Research

Opportunities for Police Reform

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Executive Summary

- Those calling to "defund the police" are seeking to transfer funding from police departments to other social services, and while directly cutting police budgets could have negative consequences, there are opportunities to transfer some targeted responsibilities of police to others who are better suited.
- Over the last few decades, several cities have implemented alternative methods for responding to certain emergency situations—such as drug addiction and mental crises—as well as low-grade offenses, and these reforms have both decreased the likelihood of interacting with police and improved the wellbeing of the individuals at risk.
- Drastic reforms carry the greatest risk, but while targeted reforms are promising, policymakers should proceed with caution and with the understanding that it is best to transfer some targeted responsibilities of police without simply cutting police budgets or personnel.

Introduction

Recent protests have highlighted long-standing issues of a criminal justice system that uses excessive force and disproportionately punishes minorities, particularly Black individuals. For example, an average of 1,092 people each year since 2013 and 781 people thus far in 2020 have died at the hands of the police; while it is difficult to know how many of these deaths were necessary or justified, the total reflects a rate 3.4 times higher than the country with the second highest rate.[1] Further, more than 13 percent of those individuals killed by police were unarmed at the time.[2]

A deeper dive into these statistics reveals a systemic racial bias: Less than 20 percent of

people who had contact with police in 2015 were Black, yet Blacks represented 31 percent of those who experienced the use of force during a police encounter, making them 2.5 times more likely than Whites to experience use of force.[3] One-fourth of those killed were Black, making a Black person three times more likely to be killed by police than a White person, and Black people killed were more likely to be unarmed than White victims.[4] Black individuals are also more likely to be arrested, convicted, and to receive a harsher sentence.[5] These are symptoms of the broader systemic devaluation of the lives of Black individuals, and the current attention to these problems provides an opportunity for broad reform.

The slogan of the current campaign for police reform is to "defund the police," but the reforms sought by activists are often more nuanced and complex than that. The requests of current advocates center around greater funding for youth and community development, education, and health care. The Black Lives Matter organization is calling for nationwide defunding of police as part of a broader goal to end systemic racism and police corruption, and seeks investment in Black communities.[6] The American Friends Service Committee advocates for defunding the police and instead investing in health care, education, housing, and employment programs.[7] The changes being sought are viewed as ways both to decrease police presence and to improve the lives and wellbeing of marginalized communities in the hopes that better opportunities will provide better economic outcomes and lead to decreased likelihoods of police interaction.

Similarly, decriminalizing or enabling non-police professionals to respond to certain situations would also decrease the likelihood of police interaction and result in fewer individuals arrested or incarcerated.

Cities across the country have responded to recent protests by heeding these calls, to a degree: decreasing funding for police, shifting funds to other activities, and adopting reforms for their police departments.[8] The New York Police Department (NYPD) has had the largest cut to its budget—nearly $1 billion.[9],[10] The Los Angeles City Council approved $150 million in cuts, eliminating most of the $200 million increase from the year prior.[11],[12] Chicago began implementing reforms to their police department in 2019, following the entering of a consent decree that mandated certain changes.[13],[14],[15] The Minneapolis city council unanimously voted to eliminate the city's police department and replace it with a "department for community safety and violence prevention," although a state-chartered commission voted to temporarily block this decision.[16] The City Council of Austin, TX, has unanimously agreed to cut its police budget by one-third, reallocating $150 million to other services.[17]

These changes are dramatic and have the potential to yield positive change if done

thoughtfully, but previous research from the American Action Forum (AAF) indicates that defunding the police could result in negative consequences in many localities. Research also indicates that more police on the street does reduce crime.[18] There are, however, more marginal reforms that cities and states could implement in the near-term to how they respond to emergencies and address low-level crimes that could have an outsized impact on the number of police killings. Before policymakers make sweeping reforms, it is worth noting the areas of greatest opportunity as well as how cities have sought to address these areas in the past. These surveys indicate that a prudent approach to reforming a narrower set of issues could substantially reduce the number of deaths at the hands of police while allowing more time to thoughtfully consider broader changes.

Opportunities to Divest and Reinvest

Calls to defund the police and divert resources elsewhere are primarily about reimagining social support systems. Prior AAF research highlights the many ways that poverty, substance abuse, mental health issues, and homelessness are all highly correlated—and increase the likelihood of being arrested.[19] These appear to be the primary areas of opportunity for replacing (or at least supplementing) a police response with an alternative response rooted in providing safety rather than making an arrest. Further, such a change in policy could simultaneously reduce the likelihood of future arrests.

Roughly 269,000 people are currently incarcerated in federal and state prisons for a drug-related offense, nearly half of whom are considered drug abusers or drug dependent.[20] Drug addiction is considered a brain disorder by public health experts, and extensive drug use is associated with numerous serious health problems.[21] If substance abuse were more regularly seen as a public health issue to be treated rather than a crime to be punished, users could be taken to treatment centers rather than jail. Numerous studies have shown that substance abuse treatment can reduce or eliminate drug use, increase an individual's likelihood of being employed and having stable housing, and reduce the likelihood of recidivism.[22] Aside from the health and economic benefits to be gained by the individual, numerous studies have found the cost of imprisoning someone is greater than the cost of sending that individual to a rehabilitation center, particularly when further considering the likelihood of each to reduce future use of harmful substances and other crimes.[23] Based on the findings of a study from RTI International, if half of those individuals in state or federal prison for a drug offense were sent to a treatment program rather than prison, state and federal governments could save $7.6 billion.[24] Further, because of the reductions in drug use that could be expected, fewer people would be expected to have subsequent police interactions—which reduces the opportunities for police violence.

Similarly, individuals with mental illness typically do not receive the health care they

need.[25] An estimated 10 percent of all police encounters involve an individual with severe mental illness; these individuals account for roughly 20 percent of all incarcerated individuals, meaning there are 10 times as many people with serious mental illness incarcerated as are receiving treatment in psychiatric hospitals.[26],[27] Further, 25 percent of those killed by police are mentally ill.[28] Having police respond to individuals experiencing a mental health episode but not presenting a clear threat is inappropriate and an inefficient use of resources. For no other health care need are police deemed the most appropriate responder, except in situations where the closest first responder is a police officer with medical training—and even then a medical unit is typically also sent. In 2017, 10 percent of law enforcement budgets and 21 percent of law enforcement staff time was spent responding to and transporting individuals with mental illness; in 32 percent of cases, individuals were taken to a general emergency department, 22 percent to a crisis center or psychiatric emergency center, 12 percent to an inpatient psychiatric facility, 15 percent to jail, and 19 percent were not transported anywhere.[29] For the two-thirds of individuals transported to a health care facility, someone besides a police officer would be better suited to provide that transportation, from both a skill and cost perspective, as demonstrated below.

In many cities, being homeless is often indirectly considered a crime.[30] A homeless individual is 11 times more likely to be incarcerated and being incarcerated increases the likelihood of homelessness 10-fold.[31] Homelessness also dramatically increases an individual's likelihood of developing various health conditions (or the worsening of existing conditions) and of experiencing trauma.[32] Of course, homeless individuals are highly unlikely to be employed, as well. In addition to the many benefits to be gained by the individual, numerous studies have shown it is more cost-effective to house homeless people and provide a social worker or case manager to assist with underlying issues than to jail them.[33]

Finally, the tens of thousands of individuals arrested each year for failure to pay fees, fines, or other debts owed would be better served by opportunities to increase their income. Many of these individuals come from areas of low socioeconomic backgrounds, and the punishments they face often make it harder to find employment and pay their debts rather than easier. The result is recurring interaction with the criminal justice system.

These areas—drug abuse, mental illness, and the related challenges of homelessness and poverty—are the obvious areas where reform could lead to fewer interactions with the police and more opportunities for individuals to build stable lives.

Examples of Existing Alternative Response Efforts

Over the past several decades, cities across the country have created various alternative response teams, such as Crisis Intervention Teams (CIT), started in Memphis in 1988, and the Crisis Assistance Helping Out On The Streets (CAHOOTS) program, founded in Eugene, OR in 1989. The CIT program, by creating a community partnership between law enforcement and mental health professionals and advocates, aims to help individuals with mental disorders and/or addictions access health care rather than being placed in the criminal justice system for illness-related behaviors.[34] Each CAHOOTS response unit consists of a medic and crisis worker with years of experience in the mental health field.[35]

The results of these programs have been positive. A study found that the implementation of CIT in the Memphis Police Department reduced by 80 percent in three years the number of incidents in which an officer was injured while responding to a "mental disturbance call" ; in the first year following CIT implementation in San Jose, CA, police injuries decreased 32 percent.[36] CIT-trained officers have been found to be more likely to refer or transport individuals to a treatment center than to make an arrest.[37] By referring people to treatment, communities have found CIT can result in net savings from fewer hospitalizations and avoided bookings and jail time.[38] In 2017, the city of Eugene, OR, diverted 17 percent of 911 calls to its CAHOOTS team, saving the city an estimated $8.5 million simply by having non-police units respond to such calls and $14 million in reduced ambulance and emergency room costs; these savings represent roughly 25 percent of the service area's police budget.[39]

In 2011, Seattle implemented the Law Enforcement-Assisted Diversion (LEAD) program, which provides officers the discretion to refer individuals otherwise being arrested for low-level drug or prostitution offenses or other "crimes of poverty" to a community-treatment program.[40] Referred individuals are provided a case worker who assists with housing, employment, and enrollment in a substance use disorder treatment program. Evaluations of the program show positive outcomes: Compared with non-participants, LEAD participants were 87 percent less likely to be incarcerated after LEAD participation and spent 39 fewer days in jail, which resulted in a significant reduction in individuals' criminal justice and legal fees.[41] LEAD has since spread to 39 other cities, with many more actively preparing to launch, developing, or exploring adoption.[42]

Studies have shown repeatedly that individuals who are referred to treatment services are less likely than those who are not to have repeat interactions with the criminal justice system as well as fewer health care needs.[43] As other cities have noted the positive results, these and similar programs—such as Project Respond, Portland Street Response, Denver's Support Team Assisted Response (STAR) and the Stop, Triage, Engage, Educate, and Rehabilitate (STEER) program in Montgomery County, MD—have spread across the

country.

Drug courts provide another alternative for offering drug offenders an opportunity to turn their lives around rather than simply be punished. In recognition of the benefit to be gained from treatment over incarceration, nearly half of all counties in the United States now use drug courts for non-violent first-time offenders.[44] Drug court participants receive intensive treatment for at least a year, with numerous court appearances and random drug tests throughout the year to track the individual's progress and hold them accountable. Completion of the program typically results in lesser penalties or even dismissal of the charges altogether. Program evaluations have shown drug courts reduce crime by between 8 and 35 percent, result in savings of more than $2 for each $1 in costs, and reduce the likelihood of relapse compared with non-participants.[45] Yet despite growing use, there are more individuals incarcerated who would likely benefit from treatment as there are receiving treatment through a drug court program each year.[46]

Each of these programs provide alternative solutions focused on providing assistance rather than punishment. By helping individuals receive the mental health care or drug treatment or housing they need, these programs help individuals overcome problems that tend to be significant obstacles to finding employment and building a stable life. Lifting people out of poverty decreases the likelihood of repeated criminal activity. These programs offer examples to other cities interested in making changes to how they respond to various situations that are today typically handled by police and the standard criminal justice system.

Risks and Considerations for Policymakers

In addition to the likely benefits of transferring some responsibilities away from police, there are some potential risks and effects that need to be considered by policymakers before implementing drastic reforms.

Most important, defunding police departments without transferring resources and responsibilities to another agency would likely be dangerous and unhelpful. Further, successful transitions take time; expecting people and agencies to be able to immediately adapt and increase their workload without hiccups would be foolish. Policymakers must develop a transition plan with reasonable expectations and clear guidance as to who will be taking over what functions.

Cities must also be careful not to put social workers—who typically have not been adequately trained to defend themselves or deal with violent individuals—in harm's way.[47] Surely it is difficult to know whether a particular situation will escalate to violence and the

risk that a social worker may be under if responding to a situation without any means of defending himself or herself. But the data from Eugene, OR, indicate the chances are slim: Just one percent of calls diverted to CAHOOTS resulted in the police being called for back-up.[48] According to the Department of Health and Human Services, people with serious mental illness commit only 3-5 percent of violent acts, but such individuals are 10 times more likely to be the victim of a violent crime than the general population.[49]

Along with funding reforms, many advocates are calling for other police practice and employment reforms, including the elimination of qualified immunity for police officers.[50] While many support this change, there must be consideration given to the trade-offs for eliminating job security if it is adopted. Pay may need to be increased to compensate for that lost benefit; otherwise, it may be more difficult to recruit new officers. Raising salaries, however, runs counter to the calls to decrease police funding.

Conclusion

Recent calls to defund the police, while controversial, have brought to light opportunities for more targeted reform. Some cities implemented police alternatives for responding to certain emergency situations and low-grade offenses with considerable success decades ago, and others are now following suit. While there are benefits to be gained from reform, community leaders must also consider the potential risks of transferring responsibilities to others and plan accordingly.

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