



DEFUND THE POLICE

Refunding Communities and
Creating an Anti-Carceral Society



Leitner Center
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EXECUTIVE SUMMARY

In the wake of the 2020 killings of George Floyd, Breonna Taylor, Tony McDade, and others, the United States experienced the largest mass protests for racial justice in its history.¹ “Defund the police” was a rallying cry at many of these protests.² The call to defund the police is a demand to reduce police budgets by divesting from policing, which has deeply harmed Black communities, and instead invest in economic and social interventions that increase community safety.³ A recent survey of more than 36,000 people across the United States revealed that 40% of those surveyed support cutting police budgets to invest more in social services.⁴

Community activists have long developed and implemented alternatives to policing by championing anti-carceral measures. This report seeks to map out a practical, anti-carceral vision of society by highlighting innovative anti-carceral campaigns, organizing, and services currently being implemented in communities throughout the country. In order to explore what “defund the police” means in practice, the report will feature the work of organizations providing alternatives to policing in the form of reduction of police budgets and investments in social and economic community resources, violence interrupter programs, police-free schools, mental health crisis intervention teams, harm reduction and drug decriminalization, state-sponsored reparations for police abuse, anti-carceral methods of confronting gender-based violence, the decriminalization of sex work, and community bail funds.

Part I addresses the common misconception that most police work focuses on solving violent crime. Part I also highlights the failure of police “reforms,” including the inability of body cameras, implicit bias training, de-escalation training and use of force policies, community policing, and diversification of police forces to cure police violence. Many of these reforms have been implemented in cities throughout the country, including Atlanta, Chicago, Los Angeles, Milwaukee, Minneapolis, New Orleans, New York City, Oklahoma City, Philadelphia, and Washington, D.C., to no sustained and systemic effect.⁵

The subsequent sections present a concrete vision of practical efforts to increase community safety and well-being through anti-carceral measures that do not rely on policing. Part II presents a survey of local invest-divest organizing efforts in cities across the United States, which call for reducing police budgets and reinvesting those funds in health, education,

¹ Larry Buchanan et al., *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

² Jacqueline Alamy, *Power Up: Protestors ‘Defund the Police’ Rallying Cry is Achieving Some Progress*, WASH. POST, <https://www.washingtonpost.com/news/powerpost/paloma/powerup/2020/06/05/powerup-protesters-defund-the-police-rallying-cry-is-achieving-some-progress/5ed98153602ff12947e84cbd/> (last visited Dec. 10, 2020).

³ Ursula Perano, *Black Lives Matter Co-Founder Explains “Defund the Police” Slogan*, AXIOS (June 7, 2020), <https://www.axios.com/defund-police-black-lives-matter-7007efac-0b24-44e2-a45c-c7f180c17b2e.html>. Police budgets are currently funded through a combination of legislative budgets, service contracts, civil asset forfeiture, corporate support, and fines and fees collected from constituents. *Where Do Police Get Funding?*, WORTH RISES, <https://static1.squarespace.com/static/58e127cb1b10e31ed45b20f4/t/5edf3f3977faa21f0a058323/1591689017283/D+Full.pdf> (last visited Nov. 30, 2020).

⁴ Jacqueline Alamy, *Power Up: Americans Oppose Defunding Police and Removing Statues of Confederate Generals, Poll Shows*, WASH. POST (July 21, 2020), <https://www.washingtonpost.com/politics/2020/07/21/power-up-americans-oppose-defunding-police-removing-statues-confederate-generals-poll-shows/>.

⁵ See OPPORTUNITY AGENDA, BEYOND POLICING 6-8 (2020), <https://www.opportunityagenda.org/sites/default/files/2020-09/2020.09.03%20DefundThePolice%20FINAL.pdf>.

housing, and other social and economic programs that make communities safe. Part III discusses community-based “violence interrupter programs” that use outreach workers and peer-to-peer mentoring to intervene in and prevent violent conflicts. Part IV highlights the police-free schools movement, which aims to disrupt the school-to-prison pipeline by removing police officers from schools and instead investing money into school-based restorative justice models as well as increased guidance counselors and other social services for students.

Part V explores the success of crisis intervention teams that use mental health counselors and outreach workers instead of the police to respond to community members experiencing mental health crises. Part VI presents alternatives to the failed war on drugs, in which police have played a central role as frontline enforcers, by highlighting alternative means of dealing with community drug use, including harm reduction methods and the decriminalization of drugs. Part VII explores a model for state-sponsored broad-scale reparations for survivors of police violence that do not lean on the carceral response of punishment and retribution but instead provide state-sponsored financial compensation, counseling, healthcare, and job training to survivors, as well as state acknowledgment of wrong-doing and public education around police violence. Part VIII maps out organizations that push for non-carceral responses to gender-based violence, including the decriminalization of survivors of gender-based violence and transformative justice methods. Part IX highlights efforts to remove police from the harmful role they play in policing the sex work industry by advocating for the decriminalization of sex work. Finally, Part X focuses on community-bail out funds that serve as an anti-carceral critique of the criminal punishment system’s unjust bail system.

Each section of the report also highlights the successes and challenges that organizers have faced in advocating for anti-carceral goals. The goal of this report is to demonstrate the necessity and accessibility of an anti-carceral society. The concrete efforts of grassroots organizations across the country show that bloated policing budgets that have long existed at the expense of economic and social resources for communities that have borne the brunt of police abuse are neither inevitable nor necessary. The report aims to shine a light on the true mission of the invest-divest movement: to create a society that prioritizes the well-being of our communities and focuses on cooperation and mutual aid.

I. INTRODUCTION

A. CONFRONTING A COMMON MISCONCEPTION ABOUT THE NATURE OF POLICE WORK

There is a misconception that divesting from the police will invariably lead to more crime and less public safety.⁶ However, historical data demonstrates the opposite.⁷ In 1997, the United States had 242 police officers for every 100,000 residents.⁸ By 2016, that number had decreased to 217 police officers for every 100,000 residents.⁹ Despite the drop in law enforcement officers, the national crime rate dropped by 37%.¹⁰ San Jose, for example, is considered one of the safest cities in the United States despite having one of the smallest urban police forces in the country.¹¹ In New York City, crime rates have dropped steadily even after the elimination of stop and frisk, a policy which increased police interactions with civilians and disproportionately affected Black and Latinx communities.¹²

Media and popular culture have misled our society to believe that police officers are neutral agents who fight violent crime.¹³ But, considering that some of the nation's earliest police departments were established as slave patrols,¹⁴ U.S. policing has never have been a neutral institution.¹⁵ In reality, police spend only about 4% of their time responding to violent crime,¹⁶ and just 1% of their time on the most serious of violent crimes, including homicide, robbery, rape, and aggravated assault.¹⁷

The reality is that police spend between 90% to 96% of their time responding to noncriminal and non-violent calls including: parking and driving violations, disorderly conduct, property crimes, and medical calls.¹⁸ Police officers spend a significant amount of time issuing

⁶ See Radley Bako, *Five Myths About America's Police*, WASH. POST (Dec. 5, 2014), https://www.washingtonpost.com/opinions/five-myths-about-americas-police/2014/12/05/35b1af44-7bcd-11e4-9a27-6fdb612bff8_story.html.

⁷ See Simone Weichselbaum & Wendi C. Thomas, *More Cops. Is it the Answer to Fighting Crime?*, USA TODAY (Feb. 13, 2019), <https://www.usatoday.com/story/news/investigations/2019/02/13/marshall-project-more-cops-dont-mean-less-crime-experts-say/2818056002/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ See Radley Bako, *Five Myths About America's Police*, WASH. POST (Dec. 5, 2014), https://www.washingtonpost.com/opinions/five-myths-about-americas-police/2014/12/05/35b1af44-7bcd-11e4-9a27-6fdb612bff8_story.html.

¹² See Phillip Bump, *New York Has Essentially Eliminated Stop-and-Frisk — and Crime is Still Down*, WASH. POST, (Dec. 3, 2014), <https://www.washingtonpost.com/news/the-fix/wp/2014/12/03/new-york-has-essentially-eliminated-stop-and-frisk-and-crime-is-still-down/?arc404=true>.

¹³ ALEX VITALE, *THE END OF POLICING* 58 (Verso Books, 2017) [hereinafter VITALE, *END OF POLICING*].

¹⁴ See Paige Fernandez, *Defunding the Police Will Actually Make Us Safer*, ACLU (June 11, 2020), <https://www.aclu.org/news/criminal-law-reform/defunding-the-police-will-actually-make-us-safer/>.

¹⁵ See SALLY E. HADDEN, *SLAVE PATROLS: LAW AND VIOLENCE IN VIRGINIA AND THE CAROLINAS* 4 (2001).

¹⁶ See Jeff Asher & Ben Horwitz, *How Do the Police Actually Spend Their Time?*, N.Y. TIMES (June 19, 2020) <https://www.nytimes.com/2020/06/19/upshot/unrest-police-time-violent-crime.html>.

¹⁷ *Id.*

¹⁸ VITALE, *END OF POLICING*, at 47; Mariame Kaba, *Yes, We Mean Literally Abolish the Police*, N.Y. TIMES (June 12, 2020), <https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html> [hereinafter Kaba, *Yes, We Mean Literally Abolish the Police*]; David Greaber, *Ferguson and the Criminalization of American Life*, GAWKER (Mar. 19, 2015), <https://gawker.com/ferguson-and-the-criminalization-of-american-life-1692392051>.

citations, largely because municipal budgets depend on them.¹⁹ They are also responsible for paperwork, documentation, and online forms.²⁰ One study found that an estimated 90% of police officers' time was spent dealing with administrative infractions.²¹ Additionally, the style of policing many major departments engage in is a form of "broken windows" policing, the subject of consistent criticism since its inception.²² While intended to promote safety through "order-maintenance," there is little evidence that broken windows policing reduces crime rates or improves community safety.²³ Instead, this style of policing turns to informal and often illegal quotas for citations and arrests, which disproportionately target low-income Black and Latinx communities.²⁴ Despite the small fraction of time police spend on violent crimes, police departments train their members as though violent crimes are widespread.²⁵ Most officers will make just one felony arrest a year,²⁶ with 38% of murders, 47% of aggravated assaults, 66% of rapes, and 70% of robberies unsolved by year's end.²⁷

Police have repeatedly demonstrated a tendency to escalate non-violent situations; their response to recent protests following the murder of George Floyd serves as an example.²⁸ Police officers specialize in force,²⁹ and as such, often use lethal physical force in otherwise non-violent situations.³⁰ Officers are also provided with military-grade weapons and indoctrinated with a "warrior-mentality."³¹ Together, this combination can result in deadly encounters with civilians who do not pose a threat.

B. THE FAILURE OF POLICE "REFORM"

Police reform strategies often include: body cameras, implicit bias training, de-escalation training and use of force policies, community policing, and diversification of police forces. Each of these strategies has proven insufficient for ending police violence and meeting community needs.

¹⁹ See David Graeber, *Ferguson and the Criminalization of American Life*, GAWKER (Mar. 19, 2015), <https://gawker.com/ferguson-and-the-criminalization-of-american-life-1692392051>.

²⁰ See Rashawn Ray, *What Does 'Defund the Police' Mean and Does it Have Merit?*, BROOKINGS INST. (June 19, 2020), <https://www.brookings.edu/blog/fixgov/2020/06/19/what-does-defund-the-police-mean-and-does-it-have-merit/>.

²¹ David Graeber, *Ferguson and the Criminalization of American Life*, GAWKER (Mar. 19, 2015), <https://gawker.com/ferguson-and-the-criminalization-of-american-life-1692392051>.

²² See Michael Jonas, *The Complicated Legacy of 'Broken Windows' Policing*, COMMONWEALTH (Aug. 11, 2019), <https://commonwealthmagazine.org/criminal-justice/the-complicated-legacy-of-broken-windows-policing/>.

²³ See G. Kelling & J. Wilson, *Broken Windows*, THE ATLANTIC (Mar. 1982), <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>.

²⁴ See Shaun Ossei-Owusu, *Race and the Tragedy of Quota-Based Policing*, THE AMERICAN PROSPECT (Nov. 3, 2016), <https://prospect.org/justice/race-tragedy-quota-based-policing/>.

²⁵ VITALE, END OF POLICING, at 58.

²⁶ VITALE, END OF POLICING, at 47.

²⁷ See Andre M. Perry et al., *To Add Value to Black Communities, We Must Defund the Police and Prison Systems*, BROOKINGS INST. (June 11, 2020), <https://www.brookings.edu/blog/how-we-rise/2020/06/11/to-add-value-to-black-communities-we-must-defund-the-police-and-prison-systems/>.

²⁸ See Shalia Dewan & Mike Baker, *Facing Protests Over Use of Force, Police Respond With More Force*, N.Y. TIMES, <https://www.nytimes.com/2020/05/31/us/police-tactics-floyd-protests.html> (last updated June 2, 2020).

²⁹ See Roge Karma, *What We Train Our Police to Do – and What They Actually Do*, VOX (July 31, 2020), <https://www.vox.com/2020/7/31/21334190/what-police-do-defund-abolish-police-reform-training>.

³⁰ *Id.*

³¹ VITALE, END OF POLICING, at 17.

1. BODY CAMERAS

Body cameras (“body cams”) emerged as a popular reform strategy in 2014, after Ferguson police officer Darren Wilson fatally shot Michael Brown.³² Body cams were championed as a reform strategy that would improve officer accountability and transparency.³³ Reformers argued that officers would be less likely to engage in misconduct if they were being recorded, and that if that did not work to dissuade them, the cameras would at least produce footage of the misconduct.³⁴ The Obama administration gave police departments tens of millions of dollars to implement body cam programs,³⁵ and many cities have given their police departments millions of additional dollars for body cams and their maintenance.³⁶ Body cams have since become ubiquitous in U.S. policing; today, they are used in almost every major police department in the United States, with politicians encouraging their wider use after the murder of George Floyd.³⁷ Body cams require greater investments in police departments instead of communities, in turn handing more power to officers and further legitimizing them as primary guarantors of safety.³⁸ This despite evidence demonstrating that body cams are not always used as intended, have failed to stop police violence, and do not increase officer accountability and transparency.³⁹

Studies have found that body cams have no discernible effect on police use of force,⁴⁰ and that use of force actually increased in some departments after implementing body cams.⁴¹ Another evaluation of body cam programs across sixty-eight police departments revealed that many officers do not turn their cameras on.⁴² The evaluation further found that body cam footage is susceptible to tampering, with some cities not explicitly prohibiting officers from tampering with footage.⁴³

Even when turned on, body cams have not been the panacea for transparency reformers imagined. Not all cities allow individuals who file misconduct complaints to view footage from body

³² Uri Friedman, *Do Police Body Cameras Actually Work?*, THE ATLANTIC (Dec. 3, 2014), <https://www.theatlantic.com/international/archive/2014/12/do-police-body-cameras-work-ferguson/383323/>.

³³ *Id.*

³⁴ Louise Matsakis, *Body Cameras Haven’t Stopped Police Brutality. Here’s Why*, WIRED (June 17, 2020), <https://www.wired.com/story/body-cameras-stopped-police-brutality-george-floyd/> [hereinafter Matsakis, *Body Cameras Haven’t Stopped Police Brutality*].

³⁵ VITALE, *END OF POLICING*, at 61.

³⁶ Lindsey Van Ness, *Body Cameras May Not Be the Easy Answer Everyone Was Looking For*, PEW (Jan. 24, 2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/14/body-cameras-may-not-be-the-easy-answer-everyone-was-looking-for> [hereinafter Van Ness, *Body Cameras May Not Be the Easy Answer Everyone Was Looking For*].

³⁷ Matsakis, *Body Cameras Haven’t Stopped Police Brutality*.

³⁸ *Reformist Reforms vs. Abolitionist Steps Toward Policing*, CRITICAL RESISTANCE, https://static1.squarespace.com/static/59ead8f9692ebee25b72f17f1/5b65cd58758d46d34254f22c/1533398363539/C_R_NoCops_reform_vs_abolition_CRside.pdf (last visited Dec. 10, 2020).

³⁹ *See id.*; *see also* Van Ness, *Body Cameras May Not Be the Easy Answer Everyone Was Looking For*.

⁴⁰ David Yokum et al., *Evaluating the Effects of Police Body-Worn Cameras: A Randomized Controlled Trial*, THE LAB @ DC (Oct. 20, 2017), https://bwc.thelab.dc.gov/TheLabDC_MPD_BWC_Working_Paper_10.20.17.pdf; Barak Ariel et al., *Wearing Body Cameras Increases Assaults Against Officers and Does Not Reduce Police Use of Force: Results from a Global Multi-Site Experiment*, 13(6) EUR. J. OF CRIM. 744-755 (2016).

⁴¹ Barak Ariel et al., *Report: Increases in Police Use of Force in the Presence of Body-Worn Cameras Are Driven by Officer Discretion: A Protocol-Based Subgroup Analysis of Ten Randomized Experiments*, 12 J. OF EXPERIMENTAL CRIMINOLOGY 453-463 (2016), <https://link.springer.com/article/10.1007/s11292-016-9261-3>.

⁴² LEADERSHIP CONF. ON CIV. & HUM. RTS., *POLICE BODY WORN CAMERAS: A POLICY SCORECARD* (2016), https://www.bwccscorecard.org/static/2016/pdfs/LCCHR_Upturn-BWC_Scorecard-v2.03.pdf.

⁴³ *Id.*

cams pertaining to their case.⁴⁴ Police departments sometimes keep footage from civilian complaint review boards that submit requests to investigate allegations of police misconduct.⁴⁵ Many police departments also attempt to prevent footage from being released to the public.⁴⁶ In many cases, footage documenting police misconduct is only released—if at all— after significant public pressure, which may take many months or years.⁴⁷ Often, bystander footage is more reliable.⁴⁸ Finally, body cams raise concerns around privacy and civil liberties.⁴⁹ Police departments have used body cam footage against political activists and to establish gang databases and databases on civilians who are not yet accused of crimes.⁵⁰ Some states allow officers to post blurred body cam videos to YouTube.⁵¹ While blurring may offer some anonymity, the recorded individuals remain vulnerable to identification by people familiar with the circumstances.⁵²

2. IMPLICIT BIAS TRAININGS

Black people are three times more likely than white people to be stopped, searched, and ticketed by police.⁵³ Though they are less likely to be armed,⁵⁴ Black people are more than three times as likely to be shot by police.⁵⁵ Indigenous and Latinx people are also disproportionately affected by policing and use of force.⁵⁶ Implicit bias training for police officers seeks to address these racial disparities by targeting police officers' unconscious racial, ethnic, and gender bias.⁵⁷ Proponents of this reform strategy hope that trainings will help officers recognize these biases and ultimately make fairer decisions about use of force and policing tactics.⁵⁸ Departments offer trainings that utilize simulations and role-playing techniques to expose officers to their biases and help them consciously adjust them.⁵⁹

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Matsakis, *Body Cameras Haven't Stopped Police Brutality*.

⁴⁸ *Id.*

⁴⁹ VITALE, *END OF POLICING*, at 62.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ See generally Cody T. Ross, *A Multi-Level Bayesian Analysis of Racial Bias in Police Shootings at the County-Level in the U.S., 2011–2014*, 10(11) PLoS ONE (2015), <https://doi.org/10.1371/journal.pone.0141854> [hereinafter Ross, *Analysis of Racial Bias in Police Shootings*].

⁵⁴ Sarah Degue et al., *Deaths Due to Use of Lethal Force by Law Enforcement*, 51 AM. J. PREVENTATIVE MED. 173–187 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6080222/> [hereinafter Degue, *Deaths Due to Use of Lethal Force*].

⁵⁵ See generally Ross, *Analysis of Racial Bias in Police Shootings*.

⁵⁶ See Samuel R. Sommers & Satia A. Marotta, *Racial Disparities in Legal Outcomes: On Policing, Charging Decisions, and Criminal Trial Proceedings*, 1 POL'Y INSIGHTS FROM THE BEHAV. AND BRAIN SCI. 103–11 (2014); see also Degue, *Deaths Due to Use of Lethal Force*.

⁵⁷ VITALE, *END OF POLICING*, at 27.

⁵⁸ See Martin Kaste, *NYPD Study: Implicit Bias Training Changes Minds, Not Necessarily Behavior*, NPR, (Sept. 10, 2020), <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior> [hereinafter Kaste, *NYPD Study*]; see generally RADLEY BALKO, *RISE OF THE WARRIOR COP: THE MILITARIZATION OF AMERICA'S POLICE FORCES* (2013) [hereinafter BALKO, *RISE OF THE WARRIOR COP*].

⁵⁹ Kaste, *NYPD Study*.

However, as with body cam research, the evidence suggests that implicit bias trainings do not effectively change policing practices.⁶⁰ While individual officer attitudes may improve, the trainings have been found to have no effect on racial disparities in stops, frisks, summonses, or arrests.⁶¹ Implicit bias trainings do not produce fairer policing because the institutional pressures and racist origins of U.S. policing supersede individual changes in bias.⁶²

3. DE-ESCALATION TRAINING AND USE OF FORCE POLICIES

De-escalation training and use of force policies are meant to limit violent or lethal use of force by police officers. However, they consistently fail⁶³ because these trainings emphasize defensive techniques over de-escalation strategies; as such, “when police come into every situation imagining it may be their last, they treat those they encounter with fear and hostility.”⁶⁴ A study analyzing use of force policies in the country’s twenty largest cities found that use of force policies lack “substance and depth in conferring guidance, restriction, or description.”⁶⁵ The United States has about 18,000 law enforcement agencies with no national standard for use of force training or shared definition of “force.” The only universal restraint for use of force was established by the U.S. Supreme Court in *Graham v. Connor*, where the Court held that officers

⁶⁰ See ROBERT E. WORDEN ET AL., THE IMPACTS OF IMPLICIT BIAS AWARENESS TRAINING IN THE NYPD 1, 155 (2020), <https://assets.documentcloud.org/documents/7203724/The-Impacts-of-Implicit-Bias-Awareness-Training.pdf> [hereinafter WORDEN ET AL.]; see also, Patrick S. Forscher et al., *A Meta-Analysis of Procedures to Change Implicit Measures*, 117 J. OF PERSONALITY & SOC. PSYCH. 1, 43 (2019).

⁶¹ WORDEN ET AL.; see also BALKO, RISE OF THE WARRIOR COP. In New York City, for example, officers undergo mandatory implicit bias trainings, but Black people continue to make up over half of all stops despite making up only 24% of the city’s population. Kaste, *NYPD Study*.

⁶² See VITALE, END OF POLICING, at 28, 42.

⁶³ New York banned chokeholds as a use of force tactic in 1993, yet NYPD Officer Daniel Pantaleo killed Eric Garner with a chokehold in 2014. See Press Release, Carl E. Heastie, New York State Assembly, *Assembly Passes Eric Garner Anti-Chokehold Act* (June 8, 2020), <https://nyassembly.gov/Press/files/20200608a.php#:~:text=In%201993%2C%20the%20New%20York,chokehold%20on%20Eric%20Garner's%20neck> [hereinafter Heastie, *Press Release*]; see also Ashley Southall, *Daniel Pantaleo, Officer Who Held Eric Garner in Chokehold, Is Fired*, N.Y. TIMES (Aug. 19, 2019), <https://www.nytimes.com/2019/08/19/nyregion/daniel-pantaleo-fired.html#:~:text=The%20New%20York%20City%20police,Commissioner%20James%20P>. In the summer of 2020, New York state and city legislators passed the Eric Garner Anti-Chokehold Act criminalizing aggravated strangulation as a class C felony, punishable by up to 15 years in prison. Heastie, *Press Release*. In response, seventeen NYPD police unions filed suit, alleging that the law is “unconstitutionally vague” and threatens to punish officers “for doing their jobs in good faith with no intent to harm a suspect.” Adam Klasfeld, *New York City Police Unions Sue to Block City’s Chokehold Ban*, COURTHOUSE NEWS SERV. (Aug. 5, 2020), <https://www.courthousenews.com/new-york-city-police-unions-sue-to-block-citys-chokehold-ban/>. This kind of dissent is emblematic of sentiments across police departments that have played a part in stymying reform efforts. Another example is Minneapolis, where police officers have been trained to exhaust all possible de-escalation tactics before resorting to force. Libor Jany, *Minneapolis Police Reveal Changes to Use-of-Force Policy*, STAR TRIBUNE (Aug. 9, 2016), <https://www.startribune.com/minneapolis-police-reveal-changes-to-use-of-force-policy/389509371/>. Incidents resulting in use of force decreased from about 1,500 in 2008 to 800 in 2017, but Black people still comprised 61% of use of force incidents while white people made up 24% of people subject to use of force. Brandt Williams, *Use of Force by Minneapolis Police Down*, MINN. PUB. RADIO NEWS (May 18, 2018), <https://www.mprnews.org/story/2018/05/18/use-of-force-by-minneapolis-police-down>. In the summer of 2020, Minneapolis Police Officer Derek Chauvin killed George Floyd by lethal use of force. Ronald Tyler et al., *Police Use of Force, Training and a Way Forward After the Death of George Floyd*, STANFORD L. SCH. BLOGS (June 4, 2020), <https://law.stanford.edu/2020/06/04/police-use-of-force-training-and-a-way-forward-after-the-death-of-george-floyd/>; <https://www.nytimes.com/2019/08/19/nyregion/daniel-pantaleo-fired.html>.

⁶⁴ VITALE, END OF POLICING, at 31.

⁶⁵ Osagie K. Obasogie & Zachary Newman, *Police Violence, Use of Force Policies, and Public Health*, 34 AM. J. OF L. AND MED., 279, 280 (2017).

must use force in objectively reasonable ways considering the situation before them.⁶⁶ This standard confers great discretion to individual police officers.⁶⁷

4. COMMUNITY POLICING

The assumption behind community policing as a reform strategy is that higher police involvement in a community will build trust between community members and the police and thus lead to increased public safety and lower instances of police violence.⁶⁸ Yet, studies suggest that community policing has not substantially reduced crime or made communities safer.⁶⁹ Moreover, despite widespread implementation of community policing, police violence has not subsided.⁷⁰

The best way to stop police violence is to reduce citizen interaction with police.⁷¹ In practice, community policing does the opposite. Since community policing requires higher police involvement within the community, this inherently leads to more interactions between police and the community.⁷² The more frequent these interactions, the higher likelihood that cases of police violence will occur especially for marginalized communities that already suffer from hyper-surveillance by law enforcement.⁷³

Community policing also strips away much needed funding from communities, which could otherwise be used to fight unemployment, low wages, homelessness, and poverty, and instead places that funding in the hands of police who are not designed to solve any of the above structural inequalities.⁷⁴ Lastly, community policing is not representative of the entire community.⁷⁵ For example, landlords and pro-police groups are usually given preferential treatment by the police.⁷⁶ This comes at the expense of the homeless, mentally ill, young people, and immigrants, who are not viewed as part of the community by police, and consequently, treated unfairly.⁷⁷

⁶⁶ Graham v. Connor, 490 U.S. 386, 397 (1989).

⁶⁷ Osagie K. Obasogie, *The Bad-Apple Myth of Policing*, THE ATLANTIC (Aug. 2, 2019), <https://www.theatlantic.com/politics/archive/2019/08/how-courts-judge-police-use-force/594832/>.

⁶⁸ Philip V. McHarris, *Community Policing Is Not the Answer*, THE APPEAL (Dec. 02, 2019), <https://theappeal.org/community-policing-is-not-the-answer/>; see also VITALE, END OF POLICING, at 39.

⁶⁹ See Charlotte Gill et al., *Community-Oriented Policing to Reduce Crime, Disorder and Fear and Increase Satisfaction and Legitimacy among Citizens: A Systematic Review*, 10 J. OF EXPERIMENTAL CRIM. 399, 415 (2014).

⁷⁰ See *Police Violence Map*, MAPPING POLICE VIOLENCE COLLABORATIVE, <https://mappingpoliceviolence.org>, for an interactive map tracking incidents of police killings (last visited Nov. 15, 2020).

⁷¹ Kaba, *Yes, We Mean Literally Abolish the Police*.

⁷² See Terrell Jermaine Starr, *Community Policing Is Not the Solution to Police Brutality. It Makes It Worse.*, WASH. POST (Nov. 3, 2015), <https://www.washingtonpost.com/posteverything/wp/2015/11/03/community-policing-is-not-the-solution-to-police-brutality-it-makes-it-worse/> [hereinafter Jermaine Starr, *Community Policing Is Not the Solution*].

⁷³ See Philip V. McHarris, *Community Policing Is Not the Answer*, THE APPEAL (Dec. 2, 2019), <https://theappeal.org/community-policing-is-not-the-answer/>. See also Jermaine Starr, *Community Policing Is Not the Solution*.

⁷⁴ See Derecka Purnell & Marbre Stahly-Butts, *The Police Can't Solve the Problem. They Are the Problem*, N.Y. TIMES (Sept. 26, 2019), <https://www.nytimes.com/2019/09/26/opinion/the-police-cant-solve-the-problem-they-are-the-problem.html>.

⁷⁵ See VITALE, END OF POLICING, at 40.

⁷⁶ See VITALE, END OF POLICING, at 40. For example, in New York City, even when tenants are faced with adverse treatment by their landlords, landlords frequently use the NYPD to prevent tenants from legally organizing. See Marcela Mitaynes, *Landlords Use Police to Stop Tenants from Organizing*, JACOBIN (July 6, 2020), <https://jacobinmag.com/2020/08/defund-the-police-cancel-rent-housing>.

⁷⁷ See VITALE, END OF POLICING, at 40.

5. DIVERSIFYING POLICE FORCES

Proponents of police reform also support diversifying police forces to reduce police violence.⁷⁸ The racial breakdown of police officers across the country, however, already closely represents the national population: 60% of the U.S. population is white and 62% of police officers are white; 12% of the U.S. population is Black, and 16% of police officers are Black; 18% of the U.S. population is Latinx and 15% of police officers are Latinx.⁷⁹ Yet, despite these numbers, police violence has continued. In fact, most studies have shown that the diversity of police departments does not have any substantial effects on rates of police violence.⁸⁰ Notwithstanding race, police officers collectively report similar implicit biases in regards to Black people and criminality.⁸¹

A primary reason for diversity's lack of impact on police violence is the culture of U.S. policing.⁸² Police departments systematically—either through their training or informal methods—perpetuate a culture of aggressive policing and the hyper-criminalization of citizens of color.⁸³ Police officers, regardless of race, are faced with strong institutional pressures to conform.⁸⁴ Consequently, these pressures lead Black officers to re-enforce the same violent conduct.⁸⁵

⁷⁸ See Jennifer Cobbina, *Is Hiring More Black Officers the Key to Reducing Police Violence?*, U.S. NEWS (Feb. 5, 2020), <https://www.usnews.com/news/cities/articles/2020-02-05/is-hiring-more-black-officers-the-key-to-reducing-police-violence>.

⁷⁹ Courtenay Brown & Stef W. Kight, *More Black Police Officers, Yet the Killings Persist*, AXIOS (Jun. 8, 2020), <https://www.axios.com/police-diversity-george-floyd-5a712a37-9e43-4b24-985b-829abd76e56b.html>.

⁸⁰ VITALE, END OF POLICING, at 32.

⁸¹ Noel King, *Does Diversifying Police Forces Reduce Brutality Against Minorities?*, NPR (Jun. 22, 2020), <https://www.npr.org/2020/06/22/881559659/does-diversifying-police-forces-reduce-brutality-against-minorities>.

⁸² See VITALE, END OF POLICING, at 33.

⁸³ See VITALE, END OF POLICING, at 33, 34; For example, in cities where broken windows policing has been implemented, little evidence has shown that the method has worked. In fact, evidence has pointed to the police aggressively over-policing communities of color. see also Sarah Childress, *The Problem With “Broken Windows” Policing*, PBS (Jun. 28, 2016), <https://www.pbs.org/wgbh/frontline/article/the-problem-with-broken-windows-policing/>.

⁸⁴ See Ryan Martin, *Having More Black Officers Not a 'Direct Solution' for Reducing Black Killings by Police*, IU research shows, INDYSTAR (Feb. 27, 2017), <https://www.indystar.com/story/news/crime/2017/02/27/having-more-black-officers-not-direct-solution-reducing-black-killings-police-iu-research-shows/98164296/>.

⁸⁵ VITALE, END OF POLICING, at 33.

II. INVEST-DIVEST LOCAL ORGANIZING EFFORTS

In response to the wave of police violence in 2020, cities across the United States made public commitments to reduce their police budgets and invest in community needs.⁸⁶ Proposals for police budget cuts are not simply the result of one summer of protests; rather, they are a reflection of many years of activists struggling to decrease federal, state, and municipal budgets. For decades, prominent activists like Angela Davis, Ruth Wilson Gilmore, and Mariame Kaba and movement organizations such as Critical Resistance have applied political pressure to divest from the carceral state and invest in communities.⁸⁷ More recently, organizations like Movement for Black Lives and Survived and Punished have contributed momentum to the overall invest-divest movement. This section will discuss invest-divest grassroots organizing efforts in Minneapolis, Portland, Oakland, Los Angeles, Nashville, Rochester, Seattle, Vallejo, and New York City.

A. THE INVEST-DIVEST MOVEMENT: SPOTLIGHTING CITIES

1. MINNEAPOLIS

In the summer of 2020, after Minneapolis Police Department (MPD) Officer Derek Chauvin killed George Floyd, a majority of the Minneapolis City Council publicly committed to disbanding MPD and replacing it with a Department of Community Safety & Violence Prevention.⁸⁸ In the months since, several council members have retreated from this public commitment,⁸⁹ while others maintained that their position on defunding the police has not changed and that some police funds should be diverted to community alternatives.⁹⁰ In December 2020, the council voted to decrease the number of MPD officers from 888 to 750, but Mayor Jacob Frey vetoed the vote, calling it “irresponsible.”⁹¹ A week later, the council unanimously approved an \$8 million reduction to MPD’s \$179 million budget that will not include cuts to the force. The \$8 million will be redirected toward community needs including mental health teams and violence prevention programs.⁹²

Activists and movement organizations that galvanized this summer’s momentum in Minneapolis remain steadfast in their demands for divesting from MPD and greater investments in community needs.⁹³ These demands include: downsizing MPD and redirecting funds to more appropriate responders, giving civilians oversight of police including subpoena power and power

⁸⁶ Jemima McEvoy, *At Least 13 Cities Are Defunding Their Police Departments*, FORBES (Aug. 13, 2020), <https://www.forbes.com/sites/jemimamcevoy/2020/08/13/at-least-13-cities-are-defunding-their-police-departments/?sh=54118f2929e3>.

⁸⁷ John Washington, *What is Prison Abolition?*, THE NATION (July 31, 2020), <https://www.thenation.com/article/archive/what-is-prison-abolition/>.

⁸⁸ Astead W. Herndon, *How a Pledge to Dismantle the Minneapolis Police Collapsed*, N.Y. TIMES (Sept. 26, 2020), <https://www.nytimes.com/2020/09/26/us/politics/minneapolis-defund-police.html?action=click&module=Top%20Stories&pgtype=Homepage> [hereinafter Herndon, *How a Pledge to Dismantle the Minneapolis Police Collapsed*].

⁸⁹ *Id.*

⁹⁰ Jon Collins & Brandt Williams, *After Pledging to Defund Police, Mpls. City Council Still Rethinking Public Safety*, MPR NEWS (Oct. 23, 2020), <https://www.mprnews.org/story/2020/10/28/after-pledging-to-defund-police-mpls-city-council-still-rethinking-public-safety>.

⁹¹ Amy Forliti & Steve Karnowski, *Minneapolis Approves Cuts to Police Budget, Not Staffing*, ASSOCIATED PRESS (Dec. 10, 2020), <https://apnews.com/article/police-coronavirus-pandemic-minneapolis-racial-injustice-crime-e1213c3fba3fcd2b45e61c1b8085e6d8>.

⁹² *Id.*

⁹³ See Herndon, *How a Pledge to Dismantle the Minneapolis Police Collapsed*.

to enforce discipline, negotiating better police union contracts that involve communities in the process, and firing officers who lie under oath or on police reports.⁹⁴ Activist groups at the forefront of these efforts include MPD 150, Black Visions Collective, Reclaim the Block, Neighborhoods Organizing for Change, and Communities United Against Police Brutality. MPD150 has a collection of resources and action plans for moving toward a police-free world.⁹⁵ One of its most comprehensive documents is a 144-page report examining the MPD's performance over 150 years.⁹⁶ The report documents a pattern of systemic violence and racism prolonged by a cycle of futile reforms and reveals stories and details that other movement organizations, including the Black Visions Collective and Reclaim the Block, have used in their advocacy.⁹⁷

The movement in Minneapolis has seen progress this year because of the work of these groups, which are made up of organizers that include youth, elders, artists, and anyone who is inspired to be a part of the movement.⁹⁸ These activists have relentlessly pushed for a police-free Minneapolis for years, despite the challenging nature of this activism.⁹⁹ Given the progress achieved in Minneapolis and the attention it has garnered, the activists are considering starting a “planter training institute” to more broadly share strategies with other activists about educating the public, identifying decision-makers, and leveraging mutual interests.¹⁰⁰

2. PORTLAND

In Portland, the abolitionist grassroots organization Critical Resistance plays a key role in that city's invest-divest movement. Critical Resistance started in 1997 and endeavors to build an international movement to end the prison industrial complex, “the interlocking systems of imprisonment, surveillance, and policing.”¹⁰¹ CR's Portland chapter established the Care Not Cops campaign in 2017 as a response to a lack of city investment in public resources but an ever-growing Portland Police Bureau.¹⁰² Through Care Not Cops, Critical Resistance stopped the increase in numbers of police officers in Portland by half,¹⁰³ and also convinced the city to commit to work toward eliminating school police, transit police, and the anti-gang unit of the Portland Police Bureau.¹⁰⁴

⁹⁴ See COMMUNITIES UNITED AGAINST POLICE BRUTALITY, REAL SOLUTIONS: ACTIONS BY THE MINNEAPOLIS MAYOR AND CITY COUNCIL THAT WOULD FIX POLICING RIGHT NOW (2020), https://d3n8a8pro7vhmx.cloudfront.net/cuapb/pages/270/attachments/original/1597438886/CUAPB_Solutions_for_Minneapolis_2020.pdf?1597438886; see also *10 Action Ideas for Building a Police-Free Future*, MPD 150, <https://www.mpd150.com/10-action-ideas-for-building-a-police-free-future/> (last visited Nov. 12, 2020).

⁹⁵ *Resources*, MPD 150, <https://www.mpd150.com/resources/> (last visited Nov. 16, 2020).

⁹⁶ See generally MPD 150, ENOUGH IS ENOUGH: A 150-YEAR PERFORMANCE REVIEW OF THE MINNEAPOLIS POLICE DEPARTMENT (2020), https://www.mpd150.com/wp-content/uploads/reports/report_2_compressed.pdf.

⁹⁷ *Id.* at 5.

⁹⁸ See *id.*

⁹⁹ See Arianna Nason & Ricardo Levins Morales, *Organizer Voices: Planting the Seeds of Abolition*, THE FORGE (June 13, 2020) <https://forgeorganizing.org/article/planting-seeds-abolition>.

¹⁰⁰ *Id.*

¹⁰¹ *Critical Resistance History Profile*, CRITICAL RESISTANCE, <http://criticalresistance.org/cr-history-profile/> (last visited Dec. 10, 2020).

¹⁰² *Our Work*, CRITICAL RESISTANCE, <https://www.carenotcops.org/> (last visited Dec. 10, 2020).

¹⁰³ *Critical Resistance History Profile*, CRITICAL RESISTANCE, <http://criticalresistance.org/cr-history-profile/> (last visited Dec. 10, 2020).

¹⁰⁴ *Celebrating Juneteenth: An Abolitionist Perspective on Black Liberation Past & Present with Charlene Carruthers & Marc Lamont Hill*, CRITICAL RESISTANCE (June 19, 2020), <http://criticalresistance.org/celebrating-juneteenth-an-abolitionist-perspective-on-black-liberation-past-present-with-charlene-carruthers-marc-lamont-hill/>.

3. OAKLAND

Oakland has a long history of resistance against violent policing, and Critical Resistance has a strong presence in Oakland as well.¹⁰⁵ In 2015, in partnership with Stop the Injunctions Coalitions and after six years of continued pressure, Critical Resistance successfully eliminated gang injunctions¹⁰⁶ from the Oakland Police Department's (OPD) policing toolbox.¹⁰⁷ This achievement reduced the amount of money OPD spends surveilling communities of color. Critical Resistance's Oakland chapter continues to play an active role in the movement. In its 2020 mid-year report, Critical Resistance highlighted that the city's 2019-2021 general budget allocated 0% in funding to housing and community development but 44% to the police department.¹⁰⁸ Critical Resistance and the Anti-Police Terror Project, a coalition seeking to build a replicable and sustainable model to eradicate police terror, have demanded that OPD's budget be cut by 50% and reinvested in community needs.¹⁰⁹ The Portland City Council reduced OPD's budget by \$2.5 million and created the Reimagining Public Safety Taskforce with the goal of reducing 50% of OPD's budget by 2021. Activists in Oakland say the effort to cut the OPD budget has been met with push back by city officials and the newly-formed "Equity Caucus," a group of individuals who activists characterize as favoring the police over the community.¹¹⁰

4. LOS ANGELES

Since 2013, the organization The Peoples Budget of L.A. has advocated for participatory budgeting that gives community members the opportunity to discuss and vote on L.A. and California fiscal priorities, particularly focusing on overspending on policing.¹¹¹ In recent years, Black Lives Matter-L.A. has taken a leadership position in The People's Budget, and in May 2020, the groups declared an interim victory when the city council declined Mayor Eric Garcetti's "police state" budget.¹¹² Shortly thereafter, following George Floyd's death and the ensuing uprising, city leaders agreed to redistribute \$150 million from the LAPD's budget to community needs and to reduce the number of officers on the force.¹¹³ Although activist groups were encouraged to see that their years of action pushed the mayor and city council into real action,¹¹⁴ they demand more

¹⁰⁵ See CRITICAL RESISTANCE, POLICING IN OAKLAND MID-YEAR REVIEW: 2020 (2020), http://criticalresistance.org/wp-content/uploads/2020/07/Policing_Midyear_Review_2020_v6-1.pdf [hereinafter CRITICAL RESISTANCE, POLICING IN OAKLAND MID-YEAR REVIEW].

¹⁰⁶ Gang injunctions are court orders used by law enforcement to limit the civil liberties of individuals suspected of gang activity. Law enforcement agencies can obtain gang injunctions without presenting evidence and without charging the individual with any crime. These injunctions make behavior as innocuous as riding the bus illegal. *Gang Injunctions Fact Sheet*, ACLU (May 4, 2010), <https://www.aclunc.org/article/gang-injunctions-fact-sheet>.

¹⁰⁷ See *Our Work*, CRITICAL RESISTANCE, <http://criticalresistance.org/chapters/cr-oakland/our-work/> (last visited Nov. 23, 2020).

¹⁰⁸ CRITICAL RESISTANCE, POLICING IN OAKLAND MID-YEAR REVIEW, at 1.

¹⁰⁹ *Id.* at 5.

¹¹⁰ *Id.*

¹¹¹ *History and Progress*, PEOPLE'S BUDGET LA, <https://peoplesbudgetla.com/> (last visited Dec. 10, 2020).

¹¹² *People's Budget LA Declared Victory as City Council Declines to Pass Mayor Garcetti's "Police State" Budget*, PEOPLE'S BUDGET L.A. (May 21, 2020), <https://peoplesbudgetla.com/2020/05/21/peoples-budget-la-declares-victory-as-city-council-declines-to-pass-mayor-garcettis-police-state-budget/>.

¹¹³ *LAPD Funding Slashed by \$150, Reducing Number of Officers*, ASSOCIATED PRESS (July 2, 2020), <https://www.voanews.com/usa/lapd-funding-slashed-150m-reducing-number-officers>.

¹¹⁴ See *People's Budget LA: \$150 Million in Cuts Proposed to LAPD is a Start, But City Council and Mayor Garcetti Need to Go Much Further*, PEOPLE'S BUDGET L.A., <https://peoplesbudgetla.com/2020/06/05/peoples-budget-la-150-million-in-cuts-proposed-to-lapd-is-a-start-but-city-council-and-mayor-garcetti-need-to-go-much-further/> (last visited Nov. 16, 2020).

extensive cuts to the LAPD's \$2 billion budget.¹¹⁵ The People's Budget of L.A. advocates specifically for the redistribution of 43% of the police budget to affordable housing, homelessness services, public health, and emergency responders, leaving 6% for law enforcement and policing.¹¹⁶ With the endorsement of unions, faith groups, civil rights advocates and grassroots leaders, Black Lives Matter-L.A and The People's Budget of L.A. proposed Measure J for the November 2020 election, which passed with 57% support and will amend the Los Angeles charter to require 10% of its \$8.8 billion discretionary budget be invested in direct community resources and alternatives to incarceration.¹¹⁷

5. NASHVILLE

Nashville also has a people's budget initiative that works to involve community members in the budgeting process.¹¹⁸ The Nashville People's Budget Coalition aspires to divest from policing and jails and invest in restorative justice practices, housing, and transportation.¹¹⁹ In June 2020, the coalition's eight organizations¹²⁰ created a survey for Nashville residents to share how they thought the city should prioritize funding for police, jails, courts, and community needs.¹²¹ Over 5,000 people responded, demanding: \$107,670,143 divestment from Metropolitan Nashville Police Department, \$38,989,940 divestment from the Davidson County Sheriff's Office, and \$3,473,855 divestment from the Nashville District Attorney's office.¹²² Regarding reinvestment, 92.8% of people demanded investment in city public schools, 58.9% in affordable housing, 56.6% in city social services, 55.1% in city homeless services, and 48% in Gideon's Army,¹²³ a grassroots organization that uses restorative justice principles to design programs that dismantle the school to prison pipeline.¹²⁴ Shortly thereafter, however, the Nashville Metro Council passed a budget failing to address these priorities.¹²⁵ Still, the Nashville People's Budget Coalition, which was only established in the summer of 2020, is motivated by a \$2.6 million reversal in the police budget, and also by the support of a handful of council members who proposed amendments in support of the People's Budget.¹²⁶

¹¹⁵ See Sarah Holder et al., *'We Have Not Defunded Anything': Bid Cities Boost Police Budgets*, BLOOMBERG CITY LAB (Sept. 22, 2020), <https://www.bloomberg.com/graphics/2020-city-budget-police-defunding/>.

¹¹⁶ Laura Bliss, *The Movement Behind LA's Decision to Cut Its Police Budget*, BLOOMBERG News (June 4, 2020), <https://www.bloomberg.com/news/articles/2020-06-04/-people-s-budgets-movement-takes-on-police-reform>.

¹¹⁷ Roge Karma, *Los Angeles Voters Just Delivered a Huge Win for the Defund the Police Movement*, VOX (Nov. 4, 2020), <https://vox.com/2020/11/4/21549019/measure-j-police-abolition-defund-reform-black-lives-matter-protest-2020-election-george-floyd>.

¹¹⁸ *Home*, NASHVILLE PEOPLE'S BUDGET COAL., <https://nashvillepeoplesbudget.org> (last visited Dec. 10, 2020).

¹¹⁹ *Id.*

¹²⁰ The organizations are Black Lives Matter Nashville, Free Hearts, Gideon's Army, Music City Riders United, No Exceptions Prison Collective, People's Alliance for Transit, Housing, & Equity, Southerners on New Ground Nashville, and Workers' Dignity/Dignidad Obrera. See *id.*

¹²¹ *People's Budget Survey*, NASHVILLE PEOPLE'S BUDGET COAL., <https://nashvillepeoplesbudget.org/peoples-budget-survey/> (last visited Nov. 23, 2020) [hereinafter NASHVILLE PEOPLE'S BUDGET COAL., *Survey*].

¹²² *Id.*

¹²³ *About Gideon's Army*, GIDEON'S ARMY, <https://gideonsarmyunitied.org/about-gideons-army/> (last visited Nov. 23, 2020).

¹²⁴ NASHVILLE PEOPLE'S BUDGET COAL., *Survey*.

¹²⁵ *Metro Council Failed Black Lives, But We're Still Winning!*, NASHVILLE PEOPLE'S BUDGET (June 17, 2020), <https://nashvillepeoplesbudget.org/2020/06/17/metro-council-failed-black-lives-but-were-still-winning/>.

¹²⁶ *Id.*

6. ROCHESTER

In Rochester, NY, a city of 200,000 people, the police department receives 40% of the city's budget.¹²⁷ Free the People ROC, an activist group formed after the killing of Daniel Prude in March 2020, is demanding “a complete transformation” to make the city a safer and more equitable place.¹²⁸ After Daniel Prude died following an arrest where officers placed a hood over his head and handcuffed him in the middle of the street during a mental health crisis, seven Rochester police officers were suspended.¹²⁹ Immediately after, the entire Rochester command team and the police chief resigned upon learning that the state attorney general would call a grand jury to consider evidence in Daniel Prude's death.¹³⁰ Free the People ROC embraced the resignations as a step towards accountability, pushing for Mayor Lovely Warren to resign as well.¹³¹ Since then, the city council and mayor have agreed to cut RPD's budget by 3.7%.¹³² Free the People ROC demands that at least half of those funds be allocated directly to community needs.¹³³

7. SEATTLE

In Seattle, the activist group Block the Bunker has had some success in divesting from the Seattle Police Department (SPD) and redistributing money to the community. In 2017, the grassroots organization blocked the construction of a proposed \$160 million police precinct and successfully got the city to invest that money in affordable housing and education.¹³⁴ The group employed a number of powerful tactics to stop the construction of the police station, starting with showing up to city council meetings bound by chains.¹³⁵ They worked with other grassroots organizers to engage in community education as a strategy to eliminate misconceptions surrounding the carceral state. Through community meetings, Block the Bunker developed concrete plans for redirecting the money to affordable housing and healthcare, maintaining that this was the surest way to defeat crime and make communities safer.¹³⁶ The mayor ultimately voted to temporarily halt the North Precinct project and direct \$29 million to affordable housing. In July 2020, the city council pledged to reduce the police department's budget by 50% and allocate that money to communities of color instead.¹³⁷ In November 2020, the council passed a 2021 budget that divested from SPD by 18%. The budget eliminated 150 positions from SPD,

¹²⁷ 'Free the People ROC' Rally Calls for Defunding of Rochester Police Department, WHEC (July 18, 2020), <https://www.whec.com/rochester-new-york-news/free-the-people-roc-rally-calls-for-defunding-of-rochester-police-department/5799243/> [hereinafter Free the People ROC Calls for Defunding RPD].

¹²⁸ *Free the People Roc: RPD Announcements Don't Address Policing Issues*, SPECTRUM NEWS (Sept. 26, 2020), <https://spectrumlocalnews.com/nys/rochester/public-safety/2020/09/26/free-the-people-roc--rpd-announcements-don-t-address-policing-issues>.

¹²⁹ Sarah Maslin Nir et al., *7 Police Officers Suspended as a Black Man's Suffocation Roils Rochester*, N.Y. TIMES (Sept. 3, 2020), <https://www.nytimes.com/2020/09/03/nyregion/daniel-prude-police-rochester.html>.

¹³⁰ *Id.*

¹³¹ Free the People ROC, FACEBOOK, (Sept. 8, 2020), <https://www.facebook.com/ftproc/posts/168825834862192>.

¹³² Free the People ROC Calls for Defunding RPD.

¹³³ *See id.*

¹³⁴ *See* Melissa Hellmann, *Defunding Police—How Antiracist Organizers Got Seattle to Listen, YES!* (Mar. 9, 2017), <https://www.yesmagazine.org/social-justice/2017/03/09/defunding-police-how-antiracist-organizers-got-seattle-to-listen/> [hereinafter Hellman, *How Antiracist Organizers Got Seattle to Listen*].

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Deepa Bhandaru, *Community Members Hold Strong with Defunding Demands While City Council Backslides*, REAL CHANGE (Nov. 4, 2020), <https://www.realchangenews.org/2020/11/04/community-members-hold-strong-defunding-demands-while-city-council-backslides>.

allocated \$30 million for participatory budgeting, and reversed about \$10 million in proposed cuts to social programs.¹³⁸ Activists will use the participatory budgeting process to continue addressing community needs.¹³⁹

8. VALLEJO

In Vallejo, California, the movement organization Vessels of Vallejo has built strong momentum toward a future with less police violence and greater community resources. In 2008, at the height of the financial crisis, the city of Vallejo was spending 74% of its budget on police and firefighter salaries, pensions, and overtime.¹⁴⁰ Though the city was forced to file for bankruptcy and drastically reduce its overall budget,¹⁴¹ its police department continued to receive funding priority over community development.¹⁴² In 2012, the rate of policing killings in Vallejo was twenty times the rate in Oakland and San Francisco.¹⁴³ Police violence has decreased slightly in the years since, but violence and corruption still pervade the Vallejo Police Department (VPD).¹⁴⁴ Vessels of Vallejo activists report that obstacles to divesting from VPD and into the community include: a city council that outwardly acknowledges systemic racism in policing but simultaneously increased the police budget by \$4 million and a coordinated police syndicate that prides itself on aggressive, retaliatory, and deadly policing.¹⁴⁵ Despite this, the organizers have galvanized hundreds of public comments during council meetings and will continue engaging in public education to build community support. They will also be negotiating with the Vallejo City Council for a more equitable police budget.¹⁴⁶

9. NEW YORK CITY

New York City-based movement organizations like Communities United for Police Reform have pushed city officials to divest from the NYPD and invest in community needs for many years.¹⁴⁷ Following the 2020 protests, Mayor Bill De Blasio committed to cutting \$1 billion from the NYPD. The city also vowed to shift school safety and monitoring of homeless New Yorkers and illegal vending away from the police. An analysis of the budget, however, revealed nothing

¹³⁸ Decriminalize Seattle, *Solidary Budget Press Conference*, FACEBOOK (Nov. 23, 2020) <https://www.facebook.com/decrimseattle/> (last visited Nov. 23, 2020).

¹³⁹ *Id.*

¹⁴⁰ *Representative Government*, CATO INST. 14 (Sept. 28, 2009), <https://www.cato.org/sites/cato.org/files/pubs/pdf/pa645.pdf> (last visited Nov. 15, 2020).

¹⁴¹ *Id.* at 13.

¹⁴² See CITY OF VALLEJO FIN. DEP'T, CITY OF VALLEJO ADOPTED BUDGET FISCAL YEAR 2010–2011, <https://www.cityofvallejo.net/common/pages/DisplayFile.aspx?itemId=32830> (last visited Nov. 30, 2020).

¹⁴³ Alex Emslie, *Questions Surround Surge in Vallejo Police Shootings*, KQED (May 20, 2014), <https://www.kqed.org/news/135682/amid-a-series-of-vallejo-police-shootings-one-officers-name-stands-out>.

¹⁴⁴ In June 2020, VPD fatally shot 22-year-old Sean Monterrosa when they mistook the hammer in his pocket for a gun. VPD allegedly destroyed evidence related to the shooting, and recent reports allege that VPD has a practice of bending their badges to mark fatal shootings. Some officers have denied this, but a former captain stated that he called for “the practice to end” before he was fired. See Tomas Gase, *Sean Monterrosa Billboard Coming to Vallejo*, VALLEJO TIMES HERALD (July 30, 2020), <https://www.timesheraldonline.com/2020/07/30/sean-monterrosa-billboard-coming-to-vallejo/>. See also Geoffrey King, *Vallejo Police Bend Badges To Mark Fatal Shootings*, OPEN VALLEJO (July 28, 2020), <https://openvallejo.org/2020/07/28/vallejo-police-bend-badge-tips-to-mark-fatal-shootings/>.

¹⁴⁵ Zoom Interview with Vessels of Vallejo Member (Nov. 10, 2020) (notes on file).

¹⁴⁶ *Id.*

¹⁴⁷ Michael M. Grynbbaum & Matt Flegenheimer, *Mayor de Blasio Poised to Hire Nearly 1,300 Police Officers*, N.Y. TIMES (June 22, 2015), <https://www.nytimes.com/2015/06/23/nyregion/mayor-de-blasio-poised-to-hire-hundreds-of-police-officers.html>.

more than “budget tricks” to disguise a fraction of the promised budget reduction.¹⁴⁸ Activists noted that the NYPD’s 2020 budget of \$5.92 billion did not include pensions, fringe benefits, funds for cars and precincts, settlements and other police related capital costs, which together cost an additional \$5.8 billion.¹⁴⁹ Further, the 1% “budget cut” to NYPD comes in a year where the Department of Youth and Community Development saw 32% of its proposed budget cut.¹⁵⁰ Activist groups like Communities United for Police Reform have stated that New Yorkers will not accept anything less than a full \$1 billion NYPD divest-invest.¹⁵¹ The group sees this cut as the only way to significantly restore and expand critical services in New York City and also reminds the public that this cut would simply restore the NYPD budget back to its 2014 status.¹⁵²

B. POSITIVE DEVELOPMENTS

1. COALITION-BUILDING AND PRESSURING CITY COUNCILS

Activists in Rochester, Minneapolis, Oakland, Los Angeles, Seattle, and elsewhere, have built strong coalitions that apply steady and mass pressure on their city councils. They mobilize their communities to engage in the process and have their demands heard and build close solidarity with local movement organizations to strengthen the power of their work and demands.¹⁵³ Critical Resistance attributes its successes in part to its commitment to “abolitionist approaches to building coalitions and guiding strategies, year in and year out.”¹⁵⁴ In Seattle, lessons from Block the Bunker point to the effectiveness of consistent pressure on city officials. The activists showed up at City Hall regularly, sometimes bounded by chains, wearing orange jumpsuits and shirts with “Block the Bunker” written on them. Young activists took to the podium to explain how spending nearly \$150 million on the new police station would signal “to the poor and people of color that political leaders were more concerned about punishing residents than helping them.” This “theatrical show of dissent” was a common strategy employed by the group and helped in halting construction of the precinct.¹⁵⁵ Where there is not enough public pressure on city councils, attempts to cut police budgets have proven futile.¹⁵⁶

2. EDUCATING THE PUBLIC

Movement groups advocating for divesting from the police and investing in community needs engage in necessary public education. In Minneapolis, MPD 150, Reclaim the Block, and Black Visions Collective create exhibits and audiobooks and hold teach-ins and

¹⁴⁸ See Jeff Coltin, *Did De Blasio Actually Defund the NYPD?*, CITY & STATE NY (July 1, 2020), <https://www.cityandstateny.com/articles/politics/new-york-city/did-de-blasio-actually-defund-nypd.html>.

¹⁴⁹ See Dana Rubinstein & Jeffrey C. Mays, *Newly \$1 Billion Is Shifted From Police in Budget That Pleases No One*, N.Y. TIMES, (June 10, 2020), <https://www.nytimes.com/2020/06/30/nyregion/nypd-budget.html> [hereinafter Rubinstein & Mays, *Budget That Pleases No One*].

¹⁵⁰ *Id.*

¹⁵¹ See #NYCBudgetJustice Campaign's Call is for the \$1b to be Cut in FY21, COMMUNITIES UNITED FOR POLICE REFORM, <https://www.changethenypd.org/nycbudgetjustice> (last visited Nov. 15, 2020).

¹⁵² *Id.*

¹⁵³ See generally CRITICAL RESISTANCE, POLICING IN OAKLAND MID-YEAR REVIEW.

¹⁵⁴ *Id.*

¹⁵⁵ Hellmann, *How Antiracist Organizers Got Seattle to Listen*.

¹⁵⁶ See Melissa Batchelor Warnke, *Opinion: L.A. Is Broken. The 'People's Budget' Would Finally Do Something To Fix It*, L.A. TIMES (Jun. 18, 2020), <https://www.latimes.com/opinion/story/2020-06-18/there-is-opportunity-in-the-spotlight-covid-19-has-shone-on-our-societys-brokenness>.

demonstrations.¹⁵⁷ In Seattle and Oakland, activists work with the community to change perceptions around police as first responders and the carceral system as a legitimate response to harms.¹⁵⁸

C. CHALLENGES

1. MISCONCEPTIONS ABOUT DIVESTING FROM THE POLICE

The invest-divest movement relies on evidence demonstrating that by investing in communities, the need for police and prisons is greatly minimized.¹⁵⁹ However, law enforcement and political officials warn that cutting police budgets will lead to an uptick in crime and police abuses.¹⁶⁰ In local offices, organizers meet head-to-head with city council members and politicians who attribute community safety to high police budgets.¹⁶¹

2. REFORM RHETORIC

Another obstacle to the divest-invest movement has been the rhetoric of “reform” versus radical change. The prevalent view among society, politicians, and the media is that reforming the police will work.¹⁶² President-Elect Joe Biden pushes for community policing, body cameras, and other reforms that have continued to fail.¹⁶³ This reform mentality poses a serious challenge to the divest-invest movement.

¹⁵⁷ Arianna Nason & Ricardo Levins Morales, *Organizer Voices: Planting the Seeds of Abolition*, THE FORGE (June 13, 2020), <https://forgeorganizing.org/article/planting-seeds-abolition>.

¹⁵⁸ See Hellman, *How Antiracist Organizers Got Seattle to Listen*; see also Ashley McBride, *For Youth Activists Looking to Get Involved, Five Oakland Organizations*, OAKLANDSIDE (June 26, 2020), <https://oaklandside.org/2020/06/26/for-youth-activists-looking-to-get-involved-five-oakland-organizations/>.

¹⁵⁹ See, e.g., Devone L. Boggan, *To Stop Crime, Hand Over Cash*, N.Y. TIMES (July 4, 2015), <https://www.nytimes.com/2015/07/05/opinion/sunday/to-stop-crime-hand-over-cash.html> (discussing the success of a police-free violence interruption program that needed more funding, not police).

¹⁶⁰ Denver Mayor Michael Hancock stated, “So long as I’m mayor, we will not abolish the Denver Police Department ... we will not erode the capacity of law enforcement and first responders to keep our communities, neighborhoods, schools and homes in Denver safe.” See Lauren Irwin, *The First Two Efforts to Defund Police in Colorado Quickly Failed. Will a Push at CU be the First to Succeed?*, COLORADO SUN (Aug. 26, 2020), <https://coloradosun.com/2020/08/26/defund-university-of-colorado-police-bipoc/>.

¹⁶¹ In August, Mayor Bill De Blasio announced that there would be a \$1 billion cut from the Police Department’s \$6 billion operating budget but that “doing so successfully – especially when crime and shootings are rising – would be a tricky ‘balancing act’.” Council members agreed to pass the budget, but some “contended that police funding should not be reduced when crime is rising.” See Rubinstein & Mays, *Budget That Pleases No One*. Police supporting groups buy in to this misconception, with one Austin-based group posting a billboard on the city’s main highway stating, “enter at your own risk” in reaction to the city cutting the Austin police budget by a third. Amir Vera, *Texas Billboard Warns Drivers to Enter Austin ‘At Your Own Risk’ After City Reduces Police Budget*, CNN (Sept. 13, 2020), <https://www.cnn.com/2020/09/13/us/austin-texas-defund-police-billboard/index.html>.

¹⁶² See generally Safia Samee Ali, *Voters Around the U.S. Approve Local Police Reform Measures*, NBC NEWS (Nov. 4, 2020), <https://www.nbcnews.com/politics/2020-election/voters-around-u-s-approve-local-police-reform-measures-n1246500>; German Lopez, *How to Reform American Police According to Experts*, VOX (June 1, 2020), <https://www.vox.com/2020/6/1/21277013/police-reform-policies-systemic-racism-george-floyd>; *US: 14 Recommendations for Fundamental Police Reform*, HUM. RTS. WATCH (Aug 12, 2020), <https://www.hrw.org/news/2020/08/12/us-14-recommendations-fundamental-police-reform>.

¹⁶³ Kaba, *Yes, We Mean Literally Abolish the Police.*

3. PERFORMATIVE SOLIDARITY

Local politicians sometimes responded to the protests of 2020 through acts of performative solidarity that were not backed up by actual change. In Washington, D.C., for instance, Mayor Muriel Bowser painted “Black Lives Matter” on streets and renamed a street “BLM plaza” while simultaneously proposing to increase funding for police and stating that she was “not at all” reconsidering the budget.¹⁶⁴

¹⁶⁴ Martin Auster Muhle, *Here's What Black Lives Matter D.C. is Calling For, and Where the City Stands*, NPR (June 9, 2020) <https://www.npr.org/local/305/2020/06/09/872859084/here-s-what-black-lives-matter-d-c-is-calling-for-and-where-the-city-stands>.

III. VIOLENCE INTERRUPTER PROGRAMS

On an average day in the United States, over 300 people are shot and approximately 103 of those people will die from their wounds.¹⁶⁵ The invest-divest movement recognizes this societal problem and calls for community-based responses to violence. Non-police violence interrupter programs have been working for years to prevent and address violent conflicts in communities and serve as an effective alternative to policing. Instead of waiting for violent crime to happen and then responding, these anti-carceral programs seek to prevent violent crime from occurring in the first place.¹⁶⁶ Violence interrupter programs have proven highly effective,¹⁶⁷ although they remain chronically underfunded compared to police departments. In places where violence interrupter programs show mixed results, it is often due to the fact that there needs to be community-level changes in employment, adequate social services, and improved education to support these programs.¹⁶⁸

A. CURE VIOLENCE & CEASEFIRE ILLINOIS

Cure Violence is a global violence interrupter program that applies science-based strategies associated with disease control to stop the gun violence epidemic. Cure Violence detects and interrupts violent conflicts, identifies and treats high risk individuals, and mobilizes community members to change social norms.¹⁶⁹

Local Cure Violence chapters train violence interrupters and outreach workers to address and prevent violent conflicts in communities. Before violence occurs, interrupters work in communities to identify conflicts and use mediation to resolve these conflicts peacefully. Violence interrupters may have to follow up for months to ensure that conflicts do not become violent. When a shooting or conflict happens, trained violence interrupters work with the victim, their family, and friends to prevent retaliation.¹⁷⁰

Outreach workers work with high risk individuals to make them less likely to commit violence. Workers educate individuals about the costs of using violence, teach them alternative responses to conflicts, and help them obtain social services like job training and drug treatment. Violence interrupters also push to change social norms. When a shooting occurs, violence interrupters help community members develop an anti-violence message. Cure Violence programs host events and distribute educational materials in affected communities to convey the message that the communities will not accept violence as a solution to conflicts.¹⁷¹

¹⁶⁵ Bonnie Berkowitz & Christine Loman, *One Year Ago, on Sept. 5, 2019, 113 People Were Shot in 24 Hours in the U.S.*, WASH. POST (Sept. 5, 2020), <https://www.washingtonpost.com/graphics/2020/national/gun-violence-america-day/>.

¹⁶⁶ See *What We Do*, CURE VIOLENCE, <https://cvg.org/what-we-do/> (last visited Dec. 8, 2020).

¹⁶⁷ One of the most prominent violence interrupter programs, Cure Violence, first launched in West Garfield, Chicago. In its first year, the program reduced shootings by 67%. TOOLS OF CHANGE, CURE VIOLENCE 1 (2018), <https://toolsofchange.com/userfiles/Cure%20ViolenceV3.pdf>.

¹⁶⁸ VITALE, END OF POLICING, at 175.

¹⁶⁹ *What We Do*, Cure Violence, <https://cvg.org/what-we-do/> (last visited Dec. 8, 2020).

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

The Cure Violence model first launched in Chicago under the name CeaseFire Illinois in 2000.¹⁷² A three-year review funded by the Department of Justice in 2009 found that CeaseFire Illinois reduced shootings in four Chicago communities by 17% to 24% and decreased retaliatory shootings.¹⁷³

B. SAVE OUR STREETS

While CeaseFire Illinois was the first iteration of Cure Violence in the United States, other program partner sites, like Save Our Streets in Brooklyn and the Bronx, have also engaged in anti-violence work for years.¹⁷⁴ Like CeaseFire Illinois, Save Our Streets trains outreach workers and violence interrupters to detect conflicts and mediate them peacefully. Workers often live in or near the program target areas. Save Our Streets credits their success with the fact that their workers have influence, credibility, and relationships in the communities.¹⁷⁵ Most program participants are young men between the ages of twenty-one and twenty-four, who spend a lot of their time canvassing the program target areas.¹⁷⁶ Each worker also serves as a mentor for up to fifteen high-risk individuals, helping them achieve positive behavioral and lifestyle changes.¹⁷⁷

In 2013, the Center for Court Innovation published an evaluation of Save Our Streets Brooklyn, comparing gun violence rates in the Brooklyn neighborhood of Crown Heights where Save Our Streets operates to three neighboring police precinct areas in Brooklyn without Save Our Streets programs. It found that the average monthly shooting rate in Crown Heights decreased by 6% over the 21-month period after Save Our Street's implementation, while it increased in the three comparison areas between 18% to 28%.¹⁷⁸ In a 2017 evaluation of Save Our Streets South Bronx, John Jay College of Criminal Justice found a 63% reduction in shootings and a 37% reduction in gun injuries in the community over a 48-month period.¹⁷⁹

C. FUNDING CHALLENGES FOR VIOLENCE INTERRUPTER PROGRAMS

Lack of funding presents the biggest challenge to violence interrupter programs. A reluctance to break away from the traditional narrative of police as sole keepers of safety keeps these programs underfunded even though programs like Cure Violence are data-backed alternatives. When CeaseFire Illinois first started, it received an average of about \$240,000 per year from the Illinois state budget. However, reliance on state funding from yearly state legislature appropriations created instability. In 2007, the governor removed CeaseFire Illinois from the

¹⁷² TOOLS OF CHANGE, CURE VIOLENCE 1 (2018), <https://toolsofchange.com/userfiles/Cure%20ViolenceV3.pdf>.

¹⁷³ WESLEY G. SKOGAN, ET AL., EVALUATION OF CEASEFIRE-CHICAGO 7-36-7-37 (2009), <https://www.ncjrs.gov/pdffiles1/nij/grants/227181.pdf>.

¹⁷⁴ See *Save Our Streets Brooklyn*, FACEBOOK, <https://www.facebook.com/sosbrooklyn/> (last visited Dec. 8, 2020); see also *Save Our Streets Bronx*, FACEBOOK, <https://www.facebook.com/SaveOurStreetsBronx/> (last visited Dec. 8, 2020).

¹⁷⁵ *Save Our Streets*, NEIGHBORS IN ACTION, <http://neighborsinaction.org/sos/> (last visited Dec. 8, 2020).

¹⁷⁶ SHEYLA A. DELGADO, ET AL., THE EFFECTS OF CURE VIOLENCE IN THE SOUTH BRONX AND EAST NEW YORK, BROOKLYN 3 (2017), <https://johnjayrec.nyc/wp-content/uploads/2017/10/CVinSoBronxEastNY.pdf>.

¹⁷⁷ *Save Our Streets*, NEIGHBORS IN ACTION, <http://neighborsinaction.org/sos/> (last visited Dec. 8, 2020).

¹⁷⁸ The three neighboring police precinct areas without violence interrupter programs included Brownsville, East Flatbush, and parts of Bedford-Stuyvesant. SARAH PICARD-FRITSCHÉ & LENORE CERNIGLIA, CENTER FOR COURT INNOVATION, TESTING A PUBLIC HEALTH APPROACH TO GUN VIOLENCE 16-18 (2013), https://www.courtinnovation.org/sites/default/files/documents/SOS_Evaluation.pdf.

¹⁷⁹ SHEYLA A. DELGADO, ET AL., THE EFFECTS OF CURE VIOLENCE IN THE SOUTH BRONX AND EAST NEW YORK, BROOKLYN 9 (2017), <https://johnjayrec.nyc/wp-content/uploads/2017/10/CVinSoBronxEastNY.pdf>.

budget, causing the organization to close all but two of its Chicago sites.¹⁸⁰ After giving CeaseFire Illinois a one-year contract to intervene in Lawndale and Woodlawn in 2012, the city of Chicago cut their contract after police officers expressed concern about collaborating with people they had arrested in the past.¹⁸¹

¹⁸⁰ WESLEY G. SKOGAN, ET AL., EVALUATION OF CEASEFIRE-CHICAGO 8-6-8-7 (2009), <https://www.ncjrs.gov/pdffiles1/nij/grants/227181.pdf>.

¹⁸¹ See Sarah Childress, *Chicago Drops CeaseFire from Anti-Violence Strategy*, FRONTLINE (Oct. 17, 2013), <https://www.pbs.org/wgbh/frontline/article/chicago-drops-ceasefire-from-anti-violence-strategy/>.

IV. POLICE-FREE SCHOOLS MOVEMENT

Removing police officers from schools is part of the larger vision of an anti-carceral society. The school-to-prison pipeline, which increases students' contact with the criminal punishment system and funnels them into the prison system, ruins the academic, social, and economic trajectory of many Black students. Arresting a student decreases their likelihood of graduating or securing employment and increases the chances that the student will interact with the criminal punishment system in the future.¹⁸²

As schools increasingly become micro police states, student and youth activists have organized to end the school-to-prison pipeline. For these youth activists, eliminating the use of police in schools is only the first step to ending the school-to-prison pipeline. The police-free schools movement also pushes schools to implement restorative justice practices so that all students feel safe. Instead of suspending, expelling, and arresting students, restorative justice allows students to remain in a supportive school environment, while getting to the root cause of their misbehavior.¹⁸³ It encourages schools to bring affected students and peer mediators together in restorative circles to address and repair harm. Rather than investing in school police, restorative justice calls for greater investment in student mental health services, mediation, and youth and community programming, such as after-school programs.¹⁸⁴ Restorative justice practices prioritize “relationship-building, repairing harm, and creating more equitable [school] environments.”¹⁸⁵

A. BLACK ORGANIZING PROJECT IN OAKLAND

Black Organizing Project is a group working towards racial justice in Oakland schools and advocating to redirect money that goes to school police officers to lunches, after-school programs, and mediation staff.¹⁸⁶ The group has been making steady progress on the issue of over-policing for the last decade and has helped the Oakland Unified School District become a model for restorative justice practices. Since 2012, the Oakland Unified School District has hired restorative justice coordinators and implemented restorative justice circles, which shift the focus from discipline to bringing students together in groups to reflect on harm and begin healing.¹⁸⁷

¹⁸² Jason P. Nance, *Students, Police, and the School-to-Prison Pipeline*, 93 WASH. L. REV. 919, 924 (2016).

¹⁸³ Milan Taylor, *Rockaway's School to Prison Pipeline*, ROCKAWAY YOUTH TASK FORCE, <https://rytf.org/rockaways-school-to-prison-pipeline/> (last visited Dec. 8, 2020).

¹⁸⁴ See e.g., Peter Rugh, *Plugging NYC's School-To-Prison Pipeline*, THE INDEPENDENT (Sept. 9, 2019), <https://indypendent.org/2019/09/plugging-nycs-school-to-prison-pipeline/>.

¹⁸⁵ Daisy Yuhás, *Restorative Justice is About More Than Just Reducing Suspensions*, THE HECHINGER REPORT (July 25, 2018), <https://hechingerreport.org/restorative-justice-is-about-more-than-just-reducing-suspensions/>.

¹⁸⁶ Ashley McBride, *For 9 Years, the Black Organizing Project Has Been Campaigning to Remove Police from Oakland schools. Will it Finally Happen?*, BERKELEYSIDE (June 5, 2020 3:27 PM), <https://www.berkeleyside.com/2020/06/05/for-9-years-the-black-organizing-project-has-been-campaigning-to-remove-police-from-oakland-schools-will-it-finally-happen>; see generally BLACK ORGANIZING PROJECT, THE PEOPLE'S PLAN FOR POLICE FREE-SCHOOLS (2019), <http://blackorganizingproject.org/wp-content/uploads/2019/11/The-Peoples-Plan-2019-Online-Reduced-Size.pdf>.

¹⁸⁷ Ashley McBride, *Oakland School Budget Cuts Threaten Program Credited with Reducing Suspensions*, SAN. FRAN. CHRONICLE (May 26, 2019), <https://www.sfchronicle.com/bayarea/article/Oakland-school-budget-cuts-threaten-program-13898271.php>. The program faced budget cuts in 2019 which led to the elimination of almost all of the district's restorative justice coordinators. However, under the George Floyd Resolution to Eliminate the Oakland Schools Police Department, Oakland Unified plans to shift the money that went to hiring police to bringing back more restorative justice coordinators. See Theresa Harrington, *Oakland School Board Unanimously Agrees to Eliminate its Police Force*, EDSOURCE (June 25, 2020), <https://edsource.org/2020/oakland-school-board-unanimously-agrees-to-eliminate-its-police-force/634544>.

After the murder of George Floyd, a youth protest of 15,000 Oakland community members called on the school district to eliminate its contract with the police.¹⁸⁸ In June 2020, the Oakland school superintendent and a majority of the school board backed the “George Floyd Resolution to Eliminate the Oakland Schools Police Department.” This resolution plans to eliminate the Oakland Unified School District’s internal police department by December 31, 2020 and redirect the \$2.8 million that would fund the police to Oakland students.¹⁸⁹ Oakland Unified is working with students, teachers, administrators, Black Organizing Project, and the community to create a new district safety plan, including more counselors and academic mentors.¹⁹⁰ Black Organizing Project credits its victories to relentless organizing by its members, including parents, students, community members, and other coalitions.¹⁹¹

B. YOUTH ADVOCACY IN MINNEAPOLIS

After the murder of George Floyd, the Minneapolis Public School Board voted to eliminate their contract with the MPD and withdrew all current police from their schools.¹⁹² While George Floyd’s death and the ensuing protests undoubtedly were significant factors in this vote, Minneapolis youth advocates, including the Young People’s Action Coalition, Black Liberation Project, Young Muslim Collective, Our Turn, and others have been organizing to remove police from their schools for years.¹⁹³ Young People’s Action Coalition works to bring more counselors and community ambassadors into schools to help build more democratic alternatives to police in the education system.¹⁹⁴ Likewise, the Young Muslim Collective has attended school board meetings and organized rallies to pressure the Minneapolis school district to cut ties with the police and reinvest in restorative justice.¹⁹⁵ Even though these youth advocacy groups were

¹⁸⁸ Ashley McBride, *For 9 Years, The Black Organizing Project Has Been Campaigning to Remove Police From Oakland Schools. Will it Finally Happen?*, BERKELEYSIDE (June 5, 2020 3:27 PM), <https://www.berkeleyside.com/2020/06/05/for-9-years-the-black-organizing-project-has-been-campaigning-to-remove-police-from-oakland-schools-will-it-finally-happen>

¹⁸⁹ Jill Tucker, *Oakland School Board and Superintendent Back Elimination of District Police*, SAN FRANCISCO CHRONICLE (June 11, 2020), <https://www.sfchronicle.com/bayarea/article/Oakland-school-board-and-superintendent-back-15331729.php>; see also Tony Daquipa, *Oakland School Board Votes Unanimously to Eliminate its Police Force by 2021*, OAKLAND VOICES (June 25, 2020, 3:19 PM), <https://oaklandvoices.us/2020/06/25/oakland-school-board-votes-unanimously-to-eliminate-its-police-force-by-2021/>.

¹⁹⁰ Vanessa Rancaño, *After Abolishing School Police, Oakland Wants to Reimagine Safety in Education*, KQED (June 26, 2020), <https://www.kqed.org/news/11826192/after-abolishing-school-police-oakland-wants-to-reimagine-safety-in-education#:~:text=After%20Abolishing%20School%20Police%2C%20Oakland%20Wants%20to%20Reimagine%20Safety%20in%20Education,-Vanessa%20Ranca%C3%B1o&text=A%20day%20after%20a%20unanimous,from%20celebrating%20back%20to%20business>.

¹⁹¹ See e.g., *Our Story of Eliminating Willful Defiance in Oakland*, BLACK ORGANIZING PROJECT (May 15, 2015), <http://blackorganizingproject.org/our-story-of-eliminating-willful-defiance-in-oakland/>.

¹⁹² Lois Beckett, *Minneapolis Public School Board Votes to Terminate its Contract With Police*, THE GUARDIAN (June 2, 2020, 7:48 PM), <https://www.theguardian.com/us-news/2020/jun/01/minneapolis-public-school-end-police-contract>.

¹⁹³ Zach Schmerle, *Over-Policing in Schools is an Issue Black Students Have Been Fighting for Years*, TEEN VOGUE (June 17, 2020), https://www.teenvogue.com/story/students-push-police-out-of-schools?utm_medium=social&utm_social-type=owned&utm_source=twitter&utm_brand=tv&mbid=social_twitter.

¹⁹⁴ See *Young People’s Action Coalition 2018-2019 Petition*, CHUFFED, <https://chuffed.org/project/ypac> (last visited Dec. 8, 2020).

¹⁹⁵ See Zach Schmerle, *Over-Policing in Schools is an Issue Black Students Have Been Fighting for Years*, TEEN VOGUE (June 17, 2020), https://www.teenvogue.com/story/students-push-police-out-of-schools?utm_medium=social&utm_social-type=owned&utm_source=twitter&utm_brand=tv&mbid=social_twitter.

successful in getting the Minneapolis school district to end their contract with the police, there is a new challenge on the horizon. After eliminating police, the school district has gone on to hire public safety specialists, a majority of whom have law enforcement backgrounds. According to activists, the school board's approach does not commit to decriminalization, and creates a new system to police and surveil its students.¹⁹⁶

C. #COUNSELORSNOTCOPS IN WAKE COUNTY, NORTH CAROLINA

In Wake County, North Carolina, advocacy groups like the Black Student Coalition, Education Justice Alliance, Southern Coalition for Social Justice, and ACLU of North Carolina have created the #CounselorsNotCops campaign to draw attention to the harms of school policing.¹⁹⁷ The #CounselorsNotCops initiative calls for the removal of school officers and training of school staff to ensure safe school climates.¹⁹⁸ The movement advocates for the investment of \$1 million into counselors trained in de-escalation techniques, establishment of an accountability system to deal with racist comments by employees, and adoption of a Black history course into the school curriculum. After student protests in 2020, the Wake County school board promised to get community feedback on developing a new agreement on the role of school officers after the 2020-2021 school year.¹⁹⁹

D. ROCKAWAY YOUTH TASK FORCE IN ROCKAWAY, NEW YORK

The Rockaway Youth Task Force, a youth-led organization in Rockaway, Queens, works to combat discriminatory arrests and suspensions of students of color.²⁰⁰ Rockaway Youth Task Force pushes for a community-based approach to school safety. In particular, Rockaway Youth Task Force has piloted a restorative justice initiative in Brooklyn public schools including the “restorative circle” technique, which brings together peer mediators and feuding students. Instead of relying on police, the circle allows students to take control and discuss their feelings about disputes and ways to move forward. Schools involved in the program saw a 35 percent decrease in suspensions, and students reported experiencing “more equitable school climates.”²⁰¹

E. POSITIVE DEVELOPMENTS AND CHALLENGES FACING THE POLICE-FREE SCHOOLS MOVEMENT

One challenge to the police-free schools movement is the misconception that the country needs school police to make schools safer from mass shootings. In reality, school violence is

¹⁹⁶ Mark Keierleber, *Here Are the People Minneapolis Schools Hired to Replace Campus Police After George Floyd's Death — And Why Some Are Raising New Red Flags*, THE 74 (Nov. 9, 2020), <https://www.the74million.org/article/here-are-the-people-minneapolis-schools-hired-to-replace-campus-police-after-george-floyds-death-and-why-some-are-raising-new-red-flags/>.

¹⁹⁷ See generally BLACK STUDENT COALITION, ET AL., BUILDING PEACE IN WAKE COUNTY SCHOOLS (2020), <https://www.southerncoalition.org/wp-content/uploads/2020/08/Building-Peace-in-Wake-County-Proposal-2020.pdf>.

¹⁹⁸ DIGNITY IN SCHOOLS, COUNSELORS NOT COPS: ENDING THE REGULAR PRESENCE OF LAW ENFORCEMENT IN SCHOOLS 2 (2016), https://dignityinschools.org/wp-content/uploads/2017/10/DSC_Counselors_Not_Cops_Recommendations-1.pdf.

¹⁹⁹ T. Keung Hui, *Here's Why Some Groups Want to Replace Cops with Counselors in Wake Schools*, THE NEWS & OBSERVER, <https://www.newsobserver.com/news/local/education/article245387900.html> (last updated Sept. 2, 2020, 10:32 AM).

²⁰⁰ *Issue Areas: Educational Equity*, ROCKAWAY YOUTH TASK FORCE, <https://rytf.org/our-work-2/#section1> (last visited Dec. 8, 2020).

²⁰¹ See Peter Rugh, *Plugging NYC's School-To-Prison Pipeline*, THE INDEPENDENT (Sept. 9, 2019), <https://independent.org/2019/09/plugging-nycs-school-to-prison-pipeline/>.

more likely to involve police who handle students roughly, than mass shootings, which remain rare.²⁰² Decision-makers may also often ignore youth advocates because of their age. In Salem, Oregon, for example, Latinos Unidos Siempre has called for the removal of officers from the Salem Keizer School District, but the students in Latinos Unidos Siempre report being silenced by adults.²⁰³

Despite these challenges, youth activists continue to call on schools to eliminate school resource officers and invest in restorative justice practices instead. Groups like Miami PowerU have called for increased investment in mental health, teacher support, and youth and community programming.²⁰⁴ The Philadelphia Student Union has demanded that schools invest money into nurses, counselors, trained de-escalators, psychologists, and unarmed non-law-enforcement personnel.²⁰⁵ Youth organizers that have achieved these demands report that the following led to success: principals with a strong vision and commitment to restorative justice, school staff support, and full-time restorative justice practice coordinators.²⁰⁶

²⁰² P.R. Lockhart, *The Parkland Shooting Fueled Calls for More School Police. Civil Rights Groups Want Them Removed*, Vox (Sept. 20, 2018, 2:40 PM), <https://www.vox.com/identities/2018/9/20/17856416/school-discipline-policing-black-students-report>.

²⁰³ Latinos Unidos Siempre, FACEBOOK (Sept. 25, 2020), <https://www.facebook.com/LUSsalem/posts/3287298074716009>.

²⁰⁴ *Smashing the School to Prison Pipeline*, POWERU, <https://www.poweru.org/smashing-the-school-to-prison-pipeline/> (last visited Dec. 8, 2020).

²⁰⁵ See Philadelphia Student Union, *A Timely Ask For #PoliceFreeSchools Supporters*, CHANGE.ORG (Aug. 14, 2020), <https://www.change.org/p/tell-the-school-district-of-philadelphia-we-want-policefreeschools/u/27521001>.

²⁰⁶ YOLANDA ANYON, *TAKING RESTORATIVE PRACTICES SCHOOL-WIDE: INSIGHTS FROM THREE SCHOOLS IN DENVER 2-4* (2016), <https://advancementproject.org/resources/taking-restorative-practices-school-wide/>.

V. MENTAL HEALTH EMERGENCIES AND CRISIS INTERVENTION TEAMS

Movement organizers across the country have called into question the role of police as first responders to mental health-related crises. Police are deployed as front-line mental healthcare workers in the United States, despite findings that people living with mental health conditions are sixteen times more likely to be killed by police and comprise one in four victims of fatal police shootings.²⁰⁷ When dealing with people suffering from a mental health crisis, police ineffectively rely on the same procedures they use for armed suspects, including screaming commands and preparing to use deadly force.²⁰⁸ Given the violence that often ensues when police officers are called to handle mental health crises, activists have proposed non-police community-led alternative emergency responders in the form of crisis intervention teams to deal with people in mental distress. The goal of crisis intervention teams is to eliminate police as frontline mental health responders and provide a safer alternative emergency response for people dealing with mental health crises.

A. CAHOOTS: THE LEADING MODEL

The non-profit organization CAHOOTS reduces interactions between police and individuals with mental illness in Eugene and Springfield, Oregon.²⁰⁹ Established by the White Bird Clinic, CAHOOTS has existed for over thirty years and has served as the primary crisis intervention model for several cities.²¹⁰

CAHOOTS' effectiveness stems from its holistic model. Dispatchers divert 911 non-violent calls related to mental health crises to CAHOOTS instead of the police.²¹¹ CAHOOTS then responds to individuals who may be facing drug use-related crises, public intoxication, psychotic episodes, homelessness, or suicide attempts.²¹² A nurse or an EMT, along with a crisis responder, drive to the location of the call in their signature vans. The equipment they bring to the scene will depend on the circumstance, but they are always unarmed and dressed in civilian clothing to convey a non-threatening presence.²¹³ CAHOOTS responders are trained in crisis management and de-escalation, and medics are cross-trained in crisis management.²¹⁴ In its thirty years of operation, CAHOOTS has never been responsible for a serious injury or death.²¹⁵ By utilizing CAHOOTS as an alternative to the police, the city of Eugene has significantly reduced police interaction with individuals experiencing mental health crises. CAHOOTS was responsible for

²⁰⁷ VITALE, END OF POLICING, at 154.

²⁰⁸ *Id.* at 156.

²⁰⁹ See Scottie Andrew, *This Town of 170,000 Replaced Some Cops With Medics and Mental Health Workers. It's Worked For Over 30 Years*, CNN (Jul. 5, 2020), <https://www.cnn.com/2020/07/05/us/cahoots-replace-police-mental-health-trnd/index.html> [hereinafter Andrew, *This Town Replaced Some Cops With Medics*].

²¹⁰ See Zusha Elinson, *When Mental-Health Experts, Not Police, Are the First Responders*, WALL ST. J. (Nov. 24, 2018), <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600>.

²¹¹ Andrew, *This Town Replaced Some Cops With Medics*.

²¹² Sigal Samuel, *Calling The Cops On Someone With Mental Illness Can Go Terribly Wrong. Here's a Better Idea. What if We Sent Mental Health Experts Instead of Police?*, VOX (Jun. 5, 2020), <https://www.vox.com/future-perfect/2019/7/1/20677523/mental-health-police-cahoots-oregon-oakland-sweden>.

²¹³ Andrew, *This Town Replaced Some Cops With Medics*.

²¹⁴ Danielle Cohen, *Here's How a 911 Call Without Police Could Work*, GQ (Jun. 12, 2020), <https://www.gq.com/story/how-a-911-call-without-police-could-work>.

²¹⁵ Ari Shapiro, *'CAHOOTS': How Social Workers And Police Share Responsibilities In Eugene, Oregon*, NPR (Jun. 5, 2020), <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon> [hereinafter Shapiro, CAHOOTS].

around 20% of the city's 911 calls in 2019. Of those 24,000 calls, less than 1% required police intervention.²¹⁶

CAHOOTS has also been vital in providing health resources to vulnerable individuals who may otherwise lack access. In addition to transporting clients to hospitals and homeless shelters, CAHOOTS also refers clients to the White Bird Clinic, where individuals receive additional care, including counseling, dental and medical care.²¹⁷ Despite CAHOOTS' success, the non-profit only receives around 2 million in funding from the city—enough to fund the fifty person staff and three of their signature vans. In contrast, in Eugene and Springfield, where CAHOOTS is active, their police departments' annual budgets are around \$20 million and \$70 million respectively.²¹⁸

B. MACRO AND STAR: MODELING CAHOOTS IN OAKLAND AND DENVER

Oakland has implemented a crisis intervention model for addressing mental health crises called MACRO modeled after CAHOOTS. CAHOOTS members traveled to Oakland and presented their work and success to Oakland activists and other city actors. Thereafter, with widespread support MACRO received funding from cuts made to the Oakland Police Department's budget to start a similar crisis intervention model.²¹⁹ Like CAHOOTS, MACRO replaces police officers with mental health counselors and medics to respond to non-violent, mental health-related 911 calls.²²⁰ Additionally, the Oakland Power Project, a Critical Resistance initiative, offers a number of workshops to help community members learn self-sufficient ways to respond to health emergencies without resorting to the police.²²¹

In summer 2020, the city of Denver began redirecting mental health emergency calls from police to social workers and health professionals through the Support Team Assisted Response (STAR) program, which is also modeled after CAHOOTS.²²² The program dispatches paramedics and mental health clinicians in repurposed city vans to respond to 911 calls involving drug overdoses, mental health crises, intoxication, suicidal ideation, homelessness, and other public health emergencies.²²³ STAR maintains that societies “don't need armed and badged gunmen”²²⁴ to address social problems; rather, community models for public safety and alternative mental health responses are “preventative medicine for police violence.”²²⁵ The program showed promise

²¹⁶ *Id.*

²¹⁷ Andrew, *This Town Replaced Some Cops With Medics*.

²¹⁸ Shapiro, CAHOOTS.

²¹⁹ Natalie Orenstein, *Call 911 for a Counselor? Oakland Will Pilot One Alternative to Police*, OAKLANDSIDE (Jun. 29, 2020), <https://oaklandside.org/2020/06/29/call-911-for-a-counselor-oakland-will-pilot-an-alternative-to-police/>.

²²⁰ *Id.*

²²¹ *Know Your Options Workshops*, OAKLAND POWER PROJECTS, <https://oaklandpowerprojects.org/know-your-options-workshops> (last visited Dec. 10, 2020).

²²² Matt Vasilogambros, *'If the Police Aren't Needed, Let's Leave Them Out Completely'*, N.M. IN DEPTH (Jun. 24, 2020), <http://nmindepth.com/2020/06/24/if-the-police-arent-needed-lets-leave-them-out-completely/>.

²²³ *Press Release: DJP Helps Launch Alternative Public Health Emergency Response Pilot in Denver*, DENVER JUST. PROJECT (Jun. 8, 2020), <http://www.denverjusticeproject.org/2020/06/08/press-release-alternative-public-health-emergency-response-pilot-launches-in-denver/>.

²²⁴ Kevin Beaty, *A Long-Planned Program to Remove Police From Some 911 Calls Launched as Denver's Streets Erupted in Police Brutality Protests*, DENVERITE (Jun. 8, 2020), <https://denverite.com/2020/06/08/a-long-planned-program-to-remove-police-from-some-911-calls-launched-as-denvers-streets-erupted-in-police-brutality-protests/>.

²²⁵ *Press Release: DJP Helps Launch Alternative Public Health Emergency Response Pilot In Denver*, DENVER JUST. PROJECT (Jun. 8, 2020), <http://www.denverjusticeproject.org/2020/06/08/press-release-alternative-public-health-emergency-response-pilot-launches-in-denver/>.

during its pilot phase, and the goal is for STAR to be implemented city-wide, with 24/7 services supported by community-based clinics, providers, and organizations.²²⁶

C. CITIES PROPOSING CRISIS INTERVENTION ALTERNATIVES

Cities like Chicago, Albuquerque, and New York have also started to demand police-free alternatives to mental health crises. In September 2020, the Chicago City Council and public health stakeholders turned to the CAHOOTS model to propose the “Treatment Not Trauma” program.²²⁷ The program proposes a police-free, 24-hour crisis response team that would address homelessness, substance use, and other public health emergencies. The proposal remains in its nascent stages, as the city council and stakeholders work with the Department of Public Health and OMEC to determine a preliminary budget.²²⁸

Following weeks of protests, the mayor of Albuquerque announced a public safety plan in June 2020, intended to outsource certain 911 calls to a new division of trained and unarmed public health professionals, instead of police.²²⁹ This new division, called Albuquerque Community Safety, will be deployed for calls pertaining to substance abuse, homelessness, and mental health episodes. The staff of Albuquerque Community Safety would consist of violence-prevention and homelessness experts and social workers.²³⁰

In New York City, Mayor De Blasio recently announced a proposal for a pilot program to deploy trained mental-health crisis response teams instead of police for 911 calls involving mental health episodes deemed “safe.”²³¹ Though specific details of the program are yet to be announced, the pilot would begin in two “high-needs” neighborhoods.²³² Critics of the pilot program have expressed concern with what they view as continued overreliance on 911.²³³

²²⁶ *Id.*

²²⁷ Michael Lee, *Crisis Response Team — Without Cops — Would Be Sent To Mental Health Emergencies Under Proposal*, CHI. SUN TIMES (Sept. 29, 2020), <https://chicago.suntimes.com/2020/9/29/21493833/mental-health-treatment-not-trauma-police-reform-brutality>.

²²⁸ Erin Hegarty (@erin_hegarty), Twitter, Sept. 29, 2020, https://twitter.com/erin_hegarty/status/1310977969029033984.

²²⁹ Austin R. Ramsey & Meryl Kornfield, *Amid Calls To Defund Police, Albuquerque Creates An Alternative Department*, WASH. POST (Jun. 15, 2020), <https://www.washingtonpost.com/nation/2020/06/15/wake-calls-defund-police-albuquerque-creates-an-alternative-department/>.

²³⁰ *Id.*

²³¹ Thomas Tracy & Shant Shahrigian, *NYC to Try New, Police-Free Approach to Mental Health Crises: de Blasio*, N.Y. DAILY NEWS (Nov. 10, 2020), <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-de-blasio-nypd-mental-health-new-program-20201110-uihb46gvfzamnomg7ay27k6qi4-story.html>.

²³² *Id.*

²³³ See Shant Shahrigian, *Public Advocate Jumaane Williams Criticizes New de Blasio Approach to 911 Mental Crises Calls*, N.Y. DAILY NEWS (Nov. 11, 2020), <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-jumaane-williams-mental-health-911-calls-20201111-juaylnztszakfipgc6sc7iec2i-story.html>.

VI. ENDING THE WAR ON DRUGS: TREATMENT, HARM REDUCTION, AND DECRIMINALIZATION

Alternatives to policing in the failed war on drugs should include high quality drug treatment, harm reduction, and drug decriminalization. These anti-carceral efforts would shrink the role of policing by leading to the disbanding of police drug task forces and the end of drug raids and arrests. Portugal, by becoming the first country to decriminalize drugs, exemplifies the success of anti-carceralism. Since 2001, Portugal has seen an 18% decrease in drug misuse and a 20% decrease of people in prison for drug law violations.²³⁴

In America, Black and Latinx communities experience higher rates of arrests and incarceration related to the war on drugs.²³⁵ Of those convicted for drug offenses, Black and Latinx people make up nearly 80% of the population in federal prisons and almost 60% of the population in state prisons,²³⁶ despite only comprising around 30% of the U.S. population²³⁷ and using drugs at statistically similar rates as white people.²³⁸

A. HARM REDUCTION STRATEGIES

Harm reduction accepts the inevitability of drug use and seeks to make drug use as safe as possible.²³⁹ The harm reduction model has greatly reduced drug-related morbidity and mortality rates.²⁴⁰ It teaches communities how to recognize and respond to overdoses without police intervention, distributes emergency drug treatment for overdoses, establishes safe injection sites, provides clean syringes for injection-drug users, and strives to end drug use stigma.²⁴¹

Critical Resistance has several programs employing the harm reduction model. Critical Resistance believes that police presence in situations of drug use too often leads to incarceration or lethal use of force. As such, its Oakland Power Project and Anti-Policing Health Workers Cohort teach communities how to access help with the least amount of police intervention possible.²⁴² The Anti-Policing Health Workers Cohort consists of healthcare workers like EMTs,

²³⁴ See Naina Bejeka, *Want to Win the War on Drugs? Portugal Might Have the Answer*, TIME (Aug. 1, 2018) <https://time.com/longform/portugal-drug-use-decriminalization/>.

²³⁵ See *Race and the Drug War*, DRUG POL'Y ALL., <https://drugpolicy.org/issues/race-and-drug-war> (last visited Nov. 30, 2020).

²³⁶ *Id.*

²³⁷ See *Quick Facts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/US/PST045219> (last visited Nov. 30, 2020).

²³⁸ See *Results from the 2013 National Survey on Drug Use and Health: Summary of National Findings*, SAMHSA, <https://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.htm#2.7> (last visited Nov. 30, 2020).

²³⁹ See *Harm Reduction: An Approach to Reducing Risky Health Behaviors in Adolescents*, PAEDITAR CHILD HEALTH (Jan. 2008), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2528824/>.

²⁴⁰ See *id.* (citing a study that found that “areas that have introduced needle-exchange programs have shown mean annual decreases in HIV seroprevalence compared with those areas that have not introduced needle-exchange programs.”).

²⁴¹ See *generally Healthcare: Health & Policing*, OAKLAND POWER PROJECTS, <https://oaklandpowerprojects.org/healthcare> (last visited Nov. 23, 2020); *About*, HIPS, <https://www.hips.org/about.html> (last visited Nov. 23, 2020); See *What We Do*, HARM REDUCTION ACTION CTR., <http://harmreductionactioncenter.org/what-we-do/> (last visited Nov. 23, 2020).

²⁴² See *Healthcare: Health & Policing*, OAKLAND POWER PROJECTS, <https://oaklandpowerprojects.org/healthcare> (last visited Nov. 14, 2020).

emergency room doctors, nurses, acupuncturists and herbalists.²⁴³ The cohort launched an Opioid Overdose Prevention Workshop in Oakland that teaches the community how policing and incarceration further health inequalities.²⁴⁴ It also trains the community on how to respond to and reverse drug overdoses.²⁴⁵ Additionally, Oakland Power Projects created educational materials that it posts on its website, including a PDF toolkit that offers alternatives to calling 911, identifies symptoms of and how to respond to opioid overdose, and offers advice on aftercare.²⁴⁶

The Harm Reduction Action Center in Colorado represents another harm reduction organization that provides direct services to people who use drugs. Some examples of their harm reduction strategies include providing syringe access and the injectable anti-overdose treatment naloxone to the community. Additionally, the Harm Reduction Action Center recognizes that poverty, class, racism, and other forms of discrimination affect people's ability to effectively deal with drug-related harm.²⁴⁷ The organization conducts health education, street outreach, and holds presentations and meetings to educate the community on drug-related harm and reduce fatal drug overdoses.²⁴⁸ Throughout the years, the Harm Reduction Action Center has worked with local political officials to pass legislation that decriminalizes drug use. In 2012, Colorado adopted the Good Samaritan Law, which prevents prosecution of individuals who experience or report an emergency drug or alcohol overdose and stay at the scene.²⁴⁹ In 2013, Harm Reduction Action Center encouraged officials to pass legislation that allowed for mobile syringe access in high drug traffic areas and decriminalized syringe possession.²⁵⁰ In 2017, Harm Reduction Action Center secured new legislation that allowed for over 600 heroin injectors in five county jails to be trained on how to recognize and respond to overdoses.²⁵¹

B. DECRIMINALIZATION

The overwhelming majority of U.S. states criminalize drug possession. In November 2020, with the help of the Drug Policy Alliance, the nation's leading organization covering drug policy

²⁴³ See *id.*

²⁴⁴ See *Know Your Options Workshops*, OAKLAND POWER PROJECTS, <https://oaklandpowerprojects.org/know-your-options-workshops> (last visited Nov. 14, 2020).

²⁴⁵ See *id.*

²⁴⁶ See *generally The Oakland Power Projects*, OAKLAND POWER PROJECTS, https://static1.squarespace.com/static/59ead8f9692ebee25b72f17f1/5b6aab5e1ae6cfd4011275e2/1533717358865/O PP_booklet_Jun2018_v2-3.pdf (last visited Nov. 14, 2020).

²⁴⁷ See *What We Do*, HARM REDUCTION ACTION CTR., <http://harmreductionactioncenter.org/what-we-do/> (last visited Nov. 14, 2020).

²⁴⁸ See *Participants*, HARM REDUCTION ACTION CTR., <http://harmreductionactioncenter.org/participants/> (last visited Nov. 14, 2020).

²⁴⁹ *Our Victories*, HARM REDUCTION ACTION CTR., <http://harmreductionactioncenter.org/our-victories/> (last visited Nov. 14, 2020).

²⁵⁰ *Id.*

²⁵¹ *Id.* Despite these successes, HRAC's has faced community opposition and misconceptions surrounding their work. For example, in 2020 HRAC moved their needle exchange program to a new location surrounded by apartment complexes, businesses, and schools. While the schools supported HRAC's efforts, businesses expressed concerns about the center being so close. One restaurant owner stated that the program relocation will expand homelessness in the area. Such misinformation surrounding people who use drugs has been a big obstacle to the work of HRAC. See Ryan Haarer, *State's Largest Needle Exchange Defends Move to New Location*, 9NEWS (Feb. 14, 2020), <https://www.9news.com/article/news/local/next/colorados-largest-needle-exchange-moves-to-8th-and-lincoln/73-9f2c3cd8-4d92-405c-b180-9490b080e8a4>; see also Esteban L. Hernandez, *The Former Le Central French Restaurant Building in Cap Hill Will Be the New Home of Denver's Harm Reduction Action Center*, DENVERITE (Jan. 13, 2020), <https://denverite.com/2020/01/13/le-central-french-restaurant-building-capitol-hill-denver-harm-reduction-action-center/>.

issues, Oregon became the first state in the United States to decriminalize all drug possession.²⁵² This recent success allows for people in Oregon struggling with drug use to seek help without fear of criminal punishment.²⁵³ The Drug Policy Alliance has also recently proposed the Drug Policy Reform Act that would decriminalize all drugs at the federal level.²⁵⁴ By decriminalizing drugs, the United States can begin to divest from the carceral state and prioritize the health and safety of people who use drugs. Decriminalization will also reduce the stigma associated with drug use and remove barriers faced by harm reduction practitioners.²⁵⁵

In 2020, the Movement for Black Lives proposed the BREATHE Act, which calls for societal divestment from policing and investment in non-punitive responses.²⁵⁶ Among other things, the BREATHE Act encourages drug decriminalization in states through the use of grant requirements, decriminalization of drugs at the federal level, and the retroactive expungement of drug convictions.²⁵⁷ It also calls for the abolishment of the Drug Enforcement Agency,²⁵⁸ which was responsible for close to 30,000 arrests in 2019 alone.²⁵⁹ While the BREATHE Act has not been introduced in Congress, it has received support from some congressional progressives including Ayanna Pressley (MA) and Rashida Tlaib (MI).²⁶⁰

HIPS in Washington D.C. is an example of a service provider organization fighting for drug decriminalization. HIPS believes that those engaged in drug use should be able to live “healthy, self-determined, and self-sufficient lives free from stigma, violence, criminalization or oppression.”²⁶¹ HIPS recommends the decriminalization of small quantity drug possession and related offenses and the strengthening of good Samaritan laws.²⁶² HIPS believes that decriminalization will help drug users live without fear of arrest and that community-based programs will help to ensure the rights and safety of people who use drugs.²⁶³ A challenge for HIPS is the numerous municipal statutes that make it impossible for the organization to support people who use drugs.²⁶⁴

²⁵² See *Drug Decriminalization*, DRUG POL’Y ALLIANCE, <https://www.drugpolicy.org/issues/drug-decriminalization> (last visited Nov. 15, 2020).

²⁵³ *Id.*

²⁵⁴ See Alexander Lekhtman, *Breaking Down a Model Bill to Decriminalize All Drugs*, FILTER (Aug. 20, 2020), <https://filtermag.org/decriminalize-all-drugs-bill/>.

²⁵⁵ See *Drug Decriminalization*, DRUG POL’Y ALLIANCE, <https://www.drugpolicy.org/issues/drug-decriminalization> (last visited Nov. 15, 2020).

²⁵⁶ See *What Is the Breathe Act?*, M4BL, <https://breatheact.org/learn-more/> (last visited Nov. 15, 2020).

²⁵⁷ *Movement for Black Lives Wants Congress to End the Drug War*, FILTER MAG. (July 9, 2020), <https://filtermag.org/abolish-dea-decrim/>.

²⁵⁸ *Id.*

²⁵⁹ See *Domestic Arrests*, DEA, <https://www.dea.gov/domestic-arrests> (last visited Nov. 15, 2020).

²⁶⁰ See *Movement for Black Lives Wants Congress to End the Drug War*, FILTER MAG. (July 9, 2020) <https://filtermag.org/abolish-dea-decrim/>.

²⁶¹ *About*, HIPS, <https://www.hips.org/about.html> (last visited Nov. 15, 2020).

²⁶² *Policy Recommendations: Applying a Public Health, Harm Reduction Approach to Drug Use in DC*, HIPS, https://www.hips.org/uploads/6/2/2/9/62290383/hips_drugusepolicies.pdf (last visited Nov. 15, 2020).

²⁶³ See *id.*

²⁶⁴ Most recently, HIPS and the Drug Policy Alliance submitted a letter to the D.C. Council demanding the removal of criminal penalties for the possession and distribution of “drug paraphernalia.” The statute does not allow service providers to distribute harm reduction tools to people who use drugs. This statute criminalizing drug paraphernalia has exacerbated the overdose crisis. See Shane Sullivan, *DC Must Decriminalize Snorting and Smoking Kits to Protect Our Health*, FILTER (Oct. 5, 2020), .

VII. REPARATIONS FOR POLICE ABUSE

Instead of relying on the criminal punishment system to provide “justice” for victims of police abuse, state-sponsored reparations for police abuse that provide financial compensation; healthcare, counseling, job training, and education for survivors; state acknowledgment of wrongdoing; and public education highlighting police violence, present an alternative anti-carceral vision of justice for police abuse.

The efforts of grassroots organizers in Chicago have provided a holistic model for what reparations for police violence could entail across the country and how the state can support Black victims whose human rights have been violated by police.²⁶⁵ From 1972 to 1991, Chicago Police Commander Jon Burge and his subordinates tortured over 100 people, mostly Black men.²⁶⁶ They systematically targeted communities of color for years, often coercing victims of torture into false confessions.²⁶⁷ These torture tactics included beatings, placing plastic bags over victims’ heads, administering electric shocks to victims’ genitalia and other body parts, chaining victims to radiators, and burning victims with cigarettes.²⁶⁸ Police supervisors turned a blind eye to these acts, and the state’s attorney general declined to prosecute the department, instead utilizing the confessions for convictions. Jon Burge was not fired until 1993, despite evidence of torture being discovered a decade prior.²⁶⁹ Survivors tortured under Burges’ command did not receive any form of redress until more than two decades later.²⁷⁰

In May 2015 after sustained pressure from activists, the Chicago City Council passed a groundbreaking reparations ordinance. The historic reparations package for victims of state-sanctioned police violence has set a template for future legislatures that are willing to confront the history of systemic police abuse towards Black people.²⁷¹ The package included a formal apology by the mayor and local government for the tortures, mandatory academic lessons on the Burge tortures in the Chicago public school curriculum,²⁷² trauma and counseling services for survivors, free tuition for survivors at Chicago’s City Colleges, job placement and training for formerly incarcerated survivors, and financial compensation for survivors.²⁷³

²⁶⁵ Joey Mogul, *Chicago Activists Obtain Reparations for Chicago Police Torture Survivors*, NAT’L LAWYERS GUILD, <https://www.nlg.org/guild-notes/article/chicago-activists-obtain-reparations-for-chicago-police-torture-survivors/> (last visited Nov. 24, 2020) [hereinafter Mogul, *Activists Obtain Reparations for Police Torture Survivors*].

²⁶⁶ Spencer Ackerman & Zach Stafford, *Victims of Chicago police savagery hope reparations fund is 'beacon' for world*, THE GUARDIAN (May 7, 2015), <https://www.theguardian.com/us-news/2015/may/07/chicago-police-brutality-reparations>.

²⁶⁷ *Id.*

²⁶⁸ Micah Uetracht, *Accused Torturer Jon Burge Died Last Week, But His Legacy of Brutal, Racist Policing Lives on in Chicago*, THE INTERCEPT (Sept. 25, 2018), <https://theintercept.com/2018/09/25/jon-burge-chicago-police-torture/>.

²⁶⁹ *Id.*

²⁷⁰ Flint Taylor, *How Activists Won Reparations for the Survivors of Chicago Police Department Torture*, IN THESE TIMES, (June 26, 2015), <https://inthesetimes.com/article/jon-burge-torture-reparations>.

²⁷¹ Logan Jaffe, *The Nation’s First Reparations Package to Survivors of Police Torture Included a Public Memorial. Survivors Are Still Waiting.*, PROPUBLICA ILLINOIS, (Jul. 4, 2020), <https://www.propublica.org/article/the-nations-first-reparations-package-to-survivors-of-police-torture-included-a-public-memorial-survivors-are-still-waiting>.

²⁷² CHICAGO PUBLIC SCHOOLS, REPARATIONS WON: A CASE STUDY IN POLICE TORTURE, RACISM, AND THE MOVEMENT FOR JUSTICE IN CHICAGO (2017), https://blog.cps.edu/wp-content/uploads/2017/08/ReparationsWon_HighSchool.pdf.

²⁷³ *History of Chicago’s Reparations Movement*, CHICAGO TORTURE JUST., <https://www.chicagotorturejustice.org/history> (last visited Dec. 10, 2020).

The reparations package serves as a non-carceral model of justice and accountability for survivors, founded on the idea of sustainable and positive healing.²⁷⁴ The campaign for the ordinance was spearheaded by Chicago Torture Justice Memorials, Project NIA, We Charge Genocide, and Amnesty International.²⁷⁵ Abolitionist Mariame Kaba, who was integral to the passing of the ordinance, considers it “an abolitionist document. . .an expansive way of demanding a form of justice. . .that tend[s] to the needs of survivors.”²⁷⁶ Instead of championing the arrest of officers and thereby perpetuating and legitimizing the criminal punishment system, activists in Chicago sought a new form of accountability—one that places emphasis on the state to ensure that victims are adequately cared for, while preventing the same harm from occurring again. Today, the ordinance has inspired groups like Black Youth Project 100 and the Movement for Black Lives.²⁷⁷

²⁷⁴ Mogul, *Activists Obtain Reparations for Police Torture Survivors* (last visited Dec. 10, 2020).

²⁷⁵ *Id.*

²⁷⁶ Natalie Y. Moore, *Payback: Chicago Police Commander Jon Burge and His Crew Tortured False Confessions Out of Hundreds of Black Men. Decades Later, the Survivors Fought for Reparations*, THE MARSHALL PROJECT, (Oct. 30, 2018), <https://www.themarshallproject.org/2018/10/30/payback>.

²⁷⁷ *Reparations*, THE MOVEMENT FOR BLACK LIVES, <https://m4bl.org/policy-platforms/reparations/> (last visited Dec. 10, 2020).

VIII. NON-CARCERAL RESPONSES TO GENDER-BASED VIOLENCE

Community-based groups that advocate for a non-carceral response to gender-based violence push for more reliance on transformative justice and less on a criminal punishment system that too often fails and endangers the lives of survivors of gender-based violence.

Critical Resistance is an example of an organization that works to advance abolitionist feminism and advocates for less reliance on law enforcement, government surveillance, and imprisonment when responding to sexual, gender-based, or family harm: “we must oppose carceral feminism by continuing to chip away at criminalization and state punishment while building genuine solutions for health and safety.” They argue that carceral feminism harms Indigenous, Black, brown, immigrant, working class, and queer and trans individuals.²⁷⁸ In a statement with INCITE!, a network of feminists organizing for a non-carceral response to gender-based violence, Critical Resistance highlights how carceral approaches to gender-based violence protect batterers over survivors, how mandatory arrest laws lead to police arresting women who are battered, and how imprisoned women go on to face more violence in prison.²⁷⁹

Survived & Punished, founded by Mariame Kaba and based in California and New York advocates for the end of the criminalization of survivors of gender-based violence and works to free survivors who have been criminalized because of their use of self-defense, failure to protect or remove children from abuse, or being coerced into acting as an accomplice.²⁸⁰ In 2018, a study found that women’s state prison populations have grown by 834% over nearly 40 years, more than double the growth among men, in part because survivors are increasingly criminalized for protecting themselves against domestic violence.²⁸¹ Survived & Punished argues that women of color; undocumented, poor, transgender, queer, and disabled women, and those in the sex industry, deserve support, not criminalization.²⁸² Survived & Punished New York hosts an Anti-Prosecution working group, which applies an abolitionist lens to prosecutor accountability, and demands that district attorneys decline to prosecute survivors of domestic, sexual, or gender-based violence whose arrests relate to acts of survival.²⁸³ These advocacy groups are often led by individuals who have experienced their own forms of gender-based violence.²⁸⁴ This makes their advocacy even more powerful, as their survivor-centered approach accounts for the experiences of marginalized survivor identities, such as women of color.²⁸⁵

²⁷⁸ *Abolitionist Feminism and Domestic Violence Awareness*, CRITICAL RESISTANCE, <https://mailchi.mp/criticalresistance/abolitionist-feminism-and-domestic-violence-awareness> (last visited Dec. 8, 2020).

²⁷⁹ See generally INCITE! & CRITICAL RESISTANCE, STATEMENT ON GENDER VIOLENCE AND THE PRISON INDUSTRIAL COMPLEX (2001), <https://incite-national.org/wp-content/uploads/2018/08/incite-cr-statement.pdf>.

²⁸⁰ *S&P Analysis & Vision*, SURVIVED & PUNISHED, <https://survivedandpunished.org/analysis/> (last visited Dec. 8, 2020).

²⁸¹ WENDY SAWYER, THE GENDER DIVIDE: TRACKING WOMEN’S STATE PRISON GROWTH (2018), https://www.prisonpolicy.org/reports/women_overtime.html.

²⁸² *S&P Analysis & Vision*, SURVIVED & PUNISHED, <https://survivedandpunished.org/analysis/> (last visited Dec.. 8, 2020).

²⁸³ *Anti-Prosecution*, SURVIVED & PUNISHED, <https://www.survivedandpunishedny.org/anti-prosecution/> (last visited Dec. 8, 2020).

²⁸⁴ Telephone Interview with Survived & Punished New York Member (Oct. 30, 2020) (notes on file).

²⁸⁵ See *S&P Analysis & Vision*, SURVIVED & PUNISHED, <https://survivedandpunished.org/analysis/> (last visited Dec. 8, 2020).

A. ALTERNATIVES TO POLICING FOR GENDER-BASED VIOLENCE

As an alternative to policing, Critical Resistance, INCITE!, Survived & Punished, and other abolitionist feminists call for community accountability and transformative justice. Community accountability is a process in which one's community—family, friends, neighborhood—work to address violence, instead of relying on police and prisons. The process encourages communities to affirm values and practices that resist abuse and encourage safety; develop strategies to address members' abusive behavior and create a process for them to transform their behavior; commit to the ongoing development of all community members in order to transform the political conditions that reinforce violence in communities; and provide safety and support to targeted community members, while respecting their self-determination.²⁸⁶

Transformative justice equates to community accountability, as both concepts address a specific situation of harm and transform the conditions and social forces that lead to that harm. In their abolitionist toolkit, Critical Resistance highlights the benefits of a transformative justice approach to violence. Transformative justice practices give the power to respond to harm to those most affected by the violence. It leads to self-determination and takes away the ability of the state to dictate the appropriate responses to gender-based violence.²⁸⁷ One transformative justice practice that comes from aboriginal communities of the Yukon in Canada is the use of “circles.” Circles include two discussion facilitators, the person who inflicted harm, the person who was harmed, family members, and community members affected by the harm. The circle tries to understand why the person committed the harm and creates solutions for that individual to repair and address its causes.²⁸⁸

Another transformative justice practice is victim-offender mediation. This mediation process offers survivors an opportunity to meet with their offenders in a safe and structured setting. A trained mediator gives the survivor space to tell the offender about the crime's physical and emotional impact, receive answers to questions about the crime, and be involved in developing a restitution plan.²⁸⁹ A study of 468 victim-offender mediation cases in Minneapolis found that 93% of cases successfully concluded in a restitution agreement.²⁹⁰

Survived & Punished pushes communities to view batterers as human beings. They argue that portraying them as monsters creates a disconnect for survivors and takes away the

²⁸⁶ *Community Accountability*, INCITE!, <https://incite-national.org/community-accountability/> (last visited Dec. 8, 2020). When it comes to a survivor's healing process, groups grounded in community accountability and transformative justice believe that survivors should be supported through their own communities. Instead of relying on social services that are tied to government aid and funding, these groups believe services should primarily be provided on the community level. The intervention and healing process should be carried out by a survivor's friends, family, neighbors, and other impacted community members. This will allow the community to grow alongside the survivor. *See generally* CREATIVE INTERVENTIONS, CREATIVE INTERVENTIONS TOOLKIT: A PRACTICAL GUIDE TO STOP INTERPERSONAL VIOLENCE (2012), <https://www.creative-interventions.org/wp-content/uploads/2020/08/CI-Toolkit-Final-ENTIRE-Aug-2020.pdf>.

²⁸⁷ CRITICAL RESISTANCE, A WORLD WITHOUT WALLS: THE CRITICAL RESISTANCE ABOLITION ORGANIZING TOOLKIT 51-54 (2020), <http://criticalresistance.org/wp-content/uploads/2012/06/CR-Abolitionist-Toolkit-online.pdf>.

²⁸⁸ *Id.* at 51-52.

²⁸⁹ By 2001, there were 320 victim-offender mediation programs in the United States and Canada. Europe had more than 700. GORDON BAZEMORE & MARK UMBREIT, A COMPARISON OF FOUR RESTORATIVE CONFERENCING MODELS 2-3 (2001), <https://www.ncjrs.gov/pdffiles1/ojdp/184738.pdf>.

²⁹⁰ Mark S. Umbreit, *Crime Victims Confront Their Offenders: The Impact of a Minneapolis Mediation Program*, 4 RES. ON SOC. WORK PRAC. 436, 438 (1994).

opportunity for batterers to attend to harm. Transformative justice pushes communities to help batterers understand what caused them to commit harm and hold them accountable to attend to harm.²⁹¹ When a survivor is released from prison, Survived & Punished also encourages the community to actively support their healing process, by connecting survivors to counseling and housing, and developing safety plans if a threat of violence remains.²⁹²

B. THE CHALLENGE OF POLITICAL PUSHBACK

One of the challenges for abolitionist feminist groups has been pushback from politicians. In New York, for example, this pushback has come from Governor Andrew Cuomo.²⁹³ The state constitution grants Cuomo broad clemency powers.²⁹⁴ For years, Survived & Punished New York has been trying to push for mass clemencies of criminalized survivors of gender-based violence, but Cuomo has done little to support them.²⁹⁵ In 2019, Cuomo did not grant a single commutation.²⁹⁶ Despite these hurdles, groups calling for the decriminalization of survivors of gender-based violence remain heavily grounded in their work.

²⁹¹ *People Who Do Harm Are Not Monsters, Building Accountable Communities: A Video Series*, SURVIVED & PUNISHED, <https://survivedandpunished.org/building-accountable-communities/> (last visited Dec. 8, 2020).

²⁹² SURVIVED & PUNISHED, #SURVIVEDANDPUNISHED: SURVIVOR DEFENSE AS ABOLITIONIST PRAXIS 11 (2018), <https://survivedandpunished.org/wp-content/uploads/2018/06/survived-and-punished-toolkit.pdf>.

²⁹³ Telephone Interview with Survived & Punished New York Member (Oct. 30, 2020) (notes on file); see e.g., *S&P NY: Cuomo Denies Clemency to Criminalized Survivors of Gender Violence*, SURVIVED & PUNISHED (Jan. 26, 2019), <https://survivedandpunished.org/2019/01/26/sp-ny-cuomo-denies-clemency-to-criminalized-survivors-of-gender-violence/>.

²⁹⁴ N.Y. CONST. art. IV, § 4.

²⁹⁵ *S&P NY: Cuomo Denies Clemency to Criminalized Survivors of Gender Violence*, SURVIVED & PUNISHED (Jan. 26, 2019), <https://survivedandpunished.org/2019/01/26/sp-ny-cuomo-denies-clemency-to-criminalized-survivors-of-gender-violence/>.

²⁹⁶ Keiler T. Beers, *Why Hasn't Cuomo Granted Clemency to At-Risk Incarcerated People?*, MEDIUM (Apr. 21, 2020), <https://medium.com/@RaceNYU/why-hasnt-cuomo-granted-clemency-to-at-risk-incarcerated-people-cc363d0a6e77>.

IX. DECRIMINALIZATION OF SEX WORK

Another way to lessen harmful police contact with the community is to decriminalize sex work and stop law enforcement officials from policing people involved in the sex work industry. The criminalization of sex work results in sex workers experiencing abuse at the hands of law enforcement officials. Human Rights Watch found that police officers harass, abuse, extort, assault and rape sex workers.²⁹⁷ Decriminalization will provide sex workers with increased legal protection and decrease their exposure to carceral actors and systems that abuse them.²⁹⁸ It would also reduce the police footprint by disbanding vice-units that police both workers and customers in the sex work industry.

In 2003, New Zealand became the only country to fully decriminalize sex work.²⁹⁹ As a result, over 90% of sex workers report that they now have better employment, legal, health and safety rights. Further, 57% of sex workers stated that their interactions with police have improved.³⁰⁰

Decrim NY is a coalition that works to decriminalize sex trade offenses, decarcerate those who have been arrested on sex trade offenses, and destigmatize the sex trade.³⁰¹ Decrim NY has worked with Assembly Member Richard Gottfried and State Senator Julia Salazar to introduce the Stop Violence in the Sex Trades Act. This Act, the first statewide bill of its kind, “amends statutes so that consenting adults who trade sex, collaborate with or support sex working peers, or patronize adult sex workers will not be criminalized.”³⁰² The Act removes charges related to “promoting prostitution,” which usually targets sex workers who help one another. Finally, any arrest or charge related to sex work would be expunged from a person’s record.³⁰³

A hurdle to Decrim NY’s campaign has been the anti-sex work coalition “New Yorkers for the Equality Model.” This coalition believes that sex trade is exploitative and should be eliminated with the assistance of law enforcement. They describe sex work as “paid rape” and started hashtags such as #NoBuyerNoPimp and #SexisNotWork.³⁰⁴ New Yorkers for the Equality Model ignore the major source of abuse for sex workers, which is the carceral system itself.

Another organization advocating for the decriminalization of sex work is Decrim Now in Washington D.C. Decrim Now, created by the Sex Workers Advocates Coalition, promotes the

²⁹⁷ See *Why Sex Work Should Be Decriminalized*, HUM. RTS. WATCH, <https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-decriminalized#> (last visited Nov. 15, 2020).

²⁹⁸ See *id.*

²⁹⁹ See Lynzi Armstrong, *Decriminalising Sex Work is the Only Way to Protect Women and New Zealand has Proved that it Works*, INDEPENDENT (May 29, 2017), <https://www.independent.co.uk/voices/sex-workers-decriminalisation-prostitution-new-zealand-new-law-works-research-proves-sex-workers-safer-justice-a7761426.html>.

³⁰⁰ See Fraser Crichton, *Decriminalising Sex Work in New Zealand: Its History and Impact*, OPENDEMOCRACY (Aug. 21, 2015), <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/decriminalising-sex-work-in-new-zealand-its-history-and-impact/>.

³⁰¹ *DecrimNY: Working to Decriminalize, Decarcerate, and Destigmatize the Sex Trades in New York City and State*, DECRIMNY, <https://www.decrimny.org> (last visited Nov. 15, 2020).

³⁰² *New York State Bills for the 2019-2020 Legislative Session*, DECRIM NY, <https://www.decrimny.org/advocacy> (last visited Nov. 15, 2020).

³⁰³ See Amanda Arnold, *Could New York Become the First State to Decriminalize Sex Work?*, THE CUT (June 10, 2019), <https://www.thecut.com/2019/06/new-york-introduces-historic-bill-to-decriminalize-sex-work.html>.

³⁰⁴ See Emma Whitford, *Opponents of Sex Work Decriminalization Launch 2020 Legislative Fight*, QUEENS DAILY LIFE (Nov. 26, 2019), <https://queenseagle.com/all/opponents-sex-work-decriminalization-launch-2020-legislative-fight>.

rights, liberties, health, and safety of sex workers. The Sex Workers Advocates Coalition and other organizations in the Decrim Now movement, including HIPS and Black Youth Project 100, are led by people of color, many of whom have engaged in sex work.³⁰⁵ In D.C., one in five sex workers have been approached by police asking for sex.³⁰⁶ The Sex Workers Advocates Coalition pushes for the removal of criminal penalties while promoting the well-being of sex workers.³⁰⁷ In 2019, the Sex Workers Advocates Coalition supported the Community Safety and Health Amendment Act.³⁰⁸ The Sex Workers Advocates Coalition argues for this Act by highlighting the fact that sex workers engaged in survival sex work bear the brunt of criminalization.³⁰⁹ Black Lives Matter-D.C. joined in pushing for this Act, and called out other organizations, like the National Organization of Women (NOW), for taking a position against decriminalizing sex work. Black Lives Matter-D.C. argues that NOW's position is anti-Black, transphobic, and strengthens carceral feminism.³¹⁰ Even though past attempts at decriminalization have failed, the Sex Workers Advocates Coalition continues to successfully the D.C. community.³¹¹

An obstacle faced by the Sex Workers Advocates Coalition and the Decrim Now campaign has been the organization Decriminalize Sex Work (DSW). DSW pushed councilmembers to place decriminalization on the ballot for voters to decide. The Sex Workers Advocates Coalition and its members have opposed this action, primarily because DSW failed to consult local activists on the ballot proposal.³¹² The Sex Workers Advocates Coalition has expressed concerns that DSW's leaders, who are mainly white, cisgender men, have not reached out to communities that bear the brunt of sex work criminalization, namely people of color and transgender women.³¹³ In February 2020, the Sex Workers Advocates Coalition reiterated that it refuses to work with DSW and reminded "supporters of sex work decriminalization to invest in Black and brown TLGBQIA+ sex workers who have led this struggle instead of white people trying to co-opt and whitewash the movement."³¹⁴ When the Sex Workers Advocates Coalition declined to work with DSW, DSW

³⁰⁵ See *About*, DECRIMNOW, <https://www.decrimnow.org/about> (last visited Nov. 15, 2020); see also *Sex Worker Advocates Coalition*, HIPS, <https://www.hips.org/sex-worker-advocates-coalition-swac.html> (last visited Nov. 15, 2020).

³⁰⁶ *Move Along Report: Policing Sex Work in Washington D.C.*, ALL. FOR A SAFE & DIVERSE DC 1, 1 (2008), <https://dctranscoalition.files.wordpress.com/2010/05/movealongreport.pdf>.

³⁰⁷ See *Sex Worker Advocates Coalition*, HIPS, <https://www.hips.org/sex-worker-advocates-coalition-swac.html> (last visited Nov. 15, 2020).

³⁰⁸ See *id.*

³⁰⁹ See *id.*

³¹⁰ See Black Lives Matter DC (@DMVBlackLives), TWITTER (Oct. 8, 2019, 7:55 PM), <https://twitter.com/DMVBlackLives/status/1181719740206727170> (referring to the fact that Black women and trans people are most directly impacted by the criminalization of sex work).

³¹¹ See *Sex Worker Advocates Coalition*, HIPS, <https://www.hips.org/sex-worker-advocates-coalition-swac.html> (last visited Nov. 15, 2020). In June of this year, SWAC organizers reiterated their call for decriminalization by lobbying on International Sex Workers Day. See John Riley, *Activists Mark International Sex Workers Day by Reiterating Call for Decriminalization in DC*, METRO WEEKLY (June 3, 2020), <https://www.metroweekly.com/2020/06/activists-mark-international-sex-workers-day-by-reiterating-call-for-d-c-to-decriminalize-sex-work/>.

³¹² See Lou Chibbaro Jr., *LGBTQ Groups Join Opposition to D.C. Sex Work Decriminalization Ballot Measure*, BLADE, <https://www.washingtonblade.com/2020/02/20/lgbtq-groups-join-opposition-to-d-c-sex-work-decriminalization-ballot-measure/>.

³¹³ Fenit Nirappil & Samantha Schmidt, *Effort to Decriminalize Prostitution in D.C. Faces Unlikely Opposition*, WASH. POST (Feb. 14, 2020), https://www.washingtonpost.com/local/dc-politics/activist-accused-of-sexual-misconduct-wants-to-decriminalize-sex-work---and-buy-it/2020/02/14/8de97374-4cd6-11ea-b721-9f4cdc90bc1c_story.html; see also Lou Chibbaro Jr., *LGBTQ Groups Join Opposition to D.C. Sex Work Decriminalization Ballot Measure*, BLADE, <https://www.washingtonblade.com/2020/02/20/lgbtq-groups-join-opposition-to-d-c-sex-work-decriminalization-ballot-measure/>.

³¹⁴ DECRIMNOW DC (@DecrimNowDC), TWITTER (Feb. 13, 2020, 6:15 PM), <https://twitter.com/DecrimNowDC/status/1228095419055529984>.

looked to other unaffiliated groups to file the ballot initiative, ignoring the Sex Workers Advocates Coalition's concerns. Ultimately, the D.C. Council decided DSW's decriminalization ballot measure would not be put forward for a vote.³¹⁵

³¹⁵ Rachel Kurzius, *After Contentious Hearing, D.C.'s Bill to Decriminalize Sex Work Isn't Getting a Vote*, DCIST (Nov. 1, 2020), <https://dcist.com/story/19/11/01/after-contentious-hearing-d-c-s-bill-to-decriminalize-sex-work-isnt-getting-a-vote/>.

X. GRASSROOTS BAILOUT FUNDS

In the wake of police retaliation against protestors during 2020's mass protests for racial justice, community bail funds received unprecedented donations for the release of detained protestors.³¹⁶ These bail funds serve as an anti-carceral measure because they seek to directly remedy the collateral consequences of incarceration and pre-trial detention, in a system where low-income communities are often preyed upon by predatory bondsmen lending.³¹⁷ Cash-bail is a fundamental feature of the U.S. criminal punishment system and requires that a person charged with a crime either provide money as security or be kept in jail until trial.³¹⁸ Given that the median bail set for felonies is \$10,000, a majority of those in pre-trial detention cannot afford to post bail for their release.³¹⁹ Since the 1980s, the number of non-convicted people held in jail has more than tripled, largely due to the cash-bail system,³²⁰ in which Black men are often assigned higher bail amounts than their white counterparts.³²¹

The consequences of this system can be fatal: Layleen Polanco, Kalief Browder, Jeffrey Pendleton, and Sandra Bland are examples of individuals who died either in pretrial custody or as a result of the trauma experienced there.³²² Being kept in jail because you cannot afford bail can result in loss of employment, housing, and custody of children.³²³ Activist organizations have sought alternatives to the cash-bail system for years; there are countless community bail funds that fundamentally challenge and disrupt the mass injustices embodied in the criminal punishment system.³²⁴

Following the widely publicized killing of George Floyd the Minnesota Freedom Fund raised over \$20 million in cash-bail donations,³²⁵ and has paid nearly \$3.5 million for county and protest-related bails.³²⁶ On a national-scale, the National Bail Network serves as an umbrella group linking individual community bail funds and providing them with resources and organizing information.³²⁷ The network is comprised of over eighty community bail funds that are committed to countering mass incarceration and ending pretrial and immigration detention.³²⁸

³¹⁶ Camila Domonoske, *Protest Arrests Led to Surge of Bail Fund Donations: Impact Could Be Long Lasting*, NPR (June 23, 2020) <https://www.npr.org/2020/06/23/879711694/protest-arrests-led-to-surge-of-bail-fund-donations-impact-could-be-long-lasting>.

³¹⁷ Mallory Harmon, *Unconvicted and Behind Bars: The Discriminatory Nature of Cash Bail*, SHARED JUSTICE (July 31, 2019), <http://www.sharedjustice.org/domestic-justice/unconvicted-and-behind-bars>.

³¹⁸ Jia Tolentino, *Where Bail Funds Go From Here*, NEW YORKER (June 23, 2020), <https://www.newyorker.com/news/annals-of-activism/where-bail-funds-go-from-here>.

³¹⁹ Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2020*, PRISON POL'Y INITIATIVE (Mar. 24, 2020), <https://www.prisonpolicy.org/reports/pie2020.html#slideshow/slideshow1/2>.

³²⁰ Joshua Aiken, *Era of Mass Incarceration: Why State Officials Should Fight Jail Growth*, PRISON POL'Y INITIATIVE (May 31, 2017), https://www.prisonpolicy.org/reports/jailovertime_table_1.html.

³²¹ Jia Tolentino, *Where Bail Funds Go From Here*, NEW YORKER (June 23, 2020), <https://www.newyorker.com/news/annals-of-activism/where-bail-funds-go-from-here>.

³²² LÉON DIGARD AND ELIZABETH SWAVOLA, JUSTICE DENIED: THE HARMFUL AND LASTING EFFECTS OF PRETRIAL DETENTION, VERA INST. FOR JUST. (2019), <https://www.vera.org/downloads/publications/Justice-Denied-Evidence-Brief.pdf>.

³²³ *Id.*

³²⁴ *Id.*

³²⁵ Shane Goldmacher, *Racial Justice Groups Flooded With Millions in Donations in Wake of Floyd Death*, N.Y. TIMES (JUNE 14, 2020), <https://www.nytimes.com/2020/06/14/us/politics/black-lives-matter-racism-donations.html>.

³²⁶ *Who We Are*, MINNESOTA FREEDOM FUND, <https://mnfreedomfund.org/> (last visited Dec. 10, 2020).

³²⁷ Shane Goldmacher, *Racial Justice Groups Flooded With Millions in Donations in Wake of Floyd Death*, N.Y. TIMES (June 14, 2020), <https://www.nytimes.com/2020/06/14/us/politics/black-lives-matter-racism-donations.html>.

³²⁸ *Directory of Community Bail Funds*, NAT'L BAIL FUND NETWORK, <https://www.communityjusticeexchange.org/nbfn-directory> (last visited Dec. 10, 2020).

XI. CONCLUSION

Policing budgets in the United States have ballooned to \$100 billion a year.³²⁹ This is a moral failure. Not only do these budgets fund a systemically racist institution that has had a profoundly negative impact on Black communities, carceral-heavy budgets have also led to the under-resourcing of vital social services that would help communities thrive and increase public safety. There are growing and encouraging calls to reduce police budgets and invest in social and economic community resources. The grassroots organizers, activists, and service providers highlighted in this report provide concrete examples of holistic alternatives to policing, in the form of reduction of police budgets and investment in social and economic resources for underserved communities, violence interrupter programs, police-free schools and restorative justice, mental health crisis intervention teams, drug decriminalization and harm reduction, state-sponsored holistic reparations for survivors of police violence, transformative justice interventions for gender-based violence, decriminalization of sex work, and community bailout funds.

The defund the police/invest-divest movement envisions a future where all communities have enough government-funded resources to be healthy and safe from violence, including from state violence in the form of police brutality. This report sought to debunk misconceptions about policing in the United States and the failed promises of police “reform” and to highlight some of the work, achievements, and challenges of anti-carceral advocates. In doing so, the report champions the creation and nurturing of an anti-carceral society that prioritizes the strength and health of communities over violent and oppressive forms of policing.

³²⁹ Niall McCarthy, *How Much Do U.S. Cities Spend Every Year on Policing?*, FORBES (Aug. 7, 2017) <https://www.forbes.com/sites/niallmccarthy/2017/08/07/how-much-do-u-s-cities-spend-every-year-on-policing-infographic/?sh=3ea6f132e7b7>. For scale, if you earned \$100,000 per year (and saved every penny), it would take you 10,000 years to reach a billion. Now multiple that by 100. See Becky Kleanthous, *How Much is a Billion?*, THE CALCULATOR SITE (Dec. 30, 2019), <https://www.thecalculatorsite.com/articles/finance/how-big-is-a-billion.php>.

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