.m. in Charlotte, North Carolina, at the Village of College Downs apartment complex, a Charlotte-Mecklenburg police officer (later identified publicly as Officer Brentley Vinson) shot and killed Keith Lamont Scott (Price, 2016). The chain of events began when officers from the Charlotte-Mecklenburg Police Department's (CMPD) Metro Division Crime Reduction Unit were at the complex attempting to locate a suspect who had a warrant for his arrest (Price, 2016). Keith Lamont Scott was not the subject of the warrant; however, the CMPD officers stated that they saw Mr. Scott exit a vehicle with a handgun and then get back inside the vehicle, so they decided to approach Scott to investigate (Price, 2016). According to police, as an officer approached the vehicle, Scott again exited the vehicle

with a handgun (Price, 2016). Officers stated that they commanded Scott multiple times to drop the weapon, but he was noncompliant and was subsequently shot by police (Price, 2016). Officers then requested medical assistance and began life-saving measures (Price, 2016).

In the immediate aftermath of the shooting, a significant number of people gathered at the scene of the shooting, many who expressed anger in what they viewed as an increasing number of minorities being shot by police with no apparent accountability (Straub et al., 2018). Several community members, including the daughter of Mr. Scott, utilized social media platforms to share pictures and video from the scene (Straub et al., 2018). Mr. Scott's daughter, Lyric Scott, also indicated in her postings that Scott was unarmed and was only holding a book when fatally wounded (Wallace-Wells, 2016). Ms. Scott also stated through her postings that the officer who shot her father was White (Officer Vinson is African American) and that her father was shot only because he was Black (Wallace-Wells, 2016). Ms. Scott also encouraged others to join at the scene to protest the shooting of her father (Straub et al., 2018). Within less than an hour, many others showed up at the scene, expressing anger over the shooting (Straub et al., 2018).

As the social media posts circulated, the crowd continued to swell at the still-active shooting scene (Straub et al., 2018). At approximately 8:45 p.m., detectives and crime scene technicians, fearing for their safety as the crowd grew increasingly hostile, decided to conclude their on-scene work for the evening and attempted to leave (Straub et al., 2018). According to demonstrators who were at the scene, the officers did not attempt to engage the crowd but rather seemed to retreat (Straub et al., 2018). The officers did not answer questions or provide even cursory information (Straub et al.,

2018). As one officer attempted to leave, the officer's patrol vehicle was surrounded by

protestors asking questions (Straub et al., 2018). When their questions were met with no

response, the crowd refused to let the officer leave and attempted to flip over the police

cruiser with the officer inside (Straub et al., 2018).

At 9:00 p.m., as the crowd of protestors continued to grow along with tensions,

then-Charlotte Mayor Jennifer Roberts made an appeal to the community for peace

(Straub et al., 2018). At that point, the crowd was approximately 150 strong, and many

of the demonstrators seemed to have been from outside of the Charlotte area (Straub et

al., 2018). Simultaneously, a CMPD operations captain established incident command

(though there was no incident command vehicle on scene) and directed that two Civil

Emergency Unit (CEU) squads respond (Straub et al., 2018). According to the Charlotte-

Mecklenburg Police Department (n.d.),

> [The CEU] works in cooperation with other law enforcement personnel in
>
> situations of civil or emergency need. They have been called upon to provide
>
> security, traffic control, and crowd control during large events. The unit is also
>
> utilized during times of natural (disaster) or other emergency situations. ("Civil
>
> Emergency Unit," paras. 1-2)

While the CEU seemed to be helpful in getting personnel safely away from the agitated

crowd, their presence in tactical gear also seemed to exacerbate the situation (Straub et

al., 2018). In response, the captain requested transportation to remove the CEU from the

area (Straub et al., 2018). The protestors on the scene were demanding to speak to

CMPD leadership about the shooting (Straub et al., 2018).

At approximately 10:00 p.m., several TV news reporters aired the happenings from the scene of the unrest (Straub et al., 2018). By that time, the name of the person shot and the officer involved had been released (Straub et al., 2018). As the crowd grew angrier, a splinter group from the main crowd began throwing bottles and rocks at the officers who remained on scene, causing police injuries (Straub et al., 2018). A CMPD captain was struck in the head with a rock causing a concussion and requiring several stitches while another officer sustained a hand fracture from being hit with one of the projectiles (Straub et al., 2018). As objects continued to be thrown at officers, the CEU deployed chemical irritants attempting to diffuse the mob (Straub et al., 2018). However, the release of the chemical agent was in error (Straub et al., 2018). Officers attempted to retreat onto a bus that had been brought to the scene to transport them to safety; however, the officers could not board because the crowd had surrounded the bus (Straub et al., 2018). The mob continued to demonstrate in a manner that prevented the bus from leaving while throwing rocks and bottles at the vehicle (Straub et al., 2018).

At approximately 10:30 p.m., with 15 officers injured, the operations commander issued a dispersal order utilizing the public address system in the bus (Straub et al., 2018). The order warned that if the crowd did not cease in throwing objects, chemical agents would be released (Straub et al., 2018). The order confused some members of the crowd who indicated that they were nonviolently exercising their First Amendment rights, so they refused to disperse (Straub et al., 2018). In later interviews with protestors, many stated that the officers appeared to be sorely unprepared and unorganized during their attempt to leave the area, and it appeared that the use of less than lethal force was an attempt to gain control of the situation (Straub et al., 2018).

When the crowd would not disperse, police deployed a *stinger grenade* (Straub et al., 2018). This nonlethal weapon projects rubber bullets and oleoresin capsicum (OC) powder, which is a chemical irritant (Gordon, Washburn, & Clasen-Kelly, 2016). After officers dispersed the grenade, they deployed a *flash bomb* or *flash bang* (distraction device), and then pulled back from the area in the bus (Straub et al., 2018). As this occurred, a group burst out the window of a police cruiser, which had been left at the scene (Straub et al., 2018). Protestors then took the officer's police gear, including a rifle (Straub et al., 2018). At that point, CEU officers responded and recovered the rifle (Straub et al., 2018). The scene included 50 CMPD CEU officers and over 200 demonstrators (Straub et al., 2018).

At 11:25 p.m., another dispersal order was given from a patrol car public address (PA) system (Straub et al., 2018). When the mob did not disperse, police targeted individuals who were throwing rocks with a chemical munition containing OC (Straub et al., 2018). Also deployed were munitions containing the chemical chlorobenzylidene malononitrile (Straub et al., 2018). This irritant is commonly known as CS gas (Varma & Holt, 2001).

At midnight on Wednesday, September 21, 2016, protective shields, which were stored at a central facility, arrived at the scene and were disseminated to CEU officers (Straub et al., 2018). At 1:36 a.m., the protestors began moving toward nearby I-85 and used items to completely block the highway (Straub et al., 2018). As traffic stopped, rocks were reportedly thrown at vehicles that were halted in traffic (Straub et al., 2018). Also, many tractor-trailers that were stilled in the blockage were broken into with the

freight looted or removed and set ablaze on the highway as police unsuccessfully utilized

stinger grenades to disperse the mob (Gordon et al., 2016).

Shortly after 3:00 a.m., rioters began throwing bottles and rocks at officers along

with car alternators that had been taken from one of the looted tractor-trailer trucks

(Gordon et al., 2016). As the crowd migrated toward a commercial area containing a

Wal-Mart and two convenience stores, crowd members' attempts to force entry into the

businesses were thwarted by police (Straub et al., 2018). Shortly after, the crowd

dispersed for the remainder of the night (Straub et al., 2018). CMPD ended operation

surrounding the rioting at 4:00 a.m. with 25 officer injuries caused by the fusillade of

projectiles thrown by the crowd during the melee with two of the injuries being

concussions (Gordon et al., 2016).

On Wednesday, September 21, 2016, at 9:30 a.m., Mayor Roberts and CMPD

Chief Kerr Putney held a joint press conference during which Mayor Roberts again called

for demonstrations to remain peaceful and nonviolent (Straub et al., 2018). Chief Putney

provided basic details of the shooting incident, noting that the details he was providing

were "a little different" than the narrative widely broadcast on social media (Straub et al.,

2018, p. 15). He told the press that Mr. Scott exited his vehicle brandishing a handgun

and did not obey several commands to drop the weapon (Straub et al., 2018). He stated

that officers then shot Mr. Scott, also reiterating that a handgun was located at the scene

but no book as had been purported by Mr. Scott's daughter (Straub et al., 2018).

After hearing the details of the press conference, the narrative on social media did

not significantly change, and local religious leaders perpetuated a different narrative than

offered by police (Straub et al., 2018). The religious leaders called for African American

citizens to boycott White-owned establishments within the city (Straub et al., 2018).

Faith leaders also called for a gathering at 7:00 p.m. that evening at a passive park in the

downtown area (Straub et al., 2018). In response, approximately 1,000 protestors

attended to protest the shooting (Gordon et al., 2016).

At approximately 8:00 p.m., the crowd splintered into two separate groups with

one headed toward an historical downtown, predominantly African American, church

while the other headed to the downtown business district (Straub et al., 2018). Even

though the groups were in violation of the city's parade ordinance, decision makers

decided to let the groups march and provided traffic control for them (Gordon et al.,

2016).

Shortly after 8:00 p.m., the group arrived at the EpiCentre, which is a large open-

air complex of shops, restaurants, clubs, and bars (Gordon et al., 2016). Initially, the

group stood at the lower level listening to speakers and chanting but then moved onto the

EpiCentre property where one police commander was stationed monitoring the protests

(Straub et al., 2018). At 8:19 p.m., the CMPD captain as well as private citizens calling

911 reported rampant glass breaking and looting and the tossing of chairs and other

projectiles (Straub et al., 2018). The captain determined that the group was no longer

protesting but rather committing crimes on private property, so he requested CEU

officers to restore order (Straub et al., 2018). Protest leaders disagreed, stating that those

individuals were not part of the demonstrations and were reacting regarding previous

incidents at the EpiCentre (Straub et al., 2018).

At approximately 8:25 p.m., the crowd began to disperse from the EpiCentre, so

police began moving from the area in an effort to de-escalate the situation; however,

several members of the crowd, upon seeing this, followed the officers to an area near an Omni Hotel (Straub et al., 2018). The CEU officers formed a line in front of the hotel and were pelted with several objects, including a small explosive device (Straub et al., 2018). The CEU squad at the hotel requested command to deploy chemical agents to try to disperse the crowd; however, the request was denied because of the large number of people in the crowded downtown area who were not a part of the aggression (Straub et al., 2018), even though tear gas was deployed from an unknown source, which apparently caused panic among the demonstrators who began to flee the area (Straub et al., 2018).

At 8:31 p.m., there was a report of a person shot near the Omni Hotel (Straub et al., 2018). The victim (later identified as Justin Carr) was found shot (Straub et al., 2018). He died a short time later (Gordon et al., 2016). Almost immediately, a narrative began circulating by faith leaders and others in the crowd that Mr. Carr was shot by a police-fired rubber bullet, which enraged the crowd and both heightened tensions and caused confusion (Straub et al., 2018). Protestors stated in follow-up interviews that they did not know whether to trust first responders coming to the shooting scene based on what they heard about police involvement in the shooting (Straub et al., 2018). Officers located Mr. Carr, utilizing an armored rescue vehicle (ARV; Straub et al., 2018). The officers extracted Mr. Carr from the scene as medical personnel could not make their way to the location because of the crowd (Straub et al., 2018). However, before extraction, a protestor (later identified as Elsie Marie Greene) smeared blood from Carr's injuries on the arms and faces of three officers who were assisting with the extrication (Gordon et al., 2016). As the scene grew more tense, members of the mob damaged several cars, and an officer was struck with a wrench that was thrown from the crowd (Straub et al., 2018).

The officer's windshield was also shattered, which caused glass to deflect into his eyes (Gordon et al., 2016). Chaos continued at the EpiCentre where protestors began throwing full bottles of alcohol at officers, along with chunks of concrete (Gordon et al., 2016).

Shortly before 9:00 p.m., police used a Long-Range Acoustic Device (LRAD) to again give the command to disperse, announcing the command in both English and Spanish (Straub et al., 2018). The command was repeated twice within 15 minutes without signs of compliance, so the order was given for chemical irritants to be released (Straub et al., 2018). The crowd then migrated away from the EpiCentre, but assaults on bystanders and police, as well as looting, continued through the next few hours (Straub et al., 2018).

At 11:00 p.m., then-North Carolina Governor Pat McCrory declared a State of Emergency, which prompted the response of the North Carolina State Highway Patrol (NCSHP), the State Emergency Response Team (SERT), and the North Carolina National Guard (NCNG; Straub et al., 2018). At approximately 11:30 p.m., Mayor Roberts, along with the Mecklenburg County Board of Commissioners, declared a local state of emergency as well (Straub et al., 2018). Shortly before 2:00 a.m., a final dispersal order was given to the remaining members of the crowd who had gathered in the center of the downtown area (Straub et al., 2018). As CEU arrest teams moved in, the crowd dispersed (Straub et al., 2018).

On Thursday, September 22, 2016, at 10:30 a.m., Mayor Roberts and Chief Putney held a second press conference during which Chief Putney was asked when the police body-worn camera footage would be released, whether the department had been adequately prepared for such large-scale demonstration activity, and how the state of

emergency would affect police operations (Straub et al., 2018). Also, during the press conference, Mayor Roberts defended the delay in declaring a state of emergency and encouraged ongoing conversations within the community rather than violent unrest (Straub et al., 2018). Chief Putney told the media that the video footage was inconclusive, but the totality of the facts supported the police version of the chain of events of the shooting (Straub et al., 2018).

Later Thursday evening, a substantial number of clergy and other private citizens joined the crowd in an effort to ease tensions between police and the protestors, a tactic that proved largely successful (Straub et al., 2018). During the evening, the police mainly monitored the crowd, which was escorted by bicycle officers (Straub et al., 2018). At approximately 8:30 p.m., as part of the local state of emergency, the CMPD enacted a curfew that was to be enforced from midnight until 6:00 a.m. (Straub et al., 2018). There were complaints that CMPD officers, who were present among the demonstrators, did not communicate the curfew to them (Straub et al., 2018).

At approximately 10:30 p.m., a splinter group of protestors marched to I-277 and blocked traffic (Straub et al., 2018). Police responded and gave dispersal orders utilizing a PA system from a department all-terrain vehicle (ATV); however, according to several members of clergy who were among the crowds that evening, the presence of the ATV and the dispersal order infuriated the protestors who believed that they were acting within their First Amendment rights (Straub et al., 2018). The crowd refused to disperse, so police utilized a combination of nonlethal Pepperball rounds and physical force to effectuate dispersion (Straub et al., 2018). The use of the Pepperball rounds was the final

utilization of chemical munitions during the protests (Straub et al., 2018). By 2:00 a.m., the protests had concluded (Straub et al., 2018).

On Friday, September 23, 2016, a press conference was held at 11:00 a.m. (Straub et al., 2018). Mayor Roberts offered words of gratitude to the protestors for a night of demonstrations that was largely peaceful and to police officers whom she described as professional in their interactions with the crowd (Straub et al., 2018). Both Mayor Roberts and Chief Putney expressed support for releasing the body-worn camera footage, but agreed it was a matter of timing considering the ongoing investigation (Straub et al., 2018). Chief Putney also stated that there would be no further comments made from CMPD about the shooting investigation because the case had been officially turned over to the State Bureau of Investigation (SBI; Straub et al., 2018). Later that night, a smaller group of protestors marched throughout the downtown area escorted by CMPD bicycle units (Straub et al., 2018). The group marched until shortly after 2:00 a.m. without any significant incidents occurring (Straub et al., 2018).

During the evening of Saturday, September 24, 2016, Chief Putney gave a short media briefing, announcing that with the approval of the SBI, there would soon be a release of portions of the body-worn camera footage from the shooting as well as a photograph from the crime scene (Straub et al., 2018). He also gave a more detailed account of the shooting and asserted his belief that the officer's actions were justified (Straub et al., 2018).

On Sunday, September 25, 2016, the Carolina Panther NFL football team was scheduled to play a home game in the team's downtown stadium (Straub et al., 2018). The game was classified by city ordinance as an Extraordinary Event, which restricted

activities in the area, including protests (Straub et al., 2018). While there was protest that was allowed outside the stadium, no pedestrians were blocked, and protestors marching around the downtown area were mostly compliant and peaceful (Straub et al., 2018).

On Monday, September 26, 2016, an editorial by Mayor Roberts appeared in *The Charlotte Observer* (Straub et al., 2018). The piece was largely critical of CMPD's response to the protest activity and what she felt was a lack of transparency in the delay of releasing the body-worn camera footage (Straub et al., 2018). Mayor Roberts was also highly critical of the communication concerning the release of the footage (Straub et al., 2018). She stated that she had asked the DOJ to monitor the Scott investigation and for a review of CMPD's policies regarding police use of force (Straub et al., 2018). According to follow-up interviews, the editorial signaled that Mayor Roberts lacked confidence in Chief Putney's abilities, which many found disturbing (Straub et al., 2018).

On Monday evening, there was a peaceful march led by the NAACP and a demonstration including several protestors who entered the lobby of the government center where the Charlotte City council chambers was located (Straub et al., 2018). Some demonstrators entered the prescheduled council meeting but were not disruptive (Straub et al., 2018). After the meeting, some demonstrators remained in the government center lobby; however, no further marches or large-scale protests regarding the Scott shooting occurred after that evening (Straub et al., 2018).

According to city officials, the protests cost the Charlotte taxpayers $4.6 million (Harrison, 2016). The costs were mostly in police overtime but also included $122,000 in property damage to city buildings, including the NASCAR Hall of Fame building and

the Charlotte Convention Center (Harrison, 2016). Of significance, the Charlotte Fire Department also accrued $350,000 in overtime.

Theoretical Framework

Representative Bureaucracy

This research work explored the wicked problem from the framework of representative bureaucracy and rational crime theory. The following paragraphs explain how both of these theories may relate to the problem and to the research question.

According to the May 2015 President's Task Force on 21st Century Policing, building trust and legitimacy is essential if a police department is to have a strong positive bond with the community. Within the report, building trust and legitimacy is intentionally listed as the first pillar:

> Building trust and nurturing legitimacy on both sides of the police-citizen divide is not only the first pillar of this task force's report, but also the foundational principle underlying this inquiry into the nature of relations between law enforcement and the communities they serve. (President's Task Force on 21st Century Policing, 2015, p. 9)

Recommendation 1.8 regarding Pillar 1 states, "Law enforcement agencies should strive to create a workforce that contains a broad range of diversity including race, gender, language, life experience, and cultural background to improve understanding and effectiveness in dealing with all communities" (President's Task Force on 21st Century Policing, 2015, p. 16).

Taking cues from the President's Task Force on 21st Century Policing (2015), the COPS office developed a work entitled *Arlington, TX: A Community Policing Story* by

Sonia Tsuruoka. In the 2018 case study, Tsuruoka explored the challenges of putting into action the task force recommendations, especially in a community that has experienced events that have strained community relations such as in Arlington. The study, and the accompanying 28-minute documentary, is centered on the community tragedies of a gang-related homicide of an 18-year-old young man, the death of a 19-year-old Arlington resident in an officer-involved shooting, and the widely publicized shooting deaths of five police officers in neighboring Dallas, Texas (Tsuruoka, 2018). In the work, Arlington Police Chief Will Johnson stated that during this time of what he called "national introspection," "The American people are renegotiating the social contract [of] what it means to police in [our country]" (Tsuruoka, 2018, p. 1). Tsuruoka (2018) stated that community tragedies, such as those faced in Arlington, are often exacerbated by history, but that such instances may also provide opportunities for police, academians, justice workers, and community leaders to work together for future positive outcomes. Tsuruoka further stated that this process may be especially valuable in times of increased public scrutiny.

Unlike most studies found in the existing literature, Tsuruoka (2018) quantified the racial gap in police and racial communities. Tsuruoka noted that Gallup polls have indicated significant differences in the manner in which White citizens and Black citizens view the police. The author noted that the combined Gallup poll data from 2014-2016 showed that 58% of White citizens indicated "a great deal" or "quite a lot" of confidence in law enforcement in comparison to only 29% of Black respondents who held that level of confidence (Tsuruoka, 2018, p. 3). Tsuruoka, citing a speech by former International Association of Chiefs of Police (IACP) President Terrence M. Cunningham, explained

that many of the laws in the United States have historically had the unintended

consequence of oppression for many Americans, which has resulted in a sort of inherited

mistrust between police and minority communities. This observation alone would

pragmatically strain legitimacy. But not only does the racial divide have strict legitimacy

implications, but this facet of the larger wicked problem also directly relates to the ideals

of representative bureaucracy.

Representative bureaucracy, even when passive, may have an impact on how the

community perceives its police department (Riccucci, Van Ryzin, & Lavena, 2014).

Interestingly, this positive effect on perception has been found to be independent of the

agency's effectiveness (Riccucci et al., 2014). In a 2014 study, Riccucci et al. analyzed

perceptions of legitimacy by examining gender in domestic violence investigative units

within police departments. They found correlative evidence that more female

representation in domestic violence units increased the reporting of these incidents, which

is especially important since lack of reporting is often an obstacle in curtailing this type

of violence (Riccucci et al., 2014).

Theobald and Haider-Markel (2008) argued that symbolic representation is an

important factor in citizen contacts with police. They found that African American

citizens were more likely to view police actions as legitimate if African American

officers were on a scene (Theobald & Haider-Markel, 2008). Theobald and Haider-

Markel also found that African American representation within the ranks of a police force

also increased perceptions of fairness. This researcher purports that this link between

representative bureaucracy and legitimacy warrants further exploration when viewed

within the context of police use of deadly force and the community's reaction to these incidents.

While representative bureaucracy is certainly applicable to municipal policing, its roots go far deeper into public administration. Dolan and Rosenbloom (2015) offered that "representative bureaucracy is the body of thought and research examining the potential for government agencies to act as representative political institutions if their personnel are drawn from all sectors of society" (p. xi). This goal was clearly set at the federal level with the Civil Service Reform Act of 1978; however, the goal was made more widely known by former President Bill Clinton's challenge to create a government workforce representative of the country it serves (Dolan & Rosenbloom, 2015). Especially during the 1990s, the body of research on representative bureaucracy was largely based on a standard model for "tracking the impact of social background on the performance of civil servants, particularly those who exercise considerable discretion" (Dolan & Rosenbloom, 2015, p. xi). However, the theory of representative bureaucracy is hardly new. J. Donald Kingsley coined the term in 1944, and since then, the tenants of representative bureaucracy have become of significant concern in both public administration and the formation of public policy.

The theoretical model of representative bureaucracy is predicated on the links between social origins, overall attitudes, and the decision-making patterns of public decision makers (Dolan & Rosenbloom, 2015). The theory covers a broad spectrum of public administration and includes contemporary politics, reinventing government, diversity in the workplace, equal opportunity policy, democratic control of administration, and overall administrative performance (Dolan & Rosenbloom, 2015).

And while these concepts have generally been deemed as important in the field of public administration, one may legitimately ask why or how, for instance, the social background of a public administrator may be important. Some scholars would hold the firm position that it is of no significant importance (Dolan & Rosenbloom, 2015).

One of the most significant obstacles for some scholars is what they perceive as limited opportunities for impact for lower-level administrators because of the lack of discretion afforded to them from upper-level administrators (Dolan & Rosenbloom, 2015). This is particularly true of scholars who hold a traditional Weberian view of administration in which bureaucrats are to be strictly without discretion (Dolan & Rosenbloom, 2015). For Weber (1946), the efficiency of bureaucracy lies in its power to be emotionless. It is logical to bring Weber's theoretical view into focus early in the conversation of representative bureaucracy because the Weberian view and representative bureaucracy, even though they have some of the same goals such as efficiency and effectiveness, are polar opposites in philosophy (Dolan & Rosenbloom, 2015).

Rational Choice Theory

Another theory explored in this study relating to this wicked problem is rational choice theory. While this researcher considered the theoretical frameworks of classical theory and/or economic theories, rational choice theory seemed a more prudent approach because rational choice theory is largely a combination of these two types of theories especially regarding criminal activity (Clarke & Cornish, 1985). A Venn diagram might also show overlaps in rational crime theory, opportunity theory, and routine activities theory (Verma, 2007).

In viewing crime from a rational choice theory perspective, the decision of whether to commit a crime is based on an in-the-moment "cost benefit analysis" (Cornish & Clarke, 1986, p. vi). The theory states that primarily a person first decides if he or she is willing to commit a crime to satisfy some need (Clarke & Cornish, 1985). The individual may also weigh noncriminal options; however, the outcome of the decision is reliant upon the person's life experiences and learning, his or her personal morality, and the degree of foresight the individual has the potential to exercise (Clarke & Cornish, 1985). However, perhaps most germane to this particular wicked problem is the actual decision to commit a criminal act, such as looting, assault, or vandalism, all of which often accompany civil unrest. The decision to actually engage in criminal activity has much to do with the immediate needs or situation of the person (Cornish & Clarke, 1986).

Based upon his almost 30 years of experience in law enforcement, this researcher purports that major civil unrest provides a unique opportunity for persons who would not otherwise commit crimes, such as looting or vandalism, to yield to basic needs, greed, or urges based upon the chaotic nature of these events, coupled possibly by a perception that there is relatively low probability of being caught by authorities, which may or may not be true. This would certainly coalesce with the cost-benefit analysis involved in rational choice theory. Verma (2007) seemed to agree stating,

> When an individual is part of a large group, it seems the decision process is affected by the objectives of the group. . . . Those who would not normally indulge in destruction, violence and defiance blatantly exhibit such actions as part of a mob. (p. 202)

This may seem, on the surface, to run afoul of the "rational" portion of the rational choice

theory; however, the literature on mob violence suggests otherwise. Verma (2007) stated

that even though many in a crowd may seem to be acting irrationally, there are rational

individuals within the group who are merely opportunistic in committing crimes and have

thoroughly rationalized the decision to participate. In other words, the perceived

anonymity that the group provides creates a "short-term rationality" where individuals

rationally decide to make short-term gains (Verma, 2007, p. 203). This provides further

reasoning for approaching civil unrest from the perspective of rational choice theory.

The next section of this work discusses the methodology of this research.

CHAPTER 3: METHODOLOGY

Case Study Comparison

Because of the exploratory and explanatory nature of the phenomenon of the development of major civil unrest after a police lethal use of force incident, the methodology for this work was a case study comparison approach. A case study in research is "an empirical method that investigates a contemporary phenomenon (the 'case') in depth and within its real-world context, especially when the boundaries between phenomenon and context may not be clearly evident" (Yin, 2018, p. 15) and "is one of the most challenging of all social science endeavors" (Yin, 2018, p. 3). The case study approach is particularly appropriate when the main research questions in a study are focused on "how or why" a phenomenon occurs when the researcher has little or no control over behavioral events, and the topic is contemporary (Yin, 2018, p. 2).

In accordance with Yin (2018), Agranoff and Radin (1991) advocated for a case study approach when the research calls for a systematic method in which to collect and utilize significant qualitative data that may not be easy or even possible to retrieve or likewise impossible or impractical to manipulate. These authors also stated that analyses from case studies are effective in collecting data that are otherwise, for all intents and purposes, unattainable through other means of research (Agranoff & Radin, 1991).

Yin (2018) advocated that when conducting case study research, an extensive literature review of the phenomenon be completed because this thorough survey of the literature will be foundational to the remainder of the research work. In order to gain insight into the civil unrest events under review, this researcher included as Yin (2018) suggested, an extensive review of the civil unrest literature and police lethal use of force

literature, which included official Department of Justice and National Police Foundation debrief reports on the Clark and Scott fatal shootings. These reports described in detail the events surrounding the civil unrest in the respective cities. However, while these reports were central to the study, there are other secondary data sets that were examined as well.

The Washington Post has one of the most extensive databases of officer-involved shooting deaths found in this research (The Washington Post, 2017). Within the database, the race of the person shot is included as well as several other pieces of information collected by the media outlet for each incident. Besides race, the information includes the following: name (if known/released), date of the incident, manner of death, whether armed and, if so, with what weapon(s), age, gender, city, state, whether there were signs of mental illness, threat level, whether the person shot was fleeing, and whether the incident was captured on body-worn camera.

Since the release of the 2015 President's Task Force on 21st Century Policing, which advocated for more police transparency, many larger departments have added a police lethal force database as a positive step forward in the collection of data about these incidents. In addition, VICE News (2017) has an extensive database that includes officer race (if reported) as well as information on lethal levels of force (i.e., gunshots), which did not involve a death. The outlet reports on the 50 largest departments in the United States and only on incidents occurring in 2010-2016 (VICE News, 2017), which would include both cities and incidents examined for this research work.

Utilizing as the two primary resources the National Police Foundation after-action reports from the Charlotte and Minneapolis cases of civil unrest, timelines were created

in a narrative form in order to provide context to the incidents. The timelines included such factors as the facts surrounding what led up to the lethal force incident, information given in preliminary debriefing reports, the absence or presence of activist groups' protesting the incidents, any violent events related to the civil unrest, as well as any other significant factors found in the analysis, as the documents are explored in detail.

In addition to the research goal of bringing more clarity to these chaotic events, another goal of the timeline was to explore common factors in the case studies to assist in answering the research question of what factors after a lethal use of force incident may lead to major civil unrest. Further content analysis was conducted through manual keyword search and categorization. Of note, the validity of the sampling frame was not an obstacle in this work as the study encompassed two very similar incidents from a very narrow definition of civil unrest.

Finally, according to Yin (2018), a case study "investigates a contemporary phenomenon . . . in depth within its real-world context, especially when the boundaries between phenomenon and context may not be clearly evident" (p. 15). Such is the case with the phenomenon of civil unrest after a police lethal use of force incident. There is no known bright line between whether civil unrest will occur in the wake of a police lethal use of force incident. It was the goal of this work to shed light on this complex issue so that the body of knowledge may clarify this phenomenon. The next section of this work describes the overall design and methods the researcher utilized within the case study comparison.

Research Design

In preliminary readings and analyses of the after-action reports by the National Police Foundation used as the main resources for this study, this researcher discovered what appear to be distinct elements and phases of civil unrest that seem worthy of further exploration and analysis. This is important because these incidents often start as peaceful (though emotional) gatherings. To better inform public administrators and other decision makers in these chaotic events, this researcher explored not only whether there are underlying factors that may contribute to protests turning into major civil unrest but also whether there are perhaps identifiable phases of major civil unrest incidents.

The goal of the analysis of these incidents is to help decision makers understand that what may seem to be mass chaos could very well have an underlying sense of order or even predictability to a certain point. If a sense of underlying order may be identified and imparted to decision makers, then perhaps making critical decisions during major civil disorder may become clearer. And while this researcher attempted to extract information in a manner that deduced viable options, he also explored decisions that were made within the case studies to provide insight into decisions that may not have proven judicious.

In summary, the two main cases were analyzed from exploratory and explanatory perspectives and through content analysis of the aforementioned extensive after-action reports created by the National Police Foundation. Through in-depth analysis, this researcher attempted to identify factors that may lead to insight on why the protests led to major civil unrest. He also explored whether there are five phases to civil unrest. The

phases that were explored are as follows: immediate aftermath, gathering, flashpoint, intervention, and de-escalation leading to a return to normalcy.

Phase 1—Immediate Aftermath

The immediate aftermath of a police lethal use of force incident seems to be a crucial point in civil unrest as in both cases, the protests began at or near the scene of the use of lethal force. In this phase, the management of information appeared to be the most challenging with several narratives being circulated through social media. In the Jamar Clark shooting death, there were early reports that Mr. Clark was handcuffed and compliant when he was shot while other reports indicated that he was struggling with police and had reached for an officer's gun (Straub et al., 2018). The working definition of the immediate aftermath phase is the span of time from the lethal use of force incident to the gathering phase (defined in the next section).

Phase 2—Gathering

The gathering phase is defined as the phase in a civil unrest incident in which protesters initially gather at one geographical location and begin working in concert to provide a voice in the ensuing investigation. In the cases discussed, the gathering phase occurred at or near the scene within hours after the lethal force event (Straub et al., 2017, 2018). In Minneapolis, agitated protesters gathered at the Fourth Precinct building of the Minneapolis Police Department just blocks from the shooting (Straub et al., 2017). In the Charlotte incident, protesters gathered at the scene of the shooting, which was at an apartment complex in the eastern part of the city (Straub et al., 2018). The wife of the deceased also streamed a video of Mr. Scott's confrontation with police, including audio of when Scott was shot (Straub et al., 2018). While this is also germane to the immediate

aftermath phase, it is also relevant to the gathering phase because the social media post seemed to draw more protesters to the area (Straub et al., 2018). This example shows how these phases may have some, if not significant, overlap.

Phase 3—Flashpoint

The flashpoint phase is defined as beginning with the first act of violence or property damage after the gathering phase has begun where, without significant pause, violence and/or damage to property continues uninterrupted and requires large-scale intervention. This researcher analyzed the cases to extract any possible indications of pending violence or property damage and any identifiable factors that may have mitigated or averted the violence and/or damages.

Phase 4—Intervention

The intervention phase, as partially explained above, is the time period after the flashpoint phase where significant police and community resources are deployed in an effort to de-escalate the situation. This researcher discussed the de-escalation techniques utilized in both incidents as well as the levels of effectiveness for each intervention. This phase may be marked by the declaration of a state of emergency within the respective jurisdictions.

Phase 5—De-Escalation and Return to Normalcy

The de-escalation and return to normalcy phase is the time period in which interventions show evidence of being effective and lead to the sustainable return to normalcy. The ending of this phase is marked by the lifting of the state of emergency and/or the closure of the centralized command center.

Other Factors

Besides exploring the possibility of distinct phases of civil unrest, this researcher also explored other factors that may have led to these instances of major civil unrest. In addition to the phases of civil unrest, this researcher coded for the presence of 16 other themes for exploration. These include the following (listed alphabetically): communication, crowd management, department policy, faith community, fiscal considerations, militarization, national activist groups, nonlethal force options, police oversight, political involvement, property damage, public perception of department, resolution tactics, training, violence, and widely purported causes.

Each of the themes also contained subthemes. (For a complete list of themes and subthemes, see Appendix B).

Content Analysis

To glean insight into these incidents, this researcher conducted a content analysis of the aforementioned after-action reports through content analysis. Each of the main themes identified had three to seven words or phrases associated with them. This researcher then analyzed the content utilizing NVivo content analysis software to align passages within the narrative of the after-action report. For interrater reliability, this researcher had a criminal justice doctoral student from Georgia State University independently code the main themes and subthemes and analyze the percentage of agreement as to which theme and/or subtheme the word or phrase belongs (or if the item belongs at all) in comparison to the researcher's assessment. This researcher repeated this process until there was at least 80% agreement between his coding and the interrater partner's coding. Creswell (2014) cited Miles and Huberman (1994) who stated that 80%

intercoder agreement is required to establish qualitative reliability. To add a significant layer of validity, the results not only utilized raw percentages but also were analyzed employing Cohen's kappa.

According to Vogt and Johnson (2016), the kappa score (or Cohen's kappa) is utilized in statistics to analyze interrater reliability for categorical data. Cohen's kappa is considered to be more accurate than raw percentage agreement in that the measure accounts for the chance of random agreement between interraters (Vogt & Johnson, 2016). This type of statistical measure falls into the category of reliability coefficients, which show the reliability of a statistical measurement (Vogt & Johnson, 2016). McHugh (2012) stated that Cohen suggested kappa results be interpreted utilizing the following scale:

≥ 0 – no agreement

0.01-0.20 – none to slight agreement

0.21-0.40 – fair agreement

0.41–0.60 – as moderate

0.61–0.80 – substantial

0.81–1.00 – as almost perfect agreement (p. 277)

Based on the analyzation of both after-action reports, the researcher determined whether additional phrases and/or key terms needed to be added or phases and/or key terms needed to be deleted from the list. If the coding analyzation of the themes showed evidence that the themes or subthemes had relevance, those identified were added to the structure of the study along with appropriate definitions and how they may possibly relate to the research question.

It should be noted that while the research design provides a framework for the study, because of the exploratory and explanatory nature of the research, the design had to remain flexible as data and concepts emerged throughout the research process. However, the framework in the preanalysis phase provided the author with direction and placed a large amount of information into clearly identifiable phases and subconcepts that were analyzed further throughout the research work.

CHAPTER 4: RESULTS

Statistical Significance of Findings

After the content analysis coding process was completed for both cases and processed utilizing NVivo software, the average level of interrater agreement was found to be 99.5% while the Cohen kappa average was 0.79. The lowest percentage of agreement in any category was 95.1% while the highest level of agreement was at 100%. The lowest kappa agreement was 0.49 with the highest having a kappa score of 1.

Interrater agreement for both the Charlotte after-action report and the Minneapolis after-action report fell between the moderate-to-almost-perfect range. No nodes were found to be statistically insignificant.

Coding Method of Themes and Subthemes

As stated in the methodology section of this study, within the analysis, there were 16 overarching themes in addition to the five phases of civil unrest. Within the five phases, a total of 21 terms or subthemes were utilized to assist in identifying whether there was evidence of identifiable stages of major civil unrest.

In addition to the stages of unrest, there were 16 other overarching themes that the author chose from careful reading of the two case studies for a total of 21 predetermined themes. Within the overarching themes, 99 terms were in the codebook. To be clear, the terms need not have appeared verbatim as long as coders agreed the action or other descriptive material matched the theme or subtheme concept. Throughout the coding, within each of the case studies, instances of overlapping themes were commonplace; however, this was less common when coding for the five phases of civil unrest.

Within the Charlotte report, 2,885 passages were coded while 2,412 passages were coded within the Minneapolis report. Both the researcher and the interrater coded the same passages by design and by paragraph. Materials such as appendices, maps, and reference materials were not coded as these items did not speak to the narrative of the events. Within the Charlotte report, all 99 of the code terms except one were coded at least once. In the Minneapolis report, 91 of the nodes were coded at least once.

Report Coding Comparison

Within the Charlotte report, the node with the highest frequency was communication, which encompassed 10.13% of the total coding for the document. The next highest coded term was departmental policy, which encompassed 6.97%. Intervention (6.45%) ranked next followed by crowd management (5.42%), social media posts (4.58%), and training (4.16%).

Interestingly, within the Minneapolis report, communication also ranked as the most frequently coded node, which encompassed 7.71% of the coded portions of the document. Also, as in the Charlotte study, intervention ranked high in the hierarchy of the nodes. In the Minneapolis document, intervention accounted for 7.25% of the coding. Intervention was followed by political involvement (6.03%), crowd management (4.46%), mayor (a subtheme of political involvement; 4.29%), followed by departmental policy (4.04%).

Data Focus

Since the analysis was very rich and all of the nodes showed to have statistical value, and in an effort to most effectively shed light on the case comparison in a pragmatic manner that would be most beneficial to the purpose of the study, the

researcher noted the statistical significance of the top six of the 96 themes that were

coded. Not only was communication the top value for both case studies within the top

six nodes for each category, but three of the nodes were the same. These nodes were

crowd management, departmental policy, and intervention. The next section of this work

discusses each of these categories as it pertains to the case studies and discusses, from the

narrative of the case studies, the evidence of why these nodes ranked so highly. These

nodes are discussed in order of lowest combined percentage score to highest combined

percentage score. Table 1 shows the top 20 terms that were coded along with the

respective percentages of instances of the concepts within the entire coding project.

Table 1

Comparison of Top 20 Terms

Minneapolis	Charlotte
Communication (7.71%)	Communication (10.13%)
Intervention (7.25%)	Departmental policy (6.97%)
Political involvement (6.03%)	Intervention (6.45%)
Crowd management (4.46%)	Crowd management (5.42%)
Mayor (4.29%)	Social media posts (4.58%)
Departmental policy (4.04%)	Training (4.16%)
NIMS (3.81%)	COPS (3.87%)
Training (3.68%)	Public perception of department (3.76%)
Widely purported causes (2.51%)	Civil Emergency Unit (3.20%)
Use of force policy (2.49%)	Transparency (3.13%)
Violence (2.41%)	Police oversight (3.05%)
Nonlethal force options (2.34%)	Political intervention (2.83%)
Political intervention (2.19%)	Violence (2.81%)
CEU training (2.18%)	Community involvement (2.44%)
National activist groups (2.09%)	Constitutional law guidelines (2.16%)
Constitutional law guidelines (1.63%)	Nonlethal force options (2.11%)
Black Lives Matter (1.57%)	Widely purported causes (2.10%)
Press coverage (1.57%)	Throwing objects (2.01%)
Throwing objects (1.53%)	False/conflicting narrative (1.95%)
Strained race relations (1.47%)	Other citizen oversight (1.86%)

<center>**Crowd Management**</center>

Crowd management, encompassing 9.88% of the coding, was an overarching theme that included the subthemes of constitutional law considerations, constitutional law guidelines, Republican National Convention (RNC), Democratic National Convention (DNC), and public order bicycles. At first blush, the nodes of RNC and DNC may appear to have little to do with the topic of civil unrest in the aftermath of a police lethal use of force incident. However, the participation in national political conventions is germane to the conversation because it is common knowledge in the law enforcement community, particularly among major cities, that when cities agree to host a national political convention, millions of dollars are awarded to the host police department to utilize for training, personnel costs, and equipment. Much of the training is in constitutional law as it pertains to protests, and much of the equipment is geared toward effective crowd management. The researcher utilized these nodes to help explain whether the departments' participation in a national political convention had any effect on whether and/or how the protests were handled in the wake of the police lethal use of force incidents.

2008 Republican National Convention

According to the Minneapolis report, in order to prepare for the city's hosting of the 2008 RNC, the Minneapolis Police Department (MPD) put extensive resources toward training and equipment (Straub et al., 2017). Specific training, delivered by the Department of Homeland Security (DHS), was provided to officers and included such topics as civil emergency unit training (Mobile Field Force), first aid, Fourth Amendment rights, and the use of nonlethal munitions for crowd control (Straub et al., 2017). The

<center>60</center>

MPD, also in preparation for the 2008 RNC, had formed a public order bicycle team (Straub et al., 2017). To form the unit, approximately 200 officers were certified through specialized training to ride mountain bikes in a law enforcement capacity (Straub et al., 2017). Of those 200 officers, an additional 50 received further specialized training in crowd management techniques utilizing the bicycles as well as arrest dynamics in large crowd situations (Straub et al., 2017).

In addition, the MPD purchased a significant amount of equipment specifically for use in case of civil disturbance during the RNC (Straub et al., 2017). The equipment included protective helmets and shields, batons, and gas masks (Straub et al., 2017). Of note, equipment purchased utilizing national political convention funding typically remains with the agencies to which the equipment was issued.

2012 Democratic National Convention

Like the MPD, the Charlotte-Mecklenburg Police Department (CMPD) had also recently hosted a national political convention before the major civil unrest in the wake of the lethal use of force incident upon which the case study was based. In 2012, Charlotte was host to the DNC. Much like the MPD, CMPD officers received specialized crowd management and civil emergency training from the DHS (Straub et al., 2018). In addition, officers received training on how to manage large-scale demonstrations and constitutional law training as it pertains to protests. Officers also received training in how to control crowds effectively through the utilization of public order bicycles, equestrian units, motorcycles, and specially trained officers (Straub et al., 2018). In preparation for the DNC, CMPD purchased 300 public order bicycles in addition to 16 utility vehicles, and 50 dual sport motorcycles (Straub et al., 2018).

The participation in a fairly recent national political convention was one reason why these two cities were chosen for case comparison. Both cities had access to ample crowd-control equipment and highly specialized training at relatively no cost to the cities. It would be logical to deduce that a lack of training, equipment, or experience would not be a factor in why the peaceful protests in Charlotte and Minneapolis turned violent in the wake of officer-involved shooting incidents. Conversely, from the text of the case studies, it appears that the public order bicycles in both cities were very helpful in crowd control (Straub et al., 2017, 2018).

Public Order Bicycles

In Charlotte on the second day of the protests, when approximately 1,000 people gathered at a passive park near downtown, CMPD deployed public order bicycles when the group began to march through the streets (Straub et al., 2018). The bicycle officers accompanied the group to protect them from vehicular traffic (Straub et al., 2018). All during the peaceful portion of the Charlotte protests, besides protecting protestors as in the above example, bicycle officers directed traffic around demonstrators when they blocked roadways (Straub et al., 2018). Officers also maximized the flexibility of the public order bikes to work as a mobile barricade to mitigate the impact of the crowds on local businesses by maintaining, to the extent possible, entry and exit points to the businesses (Straub et al., 2018).

In Minneapolis, like the CMPD, the MPD deployed public order bicycles on the second day of the protests (Straub et al., 2017). The directive given to the bicycle unit was to accompany protestors walking from the Fourth Precinct building to the downtown

area (Straub et al., 2017). They were also given the direction to keep protestors off the interstate (Straub et al., 2017).

Bicycles deployed for crowd management are very useful (Straub et al., 2017). Often bicycle officers are considered less threatening and more approachable to demonstrators (Straub et al., 2017). This was also echoed in a 2018 report by the Police Executive Research Forum entitled, *The Police Response to Mass Demonstrations: Promising Practices and Lessons Learned*. Within the report, Seattle Police Assistant Chief Steve Wilske stated,

> Bike officers are a staple of our management of demonstrations, and we've trained them extensively for that purpose. One of the things [SPD has] noticed with the demonstrations is that they almost always involve a march now. Bicycles can get around much more quickly in a downtown environment. Marches bring traffic to a halt; our cars can't get through, but bicycles can. We also use the bicycles as a barrier; they're a mobile fence line. (Police Executive Research Forum, 2018, p. 11)

Not surprisingly, there is much agreement among police executives that the use of public order bicycles in mass demonstrations is a best practice (Police Executive Research Forum, 2018).

Constitutional Law Considerations and Guidelines

The final two nodes under crowd management are constitutional law considerations and constitutional law guidelines. Since these two nodes are closely related, they are discussed in tandem. The differentiation in the two nodes for coding purposes was training in constitutional law and how the departments expect the training

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to be carried out. These ideals would fall under constitutional law guidelines. Any

initiatives that the respective cities deployed before or during the protests to ensure

constitutional law protections were considered constitutional law considerations. The

training component of constitutional law was again strengthened by the cities' training

offered through the hosting of a political national convention.

In the realm of constitutional law guidelines, and in preparation for the 2012

DNC, Charlotte enacted a city ordinance to address "extraordinary events," which

allowed the city to limit the carrying and concealment of firearms as well as items that

could be used as makeshift weapons such as chains or bottles (Straub et al., 2018). The

ordinance also designated specific protest areas (Straub et al., 2018).

Another aspect of managing the crowd that was richly coded for both

constitutional law and constitutional law considerations was the overall approach to the

protests by CMPD, which was considered management centered as opposed to repress

centered (Straub et al., 2018). According to interviewers within the case study, the

CMPD protests had an overall tenor of toleration and peacekeeping throughout the unrest

(Straub et al., 2018).

In the MPD experience, from the onset, city and police leaders worked together to

ensure that citizens had a right to express themselves in a manner consistent with the First

Amendment (Straub et al., 2017). This was demonstrated in many instances by the

restraint utilized by officers to not arrest protestors, including those who had occupied the

Fourth Precinct building vestibule (Straub et al., 2017). Also, throughout the protests,

city and police leaders met with activist groups and kept lines of communication open to

groups who had a vested interest in protecting First Amendment rights (Straub et al., 2017).

Departmental Policy

The overarching theme of departmental policy included the nodes of use of force policy, Community Oriented Policing Services (COPS), procedural justice policy, and profiling policy. Both agencies in the case study identified as utilizing COPS as their primary policing model. Both agencies in the case comparison also had use of force policies, displayed concepts that were consistent with the utilization of procedural justice, and both had a racial profiling policy (Straub et al., 2017, 2018). The next section discusses how community policing policy interacted with the civil unrest outcomes.

Community Oriented Policing Services (COPS) Policy

In 2003, the CMPD began efforts to implement a community-oriented policing style in order to form and/or strengthen relationships with communities, businesses, and other public entities (Straub et al., 2018). The goal was to work collaboratively with the department's partners to promote positive outcomes (Straub et al., 2018). This policy called for specialized community police officers or *coordinators* to be assigned throughout the community to work on initiatives (Straub et al., 2018). However, even with this policy in place and dedicated resources to further community engagement, community-based focus groups interviewed for the case studies indicated that, at least in some factions of the community, there was weak trust of CMPD (Straub et al., 2018).

Police leaders, elected officials, and community leaders indicated in case study interviews that they were surprised that CMPD's trust was not as deeply rooted as they had perceived (Straub et al., 2018). The interviews indicated that a possible reason for

the unrest after the shooting of Scott was that some members of the community had concerns with the recent high-profile shootings on a national level, and the Scoot shooting sparked the concern that unfair policing may be occurring within Charlotte (Straub et al., 2018).

In the MPD, recruits at the police academy received training in community policing, including in cultural competencies (Straub et al., 2017). However, there was much weaker evidence within the Minneapolis case study that the MPD actually had a strong model of community policing employed in day-to-day operations. The relationship with the police department (especially with the Fourth Precinct officers) and the North Minneapolis community was very strained prior to the shooting, which may have fueled emotions leading to the ensuing civil unrest (Straub et al., 2017).

Use of Force Policy

There was strong evidence in the coding that the CMPD had both a strong use of force policy and a detailed standard operating procedure (SOP) for the use of nonlethal munitions (as well as general civil emergency protocols; Straub et al., 2017). CMPD also trained all officers on the ideal of a continuum of force. According to the CMPD Directive 600-020–Use of Force Continuum, the Use of Force Continuum is "a guideline for officers in making critical use of force decisions" (CMPD, 2016, p. 1). The continuum matches levels of resistance with appropriate levels of force. Within the policy, this continuum is represented in a graphic (see Figure 1). The directive also explains that force should only be applied when necessary and in a reasonable manner as outlined in the Supreme Court case of *Graham v. Conner*.
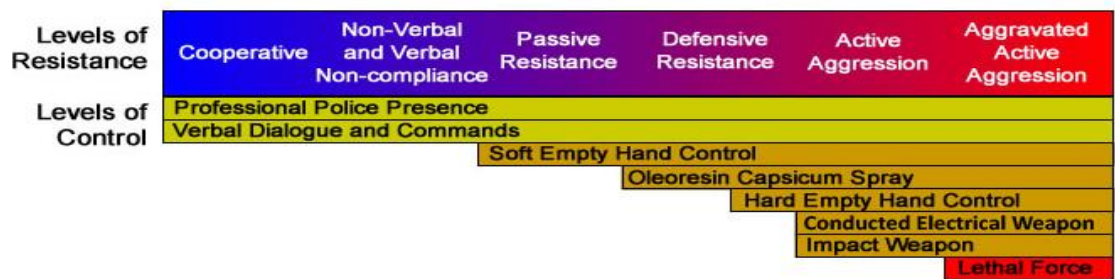
Figure 1. CMPD use of force continuum. From Use of Force Continuum (Directive 600-020), by Charlotte-Mecklenburg Police Department, *Interactive Directives Guide,* May 12, 2016, p. 1 (https://charlottenc.gov/CMPD/Documents/Resources/CMPDDirectives.pdf).

While force was utilized by CMPD, including chemical munitions and other nonlethal devices during the protests, there was a strong indication within the Charlotte case that the level of force utilized consistently matched levels of resistance with levels of control that officers were allowed to use under the policy (Straub et al., 2018).

The MPD use of force policy, according to the department's policy and procedure manual (5-300), is defined as

Any intentional police contact involving (08/17/07 (10/01/10):

- The use of any weapon, substance, vehicle, equipment, tool, device, or animal that inflicts pain or produces injury to another; or

- Any physical strike to any part of the body of another;

- Any physical contact with a person that inflicts pain or produces injury to another; or

- Any restraint of the physical movement of another that is applied in a manner or under circumstances likely to produce injury. (Minneapolis, 2018, "Use of Force," para. 1)

The policy also described several acts that constitute resistance and aggression of those

with whom an officer may come into contact; however, there is no continuum model as

was noted in the CMPD policy. The MPD policy also utilized the Supreme Court case

Graham v. Conner to decide the reasonableness of the use of force, which is generally

accepted in law enforcement.

Within the 18 days of civil unrest in Minneapolis, according to the after-action

report, MPD utilized force that ranged in internal classification from "necessary" to

"unnecessary, but legally justified" (Straub et al., 2017, p. 51). Over the course of the

occupation, MPD logged 10 use of force complaints; however, respondents in interviews

with the assessment team noted several instances of force that were not reported. Since

there was no official complaint or investigation, there was no manner in which to

determine the probability that use of force was more frequent than reported (Straub et al.,

2017).

Procedural Justice and Racial Profiling Policy

According to Murphy and Tyler (2017), there has been much scholarly interest in

procedural justice. Procedural justice entails four components as it pertains to policing

(Murphy & Tyler, 2017). These are respect, neutrality, trustworthiness, and voice

(Murphy & Tyler, 2017). This involves police treating citizens with dignity and respect

while demonstrating they can and will make fair decisions that are free from personal

biases—neutrality (Murphy & Tyler, 2017).

Police are considered more trustworthy when they display good communication

skills such as explaining their actions in a manner that shows sensitivity toward the needs

and concerns of those involved (Murphy & Tyler, 2017). This enhanced communication

style also includes officers giving citizens a voice, ensuring that all parties are heard completely before rendering a decision (Murphy & Tyler, 2017). The goals of policing in a procedurally just manner are aimed at developing a greater respect for law enforcement during citizen encounters, to gain increased compliance, and to increase levels of cooperation in assisting police in addressing issues of crime (Murphy & Tyler, 2017). Procedurally, just policing may also lead to greater overall trust in the police and greater institutional support for law enforcement (Murphy & Tyler, 2017). And certainly, if officers police in a manner that utilizes a policy of procedural justice, they would police in a manner that would not include racial profiling.

These two policies were added into the coding in an effort to determine whether or how these policies were recognized and/or carried out within the two departments. It seemed pragmatic that if tensions were high between the respective communities, there may have been notable violations of the general policy of procedural justice or with a more formal or informal (stop-and-frisk type) racial profiling policy. There was no indication within the case studies that this was problematic within either department. While there was perhaps racial tension in Charlotte based on recent police shootings on a national level, this was not recognized until after-action interviews were conducted (Straub et al., 2018). Within the MPD case study, tensions were noted between the Fourth Precinct officers and members of the North Minneapolis community; however, there was no indication as to why that tension existed or whether it was more widespread. Perhaps surprisingly, though the interrater agreement was high on these two concepts, there was little narrative that coders perceived as directly addressing these two policies.

Intervention

Intervention was coded for any narrative that indicated an attempt to normalize the civil unrest. The intervention theme contained the following nodes: Civil Emergency Unit (CEU), National Incident Management System (NIMS), nonlethal force, political intervention, the opening of an Emergency Operations Center (EOC), and the intervention (or attempted intervention) of activist groups. The following paragraphs explain how these concepts were found to be relational to the two case studies.

Civil Emergency Unit or Mobile Field Force

Within the Charlotte scenario, the police department's CEU was deployed just hours after the shooting of Scott. This was an apparent attempt to de-escalate the crowd near the scene that was growing agitated (Straub et al., 2018). It became quickly apparent that the presence of the officers in tactical gear was causing the situation to worsen to the point that a commander called in a city bus to pick up the officers and transport them from the scene (Straub et al., 2018). Before the officers could leave, however, members of the crowd began throwing rocks and bottles during which time 15 officers were struck (Straub et al., 2018). The scene turned even more violent when the crowd would not let the bus leave, so the officers deployed nonlethal munitions and chemical irritants to get to safety (Straub et al., 2018). This allowed the bus to leave, but the vehicle continued to be pelted by objects (Straub et al., 2018). This was one instance where violence occurred toward CEU members. The deployment was so soon after the incident, the CEU presence did not seem to calm or place fear in the crowd but rather escalated the situation. While the CEU played an integral role in crowd management throughout the protests including intervening in property damage and even responding to

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a homicide within the crowd, it appeared to move the crowd toward further violent action in this initial phase of the unrest.

Within the MPD, the Mobile Field Force (MFF) also was problematic at times. On the evening of November 23, 2015, when multiple protestors were shot and the scene outside of the Fourth Precinct became extremely chaotic, there were reports in the after-action phase that officers were deploying chemical agents indiscriminately even to the point of affecting demonstrators who were rendering aid to the victims (Straub et al., 2017). Of note, no official complaints were filed that corroborated the accounts (Straub et al., 2017). However, this does raise concern as to how and when munitions are to be deployed in these rapidly evolving events when communication may be hampered.

Overall, the CEU and MFF platoons were beneficial; however, interventions that may prevent the need for such measure would perhaps be prudent. Also, both departments showed evidence of problems throughout the narrative with inconsistent reporting measures for when the CEU and MFF utilized force upon a crowd. Also of note is that within the coding there was significant evidence that the appearance of militarization by police escalated tensions (Straub et al., 2017, 2018).

National Incident Management System (NIMS)

The NIMS was designed by DHS in 2004 with the purpose of developing an established nationwide protocol for first responders responsible for handling crises situations, especially incidents that require multi-agency interventions (New Hampshire, n.d.). The system includes standardized terminology, planning standards, interoperability of technological systems, and standards for training and planning (New Hampshire, n.d.).

In after-action interviews in both case studies, the case narratives noted that the departments had offered training in NIMS; however, the concepts were not utilized to the fullest extent once the crises began (Straub et al., 2017, 2018). Within Charlotte, the problems were more focused on the primary officers on the scene who appeared to need more training on what information to funnel to incident commanders so that appropriate decisions could be made (Straub et al., 2018; see Figure 2).
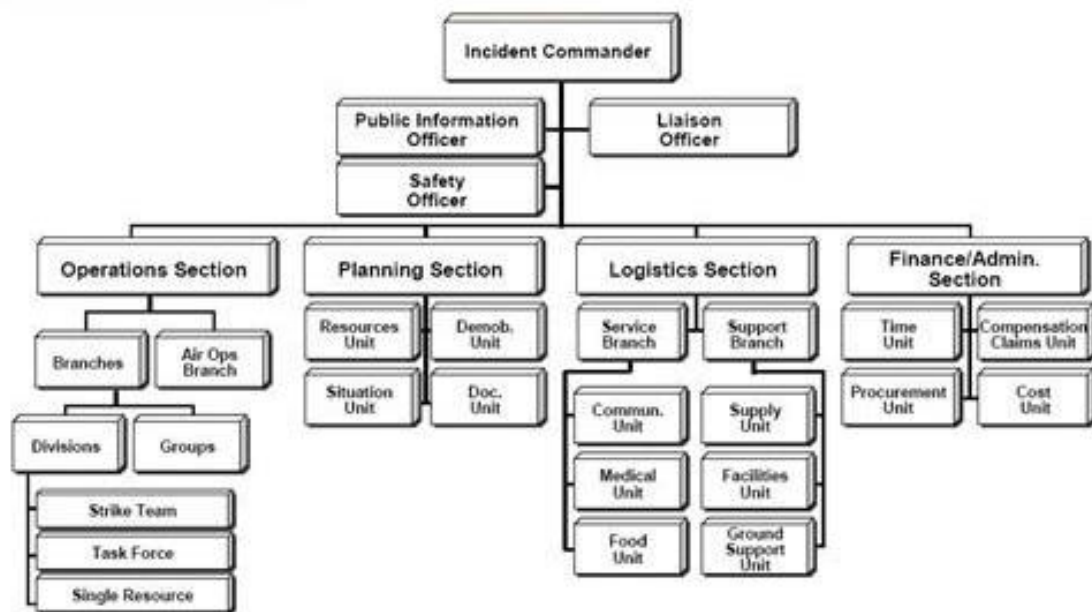
Figure 2. ICS structure. From ICS: Review material, by Federal Emergency Management Agency, Washington, DC, 2008), p. 7 (https://training.fema.gov/emiweb/is /icsresource/assets/ics%20review%20document.pdf).

In Minneapolis, the NIMS became more problematic because of the political involvement and the lack of clear boundaries of authority (Straub et al., 2017). From the narrative, it appeared that overall NIMS should be trained from the top to the lower levels of the organization and include political officials as needed (Straub et al., 2017, 2018). This perhaps would allow for a more efficient response and increased effectiveness of the interventions.

Nonlethal Force

This section coalesces with the CEU/MFF considerations discussed in the previous section. Within both cities, the MFF (or civil emergency units) was responsible for deploying nonlethal force tools (Straub et al., 2017). Of note, the term *nonlethal force* does not include weaponless force but rather nonlethal tools and weaponry such a Pepperball rounds, marking rounds, and chemical irritants.

In the Charlotte case, at the direction of a commander on the scene, chemical irritants were deployed within hours of the officer-involved shooting (Straub et al., 2018). This occurred throughout the civil unrest when consistently commanders gave the order to deploy less than lethal munitions or to release chemical irritants (Straub et al., 2017). This is germane in light of the aforementioned 2018 Police Executive Research Forum (PERF) study, which recommends that unless exigent circumstances exist, the decision to deploy less than lethal force options should be made at the command level.

Another factor in the use of especially wide-reaching, nonlethal tools such as chemical agents is that commanders in Charlotte gave dispersal orders and warnings before utilizing these options, including letting demonstrators know that chemical agents would be employed if the crowd did not disperse (Straub et al., 2018). This was in accordance with CMPD's CEU SOP 2, Use of Chemical Agents, and CEU SOP 3, Use of Specialty Impact Munitions (Straub et al., 2018). According to the narrative of the case, having these policies in place (and followed) seemed to keep the use of these tools at a relatively minimal level and within the department's aforementioned use of force policy.

In the Minneapolis case study, the narrative indicated that the deployment of less lethal munitions was more problematic (Straub et al., 2017). According to MPD policy,

like in Charlotte, the use of less-than lethal force options is at the discretion of a

commander; however, in the MPD this is restricted in policy to the designated incident

commander (Straub et al., 2017). According to departmental policy, the incident

commander is to assess the situation and then determine a reasonably appropriate

response (Straub et al., 2017). The incident commander may then authorize the use of

nonlethal tools (MPD Policy 5-312; Straub et al., 2018). Also, according to the MPD

policy, any personnel may utilize nonlethal force options if there are exigent

circumstances that put the officer or a third party in jeopardy (Straub et al., 2018).

The Minneapolis case study narrative indicated that during the civil unrest,

several MPD officers deployed nonlethal force options without proper authorization from

the incident commander (Straub et al., 2017). This was notable because the CMPD

policy gave commanders in the field more options and discretion. Although more tightly

controlled in policy, the use of these tools was not actually as controlled in the MPD case

study.

Lastly, the use of marking rounds (similar to a paintball rounds) was utilized

extensively during the Minneapolis occupation. These rounds are shot from a gun and

mark offenders in a crowd so they may be identified. The MPD utilized these rounds,

especially when the crowd began throwing objects at officers near the Fourth Precinct

and over the course of the unrest (Straub et al., 2017). However, MPD had no policy that

covered the use of the marking rounds (Straub et al., 2017).

Political Intervention

In both the Charlotte case study and the Minneapolis case study, political

intervention was problematic, however, with very different dynamics. In comparing the

portions of the narrative coded for political intervention, one factor that emerged as prominent was the difference in city government structure. Charlotte employed a weak mayor system in which the full-time chief executive is the city manager. Minneapolis employed a strong mayor system in which the mayor is the full-time chief executive. This was important in how the political interventions affected both scenarios.

In the Charlotte case, during the early portions of the civil unrest, both the Charlotte police chief and Charlotte mayor appeared in a press conference, which signaled that the elected officials and the chief seemed to be working in tandem. After that, the messaging seemed disjointed and nonunified. One decision that gleaned much press interest was whether the body-worn camera video of the shooting would be released (Straub et al., 2018). The CMPD did not immediately release the video during the civil unrest (Straub et al., 2018).

On Monday, September 28, 2016, which was the last day of the protests, an editorial written by the Charlotte mayor was printed by *The Charlotte Observer* newspaper in which the mayor heavily criticized the CMPD's response to the shooting of Scott, citing a lack of transparency and communication, especially surrounding the refusal to release the body-worn camera footage (Straub et al., 2018). Also in the editorial, the mayor indicated that she had contacted the Department of Justice and requested that officials monitor the investigation and also requested a review of the CMPD's use of force policy (Straub et al., 2018).

In Minneapolis, the narrative showed that the mayor took control of the messaging early on after the Clark shooting. The Minneapolis police chief informed the mayor of the shooting by text shortly after the incident (Straub et al., 2017). The chief

and mayor met later in the morning to discuss the incident and to develop a plan of action (Straub et al., 2017). The mayor then held a press conference later in the afternoon and announced that the Minneapolis Bureau of Criminal Apprehension (BCA) would be investigating the case unlike in recent history where the MPD typically investigated officer-involved shootings (Straub et al., 2017). That evening, the mayor also held a public forum at the Urban League (Straub et al., 2017). Since the protests were ongoing from the inception of the Clark shooting, it seemed unusual that the police chief or another designee from the police department had not been more involved in the public messaging. During the 18-day occupation, the mayor met with the Clark family and leadership from Black Lives Matter (BLM) and other activist groups (Straub et al., 2017).

Of note, within the initial meeting with the family and BLM members, much like the Charlotte case, the release of the video was a focal point. The family and BLM members made a request that the camera footage be released; however, the mayor denied that request (Straub et al., 2017). Also, during the occupation, the Minneapolis mayor visited the Fourth Precinct area multiple times often speaking with protestors (Straub et al., 2017). The narrative overall showed evidence of a sharp divide between the police department and elected officials in the handling of the occupation.

Activists Groups

This node should be differentiated from the theme and nodes associated with national activist groups, which included the subthemes of BLM, the National Association for the Advancement of Colored People (NAACP), and Showing Up for Racial Justice. This researcher developed the activist group node under the intervention theme to explore what, if any, affect the group(s) had on intervening in the unrest.

Since Ferguson, there has been much media coverage of activist groups, especially BLM. Within this case study comparison, in Charlotte, there was no indication in the narrative that BLM or any other activist groups played a significant role in the intervention of the civil unrest. In Minneapolis, there was a much more significant role played by activists. For instance, in the days after the shooting, the Clark family and leadership from BLM met with the mayor when demands were made for grief counseling for the family and members of the community, that the mayor request that the family be shown the body-worn camera footage privately, and that the mayor request in a public forum that the police video be released (Straub et al., 2017). Also, BLM leaders in the ending stages of the occupation met with a U.S. representative and the Minnesota governor to negotiate terms of ending the protests (Straub et al., 2017). This showed evidence that the group was certainly influential in the protests; however, BLM was not always shown to be working in tandem with other activists.

Shortly after BLM met to negotiate to end the occupation, the NAACP leadership issued a statement encouraging the continuation of protests (Straub et al., 2017). This disagreement between groups for arguably much of the same causes, exemplifies the complexity of the issues in Minneapolis. This complexity may have been a reason that the occupation lasted 18 days.

Lastly, throughout the occupation in Minneapolis, political leaders at the city and state level met often and entered into negotiations with activist groups, including the NAACP and BLM; however, their efforts did not seem to be united, and the MPD was not a part of the negotiation process. This leads to the final section of this portion of this research work, the theme of communication (see Figure 3).
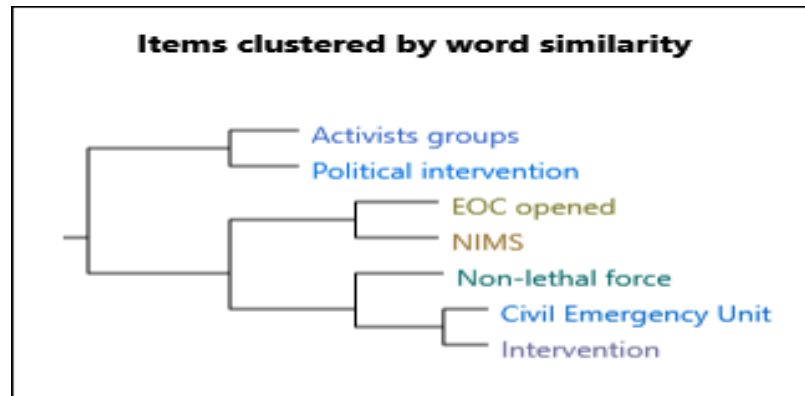
Figure 3. Items clustered by word similarity. The node EOC opened was utilized as a point of demarcation as a possible indicator of a phase of civil unrest. The significance of this node is discussed later in this research work.

Communication

As stated earlier, one of the most compelling portions of this case study analysis was that after careful coding, the theme of communication was the most coded throughout the project and was the primary theme coded for both cases. In the Minneapolis study, communication accounted for 7.71% of all coding while communication represented 10.13% of the Charlotte case study. The theme of communication included the subthemes of social media posts, transparency, press coverage, police press release, false/conflicting narrative, body-worn camera release, and activist press release.

Social Media Posts

Within the Charlotte case study, social media played a central role almost at the inception of the lethal use of force incident. Even as officers initially confronted Scott, Mr. Scott's wife began videoing the encounter (Straub et al., 2018). While much of the audio is clear, the actual shooting was not captured on video (Straub et al., 2018). The video was soon posted on social media in addition to further postings by Scott's daughter

that detailed a narrative (later determined to be false) that Scott was holding a book rather than a firearm when shot by police (Straub et al., 2018). Mr. Scott's daughter, in her social media postings, encouraged others to come to the scene to help her obtain answers from the police (Straub et al., 2018). The pleas on social media were apparently effective as others began to gather at the scene where emotions were clearly heightened from the onset (Straub et al., 2018). There were also indications that some of the would-be protestors who came to the scene were from outside of the city (Straub et al., 2018).

Social media continued to be problematic throughout the period of civil unrest in Charlotte. According to the after-action report,

> Social media, driven by posts from protestors, created a novel, dynamic, dangerous, and complex operating environment for the CMPD and for Charlotte's elected officials. This operating environment at times overwhelmed the CMPD and challenged the decision-making, policies, procedures, practices, and training of the department's leadership and personnel. (Straub et al., 2018, p. 28)

In the Minneapolis case study, social media seemed to be more of a symptom of the aforementioned problems associated with political intervention. This was exemplified when a city council member, upon discovering that the MPD was utilizing chemical agents, tweeted that the practice should stop, but that MPD was not going to take advice from council (Straub et al., 2017). There is much evidence in the narrative that the MPD's efforts were often hampered by political figures who wanted to take the lead in police-related decisions (Straub et al., 2017). Even so, MPD was able to use social media in an advantageous manner. The MPD employed the platforms of Twitter, Facebook, YouTube, and Periscope as channels of communication to the public regarding

the ongoing events (Straub et al., 2017). The MPD was also able to leverage social

media to explain their use of force policy (Straub et al., 2017).

Transparency

In the Charlotte case study, from the onset, transparency was an issue that seemed

to fuel tensions. Citizens on the scene who were met with silence were trying to speak

with officers to get answers to questions (Straub et al., 2018). This scenario provided

evidence of a vacuum of information that was not being filled until the social media posts

from Mr. Scott's daughter began to be shared. The CMPD lost an opportunity to engage

with citizens who were evidently prepared to listen and who were seeking transparency.

This was perhaps a missed opportunity to quell heightened emotions from the impetus.

There was also evidence in the narrative that members of the crowd were familiar with

the CMPD's structure because many asked to speak to the "white shirts" (CMPD

executive staff wear white uniforms in contrast to the dark blue shirts that lower ranks

wear; Straub et al., 2018). There was no indication that this information was funneled to

CMPD executive staff members; however, it was notable that none were on the scene of

such a critical incident.

In the MPD case, there was an abundance of information released to the public as

noted in the previous section on social media. The MPD also held numerous press

conferences that oftentimes emphasized that many of the protestors were peacefully

demonstrating (Straub et al., 2017). However, there were community members who

expressed concern over the department's lack of transparency and what they viewed as

defense of the officers involved (Straub et al., 2017).

Press Coverage/Police Press Release/Activist Press Release

The two nodes of press coverage and police press release were richly coded together; therefore, these concepts are discussed in tandem. Zero findings were found for the node of activist press release by either interrater. Of note, there was evidence in the narrative that both the MPD and CMPD had positive relationships with the local media; however, the way the department chose to engage the media in the aftermath of the respective lethal force incidents was very different.

One interesting yet unexplained aspect of the media coverage in the Charlotte case study was that as media began showing up to the scene and live broadcasting in the immediate aftermath of the shooting began, the tension in the crowd rose noticeably (Straub et al., 2018). Also, on-scene reporting constituted much of the coverage as CMPD leaders decided not to take an aggressive media approach even as inaccuracies regarding the case were being shared widely (Straub et al., 2018). Although the CMPD public affairs section was strong, leaders decided to go against the advice of public affairs staff and take a softer approach (Straub et al., 2018).

Given the evidence already discussed, this seems to show a pattern of lack of communication and transparency. More communication and transparency may have been beneficial in calming fears and emotions of those protesting as well as other community members. The failure to leverage the media allowed the false and/or conflicting narratives to play out on social media without other information to consider (Straub et al., 2018). This pragmatically would have had an effect on the emotions of the protestors.

The MPD also had issues in capturing the factual narrative (Straub et al., 2017). However, a press release was issued by MPD shortly after the Clark shooting (Straub et

al., 2017). The MPD quickly refuted the narrative that Clark was shot while handcuffed (Straub et al., 2018). However, the second day into the investigation, the mayor stated in a press briefing that she had requested that the Department of Justice's Civil Rights Division and the U.S. Attorney for the district of Minnesota conduct independent investigations (Straub et al., 2017). If one portion of the government is calling for an independent investigation in the midst of allegations of misconduct while another is reporting the incident as justified, the message has the potential to become mixed and to add unwarranted credence to false narratives.

While conversations of how to best handle such critical investigations between police and political officials is certainly prudent, the decision should not be played out in the media. Within the MPD scenario, perhaps if the police chief would have appeared with the mayor and the two officials jointly explained why an outside investigation was being called for, the message would have appeared more unified. Failure to send a unified message to the public created a missed opportunity to assuage skeptics and infuse confidence into the process. While some members of the public may believe that independent investigations show that the entity does not have anything to hide, when the message from the police and elected officials are conflicting, emotions may unnecessarily rise and fuel further civil unrest rather than allay it.

False/Conflicting Narrative

During the interrater process, this researcher and the interrater discussed the terminology of this category. The researcher's interrater research partner maintained the viewpoint that the term *conflicting* should be utilized rather than *false*. This researcher acquiesced to listing both terms rather than deciding upon one over the other. Although

this researcher agreed that conflicting is a neutral term more appropriate to research, after

further and careful review of the narrative postcoding and considering the investigative

synopses of both cases, this researcher was comfortable calling the errant narratives

driven by social media in the Charlotte incident false. The reasoning was that within the

Charlotte case study, the narrative given by many who claimed to have firsthand

knowledge were conclusively refuted through physical evidence or recantation. Since

this concept of false narrative has played out so often in not only these two cases but also

nationally, this researcher delved into the primary resources, researching both district

attorney investigative summaries that were published at the conclusion of the respective

investigations.

In the Charlotte case, District Attorney Andrew Murray released an official report

of the investigation on November 30, 2016, which stated that Mr. Scott was not holding a

book when he was shot. The false narrative surrounding the book was refuted in the

physical evidence in that the gun recovered from the scene was found to have had Scott's

DNA on it both on the grip and the slide (Murray, 2016).

In the report was a discussion involving a civilian witness who appeared on

multiple media outlets stating emphatically that she witnessed the shooting of Scott and

that he had a book in his hand when officers fatally wounded him (Murray, 2016). She

further stated that Scott was shot by a Caucasian officer while Scott's hands were raised

(Murray, 2016). (Officer Vinson, who shot Mr. Scott, is African American). When

interviewed by investigators, the witness stated that she did not, in fact, witness the

shooting (Murray, 2016). The initially purported witness also stated that she did not go

outside of her apartment until after the shooting, and she did not see a book or a gun at the scene (Murray, 2016).

Another civilian witness, Mr. Scott's daughter who streamed on social media extensively that her father was shot by a White police officer while he was holding a book, was discovered not to have been at the scene at the time of the shooting (Murray, 2016). Her mother confirmed that her daughter was elsewhere (Murray, 2016). There are further examples in the report, as well as documentation of the physical evidence, that Mr. Scott was shot by an African American officer while Scott was holding a firearm, which incidentally, he had purchased illegally (Murray, 2016). While the researcher understands that the violent death of a loved one, justified or not, is a traumatic experience, the clearly false narrative that was aired widely by Scott's daughter and multiple witnesses put the lives of both civilians and officers at great risk. The false narratives provided by these and other "witnesses" ignited emotions that led to a civil unrest incident that not only led to extensive public and private property damage and multiple officer injuries but also resulted in a fatal shooting of a protestor by a coprotestor in the ensuing chaos.

The Hennepin County, Minnesota, County Attorney's Office issued a similar investigative report encapsulating the Clark shooting. One of the widely publicized narratives circulated after the Clark incident was that Clark was handcuffed when shot. The officers who shot Clark stated that when Clark was shot, he was grabbing at an officer's holstered firearm (Hennepin County Attorney, 2016). DNA testing of the officer's duty belt showed Clark's DNA on the officer's holster and mace pouch,

providing "extremely strong evidence that Clark was grabbing at [the officer's] gun and therefore was not handcuffed when shot" (Hennepin County Attorney, 2016, p. 8).

Photos of Clark's wrists taken directly after the shooting, as well as 6 hours after the shooting, showed no signs of handcuff injuries (Hennepin County Attorney, 2016). The autopsy of Clark also did not reveal any signs of injuries that would be consistent with handcuffing (Hennepin County Attorney, 2016). Of the 20 civilian witnesses interviewed, two stated that Clark was not handcuffed, 12 stated that they were certain that one or both of his hands were handcuffed, and six did not know whether he was handcuffed (Hennepin County Attorney, 2016).

Considering the Clark incident, there was no indication that the witnesses were not actually at the location at the time of the incident as in the Charlotte case. It is common for true witnesses of a chaotic event to have conflicting accounts (Hennepin County Attorney, 2016). There was stronger evidence in the Clark case that witnesses' statements were merely conflicting rather than purposely false.

Body-Worn Camera Release

The final node coded in the communications theme was the subtheme of body-worn camera release. In both the Charlotte and Minneapolis case studies, the call for the body-worn camera footage release came early in the investigation and became a point of contention in the ensuing unrest (Straub et al., 2017, 2018). The following paragraphs discuss the unique challenges each city faced in whether to release the body-worn camera footage.

In the Charlotte incident, it is notable that when the body-worn camera footage was released, the violence seemed to quell. The day after, there were protests but no

major damage or violence (Straub et al., 2018). Whether this was a coincidence could not be determined because there was no evidence in the narrative to indicate either way. The slow release, however, was a point of political contention. As stated earlier, the Charlotte mayor had an editorial printed in *The Charlotte Observer* newspaper that criticized the timing of the body-worn camera release stating that withholding the video showed a lack of transparency (Straub et al., 2018).

In the Minneapolis case study, the call for the body-worn camera video came early on after the shooting of Clark (Straub et al., 2017). Requests came from the Clark family, BLM, the Urban League as well as political officials and faith leaders (Straub et al., 2017). Several times within the narrative coded for body-worn camera, the refusal to release the footage was a significant reason given to continue the protests and perhaps prolonged the Minneapolis occupation (Straub et al., 2017). As of the printing of this research work, the video footage had not been released.

While the long-held best practice in law enforcement has been to withhold video evidence from the public until an investigation has at least identified and interviewed all witnesses, the release of the footage earlier in the investigation may bear further consideration in light of the public's renewed demand for transparency in the wake of officer-involved lethal force incidents.

Phases of Civil Unrest

As this researcher reviewed the case studies from Charlotte and Minneapolis, he noted what appeared to be distinct phases in the major civil unrest incidents. Within the current literature on mass demonstrations, this researcher found no resources that attempted to outline these phases. Based on his observation and to add to the body of

knowledge, this researcher and interrater explored these concepts more in depth throughout the coding process. The researcher and the interrater showed significant agreement on these phases.

Of note, the case studies were not coded as exhaustively in this area as with the leading factors found that may lead to civil unrest. This was by design. Within these phases, this researcher more simply coded for key indicators of the distinct phases. The purpose of the dissertation was to identify factors that lead to civil unrest; however, if decision makers had a means by which they could place a framework around the phases, communication and interventions may be more effective. Perhaps these factors that have been identified herein may lay a foundation for future exploration. An interesting research path may be to explore whether the factors that may lead to civil unrest as identified herein may be aligned with the phases listed in the following paragraphs in order to help inform mitigation or aversion plans.

Phase 1—Immediate Aftermath Phase

The immediate aftermath phase seems to be a crucial point in civil unrest because in both cases, the protests began at or near the scene of the use of lethal force. In this phase, the management of information appeared to be the most challenging with several narratives being circulated through social media. In the Jamar Clark shooting death, there were early reports that Mr. Clark was handcuffed and compliant when he was shot while other reports indicated that he was struggling with police and had reached for an officer's gun (Straub et al., 2018). The definition of the immediate aftermath phase is the span of time from the lethal use of force incident to the gathering phase (defined in the next section).

Coding for this phase, besides the theme of immediate aftermath, included the nodes of command staff response and officer response. The coding for this phase was very strong. Coding for the overall theme of the immediate aftermath phase had an average kappa score of 0.735, showing a substantial agreement. The lowest agreement was 0.5 while the highest agreement was 0.92.

Phase 2—Gathering Phase

The gathering phase is defined as the phase in a civil unrest incident in which protesters begin organizing at one geographical location and begin working in concert to provide a voice in the ensuing investigation. In both the cases studied herein, the gathering phase occurred at or near the scene within hours after the lethal force incident (Straub et al., 2017, 2018). In Minneapolis, agitated protesters gathered at the Fourth Precinct building of the MPD just blocks from the shooting (Straub et al., 2017). In the Charlotte incident, the protesters gathered at the scene of the shooting, which was at an apartment complex in the eastern part of the city (Straub et al., 2018). The wife of the deceased also began streaming a video of Mr. Scott's confrontation with police, including audio of when Scott was shot (Straub et al., 2018). While this is also germane to the immediate aftermath phase, it is also relevant to the gathering phase as the social media post seemed to draw more protesters to the area (Straub et al., 2018). This was especially prevalent when Mr. Scott's daughter arrived on the scene and live streamed on social media, indicating a false narrative that her father had been shot by police while holding a book. She also invited others to the area to voice their concerns (Straub et al., 2018). This example shows how these phases may have some, if not significant, overlap.

Besides the theme of gathering, the subthemes include a call for accountability, conflicting accounts, crowd close to scene, heightened emotions, and public social media posts. The gathering theme and subthemes showed an average kappa score of 0.72, indicating a substantial agreement. The lowest kappa score in the theme was 0.49, which was the call for the accountability node in the Minneapolis study. The highest kappa score in this phase was 0.96, which was the crowd close to scene node in the Charlotte case study.

Phase 3—Flashpoint

The flashpoint phase is defined as beginning with the first act of violence or property damage after the gathering phase has begun, and without significant pause, violence and/or property damage continues uninterrupted, requiring large-scale intervention. In the Charlotte study, the flashpoint phase began within a few hours of the shooting incident as officers had rocks and bottles thrown at them, which prompted a commander to dispatch a CEU platoon.

In the Minneapolis case study, the flashpoint was during the evening after the incident when protestors slashed the tires of an unmarked police car followed by smashing the window out of another police car (Straub et al., 2017). Both vehicles were parked at or near the Fourth Precinct (Straub et al., 2017).

In addition to coding for the concept of flashpoint, the subthemes of civil unrest /riots/looting, property damage, and first act of violence were also coded. In this phase, the kappa scores ranged from 0.50 to 1.0. The average kappa score was 0.78, indicating a substantial agreement.

Phase 4—Intervention

The intervention phase is the time period after the flashpoint phase where significant police and community resources are deployed in an effort to de-escalate the civil unrest. Interestingly, the intervention phase was discussed as one of the top four themes and included the subthemes of CEU/MFF, NIMS, nonlethal force, political intervention, EOC opened, and activist groups. The lowest kappa agreement in this phase was 0.49, which was the node of activist groups in the Charlotte case study. This was not surprising based on the earlier discussion that activist groups appeared to play a minimal role overall in the Charlotte case study. The highest kappa score was the CEU/MFF node at 1.0. The average kappa score was 0.73, again indicating a substantial agreement.

Phase 5—De-Escalation and Return to Normalcy

The de-escalation and return to normalcy phase is defined as the time period in which interventions show evidence of being effective, which leads to the sustainable return to normalcy. The ending of this phase is marked by the lifting of a state of emergency and/or the closure of the centralized command center. Within the theme of de-escalation/return to normalcy, the subtheme nodes of EOC conclusion, streets opened, and sustained order were also coded.

Within this phase, the lowest kappa score was 0.76, which was sustained order in the Minneapolis case. This could possibly be attributed to how the end of the occupation occurred. It was concluded by the peaceful arrest of the remaining occupiers and then a clean-up period, which would have delayed complete opening of streets.

The highest kappa score in this phase was 1.0 in three categories. Two of the categories were the nodes of EOC conclusion in both case studies, and the third was the

street opening node in the Charlotte case. The category yielded an average kappa score of 0.93; however, this figure is artificially high because neither case was clear on the closure of the EOC, and both raters indicated a 0 in that category, which led to the perfect agreement. While the agreement was 1, it was skewed. To calculate a more reflective average kappa score for this phase, the researcher removed the EOC conclusion from the calculation. This yielded a kappa score average of 0.90, which still indicated an almost perfect agreement according to the kappa scale.

Phases of Civil Unrest Discussion

Based on this small sample, there is an indication that there are five distinct phases to civil unrest. The researcher suggests that further exploration include a larger sampling frame and engage in more robust subtheme exploration. If this phenomenon is replicated within a larger study, it could serve as a guidepost for sound decision-making for police and other public leaders responsible for managing civil unrest incidents.

CHAPTER 5: CONCLUSION

Summary

The purpose of this dissertation was to shed empirical light on the phenomenon of civil unrest. While civil unrest has certainly existed as long as modern cultures, civil unrest today is much more complex than just a decade ago. Policing large groups of people who can instantaneously utilize social media to communicate and coordinate efforts is challenging. It leaves police departments with both political and tactical challenges.

Since the Ferguson riots, police departments across the United States have struggled with public perception, legitimacy issues, and in many cases, large demonstrations. And while the two cases analyzed herein led to violence and destruction, it should be noted that many police lethal use of force situations do not involve major civil unrest.

According to *The Washington Post* (2017), 998 people were shot and killed by police in 2018. While certainly tragic, the vast majority of these incidents did not result in major civil unrest. It is the researcher's hope that this research informs the conversation and adds a piece to the puzzle of why these incidents occur. And likewise, the researcher's goal is to spark interest in the topic to encourage other scholars to explore why a relatively small number of police lethal use of force incidents lead to such major civil unrest.

Often, during and after a controversial police lethal use of force incident, media pundits are quick to assume there is a racial component to the civil unrest. And certainly, racial tension was expressed within the case studies; however, this begs the question of

whether there was ongoing tension within the respective communities or whether

exposure to these incidents at a national level has sensitized citizens to the point that

major civil unrest could happen in any community of any size. This researcher has not

seen this empirically studied but sees that as an opportunity for more in-depth scholarly

research. The exact connection to race, police lethal force, and civil unrest bears further

scholarly investigation so that police, politicians, and community leaders can find ways to

work together before such incidents rip communities apart.

Another germane point to this conversation is that much of the research utilized

for this dissertation centered on how to police a major civil unrest incident whereas only

a small portion of the literature even tangentially discussed how to avert these incidents.

From the observations in these case studies and the research outcomes, the researcher has

three recommendations.

<center>**Recommendations**</center>

Recommendation 1

Police departments should consider training officers on the street in basic de-

escalation skills especially involving agitated crowds. The researcher realizes that many

departments already train in de-escalation; however, the training may be more effective

in simulated civil unrest scenarios. In the Charlotte case, the officers who responded in

the immediate aftermath phase did not readily engage with the citizens who would later

become protestors. There was no acknowledgement that the officers tried to interact even

to say that more information would be forthcoming. This vacuum of information and

engagement was quickly filled with misinformation and conjecture. It appears from the

content analysis of these cases that police have very little time to engage the community

<center>93</center>

to calm fears and reassure citizens that the department will conduct a fair and impartial investigation. It is the street officer who is on the scene in the immediate aftermath who should be trained on how to communicate effectively during these tense moments until communication reinforcements arrive, preferably from command or the chief executive.

By utilizing crowd de-escalation techniques in conjunction with disseminating factual information utilizing social media platforms, police have an opportunity to engage with citizens thus creating an environment of trust and legitimacy. By allowing the opportunity for citizens to vent frustrations regarding perceived or actual injustices, perhaps the flashpoint phase may be averted thus circumventing major civil unrest.

Recommendation 2

In conjunction with the first recommendation, after the scene of an officer-involved shooting has been somewhat normalized, the police department should immediately deploy resources to social media to both relay and receive information. While the first recommendation includes a social media component, the second recommendation is focused more narrowly on opening lines of communication and establishing the agency as the authority by which information should be received and disseminated regarding the incident. This technique may also serve as a method of continuing de-escalation after the initial police social media posts by promoting a productive dialogue with community members in an open forum. This may also afford the police department and the municipality an opportunity to identify and engage with potential witnesses and to identify points of contention, which may be quickly addressed. Much like the first recommendation, this approach may avert the flashpoint phase and the ensuing civil unrest requiring large-scale intervention.

Also to be considered is that communication, based on observations in the case studies, would hold more value if it were unified among city officials. In the Minneapolis case, there was notable lack of coordination that made the messaging to the public appear fractured and disorganized. It would be a prudent step for officials who will be involved in decision making during a civil unrest event to put into place emergency communications protocols, including a robust social media component. Otherwise, even the best intentions of effective communications may very well fall short.

Recommendation 3

This tertiary recommendation coalesces with the two other recommendations because it also involves effective communication. Early on after a lethal use of force incident, police leaders should set realistic expectations with the public on whether and when they will be able to see any available body-worn camera video. Within both of the case studies, this was a major point of contention. While the investigative value of the video certainly must be protected, effective communication and transparency is essential to maintaining trust and legitimacy during these tense moments.

As stated in the first two recommendations, social media communication regarding the release of body-worn camera footage would seem prudent. This is not to say that departments should not rely heavily on more traditional media outlets; however, a communications plan that does not include the more utilized social media platforms may severely lack effectiveness.

Recommendations Discussion

Timelines in this and all of the recommendations herein is of paramount importance. Circulating information in a fluid manner across a variety of traditional and

nontraditional platforms, as well as in person in a timely manner, shows that the police department values the concerns of all community members and relays how the police department is going to proceed with the ensuing investigation.

Within both case studies, if a stronger and more unified communications plan had been put into practice during the immediate aftermath or gathering phases, again, perhaps the flashpoint of the civil disorder may have been avoided, or at least the ensuing unrest may have been significantly mitigated.

Limitations of the Study and Further Study

While the researcher made extensive efforts to provide a study that is of value to the scholarly conversation on the issue of civil unrest, the work has several limitations. First, the small sampling frame showed strong evidence of correlation in multiple areas; however, there was not enough evidence to show causation. This was, in part, by design as the researcher's goal was to deeply explore the two cases to glean information that may be foundational to further study in this area. The study's focus was more on depth than width. The researcher suggests that future study in this area be conducted with a larger sampling frame in order to explore causation further.

In coalition with the limitation of sampling frame size is the theme and subtheme exploration. While the researcher's goal was to identify themes and subthemes of core relevance, the wicked problem of major civil disorder has many tentacles. More robust coding and theme exploration in future studies may certainly be prudent.

Lastly, while the National Police Foundation studies were extremely detailed and used best practices in empirical analysis, this case study comparison encompassed only secondary data. This is, however, the nature of a case study comparison, a prudent

approach to this issue. It would simply be impractical (and perhaps unethical) to study

civil unrest in the field utilizing primary data and more experimental methods. This,

however, emphasizes the importance of detailed after-action reports and information

sharing among law enforcement agencies as was evidenced in the literature review

section of this work.

Final Discussion

As a law enforcement practitioner of 3 decades, and based on this research work,

it is very evident to this researcher that the law enforcement profession has much work to

do in learning to more effectively respond to potential civil unrest incidents. If history

repeats itself, and it typically does, civil unrest, especially in the wake of officer-involved

lethal use of force incidents, will continue to be a reality across the United States.

Therefore, it is not only prudent but also a necessity for law enforcement to break out of

previous molds and to think innovatively in not only how to police these incidents but

also how to de-escalate the unrest before the flashpoint occurs that leads to major civil

disorder.

As is evident in the recommendations, municipal law enforcement agencies must

not view social media engagement as an afterthought or as an unnecessary resource drain.

Intentional and robust social media communication programs are not only opportunities

to build trust and legitimacy daily but also become of paramount importance in times of

crises. By utilizing these resources to the fullest extent, especially in the aftermath of a

lethal use of force incident, law enforcement agencies have the ability to open lines of

communication and to provide timely and accurate information to a wide audience. If

departments are reluctant to invest in this form of communication, leaders need not look

further than the two cases herein to see how that could result in missed opportunities to engage and fill the information vacuum with factual information and dialogue and perhaps even early de-escalation.

And while the scope of this study did not include police-community relations before the incident, that is certainly not because of their lack of importance. Police-community relations are of paramount importance. A strong policy of community-oriented policing, much like social media, must not be a technique that is only employed in times of crises. Community relationships, like the trust and legitimacy these relationships create, must be nurtured. Law enforcement agencies should spend considerable resources in community engagement and procedural and restorative justice initiatives that include all facets of the community. When communities trust their police and the police work daily toward justice in a transparent manner, then the likelihood of productive dialogue and peaceful outcomes in times of community crises are certainly much more achievable. But even more importantly, policing in a manner that promotes fairness, equity, legitimacy, and trust is foundational to the ethically sound and socially just treatment of the citizens we as law enforcement officers are sworn to protect and serve.

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APPENDICES

APPENDIX A

Definitions of Terms

21st Century Policing – Best practices gleaned from the Final Report of the President's Task force on 21st Century Policing. According to the co-chairs of the task force, "the President gave the task force an initial 90 days to identify best policing practices and offer recommendations on how those practices can promote effective crime reduction while building public trust." (Government Printing Office, 2015, p. III)

De-escalation and Return to Normalcy Phase - The time period in which interventions show evidence of being effective and which lead to the return to normalcy. The ending of this phase and the return to normalcy is marked by the lifting of the state of emergency and/or the closure of the centralized command center. This is the fifth and final phase in a civil unrest incident prompted by a police lethal use of force event.

Flashpoint Phase This is the phase in a civil unrest event marked by the first act of violence or property damage after the gathering phase has begun wherein, without significant pause, violence and/or property damage continues uninterrupted and requires large-scale intervention. This is the third phase in a civil unrest event prompted by a police lethal use of force event.

Gathering Phase - The phase in a civil unrest event in which protesters begin organizing at one or more geographical location(s) and begin working in concert to provide a voice in the ensuing investigation. This is the second phase in a civil unrest event prompted by a police lethal use of force event.

Civil Unrest – Civil Unrest and Civil Disorder are interchangeable terms that follow the U.S. Code Title 18 Chapter 12 definition of Civil Disorder, which is "any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual." (Civil Obedience Act of 1968, 1968/1994). In the context of this work, the entire incident from the lethal use of force immediate aftermath to the conclusion of the incident will be treated as a civil unrest event.

Immediate Aftermath Phase - The span of time from the moment of a police lethal use of force event to the time in which protesters begin to work in concert at one or more geographical locations (see Gathering Phase). This is the first phase in a civil unrest event prompted by a police lethal use of force event.

Intervention Phase - The time period after the flashpoint phase where significant police and community resources are deployed in an effort to de-escalate the situation. This phase may be marked by the declaration of a state of emergency within the jurisdiction. This is the fourth phase in a civil unrest event prompted by a police lethal use of force event.

Lethal Use of Force – According to the National Institute of Justice (NIJ), a police lethal use of force occurs when an officer uses lethal weapons to gain control of a situation. (https://www.nij. gov/topics/law-enforcement/officer-safety/use-of-force/Pages/continuum.aspx)

Major Civil Disorder or Major Civil Unrest - The author will use a modified definition of the legal definition of civil disorder as found in U.S. Code Title 18 Chapter 12 – Civil Disorders which defines civil disorder as "any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual." (Civil Obedience Act of 1968, 1968/1994). The modified definition will include protests of 100 or more persons. The definition will also be modified to include only civil disorder incidents that cause serious injury or death and/or property damage and/or police overtime costs that exceed $100,000. In the study, these types of incidents will be termed 'major civil disorder' or 'major civil unrest' incidents, however, there is no such distinction in the legal definition. In the context of this work, the entire incident from the lethal use of force to the conclusion of the incident will be treated as a major civil disorder event, provided all legally required elements are present.

Mob Violence – Within a group formed with a common objective, emotions are uncontrolled and purposeless destruction or violence is carried out with no sense of right or wrong (Verma, 2007, p. 202).

Peaceful Protest – This definition is a derived from the U.S. Code Title 18 Chapter 12 – Civil Disorders definition, albeit in the negative. A peaceful protest is an assemblage of three or more persons **without** any intent to cause a disturbance involving acts of violence or to the property or person of any other individual.

Police Legitimacy - The public approval of the authority of the police, which is derived from quality interpersonal treatment of citizens, perceived trustworthiness, positive intrinsic motivation of the officers, perceived integrity, and willingness of the agency to engage with the community (Reynolds et al., 2018)

Theme and Subtheme Nodes

Name	Description
Communication	
Activist press release	
BWC Release	Body-worn Camera
False narrative	
Police press release	
Press coverage	
Social media posts	
Transparency	
Crowd Management	
Constitutional law considerations	
Democratic National Convention	
Public order bikes	
Republican National Convention	
De-escalation Normalcy	
EOC Conclusion	Emergency Operation Center (Command Center or Command Post)
Streets opened	
Sustained order	

Name	Description
Departmental Policy	
COPS	Community Oriented Policing Service–the term may be used more broadly to encompass a general philosophy/style of community-oriented policing.
Procedural justice policy	
Profiling policy	
Use of force policy	
Faith Community	
Church	
Clergy	
Fiscal Considerations	
Damage	
Equipment	
Overtime	
Flashpoint	
Civil unrest_ Riots_ Looting	
First act of property damage	
First act of violence	
Immediate Aftermath	
Command staff response	

Name	Description
Officer response	
Intervention	
Activists groups	
Civil Emergency Unit	
EOC opened	Emergency Operation Center (Command Center or Command Post)
NIMS	National Incident Management System
Non-lethal force	
Political intervention	
Militarization	
Armored vehicles	
Camouflage	
Helmets	
National Guard	
Rifles	
SWAT	Special Weapons and Tactics
National Activists Groups	
Black Lives Matter	
NAACP	
Showing up for Racial Justice	
Non-lethal Force Options	

Name	Description
Batons	
Bean bag rounds	
Rubber bullets	
Smoke canisters	
Tasers_ ECW's	Electronic Control Weapons
Tear gas	
Police Oversight	
Citizen Review Board	
DOJ Consent Decree	
Other citizen oversight	
Political Involvement	
City Council_Alderman	
Governor	
Mayor	
Senator	
State Representative	
Property Damage	
Arson	
Breaking glass	
Looting	

Name	Description
Other intentional destruction	
Public Perception of Department	
Approval Ratings	
Community Involvement	
Complaint_IA Process	Internal Affairs
History of conflict	
Legitimacy	
Resolution Tactics	
Call for Peaceful Protest	
Designated protest routes	
Meeting with activists	
The Gathering	
Call for accountability	
Conflicting accounts	
Crowd close to scene	
Heightened emotions	
Public social media posts	
Training	

Name	Description
CEU Training	Civil Emergency Unit- i.e. a "riot police squad".
De-escalation training	
Implicit bias training	
Non-lethal force training	
Situational awareness	
Violence	
Assault_Homicide	
Gunshots	
Intentional Injury	
Throwing objects	
Widely Purported Causes	
Activist groups	
Delayed BWC release	Body-worn Camera
Police excessive UOF	Use of force
Strained race relations	