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Participant accounts of police violence during black lives matter protests in Chicago

Rod K. Brunson^a, Vijay F. Chillar^b, Malcolm D. Holmes^c, Jessica Trapassi^d and Demi Pirrone^d

^aDepartment of Criminology and Criminal Justice, University of Maryland, College Park, USA; ^bDepartment of Criminal Justice, University of Central Florida, Orlando, USA; ^cDepartment of Criminal Justice and Sociology, University of Wyoming, Laramie, USA; ^dSchool of Criminology and Criminal Justice, Northeastern University, Boston Massachusetts, USA

ABSTRACT

Black protest events in the United States have been characterised by police use of violence against protestors during periods, such as the widespread riots of the 1960s, when many white people and police see black people as posing a special danger to the status quo. It appears that the aftermath of the police killing of George Floyd, which triggered widespread Black Lives Matter protests, is another such time. However, social scientific evidence that addresses the question of whether police responded with unnecessary violence to these black-led protests remains in short supply. In this study, we conducted a content analysis of protest participants' federal court statements about their lived experience with police violence during Chicago, IL, protests. Their accounts suggest that police, rather than protestors, initiated violence and relied on it to control protestors in ways that violated Chicago Police Department policies and constitutional protections afforded citizens. Despite efforts to reform police management of protests over the last half century, our findings suggest that the historical pattern of police use of militaristic tactics and gratuitous violence to control black protest events persists today. We consider the implications of the findings for relations between the police and black communities.

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The US system of criminal justice charges police with maintaining order while protecting citizens' constitutional rights of free speech and peaceable assembly during social protests. While police are expected to uphold this legal ideal, they often challenge it by singling out particular types of protests and protestors for harsh responses that may violate departmental policies and constitutional guarantees. Such responses frequently occur when protestors resist police use of violence against black citizens and reflect historical patterns of racialised social control (e.g. Cobbina 2019, Felker-Kantor 2023). The contemporary Black Lives Matter (BLM) movement directly challenges the structure and practice of policing, and BLM protests have triggered police violence that further heightened tensions between the police and black communities (e.g. Boyles 2019, Cobbina 2019). In this study, we extend knowledge about these issues through an analysis of participants' accounts of police actions during large BLM demonstrations in Chicago.

The BLM movement emerged after the 2012 killing of Trayvon Martin in Sanford, FL, and morphed into a loosely structured, highly decentralised organisation of activists and protestors after a spate of highly publicised police killings of black citizens during 2014–2016 (Clayton 2018, Drakulich *et al.*

2020). Grounded in longstanding black resistance to discriminatory police violence, this movement demands changes to the institutional structure of policing thought to enable such practices. The BLM movement met with counternarratives emphasising that Blue Lives Matter and All Lives Matter, and the differing viewpoints have become a central political issue in the US (e.g. Drakulich *et al.* 2020, Updegrove *et al.* 2020). Resistance to the BLM movement appears to be motivated by racial resentment and the perceived threat of efforts to alter the racial status quo (Drakulich *et al.* 2021). Perceptions of threat from BLM protests escalated after the death of George Floyd at the hands of Minneapolis, MN, police officers on May 25, 2020, which further racialised public opinion about law enforcement (Reny and Newman 2021). A bystander's smartphone video of Floyd's death rapidly went viral on social media, mobilising a diverse alliance of social justice advocates who took to the streets throughout US cities. As with other recent protests over police killings of black citizens (e.g. Boyles 2019), much public discourse about the civil unrest following Floyd's death settled around whether police use of force against protestors was unduly violent (e.g. Barker, Baker, and Watkins 2021). However, there is little in the scholarly literature about the lived experiences of George Floyd protest participants with the police.

We examine this issue in a content analysis of statements made during federal court listening sessions by a diverse group of citizens who participated in Chicago protests, which were the city's largest since the 1960s (Chicago Police Department [CPD], 2021). This unique dataset provides a novel opportunity to examine the experiences of demonstrators with police violence in a city with a long history of racial discrimination by police and black protests (Hagan, McCarthy and Herda 2022). Violent clashes between officers and protestors, along with extensive property damage and looting of local businesses, occurred during the protests (Ferguson and Witzburg 2021). These actions resulted in numerous arrests and excessive force complaints filed with the CPD. The CPD (2021) after-action report states the importance of protecting protestors' constitutional rights and departmental restrictions on the use of force, yet it fails to report the use of force as required by department policy (Ferguson and Witzburg 2021). We analyse the protestors' statements to assess whether CPD officers' actions may have violated departmental use-of-force policies and protestors' First Amendment rights of free speech and peaceable assembly. Their accounts challenge the CPD's assessment and highlight deep racial tensions between police and the community.

Racial threat and protest policing

Protests seeking social change are inextricably linked to the structure of power and privilege in a society. Throughout US history, episodes of civil unrest have called attention to inequities deeply embedded in social institutions, exposing conflicts of interests and demanding major shifts in power (Korpi 1974). The preservation of the status quo demands using coercive mechanisms of control against dissidents who challenge the social order (Weber [1922] 1968). In this view, police repress relatively powerless groups believed to pose a special threat to social order (e.g. Jacobs and O'Brien 1998). Contemporary police use of violence to control 'threatening' black people is said to represent a systemic legacy of racial discrimination (Cobbina 2019), which even today the history of Chicago exemplifies (e.g. Hagan, McCarthy and Herda 2022). Indeed, the city has been under a consent decree since 2019 (*State of Illinois v. City of Chicago*, 17-cv-6260 [2019]) because of its long history of police discrimination against citizens of colour. The consent decree enjoins the CPD from employing a recurring pattern of excessive force and other misconduct that disproportionately harms Chicago's residents of colour. It seeks to rectify this deeply rooted problem through reforms such as changes to the CPD's use of force policy, promotion of impartial policing, and increased accountability and transparency. These reforms had not been implemented before the BLM protests occurred.¹

The backdrop of black protest policing

Concern about large-scale urban disorder and immigrant crime precipitated the development of the first public police departments in the US as politically influential citizens sought an effective means of controlling these problems (Hahn and Jeffries 2003, Mitrani 2013). Virtually all early formal police departments, including the CPD (1851), were established in northern cities in the quarter-century before the Civil War (Hahn and Jeffries 2003, Monkkonen 1981). Like other police departments (e.g. Fogelson 1977, Walker 1977), the CPD was administratively and geographically decentralised with departmental control resting in the hands of political factions (Haller 1975, Mitrani 2013). Lack of training and supervision, public hostility, and ethnic tensions compelled police to rely on personal authority and force to obtain compliance. The use of violence became an informal norm among police in Chicago (Haller 1975) and other urban departments (e.g. Johnson 2003), and its use shaped the police role in controlling riots and breaking strikes that occurred frequently during the late nineteenth-century (Arnesen 2007).

Black people comprised a small part of the population in northern cities during the nineteenth century. The Great Migration of black people fleeing the Jim Crow South swelled their population in northern-tier cities in the early twentieth century (Gibson and Jung 2002), with Chicago being a major destination for them (Bates 2019). Aversion to southern black migrants strengthened and tensions emerged as they encroached on old ethnic neighbourhoods (e.g. Bates 2019, Collins 2012, Johnson 2003). Riots targeting black citizens became commonplace before World War II (Collins 2012). A riot broke out in Chicago in 1919 after a young black man was murdered and the police did not arrest the white perpetrator, which resulted in the death or injury of 500 mostly black people at the hands of white citizens and the police (Bates 2019, Tuttle 1970).

Although urban policing underwent a transformation to centralised civil service organisations with a legalistic, professional orientation during the first half of the twentieth century (Walker 1998), antipathy and violence against black people persisted in big-city police departments (e.g. Fogelson 1968, Johnson 2003, Westley 1970), including the CPD (e.g. Hagan, McCarthy and Herda 2022). Notably, numerous civil rights protests and race-related riots brought the police into direct conflict with black protestors during the 1960s (Felker-Kantor 2023). Black citizens' resistance against police violence commonly sparked these race-related uprisings. Riots broke out in Chicago's black neighbourhoods throughout the 1960s, and police employed violent tactics to crush them, injuring many citizens (Abu-Lughod 2007, National Advisory Commission on Civil Disorders 1968). The National Advisory Commission on Civil Disorders (1968), better known as the Kerner Commission, found that deep socioeconomic disadvantages and perceptions of unequal justice among black citizens, along with precipitating police violence in their neighbourhoods, were the catalysts for the numerous race-related riots. The Commission also concluded that violent police responses to citizens during the riots worsened already deeply strained police-community relations.

The Kerner Commission concluded that police use of force should be limited and deadly force rarely used in response to the expression of constitutional rights within a democratic society. Its recommendations initiated a reform movement that sought to curb police violence and improve policing in black communities. After the 1960s, however, the enactment of the war on drugs led to greater targeting of citizens of colour for police violence, further straining police-community relations (Cooper, 2015). This, and the uneven implementation of police reforms, set the stage for continued black protests and riots in response to racialised police violence. Outbreaks occurred in cities such as Miami (1980, 1982, 1989), Los Angeles (1992), Cincinnati (2001), New York City (2014), Chicago (2014), Ferguson, MO (2014), and Baltimore (2015). Numerous demonstrations took place across the US in the aftermath of George Floyd's death in 2020, and police frequently turned to violence to control protestors (Barker, Baker, and Watkins 2021, Chaudhary and Richardson 2022, Kishi and Jones 2020).

Conceptualising contemporary protest policing

Scholars have conceptualised intensive police reliance on violence to control black-led and other protests in terms of the *Escalated Force* model, which focuses on gaining demonstrators' compliance by intimidation through an impressive show of force (McPhail *et al.* 1998) and the use of less-lethal munitions (e.g. chemical agents and projectiles) (Soule and Davenport 2009). This approach shaped law enforcement responses to civil rights and other protests that threatened the social/political status quo or critiqued government action (e.g. anti-Vietnam War) (Schweingruber 2000). The Escalated Force approach is fraught with allegations of First Amendment rights being trampled, the likening of civil disobedience to anarchy, and the thwarting of effective communication between protest organisers and police commanders (Maguire 2015). This strategy runs the risk of using individual protestor's misconduct to justify the unbridled use of force (Vitale 2005).

New approaches to protest control emerged from policy recommendations of various post-1960s presidential commissions (Maguire 2015). Most notably, the *Negotiated Management* model calls for advancing constitutional guarantees, implementing a permit system for protests, and creating national disorder training programmes. It encourages officers to bargain with protestors to reduce conflict and physical force. Officers should protect protestors' First Amendment rights and avoid unnecessarily using arrests and violence. This model was adopted, albeit not uniformly, throughout the 1980s and 1990s. Its implementation coincided with the emergence of a philosophical shift in policing towards problem-oriented solutions whereby officers sought to enlist citizen cooperation to address problems of crime and disorder (Goldstein 1987). The Negotiated Management framework is credited with reductions in the frequency and intensity of violent clashes between police and demonstrators (Gillham and Noakes 2007). Despite these positive changes, the turn of the twenty-first century witnessed a departure from this approach (e.g. McPhail *et al.* 1998, Vitale 2005). Newer tactics harken back to the Escalated Force model insofar as they rely on more invasive and aggressive protest control (Maguire 2015). They emphasise tactics such as controlling space (e.g. road closures), surveillance, limiting communication between police and protest leaders, and 'shock and awe' deterrence (e.g. massive riot police presence) (e.g. Gillham and Noakes 2007, Vitale 2005). Although generally seeking to manage protests and minimise the use of force, these new strategies often failed to achieve these ends (e.g. Vitale 2007, 2012). They hardly supplanted the historical pattern of police use of violence to control black protests.

Why does this pattern persist in contemporary America given major initiatives to reform protest policing and hold the police accountable? Threat theories of social control provide insight into the persistence of gratuitous police violence to control and repress black-led protests (Boyles 2019, Cobbina 2019). These theories maintain that racial disparities in social control are deeply rooted in social forces involving longstanding, large-scale patterns of social relationships that create persistent disadvantages in communities of colour (e.g. Cobbina 2019, Holmes, Painter and Smith 2019). In this view, the police represent the interests of the powerful by squelching protests aimed at changing the status quo (e.g. Davenport *et al.* 2011, Tilly 1978). When a racial minority is seen ideologically as posing a greater threat of crime and violence, state authorities will mobilise police to control that group (e.g. Jacobs and O'Brien 1998).

One indication of mobilisation to control such populations is the dramatic increase in police militarisation in recent decades (Kraska and Kappeler 1997). Participation in the DOD 1033 programme (the primary source of military equipment and technology) and value of acquired military property are linked to the presence of relatively large black populations in ways generally consistent with theories of racial threat (Ramey and Steidley 2018). Moreover, deployment of these resources by law enforcement agencies corresponds with threat theory predictions. Notably, the frequency of light armored vehicle (MRAP) utilisation is linked to the percentage of blacks in jurisdictions, and there was more than a five-fold increase in their deployment between 2019 and the first half of 2020, paralleling increased BLM protest activity. Police militarisation thus expands the ability of law enforcement agencies to employ repressive control of black protests (see, e.g. Boyles 2019, Cobbina 2019),

which is more likely to occur when black protestors engage in claimsmaking against the state (Davenport *et al.* 2011).

Although police act in ways consistent with interests of the state, their street-level behaviour also reflects the threats they personally perceive (Earl 2003). The use of violence may be more prevalent in contexts where officers perceive citizens as threats to their authority or personal safety, with stereotypes of 'dangerous' people (e.g. Cobbina 2019, Holmes and Smith 2008) and emotional responses to their presence (Holmes and Smith 2008) guiding police actions. Police stereotypes of black citizens, which conflate race and violent criminality, parallel those of the larger society (e.g. Bolton and Feagin 2004, Holmes and Smith 2008). These psychological dynamics may trigger gratuitous police use of force against citizens during social protests where police feel directly threatened by black protestors. Moreover, heavy-handed police responses to protests are often based on police adherence to antiquated theories of crowd psychology, which see crowds as mindless collectives, their actions as stemming from emotional contagion (Reicher *et al.*, 2004). Police tend to see black protestors as homogeneous and uniformly threatening, consistent with racial stereotypes. Protest crowds are often heterogeneous, however, and repressive police responses that impose a common fate may cause them to coalesce around a shared identity that elicits greater defiance rather than acquiescence (Maguire 2015).

Police violence during BLM protests

Limited research exists about tactics used by police to control BLM protests, especially those that occurred in the aftermath of George Floyd's death. However, journalistic (e.g. Barker *et al.* 2021), ethnographic (Boyles 2019, Cobbina 2019), and review (Chaudhary and Richardson 2022) studies provide evidence that police responded with militaristic strategies and violent tactics that typify the Escalated Force model.

Jennifer Cobbina's (2019) in-depth interviews with participants in protests against the police killings of Michael Brown in Ferguson, MO, and Freddie Gray in Baltimore, MD, provide evidence concerning questionable police actions ranging from verbal assaults (e.g. use of racial epithets and threats) to physical force/violence (e.g. use of tear gas and physical assaults) by officers. Participants in the study offered firsthand and vicarious accounts suggesting that the police may have employed excessive force against the protestors. Andrea Boyles' (2019) ethnographic study focuses more on the dynamics of black activism during and after the protests in Ferguson but also provides insight into police violence against protestors. The study includes field observations of police responses, which chronicle police militarisation (e.g. use of armored vehicles, heavily armed officers) and reliance on aggressive measures (e.g. tear gas, rubber bullets and arrests) to control mostly peaceful protestors. Further, the police employed improper restrictions that violated protestors' constitutional rights, such as a 'five-second rule' requiring protestors to move on or face arrest.

Another study analysed secondary data from protests that occurred after George Floyd's death (Chaudhary and Richardson 2022). This review incorporated scholarly, journalistic, case report and crowd-sourced data, which reveal widespread police use of militaristic strategies and numerous instances of police-inflicted injuries during the numerous BLM protests across the US in 2020. Police relied on physical force in over half of the protests, ranging from deploying tear gas to beating protestors with batons. Findings from clinical case studies of traumatic injuries resulting from police use of these less-lethal weapons in three locales reveal several protestors incurred severe facial and brain injuries.

These studies provide valuable insights into the police use of violence during BLM protests, suggesting that police overstepped their authority by violating protestors' constitutional rights and employing gratuitous violence. However, although the use of militaristic tactics and physical force by police may be troubling, that research does not assess whether police violence exceeded the limits of law. Police are authorised to employ physical force, including deadly force, in the performance of a lawful duty (including crowd control), but only the level of force reasonably necessary

to perform that duty. Following common protocol in the US, CPD policy states that the use of force must be objectively reasonable, necessary, and proportional to a subject's resistance (Police Use of Force Policy Database [n.d.](#)). Moreover, the policy prohibits the use of force based on racial (or other) biases or that infringes on the lawful exercise of First Amendment rights.

We seek to extend past research by examining out-of-policy police use of force during BLM protests, which has not been considered previously, by analysing demonstrators' accounts of police violence during the protests in Chicago immediately following George Floyd's death. These accounts provide a unique data source for studying out-of-policy force, which is especially fraught with data collection issues (Holmes 2018). Specifically, we examine participants' perceptions of: (1) whether police or protestors initiated violence, and (2) whether the police employed extra-legal violence. The first focus addresses a key concern about constitutional rights and the legitimacy of police use of force. Police-initiated action – militaristic tactics and out-of-policy force – to control and disperse peaceful demonstrators infringes on rights of free speech and peaceable assembly. The second focus concerns whether police violence may have violated CPD policy in ways that resulted in unnecessary injuries to protestors, even imperiling their lives, and possibly increased tensions between police and the black community. Additionally, we consider the implications of these findings for relations between black communities and the police, as well as for policy.

The current study

The data used in this study were collected as part of the OIG's after-action investigation of the police response to the Chicago BLM protests (Ferguson and Witzburg 2021). The OIG investigation relied on multiple data sources, most of which are not publicly available, to assess mass arrest processes, use of force reporting, and obstacles to accountability. In this study, we analysed transcripts of statements of 59 protest participants who delivered detailed oral testimony during listening sessions before a federal court, which provided a rich but largely untapped source of data about out-of-policy use of force. The OIG investigation was broader than the present study, but its analysis of these interviews was primarily illustrative and lacked the depth and specificity of our inquiry.²

The listening sessions were organised by the OIG and took place on August 19–20, 2020. The demonstrators' statements detailing interactions with CPD officers were delivered in public hearings before a federal judge, as well as the Independent Monitor and Chicago Inspector General. Licensed court reporters transcribed the witnesses' oral statements. These transcripts provided the data for this study. Over 540 people pre-registered for the listening sessions, from which the organisers randomly selected 95 registrants for participation. Ultimately, 59 individuals appeared via Zoom (due to Covid-19 protocols) to testify. They comprise our analytic sample ($n = 59$).

The data include accounts of a diverse group of demonstrators. During the public hearings, speakers' anonymity was maintained by referring to them by pre-assigned numbers rather than by name. Some participants, however, voluntarily provided personal information, such as their names (we employ pseudonyms here), occupations (e.g. artists, attorneys, business owners, college students, educators, healthcare workers, musicians, restaurant servers, and social workers), and gender identity (see [Table 1](#)). We could not ascertain the diversity of the full analytic sample because fewer than 45% of the participants volunteered this information, with the exception of gender. Notably, most participants who provided their racial/ethnic identity reported being white, which may reflect the reluctance of black participants to report their identity because of longstanding discriminatory practices and perceived lack of legitimacy of the Chicago police (e.g. Hagan *et al.* 2022) and courts (e.g. Gonzalez Van Cleve 2020). The characteristics presented in [Table 1](#) indicate that the sample was sociodemographically heterogeneous. It also included those who fulfilled key demonstration roles – legal observers, marshals, and medics. The breadth of the sample encompasses diverse perspectives in our analysis.

We relied on a quantitative content analysis (see Riffe *et al.* 2019) to analyse the transcripts, which involved coding the frequency at which concepts emerged from the protest participants'

Table 1. Volunteered Demographics of Study Participants.

Demographic Characteristic	Frequency	Mean/Proportion
Age*	25	27.8
Race / Ethnicity		
White	11	0.19
Black	5	0.08
Latinx	2	0.03
Indigenous	1	0.02
Bi-racial	1	0.02
Unknown	39	0.66
Gender Identity		
Female	22	0.37
Male	6	0.10
Non-Binary	9	0.15
Unknown	22	0.37

*34 participants did not provide age.

statements. We began with research team members reading the entire transcript of each participant's testimony line-by-line, taking extensive handwritten notes, to identify common concepts. We produced a large number of conceptual categories and collectively determined which ones were capturing the same information and could be grouped together. Once we identified these categories, we discussed and finalised the analytic concepts used in this study. We organised the concepts into two major themes – incident provocation (by police or by protestors) and gratuitous police violence – and subthemes under each (see Table 2), which provided the framework for the data analysis.

After establishing the concepts to be included in the analysis, we conducted secondary coding to obtain numerical data for the analysis. Each researcher recoded the transcripts to count the frequency with which the themes and subthemes appeared in them. We coded similar sets of words or phrases (e.g. 'struck me with the baton'; 'cracked a baton over my head') as the same concept ('use of baton strikes'). Given that police actions could simultaneously occur (e.g. baton strikes and indiscriminate use of chemical agents), these were coded under each applicable category. We discussed and resolved the few minor disagreements on coding/analysis.

In addition to presenting numerical summaries, we provide illustrative quotes from the protestors' accounts. We took considerable care to ensure that the material quoted typified or elucidated the most salient aspects of the study participants' accounts. These data provide a richer picture of protestors' experiences than captured in the numerical summaries.

Table 2. Themes and Subthemes*.

Themes	Subthemes	Frequency	Percentage
Incident Provocation			
By Police	Militarised Response	25	42.4%
	Personal Property Destruction	29	49.2%
	Obscenities/Taunts/Dehumanising Language	13	22.0%
Incident Provocation			
By Protestors	Projectiles Directed at Officers	4	6.8%
	Personal Property Destruction	3	5.1%
Gratuitous Violence			
By Police	Baton Strikes	33	55.7%
	Baton Strikes to Head	19	32.2%
	Selective Enforcement – Black Protestors	6	10.2%
	Selective Enforcement – White Protestors	6	10.2%
	Indiscriminate use of Chemical Agents	33	55.7%
	Agent Sprayed Directly in Face	15	25.4%
	Kettling	18	30.5%

*Categories are not mutually exclusive.

Findings

Following the research questions posed above, we divided the results into two sections. We first consider provocation of police violence and then turn to the forms it took. The protestors' statements analysed here raise serious concerns about whether police overstepped their authority.

Provocation of police violence

Police Provocation. As shown in Table 2, a militarised police response ($n = 25$) was among the most common acts that protestors reported as police provocation. Protestors described such responses as a prelude to police violence that included, for example, the police arriving at the demonstration in full riot gear, signalling their willingness and facilitating their ability to use violence. For instance, Cam reported, 'I was a participant in what started off as a peaceful protest ... in response to the murder of George Floyd. The peacefulness was disrupted when CPD showed up, ready to violently fight us. It felt like we were enemies and they were a military force sent to eliminate us'. Similarly, Jalen commented,

By the time we left the [Buckingham] fountain and marched up the street, there was a considerable police presence, but everything was peaceful as we intended. Then we got to the [Columbus] statue and immediately we were met with forceful resistance. Cops were shoving and pushing people that were in the front line back.

And Taylor poignantly stated, '... my whole life until now I was told that police were supposed to keep me safe, but now I know that they are perfectly willing to violate my constitutional rights and meet me and other protestors with excessive force and escalate violence'.

Other acts by police were described as intentionally provocative and punitive. One common complaint was destruction of protestors' personal property ($n = 29$). For instance, Khadijah offered:

That (July 17th) protest, again, started very peacefully. There was no [antagonism] from us. We were first at Buckingham Fountain, and then we walked towards Grant Park. From there, police officers started grabbing umbrellas, ... shredding banners, ... attacking protesters with batons and tear gas ...

Similarly, Henry stated: 'When we got to the monument of Columbus, the first thing I saw was cops grabbing people's bikes, throwing them against the ground, throwing them at the people who owned [them]'. Officers also reportedly responded to protestors with taunts, obscenities, and dehumanising language ($n = 13$). Jalen reported, 'I saw an officer taunting protesters with his badge number and name covered, repeatedly calling protesters expletives and using foul language'.³ And Cam said, 'One [officer] laughed at me ... told me to "F" off and another spit in my direction'.

Protestor Provocation. While protest participants widely described being subjected to unprovoked police violence, a handful acknowledged observing fellow protestors provoking police by hurling projectiles (e.g. frozen water bottles, cans, and fireworks) at them ($n = 4$) or engaging in property destruction such as looting or vandalism ($n = 3$). Within policy, police use of force is justified to detain suspects under these circumstances. However, protestors testified that officers became agitated when unable to easily identify the exact persons directly involved in criminal activities and responded with unbridled violence, treating the entire crowd as if they were all equally responsible. As Ashley explained, 'they were mad at those [unruly] protesters and they didn't care to seek any sort of justice ... instead, they decided to beat their way through ... a bunch of peaceful protesters'.

Taken together, these accounts suggest that the police were the primary provocateurs, violating protestors' constitutional rights and causing unnecessary injuries. Moreover, they indicate that police responses were generalised to non-responsible protestors, consistent with the argument that police tend to see protest crowd members as homogenous and uniformly threatening.

Gratuitous police violence

Given that police may legitimately use proportional and necessary force to maintain order and control protestors who violate law, a key question of this study concerns whether police employed violence that exceeded CPD policy.

Use of Baton Strikes. Numerous participants described acts of seemingly unnecessary, often severe violence that typically involved CPD officers' use of batons. Batons are intended to serve as a less-lethal weapon to control suspects, and their use was commonly reported in protestors' testimony ($n = 33$).⁴ But officers must use them in ways that correspond to the CPD use of force policy (necessary and proportional), not indiscriminately to punish protestors. The protestors' accounts indicate that police often used batons in ways that violated policy. For instance, Jalen reported, 'I was increasingly getting scared of the situation because it looked so brutal. There were multiple people suffering from wounds, bleeding profusely from their noses and their heads, getting beat indiscriminately with batons ...'. Similarly, Mariah shared:

I also saw a young man of color bleeding profusely after being hit by the police. His head, face, entirely, and glasses were – and his shirt, too, were completely covered in blood, and he was still bleeding as the police continued to attack him. No, they did not pull him aside for medical attention. ... they just kept beating him and pulling his shirt, and even ripping it.

And Jordyn stated, 'CPD used batons to repeatedly beat folks to the point where blood was pouring down the faces of my friends and their shirts changed colour. Medics providing urgent first aid to people were also beaten or dragged away from the severely injured by the police ...'.

These accounts are particularly troubling because they indicate that police struck protestors in the head. The CPD use of force policy defines strikes to the head with an impact weapon (e.g. a baton) as deadly force, which may be used only when a subject's actions pose an imminent threat of death or great bodily injury to an officer or others. Several participants testified that they observed the police hitting other protestors in the head with a baton or being hit in the head themselves ($n = 19$). None of the protestors indicated that these victims in any way posed a threat of death or great bodily injury to anyone. To the contrary, as Caitlin described:

I was in front of the crowd when the violence of the police erupted. Without warning, CPD began to strike dozens of peaceful protesters in the head and all over their bodies with batons to the point of severe injury. Even as protesters tried to disperse, CPD kept on hitting with batons.

Similarly, Chris noted:

I've had extensive first-aid training, and I had some first-aid supplies on me, so I started helping people. For about an hour, I circled the outside of the protest to catch anyone injured ... It was chaos with everyone running around and trying to avoid being beaten by the police. In that time, I watched the police hit at least five people in the head or neck with their batons and hit so many more in the leg, arm, back and chest.

Mark's comment suggested that these police acts had long-term effects on protestors' perceptions of police: 'I won't forget the callous cheers [when officers] hit a stranger in the head with a baton and then ripped her bike away ...'.

Selective Use of Force. Some participants ($n = 6$) noted that the majority of bloodied faces they saw were black, suggesting that black protestors were selectively targeted by police. RJ's observations illustrate that possibility:

There was a young woman of color standing right next to us who was fully exercising her right to free speech with an officer who was staring her down. After a protester on the other side of the intersection threw a water bottle into the middle of the police circle, with seemingly no other provocation, this officer, who I now know was Officer ... proceeded to beat this woman right in front of our eyes.

Mariah recounted, 'They attacked men of colour. They attacked black men. They attacked white people too, but you could see the bias in action when I was there in the front lines and I was selectively seen'. And Khadijah said: 'I had to step away and make sure that the people who were protecting us were able to do that. Those people happened to be white. They were not the police'.

Indeed, some white protestors indicated that their primary reason for participating in demonstrations was to protect black people from needless police violence ($n = 6$). Kimberly, who had

volunteered as a marshal, commented, '... I went to peacefully protest the murder of George Floyd, and to put myself between Black people and the police because I believe that Black lives matter'. However, they perceived police retaliation for simply standing shoulder-to-shoulder with black demonstrators. For instance, Mark reported witnessing a white protestor being brutalised after 'she had put herself between a police officer and a baton because they were targeting black youth ...' These accounts suggest police violence may have targeted not only blacks but also white protestors seen as black allies.

Indiscriminate Use of Chemical Agents. Non-lethal chemical agents are commonly employed by police to control mass demonstration. They may not be deployed indiscriminately, however. The CPD use of force policy stipulates that Oleoresin Capsicum (OC or pepper spray) deployment is an authorised force option against passive resisters who are part of a noncompliant crowd only for area saturation and only after obtaining authorisation. Over half of the protestors ($n = 33$) studied here reported what they considered the indiscriminate use of chemical agents. They believed that chemical agents were capriciously unleashed without regard for citizens' wellbeing or humanity. For example, Acqira reported, '... [Officers] hosed us down with pepper spray as if we were rabid dogs ... CPD pepper sprayed protesters, medics, legal observers ...' Several protestors reported that the indiscriminate deployment of chemical weapons accompanied widespread use of excessive physical force. As Melissa explained:

... with no audible call for dispersal, and no opportunity to do so, unprotected Chicagoans were met with a sea of swinging batons. Screams of 'help' came from the crowd. People were climbing on top of each other trying to find a way out ... They were covered in blood. I saw orange mace streaming up from the crowd like fountains.

DiDi commented, 'I saw people collapsed on the ground unable to get up because they were being beaten. I then could not breathe because I started inhaling the toxic chemical agents in the air and had to grab strangers who were next to me in order to stabilize myself'. And, Hannah explained, '[police beat people who tripped as] we were walking backwards up a hill and [trying to step] over a stone wall after we had been beaten, pepper sprayed and tear gassed, and otherwise traumatised, and they were beating us more because we weren't moving fast enough'.

Moreover, respondents noted the police practice of simultaneously using chemical agents and baton strikes while kettling protestors so they could not leave ($n = 18$).⁵ Destiny observed that: 'We ended up being kettled in as the police started teargassing the crowd and started beating people with their batons and sticks, and stuff. And I was hit in my back with a baton, like, four times. And I was teargassed'. Similarly, Sofia stated:

I have been shoved, hit and had to inhale pepper spray from CPD officers who most often have their badge numbers covered. I have seen protestors with head wounds gushing blood. I have seen them have their bikes stolen, and I have seen them kettled by cops, as well as trampled and beaten with batons.

Demonstrators' comments also point to the more targeted use of chemical agents against individual protestors. Several observed that police used chemical weapons to mete out punishment, either observing or experiencing police purposely spraying pepper spray directly into protestors' faces ($n = 15$), actions that violated the CPD use of force policy. Caitlin noted, '... they began to aggressively spray everyone in the face with mace in front of me, including one of my close friends'. Likewise, Chris stated that 'I watched the police spray multiple people directly in the face with pepper spray'. Protestors also took exception to the callousness officers displayed while doing so. For instance, Mark said, 'I won't ever forget the look on their [officers'] faces, the gleeful rage and vitriol as they ripped the mask off my friends' faces to pepper spray them'. Protestors seemed especially bothered by officers' unfeeling use of spray on individuals who did not pose a threat. For instance, Imani reported watching

a CPD officer [grabbed] a woman's bike and [pulled] it away from her. As he pulled it, she fell to the ground, and he started pepper spraying her as she laid on the ground. I ran over to help pull her up and pull her away from the attack, and when I got to her, he started spraying me too.

Similarly, Wendell reported:

I watched groups of police officers, five people deep, beat people who were in fetal positions under their bikes. I was surprised when I was sprayed with pepper spray in the eyes from two [feet] away. I was blinded. I couldn't see. I couldn't get away fast enough or I would have complied. I would have complied. I couldn't get away. We couldn't get away.

Although not as extreme as the police beatings described in protestors' testimony, the use of chemical agents against non-resisting individuals certainly had the potential to cause physical harm (see Chaudhary and Richardson 2022). In contrast to demonstrators' accounts of excessive physical force, there were no reports that police disproportionately targeted black protestors with chemical agents.

Discussion

Police officers are commonly enjoined to 'come home safe' during the roll call at the beginning of their shifts. Protestors exercising their First Amendment rights also want and expect to make it home safely. Yet, officers charged with protecting protestors' rights and maintaining order may single out protests and protestors they perceive as threatening for treatment that violates constitutional guarantees and causes unnecessary injuries, which undermines police authority and legitimacy in democratic societies. Past research suggests that police exceeded their authority to use force to control BLM protests but does not assess whether their actions were in fact justifiable (e.g. Boyles 2019, Cobbina 2019). CPD policy prohibits use of force that is unnecessary and disproportionate to a subject's resistance, based on racial (or other) biases, or infringes on the lawful exercise of First Amendment rights. The policy is grounded in the US Supreme Court's decision in *Graham v. Connor* (490 U.S. 386 [1989]), which held that the benchmark for the lawful use of force is whether, given the facts and circumstances confronting them, an officer's use of force is 'objectively reasonable'. Violent confrontations between police and protestors characterised the Chicago protests, which feasibly could legally justify use of severe use of force as reasonable, necessary and proportional in some instances. Thus, given the legal standard for the use of force, we must ask: Did the police exceed their authority?

The CPD and OIG after-action investigations of the police response to the protests shed some light on this issue. The CPD (2021) report acknowledges that a number of misconduct complaints were filed and adjudicated. However, it does not provide any information about the specifics of out-of-policy use of force during the demonstrations. The OIG concludes that the CPD failed to appropriately report the use of force as required by department policy (Ferguson and Witzburg 2021). For this and other reasons, the OIG determined that the CPD's inadequate documentation of officers' actions lacks credibility and obfuscates the extent and severity of out-of-policy uses of force. The current study significantly extends the OIG's findings by systematically analysing protestors' accounts of the instigation and severity of out-of-policy police use of force, as well as considering racial factors.

The protestors' accounts indicate that the CPD officers initiated violent responses that infringed on protestors' constitutional rights. They also detail police actions that may have caused unnecessary injuries. Notably, the CPD policy defines strikes to the head with an impact weapon (e.g. a baton) as deadly force, which may be used only when a subject's actions pose an imminent threat of death or great bodily injury to an officer or others. The protest participants' accounts analysed here indicate that the police used baton strikes to the head against citizens who clearly did not pose an imminent threat of death or severe injury to another person. Indeed, their testimony indicates that such actions frequently involved non-resisting persons. Certainly, the small number of protestors who damaged and looted property violated the law, but those violations hardly justify police use of force that can cause lethal injury. Oleoresin Capsicum deployment is an authorised force option against passive resisters who are part of a noncompliant crowd, but only for area saturation and only after obtaining authorisation. Some participants indicated this less dangerous but painfully incapacitating chemical

agent was used indiscriminately as a crowd-control tactic, although the OIG reported that some crowd-control uses were within policy (Ferguson and Witzburg 2021). Several participants' accounts indicate that police sprayed non-resisting protestors directly in the face, a clear violation of CPD policy that can cause serious injury

Protest participants' accounts offer a unique and valuable lens on police conduct during the BLM protests that may provide valid evidence of actual police actions (e.g. Nagra and Maurutto 2023). Yet, we must remain cognizant that protestors' subjective accounts of police responses are limited and incomplete observations of complex events in a highly stressful environment. Although we cannot determine with certainty whether the police actions reported by protestors constitute out-of-policy force, several factors signal that possibility. The fact that testimony was given before a federal judge and other authorities would likely have discouraged overtly biased accounts for fear of adverse consequences. Moreover, our analysis incorporates observations from a diverse group of protestors that included participants (marshals and medics) who were reportedly at the protests in peacekeeping roles, which adds a broader context to their testimony. The commonalities in these diverse participants' independent accounts suggest that their observations are reliable. Additionally, the nearly 600 excessive force complaints filed with the CPD help corroborate protestors' accounts. This process is generally fraught with institutional hurdles that discourage complainants, and minority citizens may lack confidence in police department complaint filing procedures (e.g. Brunson 2007). Some protestors noted that officers covered their badges to avoid identification (which the OIG also noted), further confounding complaint filing. This practice indicates officers anticipated use of force complaints and sought to circumvent any adverse repercussions.

In addition to furthering knowledge about police use of out-of-policy force, our study extends past research on policing of black protests in other ways. The findings support Davenport and colleagues' (2011:169) argument that 'the literature on systemic racism suggests that the race of protesters engaged in claimsmaking against the state likely poses a threat to state authorities, who may, in turn, order police to behave more aggressively towards African Americans in order to control the potential threat to the status quo'. Our data indicate that it was not just state authorities who called upon the police to react aggressively against the protestors; rather, it appears the police on the frontlines of the Chicago protests were countering a black threat they perceived personally. The dynamics of protest events may elicit myriad psychological responses among police officers that can trigger and escalate violence (Maguire 2015, Reicher *et al.* 2004). Indeed, the protestors' accounts suggest that the police responded to the demonstrators as though each was equally guilty of whatever alleged transgressions dictated harsh treatment.

While our findings contribute to a larger body of work on police responses to social protests, the study is not without limitations. First, our study relies on a non-representative sample, and thus we cannot assess the overall frequency of out-of-policy police actions during the Chicago protests. The protestors' testimony suggests that this was a widespread problem, but there are no data to corroborate that at this time. Second, the sample is comprised of protestors who participated in Chicago demonstrations, which does not allow for generalisations about the larger population of protestors and protest events. The findings are, however, consistent with those reported in research on other BLM protests (e.g. Chaudhary and Richardson 2022). Yet, police did not rely on violent control tactics in many protests. It falls to future research to determine the departmental and community that are related with police deployment of violence. Third, because our study employed a content analysis of court transcripts, we could not probe protestors' understanding of events or challenge any contradictory statements.

In addition to addressing these issues, future research should examine the proximate (e.g. situational and interactional) 'flashpoints' between citizens and police involved in protests (Cobbina 2019), especially given that emerging research suggests that protestors are more willing to engage in retaliatory violence against police they perceive as using unjust levels of force (Maguire and Oakley 2020). The emotionally charged nature of protests will continue to place police and activists in situations that are ripe for conflict (Snipes *et al.* 2019). These dynamics are especially salient

for understanding police responses to black protests in which police and citizens experience heightened perceptions of mutual threat.

Conclusion

In concluding, we emphasise broader implications of this study. The policing of black protests does not occur within a vacuum. Perceptions of police legitimacy and procedural justice are developed and reproduced through civilians sharing direct and vicarious accounts of their police experiences (Brunson 2007, Skogan 2006). Negative experiences can affect future police-citizen relations (Carr, Napolitano, and Keating 2007, Gau 2015). For example, scholars have repeatedly documented adverse outcomes stemming from citizens' perceived illegitimacy of the police, including lack of cooperation with criminal investigations (Brunson and Wade 2019, Kochel *et al.* 2013), unwillingness to report crime (Rengifo, Slocum, and Chillar 2019), and failure to follow officers' commands (Gau and Brunson 2010). Furthermore, widespread distrust of policing as an institution results in legal cynicism (Sampson and Bartusch 1998). Our data do not address protest participants' perceptions of police legitimacy or their degree of legal cynicism, but their statements clearly reveal distress and dismay with the violent reactions of police to their nonviolent aim of exercising their constitutional rights. Finally, white protestors took particular exception to how officers responded to their verbal complaints about perceived mistreatment (e.g., 'this is how it works' and 'you wanted to be in it, now you are in it').

Moreover, police use of violence to manage protests has the potential to continually recreate and reinforce commitment to the BLM movement, particularly among those with salient activist identities. Repression of protests by various means aims to deter activists and encourage their disengagement, but it is likely that 'repression, rather than being perceived as a blow to themselves or their movement, is often taken by activists as further proof of the power of their collective action' (Reynolds-Stenson 2022, p. 88). Meaningfully reforming police department policies and practices may offer a far more effective avenue to reducing tensions between police and communities of colour not only during demonstrations but more generally. Some departments started moving in that direction by adopting the Negotiated Management model after the civil unrest of the 1960s. Protest policing based on that approach effectively reduced violent clashes between police and citizens, but departments backtracked in the twenty-first century by adopting models more akin to the Escalated Force model, placing greater emphasis on the use of undue force to quell protests.

While hardly a panacea for Chicago's historical problems of policing communities of colour, meaningful adoption of models that focus on managing protests may reduce the likelihood of the police relying on violence to control protestors and unnecessarily inflaming tensions with the community. The OIG placed blame for police mismanagement of the BLM protests squarely on CPD leadership (Ferguson and Witzburg, 2021). The protests occurred without the CPD having prior knowledge of vital details (i.e. route, scale, leaders), even though these were available on social media, creating a situation where frontline officers' responses were reactionary rather than strategic. There were numerous other planning failures, including the lack of clearly articulated strategies between commanders and rank-and-file officers. Inadequate supervision and poor communication may have resulted in confusion and frustration among the frontline officers who had to make hasty decisions regarding rapidly unfolding events they perceived as threatening, which likely contributed to greater reliance on out-of-policy force. Full implementation of reforms mandated by the consent decree may have the potential to alleviate mismanagement of black protests stemming from reliance on the escalated force approach, but that remains to be seen given Chicago's enduring legacy of race-based policing.

Notes

1. The reforms have yet to be fully implemented; the deadline for execution was extended by three years in 2022 (<https://news.wttw.com/2022/03/25/chicago-police-extending-consent-decree-timeline-3-additional-years>).

2. For example, The OIG notes that “at least 3” participants reported baton strikes to the head by police, whereas our analysis surfaced 19 such reports.
3. Six protestors noted that officers covered their badges to avoid identification.
4. One participant noted police use of rubber bullets, but other less-lethal weapons were not mentioned.
5. Kettling is a territorial strategy that aims to create a bounded space for containing and absorbing the energy of a protest (Neal, Opitz, and Zebrowski 2019).

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