

AN ERA OF NEW POLICING: EXPLORING THE DEFUNDING OF THE POLICE

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Abstract

Discussions of defunding the police began after the gruesome killing of George Floyd, which sparked outrage in the U.S. and abroad. This incident led to massive protests around the United States demanding change and demanding police reform. The question that arises is whether police reform is suitable for our society? Furthermore, how do we make the changes needed to achieve police reform? To understand this issue, we must explore more important aspects of this situation, acknowledging the different perspectives on this matter and what would be the possible outcomes of the decision.

Introduction

Defunding the police is a topic that is being debated publicly. For some, it means reducing the funds that are put into law enforcement and alternatively placing the funds into specialized groups that perform specific types of functions.¹ Discussions of defunding the police began after the gruesome killing of George Floyd, which sparked outrage in the U.S. and abroad. This incident led to massive protests around the United States demanding change and demanding police reform.² The question that arises is whether police reform is suitable for our society? Furthermore, how do we make the changes needed to achieve police reform? To understand this issue, we must explore more important aspects of this situation, acknowledging the different perspectives on this matter and what would be the possible outcomes of the decision.

Defining “Defunding of the Police”

To clarify the definition of what defunding the police entails: defunding police does not mean the police will be non-existent or abolished. However, it means minimizing the funds that are used to support the police, to be reallocated for other resources such as education, health care, and housing.³

¹ Raquel Croston, *Defunding the police: What it means, how it works and why we need it.*, UWIRE Text 1 (2020),

<https://go.gale.com/ps/i.do?p=EAIM&u=gale15691&id=GALE%7CA629406026&v=2.1&it=r&sid=EAIM&asid=d2698356>, (last visited Mar 22, 2021).

² Adrienne Kennedy, *Police reform in the United States*, Salem Press Encyclopedia 1, 2020, <http://eds.a.ebscohost.com/eds/detail/detail?vid=4&sid=b77c2079-3a2a-4aeb-842f-803d5829a944%40sdc-v-sessmgr03&bdata=JkF1dGhUeXBIPXNoaWlmc2l0ZT1lZHMtbGl2ZSZzY29wZT1zaXRI#AN=146920886&db=es>, (last visited Mar 22, 2021).

³ Id.

Over the years, numerous events have caused citizens to question the safety, judgment, and reliability of the police community. The peak of this discussion came when a video of George Floyd was released. The video displayed a police officer's knee on Floyd's neck for almost eight minutes, killing him as a result.⁴ This tragic event struck a nerve on the issue of racism and especially for people of color. During this time, church gatherings or large gatherings were not permitted. However, protests took place in many states across the nation, such as the one at Brooklyn's Grand Army Plaza where 15,000 people participated in the protest.⁵ As a testament to the anger that was sparked because of George Floyd's death, and following the nationwide protests, significantly more citizens had an updated understanding of why the police reputation was so damaged. Furthermore, there was an outpouring of demand for a dramatic change as it relates to the police and the law enforcement community. This outpouring included a demand to defund the police.

A History of the Police

The history of the police began in the mid-1600s, where the policing system in the United States followed the same structure of policing as the one in England. However, in the Southern states, policing was largely different. With police organizations in the South known as the "Slave Patrol", the first slave patrol was created in the Carolina colonies in 1704 and had three main functions: (1) chase down and return runaway slaves, (2) discourage slave

⁴ Sheila Davis & Gary Davis, *The "George Floyd" of Healthcare*, 16 Online Journal of Health Ethics 3, 2020,

<http://eds.b.ebscohost.com/eds/pdfviewer/pdfviewer?vid=3&sid=43e47c08-ad6a-42f1-bdcc-6ae041aebeae%40sessionmgr102>, (last visited Mar 22, 2021).

⁵ *After the death of George Floyd, fifteen thousand people gathered in Brooklyn's Grand Army Plaza to protest.*, First Things: A Monthly Journal of Religion and Public Life 2, 2020,

<https://go.gale.com/ps/i.do?p=EAIM&u=gale15691&id=GALE%7CA642621889&v=2.1&it=r&sid=EAIM&asid=96f90177>, (last visited Mar 15, 2021).

revolts, and (3) maintain discipline for slave workers.⁶ Today, slavery, segregation, and race-based laws have been abolished. However, police officers are still viewed by some as a group that tries to regulate the actions of some of the population-based upon the subjective preferences of the police officer.

Policing is an honorable career, and many police officers and law enforcement professionals choose this career to assist and help people. Due to the dangers of the job, they leave their families without knowing if they will return home safely. Police Culture is defined as, “A set of widely shared outlooks that are formed as adaptations to a working environment characterized by uncertainty, danger, and coercive authority and that serves to manage that strains that originate in this work environment.”⁷ Two of the categories that make up the culture in policing are the management cop culture and street cop culture.⁸

Unfortunately, the police system was built on a faulty foundation of slave patrol, and the record of police brutality in the 1960s points to this.⁹ Many behavioral activities are included in the list when it comes to the expression, “problem officers.” Examples of these behaviors include excessive force, which is defined as more force than what is necessary; police corruption (using the status of a police officer to access benefits unjustly); and treating certain individuals without decency. There are theories presented that explain

⁶ Dr. Gary Potter, *The History Of Policing In The United States, Part 1*, Police Studies Online, Eastern Kentucky University, 2013, <https://plsonline.eku.edu/insidelook/history-policing-united-states-part-1>, (last visited Mar 15, 2021).

⁷ Ismail Cenik Demirkol & Mahesh K Nalla, *Police culture: An empirical appraisal of the phenomenon*, 20 *Criminology & Criminal Justice* 319-338, 2019, <https://journals.sagepub.com/doi/10.1177/1748895818823832> (last visited Mar 16, 2021).

⁸ *Id.*

⁹ Dr. Gary Potter, *The History Of Policing In The United States, Part 1*, Police Studies Online, Eastern Kentucky University, 2013, <https://plsonline.eku.edu/insidelook/history-policing-united-states-part-1>, (last visited Mar 15, 2021).

why police misconduct happens, and these are described as Social Learning, Social Structure, Social Process, and Social Conflict. For instance, the Social Learning theory describes that behavior is learned from observing others. Police academies focus training on firearms and the use of force, but perhaps more focus should be put on de-escalation training.¹⁰ De-escalation training discourages further conflict and allows both parties to have a peaceful resolution. However, most of the time, police officers have qualified immunity to order to protect their rights. Qualified immunity states that executive branch officials, including police officers, are protected from lawsuits that pertain to claims of a violation of constitutional rights. This stands if their actions do not violate the person's known rights.¹¹

The topic of the defunding of the police stems from high-profile cases of police officers killing African Americans. One prominent case was Breonna Taylor, where a No-Knock raid was performed on Taylor's home after it was suspected that it housed illegal narcotics. During this raid, Taylor's boyfriend assumed that his home was being burglarized, which led him to shoot at the police, prompting the police to shoot as well. As a result, Breonna Taylor was killed while lying in her bed. Reactions to this event included No-Knock warrants being banned in Taylor's hometown, in addition to protests held across the country demanding a change in the U.S. police system.¹² These cases prompted police reform to become a major topic in the nation. Both

¹⁰ Eric Nieves, *Criminology Explains Police Violence*, 14 Theory in Action 7, 2021, <http://eds.a.ebscohost.com/eds/detail/detail?vid=3&sid=c456ffe7-9cbc-4bfc-a50e-094ebb2748f1%40sessionmgr4007&bdata=JkF1dGhUeXBIPXNoaWImc2l0ZT1lZHMTbGl2ZSZyZ29wZT1zaXRI#AN=148612499&db=hus>, (last visited Mar 15, 2021).

¹¹ Katherine Crocker, *Qualified Immunity And Constitutional Structure*, 117 Michigan Law Review 58, 2019, <http://eds.b.ebscohost.com/eds/pdfviewer/pdfviewer?vid=3&sid=4b7346e5-d7f5-4ac6-acec-ba73423d1c77%40sessionmgr102>, (last visited Mar 15, 2021).

¹² Tyler Biscontini, *Shooting of Breonna Taylor*, 2020, <http://eds.b.ebscohost.com/eds/detail/detail?vid=1&sid=bc7ec91b-3ae4-44f3-b3f7-789df04e2223%40pdc-v-sessmgr02&bdata=JkF1dGhUeXBIPXNoaWImc2l0ZT1lZHMTbGl2ZSZyZ29wZT1zaXRI#AN=146920892&db=ers>, (last visited Mar 15, 2021).

cases sent shock waves around the world, as they pierced the emotions of the community.

Statistical Analysis & Interpretation on Crime Rates

Police need better conflict management skills to manage social issues in the minority community. Regarding crime in the black community, research indicates African Americans have a higher number of aggressive crimes than any other group. In Nathaniel J Pallone's article, *Blacks and Whites as Victims and Offenders in Aggressive Crime in the U.S. Myths and Realities*, Pallone says that research shows that blacks have a homicide level of 315%, which is significantly more than their representation in the population.¹³ However, in regard to offenders, other races are underrepresented. African Americans are considered "high-risk" for victimization in homicides, as well as being at a disadvantage as a victim in assault situations. Statistics show that a white victim is five times more likely to be involved in an altercation with a white individual, than with a black individual. Furthermore, black males are at risk for victimization in homicide and homicide offending, throughout their adolescence and adulthood.¹⁴

Political Viewpoints on Defunding of the Police

Returning to the main topic of defunding the police, there are various opinions surrounding the topic of police reform. One of those opinions comes from President Joe Biden. In 2008, then Vice-President Joe Biden was proudly an

¹³ Nathaniel J Pallone, *Blacks and Whites as Victims and Offenders in Aggressive Crime in the U.S. Myths and Realities.*, 30 Journal of Offender Rehabilitation 33 , 2000, <http://eds.b.ebscohost.com/eds/detail/detail?vid=2&sid=5d7ed30f-ed57-4e1a-bbc2-9b03bd854fac%40pdc-v-sessionmgr01&bdata=JkF1dGhUeXBIPXNoaWlmc2l0ZT1lZHMtbG12ZSZyY29wZT1zaXRI#AN=27707067&db=eue>, (last visited Mar 16, 2021).

¹⁴ Id.

ally for the police. Due to the ongoing injustice present in the United States, now-President Biden has pushed for police reform.¹⁵ Many current police officers believe that President Biden will bridge the divide between police issues. However, on both sides there is pressure regarding police reform, on one side questions arise about his 1994 crime bill.¹⁶ On the other side, it is believed that since the President has supported the reform, that he has relinquished his relationship with law enforcement. Along with the President's support, there is legislation that is supported by Democrats who would ban all chokeholds and create a police misconduct registry.

In contrast to this viewpoint is former President Donald Trump who received endorsements from police groups, as he described himself as the "law and order" candidate.¹⁷ However, before leaving office, then-President Donald Trump signed an executive order to prompt police reform, mandating police training and a tracking database that highlights police misconduct.¹⁸ Despite public opinion, after the killing of George Floyd and Breonna Taylor, Democrats were in pursuit of legislation that would ban chokeholds and No-Knock warrants, instill body camera requirements, and improve police training

¹⁵ Molly Nagle and John Verhovek, *Joe Biden once pushed for more police. Now, he confronts the challenge of police reform*, abc News, 2021,

<https://abcnews.go.com/Politics/joe-biden-pushed-police-now-confronts-challenge-police/story?id=71177383>, (last visited March 31, 2021.)

¹⁶ 42 U.S. Code Chapter 136 - *Violent Crime Control And Law Enforcement*, LII / Legal Information Institute, 2021,

<https://www.law.cornell.edu/uscode/text/42/chapter-136>, (last visited Mar 24, 2021).

¹⁷ Mark Berman & Tom Jackman, *Biden, a longtime ally of police, will enter White House pushing for reform*, The Washington post, 2021,

<https://www.washingtonpost.com/politics/2021/01/11/biden-police-reform/> (last visited Mar 24, 2021).

¹⁸ Amita Kelly & Brian Naylor, *Trump, Hailing Law Enforcement, Signs Executive Order Calling For Police Reform*, NPR.org, 2020,

<https://www.npr.org/2020/06/16/877601170/watch-live-trump-to-sign-executive-order-on-police-reform>, (last visited Mar 24, 2021).

standards.¹⁹ On March 3, 2021, the house approved the George Floyd Justice in Policing Act. This bill:

- 1) bans chokeholds;
- 2) end racial and religious profiling;
- 3) eliminate qualified immunity for law enforcement;
- 4) establish a national standard for the operation of police departments;
- 5) mandate data collection on police encounters;
- 6) reprogram existing funds to invest in transformative community-based policing programs; and

¹⁹ John Yoo & Horace Cooper, *Genuine Hope and Change: "Defunding the police" is just a new way for cities to throw good money after bad--bad social programs, that is. There are better ways to tackle crime and promote opportunity.*, Hoover Digest 29, 2020, <https://go.gale.com/ps/i.do?p=OVIC&u=gale15691&id=GALE%7CA641011979&v=2.1&it=r&sid=OVIC&asid=8df3ca66.%20Accessed%2021%20Mar.%202021>, (last visited Mar 24, 2021).

7) streamline federal law to prosecute excessive force and establish independent prosecutors for police investigations.²⁰ It also requires the use of body and dashboard cameras for federal officers engaged in police investigations.²¹ Republicans believe that said legislation does not allow the police to do their job, since it would “weaken and possibly destroy our community’s police forces,” as stated by Republican Representative (FL-26) Carlos Gimenez.²² Arguably, police reform has begun. The question now, is how will this change policing as we know it?

The Impact of Police Reform

A lot has occurred to get to this juncture. The police are not going to have the same funding, as promised as a part of President Biden’s campaign, and regarding police reform, and alongside the George Floyd Justice in Policing Act, which was enacted in early March 2021. Police officers across the country need to relearn how to reprimand an offender, adapt to new policies, and develop a new way of policing in America. At this juncture, it is unclear how this bill will impact the culture of policing, how the budget will be re-allocated, and how police officers will respond to the public in dangerous situations.

²⁰ *House Passes H.R. 1280, the George Floyd Justice in Policing Act*, U.S. House Judiciary Committee, 2021, <https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=4430>, (last visited Mar 24, 2021).

²¹ *Id.*

²² Chole Weiner, *House Approves Police Reform Bill Named After George Floyd* NPR, 2021, <https://www.npr.org/2021/03/03/973111306/house-approves-police-reform-bill-named-after-george-floyd> (last visited Mar 24, 2021).

Conclusion

In March 2020, the COVID-19 pandemic ravished our country, and the crime rates in the United States increased. While the pandemic was ongoing, as an example, it was reported that felonies significantly increased in New York City.²³ Due to the pandemic, the courts, probation departments, and pre-trial services in some jurisdictions were closed to the public, which led to less tracking and supervision for offenders. However, other widespread events such as natural disasters caused an impact on crime rates. An increase in burglaries after hurricanes occurred, since the probability of homes being unattended increased.²⁴ It is a perfect storm for the pandemic and police reform to take place at the same time, especially considering how evident it is that crime has influenced society due to the pandemic. This is a solution that law enforcement must come up with and their solution must be founded on the principle of protecting communities in this changing world, and they must do it with reduced funding. Community leaders, stakeholders, politicians, and society must collectively come up with solutions during these turbulent times.

²³ Heather MacDonald, *A New Crime Wave—and What to Do About It*, City Journal, 2021, <https://www.city-journal.org/new-york-city-violence-surgings>, (last visited March 24, 2021).

²⁴ Matthew P. J. Ashby, *Initial evidence on the relationship between the coronavirus pandemic and crime in the United States*, 9 Crime Science, 2020, <https://crimesciencejournal.biomedcentral.com/articles/10.1186/s40163-020-00117-6#citeas>, (last visited Mar 24, 2021).