

HOW TO RETHINK THE POLICING FUNCTION

THE POLICING PROJECT AT NYU LAW

Since the police killing of George Floyd in May 2020, the concept of “defunding” the police—redirecting funds away from police departments and towards other government agencies—has gained significant traction in various jurisdictions across the country.

Police have become society’s de facto responders for a host of social problems—from homelessness and substance misuse to mental health crises, among others—for which they are both unprepared and ill-qualified to respond to. On this point, many police and activists agree. The frequent mismatch of problem and solution fails to address the underlying issues and contributes to many negative, avoidable outcomes like overcriminalization, racial inequity, and police violence.

The current movement provides a much-needed opportunity to reimagine what the police response could and should be, as well as the appropriate role of other government agencies in meeting communities’ public safety needs.

Pursuing this sort of transformation is necessary but complicated—there is no one-size-fits-all

solution across jurisdictions. States and municipalities differ in terms of underlying social issues and needs, baseline resources as well as social service quality and infrastructure, budget outlooks in the midst of COVID-19, state laws and funding formulas, the terms of police union contracts, the presence or absence of a consent decree, and now, varying responses to the calls for police reform.

Despite the complexity of rethinking the police function, there is a sense of urgency and a desire to move quickly. What follows are guiding principles and initial concrete steps for your jurisdiction to begin the process of reimagining what the police response should be and how to achieve public safety through decreased enforcement methods and increased social interventions.

Regardless of what you are focusing on or where you are in the process, **you should have meaningful community participation**, especially from communities most affected by policing.

Part 1: Fact-finding

First, establish a formal process to help you understand the needs of your jurisdiction and how you're meeting them, and identify all the relevant stakeholders who should be represented in any effort at transformation:

1. Establish a formal process to guide the work.

What follows will take resources, expertise, and input from many stakeholders. Establishing a body to oversee this process will be a necessary, and helpful, first step. This formal body could be a special committee of city council, a blue-ribbon commission or task force, certain delegated community groups, or a hybrid model.

2. Understand the needs of your jurisdiction.

What social problems are prevalent? Remember, while current government spending is helpful insight, it's only part of the story. There is no better way to understand your community's needs and priorities than to ask community members.

3. Understand the police role and impact. What do police spend their time doing? What role do police play in addressing (or attempting to address) community public safety needs? What are the downstream impacts of using enforcement to address social issues? Consider conducting a data-driven analysis to inform reform discussions. Partnering with a local academic organization can be helpful.

4. Understand demand for services. What does 911 call volume look like? How many of those calls require a police response, or a different response? What type and volume of resources would your jurisdiction adequately need to meet this demand? What are the most in-demand services aside from policing? Again, academic partnerships can be helpful here.

5. Understand the comprehensive response in your jurisdiction. Which other government agencies (if any) are involved in responding to public safety

needs, and what is their role? What other resources are leveraged, including private organizations? Partnering with community leaders can help you understand how their stakeholders' needs are met (or not) across government agencies and organizations.

Part 2: Reimagining

Next, work with community members, police, other government agencies, and local service providers to review the police role, understand available resources (including untapped funding or organizations), and reimagine the public safety response to meet your community's needs more fully and appropriately.

1. Imagine the ideal state and what it takes to achieve it. Engage with community members and leaders, police and other government agency officials, and municipal leadership to review information from Part 1, focusing on the police role and downstream impacts. Identify responses that would be a better way of addressing community needs, including through social services and other non-enforcement interventions, with the goal of addressing underlying social problems and minimizing negative impacts.

2. Identify resources and funding gaps. How are police departments and other relevant government organizations currently funded? This should include an examination of local budgets, state and federal allocations, police foundations, other sources of funds for your police agency, as well as for other relevant government organizations that will play a larger role in the reimagined response. How must they be funded to achieve the reimagined response? Are there additional external funding sources (e.g., grants, public/private partnerships) that may be leveraged?

3. Use the formal body to inform proposals.

Using this information and ongoing dialogue with stakeholders, have the formal body propose solutions in light of your jurisdiction's needs and current and prospective resources. Ensure that community members and leaders are represented and meaningfully integrated in the reimagining process.

Part 3: Refining and Prioritizing

If your jurisdiction decides to proceed, this work will take time. The goal is to have an impact and be effective; everyone involved will need to understand thoroughly the facts, what options are available, obstacles to change, and how these efforts can have the most impact.

1. Identify potential legal issues and other factors.

What are the legal constraints on the change you want to achieve? It could be union contracts, or the municipal charter, or a consent decree your jurisdiction is under. Are there additional obligations that contribute to funding levels for policing agencies or municipal expenditures on policing, such as a consent decree, investigations, pensions, liability for misconduct, providing security for large events, or providing public safety on public transit?

2. Review agency funding sources. In addition to local appropriations, does your police agency receive philanthropic dollars to support its activities? Does your agency run programs and activities through federal or other grants? Does your jurisdiction use fines and fees from police activities to fund the police or other municipal responsibilities? This may present a conflict of interest in your reform efforts; be sure to examine it.

3. Prioritize reforms and create a plan. You likely will identify many opportunities for change. How can you have the most impact? What do you have the greatest ability to change and what is feasible?

What will require coalition building or changes at other levels of government? Based on the exercises above and insights from the formal body established in **Part 2**, identify the highest impact policy areas for short, medium, and long-term reform based on the projected magnitude of impact.

4. Develop metrics for success. Work with community members, advocates, police officials, and other relevant stakeholders to identify quantitative and qualitative outcomes and goals for how things could look different and align these with your proposed policy changes.

About the Policing Project

The Policing Project at New York University's School of Law is an independent nonprofit research and public policy organization focused on ensuring just and effective policing through democratic accountability.

The Policing Project works across a host of issues—from use of force and racial profiling, to facial recognition, to reimagining public safety—in close collaboration with stakeholders who typically find themselves at odds. We bring a new approach to these fraught areas—one grounded in democratic values and designed to promote transparency, racial justice, and equitable treatment for all.

Visit PolicingProject.org for more.