

**SYMPOSIUM ARTICLE: THE CHALLENGES OF POLICE
DEFUNDING AND THE REIMAGINATION OF PUBLIC
SAFETY**

STEPHEN RUSHIN[†]

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I. INTRODUCTION

In the wake of the tragic murder of George Floyd by Minneapolis police officer Derek Chauvin, a seemingly veto-proof majority of the Minneapolis City Council vowed to dismantle the city’s police department and “end policing as we know it.”¹ The pledge appeared to be a turning point in policing history. Minneapolis was poised to become the first major municipality to test such a radical response to police misconduct. These events accelerated a national conversation on the feasibility and desirability of police defunding, police abolition, and the reimagination of public safety. In the months and years that have followed, a segment of scholars, civil rights groups, and politicians have argued that policing is fundamentally broken and cannot be fixed.² The only way to reduce the racially imbalanced harms created by policing, they argued, was to substantially reduce the scope of police responsibilities, or, more radically, abolish policing entirely.³

[†] Associate Dean of Academic Affairs and Judge Hubert Louis Will Professor of Law at Loyola University Chicago. Ph.D. and J.D., University of California, Berkeley.

1. 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> [<https://perma.cc/ZM4E-A28W>].

2. See, e.g., ALEX VITALE, *THE END OF POLICING* 4 (2017) (making such an argument); 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> [<https://perma.cc/9P24-7C8V>] (making an argument for full-scale abolition). See generally Jessica M. Eaglin, *To ‘Defund’ the Police*, 73 STAN. L. REV. ONLINE 120 (2021) (providing a typology of different type of defunding approaches to police reform).

3. See generally Amna Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CALIF. L. REV. 1781, 1787 (2020) (examining “abolitionist campaigns and experiments to

In Minneapolis, this nascent effort quickly unraveled. In the months that followed, city councilors walked back their promise to dismantle the city's police department.⁴ The next year, voters in Minneapolis rejected a ballot measure to replace the city's police department with a "public health oriented' Department of Public Safety,"⁵ and Mayor Jacob Frey won reelection decisively on a platform that opposed police abolition.⁶ The backtracking in Minneapolis mirrored similar changes in communities across the country. Seattle elected Bruce Harrell as mayor on a promise to increase the number of police officers shortly after the city council had pledged to cut the city's policing budget in half.⁷ And in New York, voters elected former police captain Eric Adams as mayor on a platform that "reject[ed] the defund-the-police movement and emphasiz[ed] the role of the police in public safety."⁸

These examples illustrate the challenges ahead for those supportive of defunding or abolishing American police departments. This symposium article considers the challenges that communities may face in advancing efforts to defund local police departments and reimagine public safety. It identifies five distinct challenges posed by defunding and reimagination efforts in the future.

First, these proposals must consider the problems of decentralization, municipal inequality, and resource scarcity. To optimize success, this essay argues that any reimagination effort of public safety must be coupled with a broader reallocation in tax revenue at the state or federal level. Second, defunding and abolition proposals could benefit from more empirically supported studies on alternative public safety strategies. This might include continuing studies on the current policing responsibilities that can be safely transferred to civilians, as well as alternative preemptive interventions that can prevent crime. Third, proposals to defund police departments must consider how to ensure that the remaining police departments have adequate resources to provide high-quality service. This

divest from, dismantle, and delegitimize the police" and framing the importance of abolition in reducing the inevitable harms of policing).

4. See Herndon, *supra* note 1.

5. Martin Kaste, *Minneapolis Voters Reject a Measure to Replace City's Police Department*, NPR (Nov. 3, 2021, 12:25 AM), <https://www.npr.org/2021/11/02/1051617581/minneapolis-police-vote> [<https://perma.cc/2AHX-P24Z>].

6. See Mitch Smith, *Jacob Frey, Who Oversaw Minneapolis When George Floyd Was Murdered, Wins a Second Term as Mayor*, N.Y. TIMES (Nov. 3, 2021), <https://www.nytimes.com/2021/11/03/us/elections/jacob-frey-minneapolis-mayor.html> [<https://perma.cc/2RXZ-S8XS>].

7. See Mitch Smith & Tim Arango, *"We Need Policemen": Even in Liberal Cities, Voters Reject Scaled-Back Policing*, N.Y. TIMES (Nov. 3, 2021), <https://www.nytimes.com/2021/11/03/us/police-reform-minneapolis-election.html> [<https://perma.cc/662C-THBH>].

8. *Id.*

might include allocating adequate funding to hire qualified officers and ensure officer training, oversight, and accountability efforts. Finally, defunding and abolition proposals must consider how to respond to public demand for justice for victims of crime.

II. MUNICIPAL INEQUALITY AND RESOURCE SCARCITY

Defunding and reimagination efforts must grapple with the problem of municipal inequality and resource scarcity. Funding of police departments happens primarily at the local level.⁹ There are thousands of local police departments in the United States,¹⁰ and they receive the large majority of their funding from local property and sales taxes.¹¹ The federal government is a relatively minor contributor to local police spending.¹² According to one empirical estimate, the typical American police department spends around \$350 per capita in locally generated tax dollars on police services, with only around \$10 to \$30 per capita in spending on local policing flowing from the federal government.¹³ Thus, the best estimates suggest that federal funding accounts for somewhere between three and nine percent of local police spending.¹⁴

Since Americans are often geographically segregated into municipalities based on wealth, funding for local police reflects existing inequalities between municipalities. Wealthy communities with expensive properties and frequent commercial activity can tax their constituents at lower rates than poorer communities to obtain similar tax revenue to spend on policing. This means that “economically disadvantaged communities most in need of public-safety services can often least afford them.”¹⁵

Compounding this problem, police departments receive a relatively small part of all tax dollars collected in the United States. Most tax dollars collected in the United States go to states or the federal government.¹⁶

9. Stephen Rushin & Roger Michalski, *Police Funding*, 72 FLA. L. REV. 277, 284 (2020) (“Much of this variation exists because police departments derive funding primarily from local sales and property taxes.”).

10. U.S. DEP’T OF JUST., COMMUNITY RELATIONS SERVICES TOOLKIT FOR POLICING: POLICING 101 (2023), <https://www.justice.gov/file/1376626/download> [<https://perma.cc/RXE6-VT3P>].

11. See Rushin & Michalski, *supra* note 9, at 284.

12. Roger Michalski & Stephen Rushin, *Federal (De)funding of Local Police*, 110 GEO. L.J. ONLINE 54, 54 (2021) (“It finds that the federal government remains a relatively minor contributor to local police budgets.”).

13. *Id.* at 59.

14. *Id.*

15. Rushin & Michalski, *supra* note 9, at 285.

16. *Briefing Book*, TAX POL’Y CTR., <https://www.taxpolicycenter.org/briefing-book/what-breakdown-revenues-among-federal-state-and-local-governments> [<https://perma.cc>

Local governments receive only a small percentage of all tax receipts in the United States.¹⁷ Local governments generally spend most tax dollars on programs other than policing. The typical locality spends somewhere between six to thirteen percent of all local tax dollars on policing.¹⁸ Most local tax dollars go toward schools, parks, infrastructure, sanitation, and social programs.¹⁹ Put simply, even if communities were to defund or even abolish their local police department, this would not necessarily free up a substantial amount of money relative to other government expenditures. Practically, this combination of local control over policing budgets, municipal inequality, and resource scarcity has significant implications for defunding and abolition proposals.

For one thing, it means that any effort to defund law enforcement and redistribute those funds must happen at the city and county level, rather than through sweeping federal legislation. In a nation of nearly 18,000 state and local police departments,²⁰ this creates a sort of collective action problem. Those supporting defunding and reallocation must take their cause before thousands of city councils and county boards in their effort to meaningfully reduce local expenditures on policing.

Further, simply defunding police departments and redistributing those funds into social programs will probably not be enough to achieve the lofty ambitions of many activists. Even if we were to abolish all police departments overnight and reallocate these funds entirely to social programs designed to curb the root causes of crime, that would amount to a reallocation of a quite small percentage of all tax dollars collected in the United States at all levels of government.²¹ That total expenditure reallocation would pale in comparison to the total amount of tax dollars

/2NNH-XV9M] (last visited Feb. 24, 2023) (finding that 64% of all total tax receipts went to the federal government and 21% to state governments).

17. *Id.* (finding local governments collect only around 15% of all tax receipts).

18. *Criminal Justice Expenditures: Police, Corrections, and Courts*, URBAN INSTIT., <https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/criminal-justice-police-corrections-courts-expenditures> [<https://perma.cc/9T92-TENV>] (last visited Feb. 23, 2023) (finding that these numbers varied depending on whether the community paid for policing at the county, city, or township level).

19. *Id.*

20. BRIAN A. REAVES, U.S. DEP'T OF JUST., BUREAU OF JUST. STATS., CENSUS OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES, 2008 2 (2011), <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/csllea08.pdf> [<https://perma.cc/E2TB-JJQ6>].

21. Using the estimates provided by the Urban Institute and the Tax Policy Center, local tax receipts only account for fifteen percent of all overall tax receipts. And only six to thirteen percent of these local tax receipts go towards policing expenditures. This may put local police expenditures in the low single-digit percentages of all taxes collected in the United States overall. See *Briefing Book.*, *supra* note 16; *Criminal Justice Expenditures*, *supra* note 18.

that already goes towards various social programs like Medicare, Medicaid, Social Security, SNAP and TANF benefits, unemployment, government housing, and other social programs.²² Even more challenging, defunding and reallocation of local public safety expenditures would not necessarily provide the extensive additional social spending in the communities most in need of these funds.

Combined, this means that simply reallocating a comparatively small pool of resources at the local level is unlikely to address the historically embedded, systemic causes of crime and violence. Instead, achieving the ambitious goals of abolitionists may require broad collective action at the state or federal level to reallocate resources to areas of need. But as the next section explains, such a reallocation of scarce government resources will demand rigorous empirical strategies on the best way to allocate funding to preemptively reduce violence and crime.

III. ALTERNATIVE PUBLIC SAFETY STRATEGIES

Next, efforts to reimagine public safety need continued, rigorous empirical studies on the effectiveness of alternative interventions in reducing crime and violence. In recent years, several jurisdictions have introduced pilot studies to reduce the scope of policing or reimagine the delivery of some public services previously provided by police officers. Numerous cities have begun rolling out initiatives to have social workers or other trained civilians report to mental health emergencies, either with or without police.²³ Cities and states have removed some policing powers from law enforcement, like the ability to engage in pretextual traffic stops that may be a substantial contributor to racial bias and unnecessary violence.²⁴ One jurisdiction has even explored the possibility of removing

22. See *Policy Basics: Where do Our Federal Tax Dollars Go?*, CTR. ON BUDGET & POL'Y PRIORITIES (July 28, 2022), <https://www.cbpp.org/research/federal-budget/where-do-our-federal-tax-dollars-go> [<https://perma.cc/4HDP-HX2B>].

23. See, e.g., *Some US Cities Adopt Pilot Program that Sends EMTs, Social Workers to Mental Health 911 Calls*, ABC 7 NEWS (Feb. 15, 2023), <https://abc7ny.com/mental-health-emt-social-worker-b-heard/12819969> [<https://perma.cc/XJ3B-JDJU>].

24. See, e.g., Ned Oliver, *Virginia Lawmakers Pass Bill Limiting Pretextual Traffic Stops, Barring Searches Based on Smell of Marijuana*, VA. MERCURY (Oct. 2, 2020), <https://www.virginiamercury.com/2020/10/02/virginia-lawmakers-pass-bill-banning-pretextual-traffic-stops-and-searches-based-on-the-smell-of-marijuana/> [<https://perma.cc/YJR6-RDCW>] (describing the state's efforts to employ such a regulation of police discretion and tasks).

police from traffic enforcement altogether.²⁵ And some cities have reduced police presence in public schools.²⁶

As recent events like those summarized above illustrate, communities may understandably hesitate to reduce the scope of policing for fear of the effects on crime. No doubt, numerous factors outside of policing influence crime. But there is compelling evidence that police presence, staffing rates, and police tactics likely have a statistically significant effect on crime, including violent crimes like murder.²⁷

To convince voters to limit the size and scope of policing, defunding supporters and abolitionists may need to build their own compelling body of empirical research illustrating how alternative non-policing strategies can achieve similar reductions in crime. These studies may be most effective if focused on how low-cost, non-policing interventions—using the limited resources that we already currently spend on local police budgets—can achieve similar reductions in crime as investments in policing.

IV. FUNDING AND POLICING QUALITY

Further, any effort to defund or reimagine policing must ensure that remaining law enforcement agencies have adequate funding to recruit, retain, train, oversee, and (when necessary) discipline officers. As my coauthor and I have previously argued, adequate funding is a necessary precondition to high-quality policing.²⁸ For example, the US Department of Justice (DOJ) investigates and overhauls a local police department pursuant to 18 U.S.C. § 12601 when it uncovers an agency engaged in a “pattern or practice” of unlawful behavior.²⁹ When it overhauls these agencies, one recurring pattern is the high cost of the package of reforms

25. See Jill Cown, *Berkeley Moves Closer to Ending Police Traffic Stops*, N.Y. TIMES (Feb. 24, 2021), <https://www.nytimes.com/2021/02/24/us/berkeley-police.html> [<https://perma.cc/32GP-NBN4>] (describing Berkeley, California as the likely first city in the country to prohibit police from conducting traffic stops and moving that responsibility to a unit of unarmed transportation employees).

26. See Jill Cowan, Shawn Hubler & Kate Taylor, *Protestors Urged Defunding the Police. Schools in Big Cities Are Doing It*, N.Y. TIMES (Mar. 8, 2021), <https://www.nytimes.com/2021/02/17/us/los-angeles-school-police.html> [<https://perma.cc/M57F-LC3D>].

27. Rushin & Michalski, *supra* note 9, at 299–302 (summarizing some of the available literature on the link between policing and crime rate reduction).

28. *Id.* at 285 (“In fact, this Article argues that adequate funding is often a necessary condition for the delivery of quality policing services.”).

29. 18 U.S.C. § 12601 (giving the U.S. Attorney General the authority to seek equitable relief against police departments under these scenarios).

DOJ requires to remedy these patterns of misconduct.³⁰ It can be expensive to provide officers with high quality academy and in-service training.³¹ It can be expensive to employ oversight measures to body-worn or dash cameras.³² It can be expensive to have a well-staffed and professional internal affairs bureau to discipline officers engaged in misconduct.³³ Put simply, some of the worst police departments in the United States seem to struggle to oversee and respond to officer misconduct, in part, *because of* their inadequate funding.

Once more, police departments exist in a labor market like any other industry.³⁴ That means the most qualified talent will demand the highest compensation. Departments that do not adequately invest in officer salaries may lose the most qualified employees to better paying agencies.³⁵ Even worse, departments that underpay their officers may end up hiring part-time officers,³⁶ or even so-called “wandering officers” that have been pushed out of their prior agency because of allegations of misconduct.³⁷

All of this is to say that defunding and reimagination efforts may be most effective if coupled with assurances to the public that any remaining police departments will have sufficient resources to compete for talent in the market of police officers and sufficiently invest in training, oversight, and accountability apparatuses.

30. Rushin & Michalski, *supra* note 9, at 303–04 (using Cleveland as an example and providing financial estimates of the costs associated with its police consent decree).

31. Alana Semuels, *Society is Paying the Price for America’s Outdated Police Training Methods*, TIME (Nov. 20, 2020), <https://time.com/5901726/police-training-academies> (explaining the approach to police training across the United States and discussing the associated costs).

32. POLICE EXECUTIVE RESEARCH FORUM, COSTS AND BENEFITS OF BODY-WORN CAMERA DEPLOYMENT 16–17 (2018), <https://www.policeforum.org/assets/BWCCostBenefit.pdf> (explaining the “substantial” costs of body worn cameras).

33. See Ella Koeze & Denise Lu, *The N.Y.P.D. Spends \$6 Billion a Year. Proposals to Defund It Want to Cut \$1 Billion*. N.Y. TIMES (June 20, 2020), <https://www.nytimes.com/interactive/2020/06/20/nyregion/defund-police-nypd-budget.html> (showing that the NYPD spends around \$66 million annually on internal affairs).

34. See, e.g., Patrick Smith, *What Happens When Suburban Police Departments Don’t Have Enough Money?* NPR (Jan. 22, 2018), <https://www.npr.org/2018/01/22/579778555/what-happens-when-suburban-police-departments-dont-have-enough-money> [<https://perma.cc/TB87-5E3Y>] (providing the example of Robbins, Illinois that pays officers \$10.50 an hour for part-time work, less than the nearby Walmart, because of inadequate resources).

35. *Id.*

36. Rushin & Michalski, *supra* note 9, at 294–99 (describing the prevalence of part-time officers in many police departments).

37. See generally Ben Grunwald & John Rappaport, *Wandering Officers*, 129 YALE L.J. 1676 (2020) (finding that officers who are pushed out of one agency and find employment elsewhere may pose higher rates of misconduct relative to other officers).

V. JUSTICE FOR VICTIMS OF CRIME

Finally, police abolitionists may be wise to consider how to handle the public demand for justice in the event of violent crimes. Admittedly, many police officers may spend little time investigating serious crimes.³⁸ And clearance rates for some crimes are unacceptably low in many large American cities.³⁹ Nevertheless, police departments in the United States successfully investigate thousands of serious crimes, including murders, rapes, assaults, and kidnappings.⁴⁰

In the aggregate, the United States has considerably higher rates of homicides than other well-developed nations.⁴¹ This includes particularly high rates of crimes of violence involving the use of firearms, no doubt linked to the fact that Americans own guns at rates that far outpace most other countries.⁴² Despite the compelling critiques about the possible misallocation of police manpower, there is little doubt that police act as first responders to many of these violent crimes. Police investigations help identify many perpetrators of these crimes. Police assist prosecutors with building a sufficient evidentiary record to prove the guilt of those that commit violent crimes.

As currently structured, policing is inextricably intertwined into our government responses to violent crime and efforts to obtain justice for victims of these crimes. And the United States suffers from considerably

38. 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> [<https://perma.cc/FGR7-RG7A>] (finding that only around 4% of policing time is spent handling violent crimes).

39. See Derek Thompson, *Six Reasons the Murder Clearance Rate Is at an All-Time Low*, ATLANTIC (July 7, 2022), <https://www.theatlantic.com/newsletters/archive/2022/07/police-murder-clearance-rate/661500/> [<https://perma.cc/4YCS-3FMS>] (finding that clearance rates for homicides have declined from over 90% in the 1960s to under 50% today).

40. For example, even with an approximate clearance rate of around 50% for homicides nationwide, that still means that police are assisting in the clearance of around 10,000 homicides every year. See Abené Clayton & Sam Levin, *FBI Records Slight Increase in 2021 Homicides—But Data Is Incomplete*, GUARDIAN (Oct. 5, 2022), <https://www.theguardian.com/us-news/2022/oct/05/fbi-crime-data-2021-homicides> [<https://perma.cc/AY35-LKZK>] (estimating that there were approximately 20,000 homicides in 2020 and 22,000 homicides in 2021).

41. See Zack Beauchamp, *America Doesn't Have More Crime Than Other Rich Countries. It Just Has More Guns*, VOX (Feb. 15, 2018), <https://www.vox.com/2015/8/27/9217163/america-guns-europe-homicide-rates-murder-crime> [<https://perma.cc/5L8R-KL68>].

42. *Id.* (“American criminals just kill more people than do their counterparts in other developed countries. And guns appear to be a big part of what makes this difference.”).

more crime than most comparable countries in the developed world.⁴³ Any proposal to radically reimagine or abolish policing may garner greater public support if coupled with a plausible alternative plan to respond to this reality.

VI. CONCLUSION

Demands to defund police and reimagine public safety are here to stay. Policymakers should take these calls seriously, particularly the demands to restrict the scope of law enforcement tasks to limit the inevitable harms that policing generates. At the same time, implementing these ambitious proposals may prove difficult. Decentralization, municipal inequality, and resource disparities mean that even successful defunding efforts may not leave sufficient resources to preemptively combat the deeper causes of crime in the communities with the greatest public safety needs. Abolitionist proposals could benefit from more rigorous empirical studies on alternative crime prevention strategies. Defunding advocates must be prepared for the reality that funding likely has some significant relationship with the quality of policing services in many communities. And abolitionists' proposals may be most successful when paired with additional plans to ensure adequate justice for victims of crimes, particularly violent crimes, even without the use of police.

⁴³ John J. Donohue, *How US Gun Control Compares to the Rest of the World*, STAN. L. SCH. BLOG (June 20, 2017), <https://law.stanford.edu/2017/06/20/how-us-gun-control-compares-to-the-rest-of-the-world-2/> [<https://perma.cc/JZ56-FU64>].