Evaluating and Responding to Calls for Defunding the Police

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INTRODUCTION

Public entities across the nation are facing demands to "Defund the Police." To respond properly to such proposals it is important to ask: What exactly does it mean to defund law enforcement? Evaluation of just what such proposals entail and their potential impact on American policing and community safety is critical in addressing such demands.

In the wake of George Floyd's death, various groups across the country have called for police reforms to be instituted. Activists are demanding an end to perceived systemic racism in the criminal justice system.[1] Their call to defund the police [2] is among the movement's most extreme proposals.[3]

Concept Behind the Movement

The specifics of the defunding the police proposals vary among supporters. The common principal is that police budgets should be downsized, taking some or large amounts of money away from police and prisons, and reallocating it toward another purpose—like social programs.[4]

The movement claims this is the best approach since prior attempts at police reform have failed, using George Floyd's death as an example.[5] Leaders within cities support plans that "reimagine public safety tactics" in ways unlike traditional police forces.[6] The movement is advancing a shift away from the traditional conception of public safety which relies on policing and punishment—proposing instead the investment in community programs.[7] Rather than what they characterize as overspending in funding police departments, supporters demand that government funding prioritize housing, employment, community health, mental health services, and education.[8]

Certain police functions would be theoretically offloaded to other municipal departments and community groups—fire departments, mental health professionals, and trained community members.[9] Presence of police in nonviolent situations would be minimized, "allowing medical and social service workers to take the lead."[10]

Defunding v. Disbanding

Disputed among advocates of this movement is the issue of whether police should be defunded altogether—essentially disbanding police departments.[11]

Some supporters merely want to reduce the budget allotted to police agencies, rather than eliminate funding completely.[12] These advocates insist on minimizing the scope of police responsibilities to public safety, changing the methods used by law enforcement agencies.[13] Available funds would be redirected to other community organizations, supporting social services.[14] These proposals seek drastic budget cuts and demand a fundamental reduction of law enforcement scale and size.[15]

Others argue that police forces should be eliminated entirely.[16] After the death of George Floyd, the Minneapolis City Council overwhelmingly voted to dismantle its police department and replace it with a new system of public safety built from the ground up.[17] In practice, activists in this school of thought seek to completely restructure police agencies, transforming public safety.[18]

Prior instances of police departments being completely disbanded have been reported; however, they fail to provide the full picture.[19] In 2000, the city of Compton, California disbanded its police agency, shifting its policing to Los Angeles County.[20] Camden, New Jersey followed this model in 2012, replacing its police department with a new force that covered Camden County.[21] These cases have been cited as examples of full-scale disbanding of police departments.[22] In reality, there was no elimination of police presence within the cities.[23] In both instances, the municipal police force was contracted out to the county.[24] Police simply changed their uniforms and added a different name— rather than being disbanded.[25] It is impossible to know the impact wholesale dismantling of police agencies would have on the entire country.

The Costs of Police Funding

Because an estimated 90% of law enforcement budgets are spent directly on personnel costs, staffing cuts proposed by defunding proponents are premised on the assumption that police services are unnecessary or will be transferred elsewhere,[26] but unless services are adequately replicated or eliminated their costs will be paid at overtime rates. As more work is imposed on an overworked and understaffed police department, that increased workload will likely lead to more errors, more overreaction and a need for mental health support for those officers.

Government Officials' Response

In response to public demands, government officials across the country are pledging to make budget cuts to police funding.[27] Mayor de Blasio of New York City promised to shift funding around to provide more support to community services, such as youth programming.[28] Mayor Garcetti of Los Angeles followed suit by announcing his plan to spend $250 million, using $150 million of LAPD's budget, on community health programs and youth jobs.[29] Even with these promises, activists are demanding more, claiming these budget cuts are not drastic enough.[30] In June 2020 Mayor Breed of San Francisco announced reforms to policing, introducing four main policies: (1) demilitarize police; (2) end use of police as a response to non-criminal activity; (3) address police bias and strengthen accountability; and (4) redirect funding for racial equity.[31] These new policies form a part of the city's ongoing police reforms, seeking to change the nature of policing in San Francisco.[32]

Other state officials refuse conceding to budget cuts, warning that defunding the police will result in chaos.[33] Some assert that more funding for training is actually the solution.[34] Others point to recently enacted California legislation addressing the use of force and related provisions that go into effect in January 2021 to argue that these measures should be given a chance before other wholesale reforms are adopted.

These legislative enactments, in conjunction with a multitude of crisis intervention and de-escalation training programs, and a focus on programs dealing with the mentally ill and the homeless that have been instituted at the local and state level by law enforcement simply need time to work and manifest results.

Risk Management

Both the public and their governments need to evaluate the risks that may result from defunding law enforcement or implementing policies that significantly reduce the role of police in public safety. As indicated above, there are no modern day examples of any city defunding their police force and failing to replace it with coverage from the county.[35] Within the movement, protesters argue the police have become too militarized. Yet, the use of armored vehicles in rescue operations during an active shooter event or in officer down scenarios supports the demonstrated need for amored vehicles as a tool for law enforcement. Having the right equipment available in such highly volatile situations saves lives. Not having those resources available results in tragic losses.

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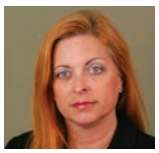

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The Occupational Safety and Health Administration (OSHA) has yet to weigh in; however, both state and federal OSHA will hold employers responsible for knowingly exposing employees to hazards without proper protective equipment. Failing to provide this protective equipment, such as ballistic vests, armored protection, etc. will likely expose municipalities to additional civil exposure by their own employees.

Additionally, some advocates of police reform suggest that law enforcement should no longer respond to non-criminal activity. Many agencies have already taken this step—not answering check-the-welfare calls or declining to send officers to non-criminal incidents. These procedures can avoid confrontations and diminish risk management concerns for the governmental entity. But unless sufficient alternate personnel are made available to address such incidents, the risk is that people of the community may be left to fend for themselves. And it is always possible that nonviolent scenarios can rapidly evolve into life-threatening situations, requiring ongoing coordination between the unarmed non-law enforcement professionals and the police, who remain the last line of protection. Therefore, it may be unrealistic to expect that these policies will result in radical near-term change as to how law enforcement is used.

Racial equity is a major issue in the current political climate, and numerous communities are re-directing funds to rectify socioeconomic issues. Implementing these policies has many benefits; however, directing money away from law enforcement to achieve this goal may end up reducing critical services to the people who need them the most.[36]

It is difficult to predict with certainty the impact less policing would have on crime rates.[37] On one hand, fewer police may arguably equate to less crime.[38] Decreasing police may result in a perceived decrease in crime because less is reported, less is investigated, and less is acknowledged. For example, in 2014 and 2015, New York officers protested Mayor de Blasio by decreasing police work.[39] As a result of officers no longer patrolling low-level offenses, the city experienced a statistical drop in crime.[40]

On the other hand, some conclude that there is a direct correlation between a strong police presence and a reduction in the rate of homicide. In one jurisdiction where homicides increased following the reduction of police presence in the wake of riots,[41] a community activist claimed that the lack of law enforcement created "a community of emboldened criminals."[42] Notably, deaths in African American communities tend to increase when police pull out of cities.[43] Obviously, statistics can be manipulated in many ways, yet taken in context statistics can provide analytical insight in forming the foundation for reforms and weighing the risks associated with change

With the economic divide that exists throughout our country, limiting police resources may result in affluent communities hiring private security guards as people with money simply buy their own protection.[44] Instead of publicly-supported police, cities may employ their own private police force.[45] Neither of these scenarios address the socio-economic issues that underpin calls to defund the police.[46]

Several communities have started removing Student Resource Officers from schools, requesting to reallocate the funds to conflict resolution training for teachers.[47] These officers serve as a liaison and conduit for school counselors, assisting in mediation and providing effective solutions.[48] The purpose of Student Resource Officers is not to be a security guard, but rather provide students an opportunity to have positive learning experiences with the criminal justice system.[49] Removal of these officers will not only leave these schools unprotected and vulnerable to criminal activity, but will also hinder students' ability to create positive relationships with law enforcement.[50]

While these risks are plausible, it is difficult to predict, with any level of certainty, what will happen if law enforcement is defunded. Therefore, it is important that police agencies prepare for a wide array of outcomes if communities choose to reallocate police budgets.

How Should Law Enforcement Respond to the Defund Proposal?

Defunding the police is not the answer to resolving the current societal disputes. Similarly, a complete dismantling of law enforcement is unrealistic and will likely cause irreparable harm to any community where such an experiment is implemented. Basic police services will always be needed in order to address violent crimes and handle various services.[51] So the question is, where does law enforcement go from here? How do police move forward in this political climate?

Improving law enforcement agencies requires the work of officers and the community.[52] Both law enforcement and the community have a role in police reform—it is not one-sided.[53] Promoting community policing—embracing reform and improving police hiring, training and discipline—requires the cooperation of police leaders, community members, and elected representatives.[54] Law enforcement has been and should continue to seek to adopt programs that encourage collaboration with community organizations.

Collaborative programs between law enforcement and community organizations produce a more effective system for public safety. One exam-

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ple of the many efforts of this type occurred in 2011 when the Kern County Sheriff's Office announced a partnership with Kern County Mental Health. This program strives to provide training that equips officers with additional skills to adequately handle calls involving mentally ill individuals in crisis situations.[55] Its goal is to "minimize the use of force, increase the safety of the officer and the individual on the street, and learn about available resources as needed in community policing."[56]

The Dallas Police Department formed a similar partnership with RIGHT Care.[57] Since 2018, when the program was established, the city has experienced a decline in arrests and ambulance calls for individuals suffering from mental illness.[58] This has allowed officers to utilize resources on other calls.[59] Programs such as these across the country are examples of an innovative approach that enables a successful relationship between law enforcement, mentally ill individuals, and mental health agencies.[60]

Police agencies have historically been required to handle matters that fall outside the scope of law enforcement, as a result of the defunding of other social programs like mental health services and social welfare.[61] Relieving police officers from acting as mental health or social service workers will undoubtedly lead to fewer interactions between armed officers and unstable people, but the protective shield the police provide cannot be eliminated.[62] History has shown that embedding social workers and creating mental health response units still necessitates the need for law enforcement to keep the peace. Diverting law enforcement resources fails to solve the problem. Rather, additional resources should be given to these areas.[63]

Notably the International Association of Chiefs of Police (IACP) recently introduced a policy framework for improving community-police engagement.[64] The framework suggests several reforms including: mandating participation in the National Use of Force Database, developing national standards for discipline and termination of officers, enhancing police leadership, improving officer training practices, and enhancing the ability of agencies to implement effective discipline.[65] The IACP encourages implementing meaningful policies that will positively impact policing—enhancing the public's trust and faith in law enforcement.[66] The IACP calls for "a comprehensive, nuanced, determined, and informed policy effort that will involve all aspects of society" in order to effectively address the challenges faced.[67]

Conclusion

Most of the country can agree at a minimum that we need to address concerns about systematic racism in the criminal justice system. How this will be achieved is the bigger question. Defunding the police has become the cry for some and, while the prospect of that actually happening may seem a far stretch for most, ignoring this movement is naive. Defunding the police raises numerous concerns and issues, with an uncertain outcome. Moving forward, law enforcement should continue to push for the implementation of community-based policing policies while encouraging positive reform and communicating these efforts to their constituents—without dismantling the police.

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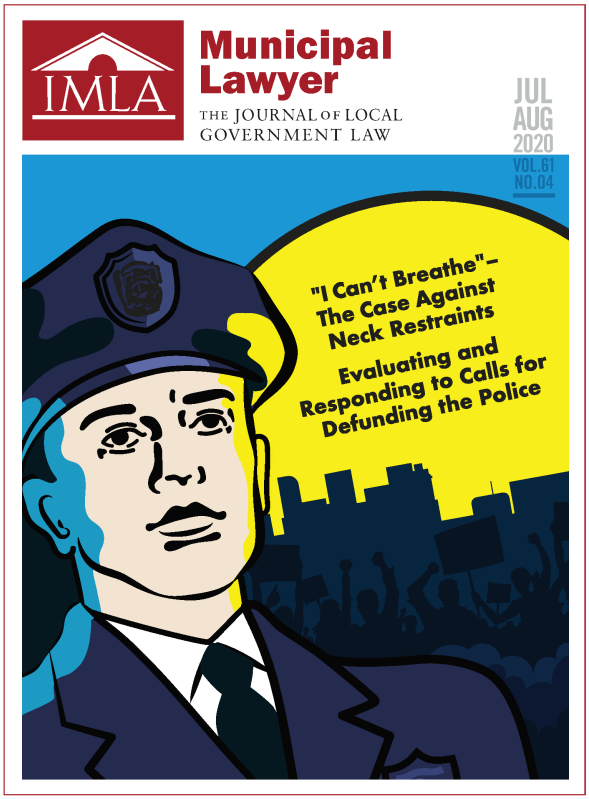

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