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Defunding the Police: A "Snappy Slogan" or a Way Forward for People of Color?

Adonis Totten

The summer of 2020 kicked off with protests across the country, demanding justice for George Floyd, Breonna Taylor, and other Black people killed by the police.¹ As part of a national reckoning regarding police killings of Black people and persistent racial inequities throughout every facet of the criminal legal system, the call for defunding police departments gained momentum. This is not a new position; activists and critics of the criminal-justice system have taken such a stand for decades.² Supporters assert that incremental police reform has failed and that³ better solutions that more effectively address underlying causes of crime must also be addressed.⁴ Critics, including even President Obama, deem such a position radical or illusionary, based on society's reliance on law enforcement. The defund concept, however, warrants the national attention and consideration it is now being given. Across the nation, police departments are operating as paramilitary forces.⁵ The United States \$115 billion in surplus military equipment has been transferred at no cost to local police departments.⁶ Race has influenced how Black, Latinx, and Indigenous people are treated by law enforcement. Racism has been a systematic feature of American society and its institutions since the nation was founded.⁷ For many communities, and particularly for Black communities, defunding law enforcement is long overdue and could be transformative. For many advocates, defunding law enforcement does not mean getting rid of police altogether.⁸ Instead, the primarily push is for federal, state, and local officials to reduce

¹ Amanda Arnold, *What Exactly Does It Means to Defund the Police?*, THE CUT, June 12, 2020 <https://www.thecut.com/2020/06/what-does-defund-the-police-mean-the-phrase-explained.html>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Ruth Marcus, *The problem of policing isn't bad apples. It's a disease tree.*, The Washington Post, June 5, 2020 https://www.washingtonpost.com/opinions/the-problem-of-policing-isnt-bad-apples-its-a-diseased-tree/2020/06/05/7f110b4c-a757-11ea-b473-04905b1af82b_story.html

⁸ Amanda Arnold, *What Exactly Does It Means to Defund the Police?*, THE CUT, June 12, 2020 <https://www.thecut.com/2020/06/what-does-defund-the-police-mean-the-phrase-explained.html>

police budgets and reallocate those funds to crucial social programs, including education, public health, housing, job creation and youth services.⁹ Communities directly impacted by violence assert that such investments could be a strong deterrent to crime.¹⁰ Additionally, the overreliance on law enforcement for social concerns and disputes, should be redirected to trained social workers or specialized response teams.¹¹ Individuals who respond to crises in communities should be the people who are best equipped to deal with the crisis at hand.¹² A main goal should be for the rotten trees of policing to be chopped down while fresh roots for a healthy society are planted.¹³ Therefore, defunding police emphasizes fiscal responsibility, advocates for a efficiency-driven approach to taxpayer money, and has the ability to significantly reduce police violence and crime,¹⁴ while uplifting Black and Brown communities.

INCEPTION OF POLICE DEPARTMENTS

The viral video of a Minneapolis police officer kneeling on the neck of George Floyd was a tipping point for many Americans.¹⁵ Despite a seeming shift, the history of white officers exerting dominance over Black Americans with violence is not new.¹⁶ The unfortunate stains of racism are a fundamental part of the history and traditions of American policing.¹⁷ Race has always been central to the role that law enforcement officers play in our society.¹⁸ While there has been some progress in making policing a just system for minorities, racial injustice still pervades American systems of policing and criminal justice.¹⁹ The constant videos we see and reports we hear, particularly regarding

⁹ Arnold, *supra* note 8.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Rashawn Ray, *What does 'defund the police' mean and does it have merit?*, June 19, 2020 <https://www.brookings.edu/blog/fixgov/2020/06/19/what-does-defund-the-police-mean-and-does-it-have-merit/>

¹⁴ *Id.*

¹⁵ Ailsa Chang, *The History Of Police In Creating Social Order In The U.S.*, June 5, 2020 <https://www.npr.org/2020/06/05/871083599/the-history-of-police-in-creating-social-order-in-the-u-s>

¹⁶ *Id.*

¹⁷ Robert A. Brown, *Policing In American History*, Volume 16 Cambridge University, 189-195 (2020) <https://www.cambridge.org/core/journals/du-bois-review-social-science-research-on-race/article/policing-in-american-history/250B5E41A8B73B08D63577CDDC4CE792>

¹⁸ *Id.*

¹⁹ *Id.*

the use of force toward Black Americans, is not isolated or disconnected from the history and evolution of American law enforcement.²⁰

The history of policing in America usually begins in the eighteenth and nineteenth centuries, primarily in the northern regions of our nation.²¹ Those northern American police systems were influenced by a model of policing that had been established in England.²²

American policing developed differently in the Southern regions of the nation.²³ Northern policing traditionally focused on the challenges associated with rapid immigration and migration.²⁴ The South required a form a policing that empowered both elites and poor whites with the ability to maintain with the institution of slavery.²⁵ The threat to the institution of slavery and maintaining white supremacy were major motivators for policing in Southern states.²⁶ The protection of whites' economic interests gave rise to the formal policing of Blacks, through the establishment of slave patrols.²⁷ This type of American policing set the tone for how Black Americans and their descendants would experience law enforcement in years to come. Enslaved and freed Blacks lived in fear of slave patrols. Similarly, many Black Americans live in fear regarding our current police systems.²⁸ Slave patrols operated with impunity in subjecting Blacks to stops, searches, physical beatings, detention, and even lynching.²⁹ Tactics used by slave patrols are akin to many heinous acts we see exerted on Black Americans by individuals who are sworn to protect and serve them today. Black Americans are now killed by police guns, chokeholds, or officers kneeling on their neck.

POLICE SPENDING

The amount of funding that police departments receive is staggering. Nationally each year, over \$100 billion dollars are spent on law enforcement.³⁰

²⁰ Brown, *supra* note 17.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ Paige Fernandez, Defunding the Police Will Actually Make Us Safer, June 11, 2020 <https://www.aclu.org/news/criminal-law-reform/defunding-the-police-will-actually-make-us-safer/>

This includes money from federal, state, and local governments. Consequently, the demand for defunding the police comes with for state and local officials to re-allocate funds toward community-run violence-prevention and other social programs.³¹ In Chicago, the police budget for 2019 was \$1.7 billion; and yet \$100 million dollars was added to that amount for the 2020 budget, bringing the total to \$1.8 billion.³² In contrast, Chicago allocated only \$78 million to homeless services, domestic violence, and mental health services, even though calls involving those social issues make up a significant percentage of police encounters.³³ A similarly sized city, Los Angeles, gave police \$3.14 billion out of the city's \$10.5 billion budget in 2019.³⁴ That same year, Los Angeles spent \$30 million on community services such as economic development and \$81 million on housing.³⁵ Furthermore, in 2019, New York City spent \$6 billion on policing, which is more than the city's Homeless Service, Housing Preservation and Development, and Youth and Community Development budgets combined.³⁶ As a result of this overinvestment in criminalization, reducing police budgets while expanding social services can reduce many of the problems that are deeply rooted within law enforcement's role in American society.³⁷

Despite the problems that have persisted throughout the entire history of policing, there seems to be an inherent assumption that increased funding for law enforcement will automatically decrease and solve crime. Current data shows, however, that 9 out of 10 police calls are for nonviolent encounters.³⁸ Additionally, police officers are not as successful at solving violent crime as people may think.³⁹ According to the FBI, approximately 38% of murders, 66% of rapes, 70% of robberies, and 47% of aggravated assaults go uncleared every year.⁴⁰ Moreover, police charge and conviction rates are also low.⁴¹ One

³¹ Fernandez, *supra* note 30.

³² https://www.chicago.gov/content/dam/city/depts/obm/supp_info/2020Budget/2020BudgetOverview.pdf

³³ *Id.*

³⁴ Fernandez, *supra* note 30.

³⁵ *Id.*

³⁶ Fernandez, *supra* note 30.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/clearance-browse-by/national-data>

⁴¹ Rashawn Ray, *What does 'defund the police' mean and does it have merit?*, June 19, 2020 <https://www.brookings.edu/blog/fixgov/2020/06/19/what-does-defund-the-police-mean-and-does-it-have-merit/>

prime example is the notoriously racist New York stop-and-frisk program used by the New York Police Department (NYPD). Former New York Mayor Rudy Guiliani faced considerable criticism regarding the NYPD stop-and-frisk policy, but he nevertheless vehemently defended it. Similarly, former New York mayor and 2020 Presidential candidate, Michael Bloomberg, received enormous backlash when an audio recording surfaced of him defending the clearly discriminatory program. Data revealed that 90% of people stopped by the police were not committing any crime and did not have any contraband or weapons on them. Overwhelmingly, the people stopped in New York City were Black and Latinx people.⁴² Fortunately, in the face of such statistics, the New York State Supreme Court ruled stop-and-frisk unconstitutional.⁴³

Moreover, out of the 10.3 million arrests made per year in the United States, only 5% are for the most serious offenses (e.g., murder, rape, and aggravated assault).⁴⁴ The other 95% of arrests were for traffic violations, marijuana possession, and unlawful assembly.⁴⁵ Much of this extreme burden on taxpayers' dollars is directed to minor incidents that do not threaten lives.⁴⁶ Therefore, further investment in law enforcement does not address the structural problems that many minorities face regarding their treatment by police. Moreover, there is some evidence that less policing can lead to less crime.⁴⁷ A 2017 report that focused on several weeks in 2014 through 2105 when New York City police Department pulled back on proactive police, found that there were 2,100 fewer crime complaints during that time.⁴⁸

INVESTING IN THE COMMUNITY

The main question raised by those who oppose defunding police departments is whether defunding will lead to an uptick in violent crimes.⁴⁹ This question is difficult to definitively answer because defunding law enforcement has never been done on a large scale. However, the New York City police Department has shown that the defund approach is quite possible.

⁴² Ray, *supra* note 41.

⁴³ *Id.*

⁴⁴ Fernandez, *supra* note 30.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Amanda Arnold, *What Exactly Does It Means to Defund the Police?*, THE CUT, June 12, 2020 <https://www.thecut.com/2020/06/what-does-defund-the-police-mean-the-phrase-explained.html>

For many advocates, defunding the police does not mean eliminating police altogether.⁵⁰ Instead, the initiative is about moving away from the conception of public safety that relies heavy on policing and punishment, and investing in things like stable housing, mental health services, and community organizations.⁵¹ Many advocates want to tackle crime at its root.⁵² Where budgets are tight, we should increase resources for job training and counselors, moving money to these needs and away from police.⁵³ For many communities, crime is not a random act;⁵⁴ it's due to a lack of education, jobs, and other opportunities.⁵⁵ Therefore, reinvesting in these communities can help create a better society.

Additionally, in the current system, police officers are overworked; they are relied on for a wide range of issues.⁵⁶ Research had shown that officers respond to everything from potholes in the street to cats stuck in a tree.⁵⁷ If police officers' workloads were reduced and better defined, this could increase the likelihood of solving violent crimes.⁵⁸ Other local and state actors should be responsible for tasks outside of responding to violent crime and receive adequate funding, instead of relying solely on police.⁵⁹

Some cities have already started to reallocate funding for law enforcement to well need resources for communities. The Minneapolis city council declared that they intend to disband the city's police force entirely.⁶⁰ Los Angeles recently agreed to slash between \$100 million and \$150 million from proposed policing funding, and New York City announced plans to move some policing funding to youth and social services.⁶¹ Additionally, in 2020, Chicago Mayor

⁵⁰ Bruce Golding, *What does 'defund the police' really mean, and how would it work?*, June 9, 2020 <https://nypost.com/2020/06/09/defund-the-police-what-it-really-means-and-how-it-would-work/>

⁵¹ Golding, *supra* note 50.

⁵² Grace Dickinson, *What does 'defund the police mean, and what would it look like in Philly?*, October 27, 2020, The Philadelphia Inquirer <https://www.inquirer.com/news/defund-the-police-black-lives-matter-what-does-it-mean-20200610.html>

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Rashawn Ray, *What does 'defund the police' mean and does it have merit?*, June 19, 2020 <https://www.brookings.edu/blog/fixgov/2020/06/19/what-does-defund-the-police-mean-and-does-it-have-merit/>

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Fernandez, *supra* note 30.

⁶¹ *Id.*

Lori Lightfoot gave \$7.5 million to local groups working to reduce violence, and Portland announced that police officers will no longer serve in high schools.⁶² At the beginning of 2020, many felt that defunding the police sounded impracticable. The omnipresent video camera that has captured so many police killings, however, has made such an idea increasingly more palatable. While pushing for a shift in governmental funding priorities away from law enforcement,⁶³ advocates must also call for the end of law enforcement involvement in minor offenses that drive street-level harassment, an end to police presence in schools, the development of mobile crisis services to support individuals who have a behavioral or mental health issue, and a ban on pretextual stops, among many other reform measures.⁶⁴

⁶² Fernandez, *supra* note 30.

⁶³ *Id.*

⁶⁴ *Id.*