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COP? TERRORIST? BOTH?

As America polarizes, some police officers leap into the arms of “Q”

For Police Issues by Julius (Jay) Wachtel. Here’s an extract from the [probable cause](#) for the arrest of two of the participants in [the storming of the Capitol](#) on January 6th:

...Thomas Robertson and Jacob Fracker were photographed in the Capitol Building making an obscene statement [middle finger] in front of a statue of John Stark [American Revolutionary hero]...In social media posts, Defendant Robertson is quoted as saying, “CNN and the Left are just mad because we actually attacked the government who is the problem and not some random small business” ...A now-deleted Facebook post by Defendant Fracker [says] “...Sorry I hate freedom...Not like I did anything illegal...y’all do what you feel you need to...”



Robertson and Fracker were charged with illegally entering a Federally-restricted building or grounds ([18 U.S.C. 1752\[a\]](#)) and being “violent and disorderly” on Capitol grounds ([40 U.S.C. 5104\[e\]\[2\]](#)). Both are misdemeanors.

What’s unusual, or might have once been unusual, is that both are cops. Their employer, the Rocky Mount (Va.) Police Department, [reportedly placed the duo](#) (they’re out on bond) on “paid administrative leave.” In [a joint statement](#), police and township leaders decried the assault on the Capitol and affirmed their opposition to “illegal or unethical behavior by anyone, including our officers and staff.”

Alas, Sergeant Robertson and Officer Fracker aren’t the only cops whose behavior at the Capitol struck a sour note. Former Houston police officer Tam Pham – the eighteen-year veteran resigned under pressure a week after the storming – said that all he did [was observe and “take pictures.”](#) And while former officer Pham insists he regrets having been there, his chief, Art Acevedo, [was hardly in a forgiving mood.](#) After all, officer Pham didn’t just attend the pro-Trump rally: he “penetrated” the Capitol:

There is no excuse for criminal activity, especially from a police officer. I can’t tell you the anger I feel at the thought of a police officer and other police officers thinking they get to storm the Capitol....

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Tam also faces Federal misdemeanors.

According to the *Washington Post*, which kept tab on [Federal prosecutions relating to the incursion](#), “[at least thirteen](#)” off-duty cops participated in the storming. Even more disturbing, “[more than a dozen](#)” Capitol cops are being investigated. “Several,” according to their acting chief, have been suspended. One posed with an insurgent for a “selfie”; another was pictured in a “MAGA” hat while leading rioters outside.

NPR [estimated that](#) “nearly 30 sworn police officers from a dozen departments” were at the rally. Actually, for some, being there – and *only* there – is their best defense. Consider, for example, Bexar County, Texas Sheriff’s Lt. Roxanne Mathai, who called January 6th. “[one of the best days](#)” of her life. Now under both “criminal” and “administrative” investigation (her boss wishes she “not...ever return to work”) Lt. Mathai insists that she only went for the rally, and that social media photos depicting her on the Capitol’s steps were taken after those despicable rioters cleared out.

There’s no doubt that Canadian County (Okla.) Sheriff Chris West [was at the rally](#). But that doesn’t mean he participated in the assault. No way. That was an “egregious” crime: “I rebuke all of that, every bit of it.” Still there’s little question but where his heart lies. Here’s the sheriff’s since-deleted Facebook post:

If they’re okay rigging an election and foreign help to steal the white house and control of WeThePeople, then I’m okay with using whatever means necessary to preserve America and save FREEDOM & LIBERTY. [caps his]

Likewise, [Philadelphia police detective](#) Jennifer Gugger. She reportedly followed up her attendance at the rally with a tweet accusing Vice-President Pence, who refused to anoint Trump as the victor, of being a “traitor and a cabal operative and pedophile.” And of “the deadly sin of greed.” And of selling his soul to the devil. That’s consistent with the *Inquirer’s* finding that detective Gugger used another name while [endorsing Q-Anon online](#).

Peacefully (even loudly) calling for an election’s reversal is no crime. Forcibly breaching the Capitol’s walls is something else. While he insists that “I do not want to limit anyone’s ability to lawfully participate in First Amendment activities,” Seattle Police Chief Adrian Diaz [placed two unnamed cops](#) who were at the pro-Trump rally on “administrative leave” while he investigates whether they went further:

The large number of people who forced their way into the Capitol, connected to the earlier political rally, presented too much of an unknown about whether any of our employees had potentially violated federal law. That is why I had to act.

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Same goes for the [seven Philadelphia Transit Police cops](#) who were supposedly at the rally. Did they breach “any area where a police line was established prohibiting entry”? Chief Thomas Nestel is “very concerned”:

It’s pretty clear that a riot occurred and that there was an attempt to overthrow our government and we want to make sure our members weren’t a part of that.

Well, maybe “overthrow” is an exaggeration. Still, even if all a cop did was attend the rally, examining their motives might be a wise move. But as for those who got truly weird: were they *always* Q-Anon material? Or did something drive them goofy?

Cops undoubtedly find these times challenging. Three days after a Wisconsin officer [shot and crippled Jacob Blake](#), Mick McHale, [the Florida cop who leads](#) the National Assn. of Police Organizations, [explained why](#) the nation’s police unions had unanimously aligned with Trump:

The violence and bloodshed we are seeing in these and other cities isn’t happening by chance. It’s the direct result of refusing to allow law enforcement to protect our communities...The differences between Trump/Pence and Biden/Harris are crystal clear. Your choices are the most pro-law-enforcement president we have ever had or the most radical anti-police ticket in our history.

For NAPO, which twice endorsed the Obama/Biden ticket, that may seem a bit odd. But in a campaign speech delivered a few days after the death of George Floyd, Biden [promised that as President](#) he would promptly launch a “national police oversight commission” and outlaw the use of chokeholds. But Joe was mum about the sharp increase in gunplay and murder that beset America’s cities, and the risk this unfortunate state of affairs poses to cops and citizens each day. As *Politico* suggested, the influence of progressives may have led a traditional supporter of law enforcement to change his tune.

Police may have found Biden’s apparent change of heart troubling. Sure, cops traditionally trend conservative. Even so, there might be empirically-sound reasons for their dissatisfaction. Here are some comparisons between 2019 and 2020:

- Chicago: [762 murders](#) as of 12/27/20 (55% increase from 491 in 2019)
- Los Angeles: [343 murders](#) as of 12/26/20 (33% increase from 257 in 2019)
- New York City: [447 murders](#) as of 12/27/20 (41% increase from 317 in 2019)

As a recent *L.A. Times* headline [breathlessly announced](#), 2020 had truly been “a year like no other.” Rapes and robberies went down. But murder increased dramatically,

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while shootings surged “nearly forty percent.” According to Chief Michel Moore, the mayhem was most pronounced in minority-majority areas:

Nearly all of the loss of life and shooting victims are centered in the Black and brown communities. The lack of jobs and supportive services, a sense of hopelessness, easy access to firearms and ineffective parts of the criminal justice system have created a perfect storm to undermine public safety gains built over the last decade.

Many predominantly minority communities – say, [South Los Angeles](#) – are chronically beset by violence. Recent years, though, had brought some relief. Alas, the mayhem’s apparently returned. Here’s the chief’s [January 16 tweet](#):

Continued surge gun violence South LA first 2 weeks of the year. 59 shooting victims compared to 7 last year. Officers have made 105 arrests of individuals with firearms. 130 firearms taken from street. Gang intervention trying, but we need our community and elected officials.

Chief Moore was upstaged by one of his own. According to the LAPD Captain who runs the Compstat program, arrests and police stops during 2020 plunged by 25 percent. Calls for service, though, only receded five percent. In his opinion the increased gunplay was due to a diminished fear of being caught with a gun, an effect he attributed to the defanging of the agency’s [stop-and-frisk program](#). That move, which [Chief Moore took in October 2019](#), was prompted by complaints from citizens and civil libertarians that LAPD officers were using pretexts to justify stopping Black drivers and pedestrians. And in fact, [some were](#).

But then came COVID. And in March, [the killing of Breonna Taylor](#) by Louisville police. And in May, [the death of George Floyd](#) at the hands of a Minneapolis cop. And in June, [the shooting death of Rayshard Brooks](#) by an Atlanta cop. And in August, [the crippling of Jacob Blake](#) by an officer in Kenosha. Fallout from these and other tragic police-citizen encounters propelled moves to “defund” police and shift key functions to civilian teams. Burdened by anti-police sentiments and the pandemic, cities across the U.S. redirected sizeable chunks of their police budgets to other uses. [LAPD sustained a \\$150 million cut](#), reducing its sworn force by 358 positions. Minneapolis, where the City Council voted to do away with police altogether, ultimately kept its cops but [trimmed their budget](#) by \$8 million.

Bottom line: “hot spots” policing, which even some academics [had come to favor](#), seems dead in the water. Proactive strategies often lead cops to areas predominantly populated by minorities. Blunders and misconduct, though, are no longer so easily

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overlooked. An easing of criminal sanctions, partly brought on by the pandemic, has been accompanied by a tougher approach to officer discipline. Illinois, for example, [seems about to pass](#) a broad package of criminal justice reforms, from eliminating cash bail to making it easier to decertify cops (click [here](#) for the bill's text.) Police-friendly prosecutors are giving way to more socially attuned sorts. George Gascon, L.A. County's new, progressive D.A. has directed that his assistants [only ask that bail be imposed](#) in cases of violent crime. He's forbidden seeking enhanced sentences except in extreme cases, and promises to vigorously prosecute officers who use excessive force.

That last message certainly didn't get lost on the cops. During a recent coroner's inquest into the June 2020 shooting death of an 18-year old by a Los Angeles sheriff's deputy, [the hearing officer was met with silence](#) by the officer who fired the fatal shots and, as well, by the two Sheriff's detectives who investigated the encounter. All three took the Fifth.

Back to square one. [In a recent piece](#) about the storming of the Capitol, *NPR* asked "an officer in the Midwest" where police sympathies really lie. Here's a brief extract from the cop's response:

There is a siege mentality in police-land. It says the left is just going to keep pushing until we get rid of cops.

There's a lot more, but the message seems crystal clear. Officers feel under the gun. While the overwhelming majority undoubtedly remain true to their calling, some have forged alliances with the Devil. Joe Biden might not be everyone's cup of tea (if you *must* know, we voted for "Howie"), but hopefully he'll find a way to steer *all* Americans – cops included – to a common high ground. It's the least one could ask.