

PHILOSOPHY OF POLICING



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The National Police Association's free Law Enforcement education series is designed for home school, classroom, or independent learning. As part of our nonprofit educational mission, it prepares you for careers in public safety. This series is authored by [Chief Joel F. Shults, Ed.D.](#)

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Table of Contents

- 1** Abolishing Citizen Arrest
is Moving in the Wrong Direction
- 5** Civil Responsibilities and Civic Duties
- 8** Deep Thinking:
The Moral Origin of Police Power
- 10** Don't Burn Down the House
- 13** Federalization of Local Law Enforcement
Takes a Well Deserved Blow
- 16** Guardian v. Warrior
- 20** If Men Were Angels, No Police Would Be Necessary,
But Police Are Necessary
- 24** Law Enforcement on the Fulcrum of Freedom
- 28** What Can We Agree On?
- 32** What Happened to Society's Obligation
to its Police Agencies?
- 36** About The Author

Abolishing Citizen Arrest is Moving in the Wrong Direction

Georgia recently repealed its citizen's arrest statute in response to the death of Ahmaud Arbery in 2020. Arbery was reportedly jogging in his neighborhood when confronted by two armed men who are said to have suspected Arbery had been involved in break-ins in the area. The two men shot Arbery during a confrontation and later claimed that they were using self-defense while making a citizen's arrest. Gregory McMichael and his son Travis are charged with Arbery's murder as well as federal charges. McMichael is a retired police officer.

In the political fallout from the George Floyd death, the Arbery killing was bundled up in the racism debate. Distressed by the Civil War era misuse of citizen's arrest which alleges that Blacks were targeted for harassment and prosecution, Georgia removed the law preserving only the right of self-defense and of merchants to detain suspected shoplifters.

It is ironic that this effort to remove the ability of the citizenry to have a mutual civic-minded sense of responsibility for law and order comes at a time when the formal establishment of local police forces is also being challenged. The irony is that when citizens are told that only official government agents have law and order responsibilities, it increases the separation of the ordinary citizen and its police officers.

A foundational influence on modern American policing is the set of principles articulated by Sir Robert Peel. Peel was Home Secretary and Prime Minister of the United Kingdom in the 1800s. One of his most notable achievements was responding to an increasing crime problem on the streets of London by establishing a uniform police force. The London Metropolitan Police, known around the world as “Bobbies” became a model for the fledgling municipal police forces being established in the U.S., especially after the Civil War.

Peel undergirded his police force with a set of ideals known as the Peelian Principles, still taught in virtually every police academy and college criminal justice program. These nine principles listed here are still a vital part of law enforcement philosophy in America today:

To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.

To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions, and behavior, and on their ability to secure and maintain public respect.

To recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing cooperation of the public in the task of securing observance of laws.

To recognize always that the extent to which the cooperation of the public can be secured diminishes

proportionately the necessity of the use of physical force and compulsion for achieving police objectives.

To seek and preserve public favor, not by pandering to public opinion, but by constantly demonstrating absolute impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humor, and by ready offering of individual sacrifice in protecting and preserving life.

To use physical force only when the exercise of persuasion, advice, and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

To recognize always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.

To recognize always that the test of police efficiency is the absence of crime and disorder and not the visible evidence of police action in dealing with them.

Most relevant to this discussion is the statement within principle #7: " The police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence." When society abandons its responsibility to be an integral preserver of peace and order, then government bears the responsibility alone. When this vital mutual interest yields to only professional government agents, something very vital is lost to the culture and the ideals of freedom and civic duty.

It is right to fear vigilantism that can lead to injustice, but it is dangerous to tell our neighbors they have no rights and responsibilities for our mutual safety.

Civil Responsibilities and Civic Duties

There is so much talk about law enforcement that the average citizen may think all justice must flow first through the badge. The police establishment has long been the gateway for a myriad of services beyond the mere enforcement of statutes and continues to be the first call of a citizen needing assistance of all kinds. It was not always so, and may need some modern adjustment in thinking.

Historically, Americans did not depend heavily on government services of any kind. The main reason is that many government agencies did not exist or were too remote to access. Or perhaps the main reason was the revolutionary and pioneer spirit we used to celebrate. Communities were built around people, not programs, and what structures there were in place were often from the commerce and industry that gave life to a region.

Omnipresent policing was not a part of everyday life until the turn of the century after the Civil War. Before that, and harkening back to our English roots, social control was exercised through personal interactions, private policing like Pinkerton and Wells Fargo agents, or the Sheriff and his posse of citizens. The idea of law enforcement officers wearing uniforms other than a badge became acceptable after the familiarity of blue and gray uniforms worn by so many men during the war.

Modern policing, exemplified in East Coast cities, was modeled after the London Metropolitan Police

famously organized and instituted by Sir Robert Peel. His principles of policing still stand today as the ethical framework of the profession. The “Bobbies” – presumably called by their founder’s name – and also called coppers because of their copper buttons adorning the uniform – were formed as a response to other government reforms of the day in the United Kingdom, and to respond more efficiently to crime and disorder than the decentralized local constables.

One of the Peelian Principles states “To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.”

It was perhaps the cyclical surges of crime and increased urbanization of the U.S. that led to an increase in police presence. Many efforts have been made to return police officers to their communities in more personal and visible ways, ostensibly to return to the cop on the beat, chatting with passersby and twirling their nightstick as they saunter along, grabbing the occasional apple from the fruit stand. Technology did not allow foot patrol to last forever. Patrol vehicles and radios made response to calls substantially quicker. The advent of telephones in most homes as well as television portrayals of law enforcement, made acceptability and accessibility of the police just a phone call away.

Post WW2 urban sprawl created the patrol patterns that kept officers insulated behind the wheel of their patrol cars zooming from call to call, with an alleged loss of personal, non-confrontational interaction between the public and the police. The Peelian idea that the public and the police both are responsible for peace in their communities slipped away, and tensions of that separation have reverberated in civil disturbances and antagonism toward police.

During the last few decades, citizens have pulled away from taking individual responsibility for law and order. Fear of vigilantism, fear of being sued, employer requirements to give in to criminals, and misguided advice from many police leaders to do nothing but call 911, have convinced citizens that they are powerless.

While caution is certainly urged, citizens should know their rights in their state. May they carry a concealed weapon? Is a citizen's arrest legal in their state and under what circumstances? Can a citizen file a complaint directly with the prosecutor without the police as an intermediary? Are they immune from lawsuits if they assist a police officer in making an arrest? Does the law require helping a police officer asking for assistance? May a citizen use deadly force to protect their home or other property?

Some citizens are adept and knowing and claiming their civil rights. We should have the same passion for civil responsibilities.

Deep Thinking: The Moral Origin of Police Power

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed” – do these words from the Declaration of Independence haunt us when we are tackling a suspect? Perhaps they should.

Police power in the United States is derived, designed, and purposed differently from most other countries. We cannot imagine the absence of some mechanism in place to enforce protections for life, liberty, property, and the pursuit of happiness envisioned by the Founders, but they could not have foreseen our powerful ubiquitous modern police departments. There are a variety of internal and external controls on human behaviors that worked with some success prior to the arrival of today’s organized police. Our 21st century culture suffers the weakening of some of those controls such as religion, extended family, and strong long-lasting local community ties. The sheer volume of human interaction, cultural influences, and unprecedented anonymity add to criminal opportunity against which our police forces are now embattled.

We must be honest in recognizing that police power is the power of force and coercion. A glance at your

equipment belt will verify this fact. A societal value associated with the capacity to force compliance is that this power must be held in reserve and used only in the most extreme circumstances. Understand that our practical application of this philosophy is not so clear and certain, but the general public views force in this way and it is good that it is so viewed, lest the baser nature of those holding that power perpetrate the diabolical abuses seen today in the streets of China, Iran, and Korea.

A sad and common mistake in interpreting the Constitution is that this grand document gives us rights. It does not. It recognizes rights that naturally exist – “God given” as our deist forefather Jefferson recognized them – and that the only thing government can do is to repress those rights or protect them. Therefore, our power is derived from the people and granted to us for the purpose of ensuring the rights of all. That power is to be exercised only in the interests of a greater peace and equality. Every citizen has the power and responsibility to intervene and be a peacekeeper, but we often stand in their stead to protect the weak and unawares. Our power is the equalizer against the opposing forces of disorder. It is this rationale that provides the only moral basis for use of force in gaining compliance with the law.

Power exercised in violation of our national design necessarily diminishes the goals of freedom, peace, and equality. When a police officer uses his or her power to exact vengeance or when a politician uses police power to create favor of one over another, then our treasured values are betrayed.

Don't Burn Down the House

In struggling to find a template for understanding police reform movements, a recent renovation project reminded me of the complexity of a home. The strength of a house is based on the soil on which the foundation is laid, the integrity of the foundation itself, then every component that follows. Over time a house must be regularly inspected, maintained, and improved. The same is true for American policing.

External storms can damage the house. Age can cause plumbing to fail, and increased demand can cause the lights to dim and flicker. Heavy use can stress floors and wear out carpets. The décor begins to look shabby and outdated. We may be inspired to renovate, and we may find it necessary to repair. But no one burns the house down.

If, in our little parable here, American policing is the house, let's talk about our renovation project. Its foundation is built on the soil of freedom and natural rights. The Constitution is the firm earth of the building, fertilized by patriot blood. Our Founders struggled with the ideal of the Minute Man citizen soldier over against a permanent, professional army. They desired that men would take arms for a season in defense of their own property and freedom, exercise their duties for a season, then return to their home and family. Although reality required a sustained military force in order to win the War of Independence, the ethos of citizens' responsibility for the safety of their community was in the soil.

Community-minded guardianship is part of our English heritage. Villages grouped into ten families called a tithing. Ten tithings were a reeve. An official of the King was in charge of peace (and tax collecting). He was a shire of the reeve, from which we get the term Sheriff. The real peacekeepers were citizens who took turns standing watch by day and by night. And, just in our days of the wild west, a posse would be recruited for added manpower. If an intruder or troublemaker came into the village, the watchman would put up a hue and cry at which all able-bodied men were to rise up and help the watchman apprehend the violator. The laws of arrest and use of force arose from these situations where citizens put their safety at risk to make an apprehension.

Besides the little history lesson, the point is that as we grew as a nation, our roots were in the expectation of public service for all able-bodied citizens. Some citizens decided to do their part by hiring another to take their place on the watch. Eventually, some citizens decided to devote themselves to taking that those payments from several community members to make being a watchman their full-time jobs. This evolved into tax funded watchmen and, eventually, police agencies.

Early American law enforcement gave little thought to uniforms, still bitter about the Redcoats boldly tramping around their cities. After the Civil War, when uniforms became ubiquitous and meaningful, police officers began wearing uniforms in cities where formal police departments were being established. Modern transportation and communication moved those

officers from foot patrol to vehicles, patrolling and moving from call to call with little time for the conversation and interactions of former times. Recovering those relationships is the essence of Community Policing we hear about.

The merit of locally controlled police agencies, rather than a national police force or policing as a branch of the military is embedded in our history. Citizens who engage in actions that maintain safety in their communities and partner with law enforcement are the most powerful influence in maintaining the strength, integrity, and accountability necessary to quality policing.

As with any house, to return to our parable, a burst pipe or leaky roof can create a lot of damage that needs to be repaired. Some recent high profile events have done a lot of damage to law enforcement. If there was shoddy construction along the way or some weak elements that need to be replaced, that is for a wise steward of the house to manage and correct. American law enforcement, imperfect as it is and sometimes built with tainted material, is fundamentally sound. Its foundation is firm. We all need to work to keep it in good condition.

Federalization of Local Law Enforcement Takes a Well Deserved Blow

In one of the many ill-conceived knee jerk proposals that arose out of the death of George Floyd, the shouts of “somebody should do something!” immediately attracted the attention of Congress.

Legislation introduced by Karen Bass, whose achievements include calling for a mental health evaluation of Donald Trump during his Presidency, would have ended qualified immunity, imposed national standards, and banned “choke holds.” Bass has since declared that she will not seek re-election in order that she may run for Mayor of Los Angeles.

After the failure to obtain bipartisan support for the George Floyd Justice in Policing Act (GFJPA), which received no Republican votes in the House of Representatives, Bass called on President Biden and his administration to “use the full extent of their constitutionally mandated power to bring about meaningful police reform.”

Senator Cory Booker, unsuccessful Democratic Presidential hopeful in 2020, was negotiating hard for the bill. Booker may not be the best person to advocate for Republican partnerships with a record of nearly 100% voting for Biden initiatives and along Democratic party lines. To be sure, Republicans have pledged police reform as well but with fewer restrictions than the GFJPA and, interestingly known only as the Justice Act.

Qualified immunity is often described by opponents as shielding police officers from accountability. Perhaps the word “immunity” is what confuses and incites people. There is no law or principle that says law enforcement officers don’t have to answer for unlawful behavior. The concept of qualified immunity originated from the ancient legal principles that have always understood that guarantees against reckless lawsuits are essential to maintaining government. There are many other governmental immunities and limits on lawsuits that protect the integrity and function of governments. Legislators have it. Prosecutors have it. Judges have it. Some essential businesses have limited protection as well.

Qualified immunity simply recognizes that many situations faced by police officers is so unique that established rules and laws are not clear, leaving police officers to make split second decisions that no one has prescribed responses for. In order to allow officers to make those decisions unencumbered by the ever-present cloud of litigation that can ruin their career and finances, qualified immunity may apply. And it may not. Immunity must be determined by the court as a defense to a lawsuit which means that there is judicial oversight on the issue and it is not always afforded to officers.

The so-called choke holds that have been the subject of legislation in many states are sometimes not distinguished from other neck restraints which intentionally protect an arrestee from having their breathing restricted and are aimed and restricting blood flow temporarily to render a violently resisting

person temporarily unable to continue resisting. The latter technique has survived some legislation, and most laws retain these options when deadly force is justified.

Professional standards are appropriate in any career field, but those are generally imposed by professional organizations and state licensing or certification. Law enforcement policy and procedure is already standardized by guidance from insurers and cases that have already been decided in civil court, as well as by statute. There is no compelling reason for federal government involvement. Tying federal funds to adherence to a set of national standards is no less than bribery. Withholding funds from agencies in furtherance of federal interests is a back door way of defunding police already under local control.

Voters have ultimate control over their local police agencies by electing Sheriffs, Marshals, and city and county officials who fund and appoint law enforcement leaders. This is the greatest accountability rather than ceding control to federal watchdogs. Law enforcement leaders will not oppose common sense and research based reform but must resist power grabs that take away local control.

Guardian v. Warrior

In May of 2015, one of the most anti-law and order Presidents in the history of the United States lifted his scepter and redubbed police officers as guardians. Obama's imagery of police officers being soldiers in a war against its own citizens preceded a spike in gun purchases and violent crime as the immediate aftermath of his attempt to castrate American law enforcement.

The debate about what a guardian is ends up being pretty meaningless. It was clearly a word that was designed, not to usher in a more effective policing style for the sake of public safety, but to rid the profession of the "W" word: warrior. No doubt it was the subject of many hours of high-level meetings with spin doctors thumbing through a thesaurus rejecting "doorman", "safety patrol", "officer friendlies" and other marshmallow monikers.

President Obama made this pronouncement during his prohibition on providing surplus "military-grade" assets to local law enforcement. He left the public with the implication that cops were getting tanks and machine guns and other weapons of destruction. The scary pictures that the lapdog media were showing made this look true. About the same time, I announced a challenge for anyone who could provide me evidence that a machine gun was mounted on an armored vehicle by civilian police anywhere in the USA to be awarded \$100 out of my own pocket. No one could.

Surplus armored vehicles from the military are used as rescue vehicles by civilian police. There are a variety of such vehicles from both US and foreign sources. The most commonly known is the Mine-Resistant Ambush Protected vehicle (MRAP). This vehicle was developed to thwart the lethal weapon of roadside bombs used in Middle East conflicts. Their belly's V shape dispersed an explosive force more effectively than its flat-bottomed predecessors. I have written many times in many places that no police agency really wants an MRAP. What they want is an American-made armored vehicle designed for civilian rescue. But those carry a six-figure price tag compared to the relatively small cost of getting the MRAP.

The MRAP discussion is relevant to the guardian v. warrior debate because it is an example of propaganda aimed at painting the police as war-like creatures that need to be tamed. I must say congratulations to those whose purpose was to have the police become distrusted agents of harm to the public because in many arenas this perverted and undeserved view has emerged strong enough to affect budgets and policy in many agencies across the nation, ultimately costing lost lives and property as crime rises.

The warrior mindset became a part of police training during an officer survival movement that began in earnest in the early 90s. Every police academy and field training officer would train their police to be able to survive a street fight or gunfight, but the science of human performance began to catch up with the myths and assumptions about physical confrontations.

Training companies saw a need that agency training was not meeting and officers responded by the thousands.

One of the elements of officer survival is the development of a winning mind. This is a predisposition, developed by training, toward a focused attitude of survival that will enhance the odds of living through an attack. Essential to this mindset, also known as a survival or warrior mindset, is the anticipation of an attack. Not only should an officer not be so surprised by an act of resistance or other aggression and therefore be too stunned to respond, but an officer should have an action plan in mind to confront the criminal assault. This is the warrior ethos of a police officer – to survive to serve.

There is not one thing wrong with a warrior mindset. It does not negate compassion, patience, tolerance, or diplomacy. It doesn't create us versus them attitude aimed at the general public. It simply means that one is ready to respond to the highest threat. To erase the thought that an attack might occur anytime would place an officer at a disadvantage that could be lethal to them or the public they serve. Every police officer that I know has encountered violence on "routine" calls. The warrior mindset teaches us that there is no such thing as a routine call. Officers have been attacked and killed investigating animal complaints, stopping to assist a stranded motorist, walking into a convenience store for a mid-shift snack, and delivering court orders. Surviving means that officers are able to continue to protect the public.

I don't know what a guardian is in the mind of those who think police officers should be unarmed public relations machines, but if I call 911, I want a warrior at my door.

If Men Were Angels, No Police Would Be Necessary, But Police Are Necessary

Those who espouse leftist ideals tend to believe there is some utopian balance that is possible in which a benevolent government provides everyone's needs resulting in a peaceful coexistence. No need for police in that world. In contrast, in the words of Alexander Hamilton (or maybe James Madison) in Federalist Paper # 51, "If men were angels, no government would be necessary". The Founder's construction of government, derived from the Judeo-Christian world view (and experience with actual humans), assumes that there are a lot of people who are up to no good.

Until that perfect day, one might wonder what an ideal police agency would be like from the perspective of a police officer. Imagine!

Personality and Policy Leadership

We all like the idea of a great Chief. That brave soul with internal fortitude, charisma, loyalty to the officers, fair but firm, tried and tested on the mean streets, and a diplomat who charms the public and elected officials.

The policies and procedures are developed from reliable data and best practices. They are free from political pressure, applied uniformly regardless of fear

or favor, and they are clear and well understood throughout the organization.

That great Chief is also someone we would see working a shift every so often.

Supportive Funding

Agencies whose funding bodies recognize the cost efficiencies of supplying adequate and redundant equipment and technology gain more than just those assets. Retention rates will be higher, injury claims will be lower, citizens will be safer, and crime will be reduced. Far sighted planning and communication result in informed law makers. Informed law makers create budgets that are mission oriented and save costs and lives in the long run.

The ideal funding does not rely so heavily on grants that major one-time purchases are not sustainable. Things wear out, need upgrading, need integration with existing or future equipment, and eventual replacement. The ability of planners to keep hardware and technology current relies on a foundation of reliable funding rather than frequent begging.

Mission Clarity

Not everything is a police problem. Armed government agents with specialized training and specialized equipment are not the necessary response for every call for service. In an effort to be all things to all people, fueled by misguided perceptions of community policing

and law enforcement's ubiquitous 24 hour availability, law enforcement has created an expectation that they will solve every problem imaginable.

Cops want to help. They want to have opportunity for positive contacts. They like solving problems. And we all recognized that the simplest call can turn bizarrely deadly. Barking dogs can mean burglars, a lost child can mean murder, a stalled motorist can be a fleeing felon. Most police experts are quite nervous about sending social workers as first responders and unarmed civilians making traffic stops. But the idea of stepping back and asking what the unique role of our police officers is has merit.

If a city wants to make it illegal to sell untaxed cigarettes, then gets outraged when that law is enforced, then either the law itself must change or the manner of upholding that law must change. If a state wants mandatory seat belt wearing, they must ask whether it wants its armed agents to be seizing motorists to see that they are safely buckled up. As Hamilton (or Madison) says "you must first enable the government to control the governed; and in the next place oblige it to control itself." The liberty interests of the public, the safety of enforcement agents, and the trust in governance are factors that are too often ignored in assigning tasks to the police.

Officers First

I have often stated that a police leader's first customer is not the citizen, but the officer. It is the leadership who teach the line officers how to treat their citizen

customer. That is accomplished by example. How that looks in our ideal police agency is fair and impartial treatment, appreciation of effort, opportunity to solve problems creatively, relevant training, and holistic attention to the physical, mental, financial, and social health of every team member.

Not a Dream

The most fascinating part of imagining our ideal police world is that maybe it is possible to achieve. Without the vision, the reality we hope for will never come.

Law Enforcement on the Fulcrum of Freedom

In public debate, whether in social media posts, legacy media, or legislative bodies, lines get artificially drawn to conveniently avoid the necessary intelligence of ambiguity. In the aftermath of Ferguson, Portland, Minneapolis, Washington, DC, Kenosha, and recently our neighbors to the north the lines divide protestors v. police. We all know that it is not that simple.

At the crux of these issues are the Constitutional guarantees of the citizen's "right of the people peaceably to assemble" etched in the First Amendment, and the Fourth Amendment right "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." These fundamental understandings of the federal government's role in maintaining a free and orderly society were not initially applied to the states through the U.S. Constitution but were not foreign to the states' governmental structure. The Fourteenth Amendment did press those principles and the entirety of the U.S. Constitution to apply to the states.

Because of the oppression felt by the Colonists that led to the Revolutionary war, the documents of government recognized the general police power of legitimate government but were cautious about establishing formal police agencies. The evolution of federal and local law enforcement began with the U.S. Marshals, local sheriffs and eventually city police, and

lastly state law enforcement agencies. When it came to quelling civil disturbances, the only force large enough to respond to a large number of disgruntled citizens was the military.

In 1878, after years of seeing uniforms everywhere, the federal Posse Comitatus act limited enforcement of domestic laws by the military. The term refers to any gathering of citizens by authorities when a force of persons is needed as in the old western movies to capture a band of stagecoach raiders, known by the shortened term posse. Prior to the federal act, there were a series of nearly 100 riots listed in American history. When the National Guard is called out, they are typically restricted to assisting local law enforcement with limited duties or assigned to non-arrest assignments such as traffic direction and medical support.

We recount this history to say that the primary responsibility during civil disturbances rests on the shoulders of the same cops that take your burglary report and stop drunk drivers. This sets up the emotional conflict between local protestors and local law enforcement. It is the classic and perpetual balance between free speech for all and freedom from injury, damage, and fear for all.

When does the peaceable assembly protected under the Constitution (remember that rights are not given by the Constitution, but are God-given rights that pre-existed the Bill of Rights) become an act or event that no longer merits that protection? The best definition of liberty is that the freedom to swing my fist stops at my

neighbor's nose. Whatever actions cease to be peaceable cease to be Constitutionally protected. Of course, our courts are given the burden of defining that. Is honking in the parking lot of Planned Parenthood peaceable? Is blocking commerce on the highway peaceable? Setting fire to a building? Throwing feces at police? Using lasers to blind opponents?

When an assembly leaves the bounds of peace, the government's police power can act to end the unlawful assembly using methods that are consistent with the reasonableness of potential arrests which are seizures under the Fourth Amendment.

What most citizens and media do not know when they see armed government agents in a phalanx and clad in protective clothing (i.e. riot gear), is that law enforcement is on the razor's edge. They are accused of provoking violence by using the tools of their trade, but they will be criticized mercilessly if violence breaks out and they lack the tools to effectively bring a peaceful resolution. The uninformed also do not realize that in a great number of cases there are professional or trained volunteers whose purpose is to cause disruption and incite violence. They have their own intelligence-gathering strategies, including knowing where the police are, what their capabilities are, and what kind of support those officers will get from their agency and political leadership.

It is clear that riots change society. They work if they are allowed to work. Burning buildings ignite more than material. Photos and videos out of context with a propagandized narrative incite emotions of good

citizens against the police. The most recent hundreds of destructive civil disturbances where property and lives were damaged and put at risk were effective in creating fear among politicians who enacted destructive, reactionary laws crippling law enforcement.

The real conflict is not what police officers have to decide to do when the grumbling and simmering are at an ignition point from protest to riot, but what the weak-willed political leaders do that enable such destruction.

What Can We Agree On?

Twelve score and four years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Our Founders did not achieve perfection of the ideals to which they affixed their signatures and “mutually pledge to each other our lives, our fortunes and our sacred honor”, but they did set in motion a people whose convictions would bring a citizenry closer and closer to liberty and justice for all.

As we face the culmination of what many are calling one of the most contentious and divisive times in American history, some are braced for another civil war. Are we that divided? We don't have to be if we ponder what we can agree on.

1. The Constitution is still relevant

The U.S. is the longest surviving government founded on a constitution. This brilliant document, as interpreted by the courts and amended from time to time, remains a worthy cornerstone for our government processes. If knowledge of our founding documents can be restored, our basic agreements about human rights and freedom will be highlighted. Many Americans still believe that the Constitution gives us our freedoms. This is a fundamental misunderstanding of the Constitution's role in articulating rights that are

“endowed by our Creator”. One doesn’t have to subscribe to a particular religion to understand the concept of Natural Law. Certain rights and responsibilities exist simply because we have them. They are not given by the Constitution but protected by the Constitution from government suppression.

2. America has survived division before and can endure

Governments and dynasties eventually collapse after the zenith of their influence. The United States survived dissension in its earliest days and through this very hour. We have a history peppered with political intrigue, duels, verbal and physical assaults in Congress, a secession of a third of our states at the dawn of the Civil War, centuries of struggle for basic citizenship rights for women and people of color, and a variety of foreign entanglements and wars.

3. We have made progress that should be celebrated

It has become trendy in some circles of influence to downplay the tremendous progress made in America. The existence of vestiges of inequality is not evidence of a completely corrupt system or culture. If we fail to recognize the achievements of the past and dwell only on perceived failures we end up with the kinds of frustration that have rocked our country in recent weeks with acts of destruction and violence rather than activism that results in reasonable solutions.

4. Personal relationships are most important

Although even friends and family can have serious disagreements about subjects of great importance to them, I hope we have learned the limitations of social media. Even in this strange era of social distancing and face coverings, conversations in person remain essential to maintain our humanity. Facebook and Twitter ranting, even disregarding their manipulation, fuel anger and not conversation.

5. The role of the police

By now the reader is probably wondering when I'm going to get around to talking about law enforcement in this article. American law enforcement, along with other essential government functions, has evolved as needs and expectations have risen. Under the limits of the Constitution, policing in America has grown from the first federal law enforcement agency, the U.S. Marshal's service, and elected sheriffs to nearly a million police officers of every stripe and shape. We can agree that the Constitution is still our greatest guarantee that law enforcement is exercised with attention to ensuring the rights of those accused of breaking the law while protecting the innocent. We may not agree on how well that is done, but the foundation of police power and legitimacy is a starting point in discussing any change and further progress that may be needed.

In terms of the past, we recognized that law enforcement has often been at the center of controversy but these divisions must no longer bind us to fear and distrust.

Celebrating the accountability that exists for police conduct is important. There has never been a more educated, qualified, diverse policing than today. Let's agree that we've come a long way. Let's celebrate our progress and build on it.

Finally, we must not abandon the need for personal relationships. As police agencies continue their efforts in community policing, more voices are being heard. The best chance of achieving whatever reforms may be needed lies in people coming together. That may be coffee with a cop, engaging in training opportunities alongside officers, or doing a ride-along. Bridging gaps between those who serve and those who are served requires open minds and positive personal contacts.

President Lincoln spoke wisely in the middle of the most severe national testing in our history. His words should be ours today: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace."

What Happened to Society's Obligation to its Police Agencies?

The past year has seen major efforts to tear up the agreements that make for an orderly society. The idea of a social contract arose during the Enlightenment and had influence on the founding principles of the United States. The social contract is defined as an implicit agreement among the members of a society to cooperate for social benefits, for example by sacrificing some individual freedom for state protection. The essential civics lesson about our nation's founding is that government arises from the consent of the governed. People decide collectively what is in the best interests of the majority to accomplish together what would not be possible individually. In return, the people agree to abide by those laws. In return for compliance, the government established by the people create systems that guarantee individual rights and processes to honor and enforce them against government overreach.

Another important aspect of consenting to be governed is that individuals agree to give up resolving most serious disputes on their own and let a system of courts accomplish justice. This necessarily means giving the government the right to exercise force in accomplishing that. Thus, we give rise to enforcers of the law. Armed agents of the government, operating with the authorization to use reasonable force, expect that citizens will submit to that authorized force as part of their social contract with their fellow citizens.

The American spirit of individualism and rebellion was not lost at the last battle of the American Revolution in 1781. As the number of law enforcement agencies grew, so too did the laws that regulated them. Many states recognized a right of citizens to resist unlawful arrests. With the advance of multiple civil remedies and greater training of police, most laws allowing resistance to arrest were removed in favor of other remedies. Every state requires compliance with lawful orders, and every governmental body is subject to the vote of the people. If laws and lawmakers are inadequate, there are means of circumventing the legislature through petition.

Not accepted as a natural right was violence against private property, violent resistance to government actors, and attacks on the systems in place to govern. Implicit in the early writings of the American Revolution era is the expectation that if the government fails in providing essential services and protecting individual liberties, then the government may be reconstituted. Within the bounds of philosophy are those extremists who believe we have reached that point and deserve another revolution, and those who believe in either anarchy or extreme government control.

With tyranny fresh on the minds of the founders, the right of citizens to possess firearms was ensured among other rights, including the right against torture as expressed in the right to remain silent, and the right to reasonableness when subject to search and seizure. As any student of history knows, these rights in the U.S. Constitution as amended with the Bill of Rights, were rights that existed by nature and were not derived from

laws passed by men. The documents simply articulate those rights as those which were not to be infringed by the government, including state and local entities.

Witnessing the violence and destruction of this year's riots must call us to remember the good work of the founders, and those who have worked selflessly to keep our republic functioning. Despite the critics, our nation has made important strides toward increasing access to success and removing impediments to the quest for fair treatment for all. Ignoring that progress, as faulty or slow it may be, has resulted in the chaos we see daily. Especially in regions where the law has been disregarded, where criminals are encouraged, where the legitimacy of governance has been eroded by its own weakness, the deconstruction of our republic is being approved by political leaders too afraid to believe in their own system.

By attacking the criminal justice system, because it is the most visible of all government functions, the real objective is to attack our Constitutional government, taking a shortcut from due process and civil discourse as agents of change.

Piece by piece, legislators are caving to the demands of deconstructionists to dismantle the effectiveness of enforcing the law. Police officers are banned from enforcing some existing laws, prosecutors are declining to hold violent offenders accountable, and lawmakers are removing necessary tactical and legal protections from law enforcement officers. The lawbreakers among us have taken this as license to disregard police authority which has resulted in almost all of the

dramatic uses of force to take custody of violent offenders. Offenders are not blamed for fighting and fleeing from officers, and officers are blamed for doing what they must do. The only hope for restoring the protection of the citizenry within the framework of justice is to allow our existing resources to work, return to educating the public about the philosophy and structure of our democracy, and restraining ill-advised and radical decisions by removing foolish leaders from office.

About The Author



This series is authored by [Chief Joel F. Shults, Ed.D.](#) Joel is a retired police chief. He is an award-winning writer, college professor, trainer, and first responder chaplain.