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Extended Commentary: The Capitol Insurrection, Emergency Management and Mutual Aid Agreements: What Questions Need to be Answered?

Cover Page Footnote

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The Capitol Insurrection, Emergency Management and Mutual Aid Agreements: What Questions Need to be Answered?

January 6, 2021 started with a rally and protest focused on the results of the Presidential election.¹ By the end of the day, Washington, D.C. was under curfew after rioters stormed the Capitol. Several civilians and police officers were injured—and some died as the nation and the world watched on in shock.² The events of that day and their disturbing implications for American democracy will be studied ad nauseum, as they must be. This extended commentary, however, focuses on the Mutual Aid Agreements, which, if had been properly activated, could have mitigated the subsequent insurrection.

“During his speech, Trump reiterated multiple falsehoods, claiming the election was rigged and that Democrats had committed voter fraud. By midday, the Capitol was buzzing as Congress convened in a joint session and pro-Trump protesters began to gather around the building’s perimeter.”³ Later that day, the Capitol was broken into “forcing Congress to adjourn and take shelter.”⁴ The violence at the United States Capitol was nothing short of mob activity. In one instance, the assailants beat a police officer.⁵ Four people lost their lives including one Capitol Police Officer,⁶ Brian Sicknick.⁷

Commenting on the dire situation at the Capitol, Mark Mazzetti, Helene Cooper, Jennifer Steinhauer, Zolan Kanno-Youngs, and Luke Broadwater’s article in *The New York Times*, “How a String of Failures Led to a Dark Day at the Capitol,” provides a timeline of the Capitol siege and then pinpoints the various moments the Capitol Police mishandled.⁸ At the heart of their piece is the notion that there was a coordination failure at the Capitol—and potentially a communication failure within that.⁹ They do not, however, elaborate on the issues with the mutual aid agreements—standing emergency management policies focused around resource

management. Several reports indicate that there was discussion of utilizing the National Guard to assist in quelling the riots at the United States Capitol, however, they are essentially conflicting reports arguing that mutual aid agreements were both requested and denied. While the article in *The New York Times* argues that there was a coordination issue, the coordination issue was centered on a failure of appropriately utilizing mutual aid agreements and resources ahead of time.¹⁰ Like many other major incidents similar to the Capitol Riots on January 6, 2021, there is often an administrative failure at the heart of the incident.

Speech Sparked Violence: What Went Wrong at the Capitol

On January 6, 2021, President Trump held a rally in support of the false notion that he had actually won the election and it was stolen from him. At some point during the rally, he was quoted as saying,

Republicans are constantly fighting like a boxer with his hands tied behind his back. It's like a boxer. And we want to be so nice. We want to be so respectful of everybody, including bad people. And we're going to have to fight much harder... We're going to walk down to the Capitol, and we're going to cheer on our brave senators and congressmen and women, and we're probably not going to be cheering so much for some of them, because you'll never take back our country with weakness. You have to show strength, and you have to be strong.¹¹

Following the speech, a group of protestors approached the Capitol and entered. Images splashed through the news media showed a couple of men in Speaker Pelosi's office, while other images showed someone walking off with a podium and people on the House Floor.¹² The Capitol Police later found pipe bombs on the Capitol Hill campus and learned about plots where members of the mob had plans to kidnap and kill members of Congress.¹³ Former Capitol Police Chief Sund believes that the Capitol insurrection was part of a larger "planned and coordinated attack."¹⁴

The situation on Capitol Hill, starting with the comments made by the President of the United States, certainly had the characteristics of a coup d'état and the incident was later called

an insurrection. Under the United States federal level emergency management policies, the United States Capitol should have managed the situation utilizing the All-Hazards Approach, under which all emergencies and disasters are managed with the same general framework.¹⁵ Thus, it was rather surprising that more reinforcements through mutual aid agreements did not arrive in a preemptive or responsive fashion to help the Capitol Police take control of the United States Capitol.¹⁶

General Physical Security of the Capitol

Like most government buildings, the physical security of the United States Capitol is an important piece of the security of the building that it represents. The United States Capitol is protected by the United States Capitol Police. There are some entrances that individuals cannot go through, while other entrances require that individuals go through metal detectors and cannot have weapons on their person when they enter the building.¹⁷ The Capitol Hill campus is always protected by the Capitol Police. Considering that the Capitol Police regularly handle high pressure security details, including when the President of the United States visits the building, the physical security of the United States Capitol is certainly at the forefront of the discussion. In the days after the insurrection, Acting-Police Chief Pittman released a statement stating that the Capitol Police would be conducting a physical security assessment at the Capitol,¹⁸—an issue that highlights the importance of maintaining that physical security. Thus, considering the measures the Capitol Police take in protecting the building and the various members of congress and staff, it is surprising that mutual aid agreements were not utilized more in the days leading up to the riots and during the riots.

Mutual Aid Agreements and Resources

Mutual aid agreements essentially refer to the notion that when an agency is overwhelmed by an emergency, there are already agreements in place for them to work with other agencies to help them manage the situation. For Stier and Goodman, “Mutual aid is the sharing of supplies, equipment, personnel and information across political boundaries. States must have agreements in place to ensure mutual aid to facilitate effective responses to public health emergencies and to detect and control potential infectious disease outbreaks.”¹⁹ Mutual aid agreements are utilized by the local level of government and are particularly important in emergency management. Ultimately, it is part of the National Incident Management System—a framework policy that is utilized from the top-down approach in American emergency management.²⁰ Mutual aid agreements are utilized at all levels of government, and are particularly helpful at the local level of government. “Mutual aid agreements are a key part of emergency management.”²¹

More importantly, the concept of a mutual aid agreement is part of multiple emergency management policies—one including the Incident Command System.²² In essence, an individual cannot work in public safety without knowing and understanding the concept of mutual aid agreements because this is a major policy framework that is heavily used in emergency management and local level public safety. The New York Department of Health, for example, illustrates the need and use of mutual aid agreements where Emergency Medical Services is concerned, explaining specifically what is meant by this agreement and how these agreements can be used.²³ More importantly, most public safety professionals understand the absolute necessity for resources during emergencies and most train for this. Thus, the very idea that more resources can be added to managing a situation is usually an ideal situation. Most public safety

professionals are of the keen understanding that this is an absolute need and will request more resources. The limited resources sent to the Capitol ahead of time is rather concerning.²⁴

Implications of Mutual Aid Agreements

Mutual aid agreements are an important function of emergency management because they allow for resource management to occur on a horizontal and vertical level of analysis. It is said that during the insurrection, the Capitol Police Chief requested mutual aid from the National Guard—asking that they be on standby but his request was denied by the Sergeant at Arms at the United States Capitol.²⁵ Instead of looking at the mutual aid requests and the failure to roll these policies out, *The New York Times* recently published an article explaining that the coordination failure was at the heart of the failure at the Capitol.²⁶ Denying mutual aid, considering what we understand about emergency management and resource management, is truly a strange ordeal. Public safety professionals generally understand that with more resources, the more they're able to effectively manage an emergency situation—particularly one that is out of control—as mobs often are. Regarding the argument made by Mazzetti et al., in *The New York Times*, the issue was certainly a coordination issue, but at the heart of this was the failure to appropriately execute mutual aid agreements that would push more resources into the Capitol to help control the situation.²⁷

Denying a mutual aid request has a number of implications. For one, the request would really only be denied if it was clear that the situation was becoming controllable or if there were enough resources to manage the scene. For example, another fire department agency arriving on scene to find that everything was under control and their assistance was not needed. Even in this situation, they might still hang around to see if they were needed in the near future standing by for assistance. Denying a mutual aid request for a physical security breach is strange, and

nothing has been published to suggest the request was denied when the situation was controlled. It should be noted, however that in terms of resources, the denial created difficulties for managing the situation. It also put a tremendous amount of pressure on the Capitol Police and made it so they could not effectively control the situation. One article explains that the National Guard was not called in ahead of time to help manage the influx of people despite intelligence reports highlighting that mutual aid agreements—at least in some respect, were not effectively utilized.²⁸ The question is why.

Mutual Aid Agreements and Negligence

When mutual aid agreements are initially determined, the agreement—between two or more organizations or government agencies—is defined, resources are stipulated, and protocols are determined making it clear how the mutual aid agreement will work.²⁹ Coordination may certainly have been at the heart of the incident at the Capitol, but perhaps, it was not clear how the mutual aid agreement would work for the Capitol considering the resources needed may step on Constitutional toes. It is not the normal run-of-the-mill building, nor does it step within local or state boundaries. Whether there was a breach of duty where mutual aid agreements are concerned, or whether negligence was involved will be a matter elected officials should investigate further in the future. Such an investigation will provide insight into appropriate mutual aid agreements for the Capitol in the future, or tightening emergency management policies at the Capitol so those responding to an incident understand specifically what their scope is.

Limitations

This article is limited in that the research conducted for this paper was published in major news reports and other news articles. Independent research interviewing those involved or those

who were witness to the events was not included in this article. Certainly, this would be a very interesting area of study and would be particularly helpful in understanding more about the January 6, 2021 insurrection and the mutual aid agreements in question at the heart of the incident.

Additionally, this article is limited in that a careful review of the policies surrounding mutual aid agreements at the United States Capitol was not performed. Research into this area would be particularly beneficial to understanding what the various problems may have been in utilizing mutual aid agreements in Washington, D.C. It would also provide a level of understanding for how mutual aid agreements may be tightened where the United States Capitol is concerned.

Research Opportunities

There are several questions that need to be asked when it comes to the Capitol insurrection. In the coming months and years, concepts of physical security will be revisited. What problems exist in the current physical security plans at the United States Capitol? How can the Capitol Police and other responding agencies plan for and train better for potential riots? What other security measures need to be in place? More importantly, when it comes to the various policies associated with mutual aid agreements: does the Capitol (by its very nature of being a federal building with myriad American freedoms it stands for), create policy intersections making mutual aid agreements difficult to comprehend or execute? Does the Capitol also create the opportunity for the revision of mutual aid agreements as they pertain to the Capitol? Are there loopholes in existence at the Capitol? Just like many other policy issues, problems that emerge create the opportunity for revisiting whether policy changes need to happen.

Conclusion

The Capitol insurrection was a threat to the security of American democracy. It was certainly not something that should be taken lightly. Yes, there certainly was a coordination issue, but this was seemingly fueled by a lack of resources because of the inadequate performance of mutual aid agreements. Since the incident on January 6, 2021, the United States Capitol Police have been working to conduct physical security assessments of the Capitol. It is strongly recommended, however, that they also conduct a thorough review of their mutual aid agreements and work to understand if these issues were part of the coordination issues. If so, it is strongly recommended that the Capitol Police revisit and rework these agreements in their physical security assessments to prevent future incidents of this nature from happening again.

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