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ADDRESSING ANTI-BLACK RACISM IN POLICING, CRIME, AND PUBLIC SAFETY

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CONTENTS

INTRODUCTION

Affirmative Vision: The Legal Defense Fund (LDF) believes that it is both necessary and possible to have a public safety system that respects the dignity and humanity of Black people and more effectively keeps Black communities and all communities safe. This requires: (1) decriminalizing low-level offenses that are vulnerable to police abuse; (2) expanding community responders to a wide variety of non-emergency 911 calls that do not require police; and (3) providing resources in communities to address the root causes of conflict, violence, and instability.

Section 1 of this brief provides an overview of problems with policing, particularly for Black people, when it is the main part of public safety. Section 2 proposes solutions to develop the public safety system that benefits everyone.

OUR CURRENT SYSTEM OF PUBLIC SAFETY, RELYING EXCLUSIVELY ON POLICE, IS NOT DESIGNED TO KEEP BLACK PEOPLE SAFE

George Floyd was stopped by officers in Minneapolis, Minnesota, after a dispute over an allegedly counterfeit $20 bill.[1] In the attempt to arrest him, an officer kept his knee on Floyd's neck for nearly ten minutes while other officers held Floyd down. Despite Floyd's pleas that he could not breathe, and bystanders' attempts to get the officers to stop hurting him, officers killed Floyd in broad daylight.[2] In New York City, Eric Garner was also stopped by officers for a minor violation, selling loose cigarettes.[3] While arresting Garner, an officer placed him in a chokehold.[4] Before he died, Garner also told officers, "I can't breathe."[5] In Ferguson, Missouri, Michael Brown was stopped after someone complained to police about stolen cigarillos.[6] Within two minutes of their meeting, Officer Darren Wilson had killed Brown.[7] Tyre Nichols, Daunte Wright, Walter Scott, and Terence Crutcher were each killed by officers after being stopped for suspected traffic violations or during a traffic stop on a road.[8]

These horrifying encounters show the brutal violence that Black people face from police. They also show the minor nature of offenses that have led Black people to lose their lives to police violence. These examples demonstrate that policing is: (1) punitive; (2) rooted in anti-Black racism; (3) fails to keep Black people safe; and (4) causes harm, especially to Black communities.

Policing is Punitive

Policing, like the overall criminal legal system, is punitive. Its goal of deterrence relies on the threat of punishment.[9] Officers' primary job is to enforce laws and arrest people who have violated them—even when people have called 911 for help. The tools that officers have to force people to obey their orders—detention, arrest, and the threat and use of force—are coercive and

violent. Success is often measured by whether officers make an arrest and whether the arrested person is convicted.[10] Addressing the underlying causes of violence and conflict within the community is beyond the scope of this punishment-driven approach to public safety.

Policing is Rooted In, and Continues to Reflect, Anti-Black Racism

Policing today reflects its anti-Black roots.[11] Black people continue to be policed more aggressively than others. Police officers conduct tens of millions of stops every year,[12] and Black people are more likely to be stopped, searched, or arrested in cities like New York City,[13] Los Angeles,[14] Chicago,[15] Dallas,[16] and Baltimore.[17] Nationwide, traffic stops involve Black drivers more often than white drivers on average.[18] Black people are killed by law enforcement at more than twice the rate of white people.[19] Black people who are LGBTQ+,[20] are immigrants,[21] or have a mental illness[22] face additional biases leading up to and during their encounters with police.

These disproportionate harms to Black people partly result from dangerous and false associations between Blackness and criminality. Black people are wrongly perceived as more likely to be violent and criminal,[23] and "crime is thought of as Black."[24] Law enforcement officers are not immune to this bias. In one research study, officers had no information other than a face to make judgments about criminality. The study results found that "Black faces looked more criminal to police officers; the more Black, the more criminal."[25]

Law Enforcement Fails to Keep Black Communities Safe

Given the anti-Black roots of policing and the underlying racism in current police practices, it is no surprise that law enforcement does not keep Black communities safe. Black people are more likely to experience a gun injury or death.[26] In the United States, Black people are ten times more likely than white people to die from gun homicides,[27] and Black children and teens are more than eighteen times more likely to die from gun violence than their white counterparts.[28] Yet the rates of law enforcement's completing investigations involving the most serious violence—homicides—have decreased substantially over recent decades.[29] Meanwhile, there is little to no evidence that policing is effective at promoting safety in other areas such as domestic violence and traffic enforcement. Rather, policing causes disparate harms to Black people.

Law enforcement agencies are not effectively addressing the most serious crimes

Many law enforcement agencies are ineffective according to their own method of measuring success— "clearance rates," or the rates by which policing agencies consider crimes to be solved because they have made an arrest. For example, in a sample of thirty U.S. cities, homicide clearance rates in 1964 were eighty-four percent.[30] In 2022, homicide clearance rates had decreased by more than thirty percentage points, to just fifty-two percent.[31]

Research shows that the drivers of violence, including homicide, may be partly economic. Economic inequality, economic instability, and evictions were associated with increases in homicides during the COVID-19 pandemic.[32] Policing does not address these underlying economic factors or other factors that contribute to violence.

Importantly, policing is the gateway to incarceration, but incarceration has had relatively little to do with the historic decline in crime.[33] While a lot of research has focused on studying "crime," little research has focused on studying the effectiveness of policing. In any future studies about the effectiveness of policing, it is important to consider its harms, especially harms to Black communities.

Many common police responses to domestic violence fail to keep Black survivors safe

Domestic violence is often viewed as a public safety problem that should always have an aggressive response within the criminal legal system. Mandatory arrest laws require police to make an arrest whenever they are called for a domestic violence incident, regardless of the survivor's wishes, and these laws exist in many states.[34] Many states also require survivors to file a police report before receiving any available crime victim compensation.[35] However, after three decades of research, there is no consistent evidence that these strategies prevent or reduce domestic violence.[36] In fact, domestic violence arrests are often associated with long-term, negative consequences for survivors, including increased death among Black survivors.[37] Mandatory arrest laws have also led to increased arrests of survivors, especially Black survivors.[38] The available evidence strongly challenges the notion that police alone are best suited to keep survivors safe. Policymakers must offer survivors alternative options and increased decision-making power, rather than intensifying the aggressive policing strategies that have failed them.

Black people are more vulnerable to unsafe roads and face more harm from police traffic enforcement

Traffic safety is an urgent public health problem, as traffic crashes continue to increase.[39] Black people are particularly vulnerable to unsafe roads, and they face higher rates of traffic-related fatalities than white people.[40] Traffic enforcement by armed officers is the most common approach to traffic safety. However, police traffic enforcement does not reduce traffic fatalities and has serious negative consequences, including potential police violence against Black drivers.[41]

Policing Practices Cause Harm, Especially to Black People

Police encounters can harm the health and well-being of the people who come into contact with police. Recent examples of the continued harms of law enforcement include recent police responses to protests and the use of new or advanced policing technologies. Research has documented the harms to a person's mental and physical health, and to the educational outcomes for students, after coming into contact with police. There is also harm to communities that experience incidents of police violence.

Police respond more aggressively to racial justice protestors and fail to protect their rights

The role of law enforcement in protests should be to protect the rights of protesters. Yet, historically and in the present day, police have frequently harmed peaceful protesters—especially protesters advocating for the rights of Black people—through violence and arrests. LDF's Thurgood Marshall Institute (TMI) analyzed nearly 2,000 protest demonstrations between May and October 2020 and compared racial justice protests (protests against anti-Black racism and/or police violence) to protests involving other subject matters, such as COVID-19 pandemic measures, labor rights, and LGBTQ+ rights.[42] TMI researchers controlled for differences in protestor behaviors, crowd size, time of day, police use of force policies, the income levels of city residents, the existence of a curfew, and the presence of a counter demonstration. Even when controlling for these many factors, the research found that police were twice as likely to be present, 3 times as likely to have an escalated presence (such as riot police, state police, or National Guard), and, when present, 3.8 times as likely to use projectiles and chemical weapons at racial justice demonstrations compared to similar demonstrations about other issues.[43] Further, when police were present, they were forty percent more likely to make arrests at racial justice protests than at other protests.[44] Law enforcement responses to protests for racial justice, as seen in 2020, reflect the anti-Black roots and continuing harms of policing.

Law enforcement's use of advanced technologies has increased surveillance and worsened racially biased police practices

There is a long history of police surveillance of Black people,[45] and a wide variety of new law enforcement technologies enable further surveillance today. Aerial surveillance, facial recognition, social media monitoring software, and other advanced technologies are used by law enforcement agencies. These advanced technologies are often inaccurate and ineffective, and they worsen racial bias. For example, facial recognition systems are more prone to errors for people who have darker skin or features associated with Black people, Asian people, women, and transgender or nonbinary people.[46] To date, at least seven people have been falsely accused of a crime due to law enforcement's use of facial recognition systems.[47] At least six of these seven people are Black.[48]

Police encounters can lead to death, trauma, decreased mental health, and worse academic performance

The full extent of physical harm caused by police violence is unknown because many law enforcement agencies fail to collect or report such data.[49] However, available evidence shows a substantial number of killings by police. Based on media reports, police killed at least 1,173 people in 2024, the highest number on record.[50]

Research shows that interactions with police can cause a variety of other harms. In a 2014 survey of 1,200 young men in New York City, those who had more contact with law enforcement reported more symptoms of trauma and anxiety.[51] The severity of these symptoms was tied to

the number of police stops they reported, how intrusive the encounters were, and their perceptions of fairness in the police encounter.[52] Even people who are stopped by the police without being searched or subjected to violence, which is a regular occurrence for many people of color, can experience negative mental health impacts.[53] Police stops are also associated with worse psychological well-being and worse physical health for boys and young men of color.[54]

Research has also increasingly found that police contact negatively affects students' academic performance.[55] For example, students who have contact with the police or who are exposed to high levels of policing in their neighborhoods perform worse on standardized tests and have worse school attendance.[56] Similarly, one study found that, in twenty large cities, youth exposed to police stops were more likely to have lower grades and more negative attitudes toward their teachers.[57]

Police encounters harm the broader communities of directly impacted people

A growing body of research examines the impact of police encounters and violence on broader communities. For example, one study found that living in a neighborhood where someone was killed by police makes people more likely to have high blood pressure and other risk factors for disease.[58] Another study found that, during weeks in which two or more incidents of racial police violence occurred, Black people reported poorer mental health.[59]

These harms of policing are important to consider in developing public safety systems in which Black people can thrive and feel safe.

A NEW SYSTEM OF PUBLIC SAFETY THAT KEEPS BLACK COMMUNITIES SAFE AND RESPECTS THEIR INHERENT DIGNITY

It is possible to have a system of public safety that dramatically decreases police contact and more effectively keeps Black communities and all communities safe. This requires: (1) decriminalizing low-level offenses that are more vulnerable to police abuse; (2) expanding community responders to a wide variety of non-emergency 911 calls without police involvement; and (3) investing in communities to address the root causes of conflict, violence, and instability.

Repeal Criminal Penalties That Lead to the Policing of Poverty and Quality-of-Life Issues

Police officers today are called to address issues arising from the failures of the social safety net, particularly regarding the needs of low-income communities. Because of historic and continuing segregation and lack of resources, these low-income communities are more likely to be communities of color.[60] Most 911 calls stem from low-priority, non-emergency issues such as neighborhood disputes and "quality-of-life" complaints, which involve more minor issues like

open containers, panhandling, and graffiti. In one analysis of 911 call data, the most frequent call in four of the five cities studied was a request for some type of welfare check.[61] In some cities, calls involving serious or violent incidents make up four percent or less of all calls to 911.[62]

Many of our flawed criminal laws consider harmless and ordinary conduct (such as loitering) to be arrestable offenses. When police respond to these minor, low-level issues, this can cause the people involved to become criminalized. Further, officers have wide discretion to decide when, and against whom, to enforce these laws. This allows police to respond more aggressively to low-level offenses involving people of color, which creates significant racial disparities in arrest and incarceration rates.[63] However, when local prosecutors do not prosecute these low-level offenses (often misdemeanor offenses), people are less likely to have future contacts with the criminal legal system.[64]

Over a decade ago, Philadelphia, Pennsylvania decriminalized possession of small amounts of marijuana.[65] During the law's first year in effect, police officers issued 1,012 civil citations, compared to 3,686 arrests the previous year for the same incidents.[66] The city then passed legislation that removed criminal charges for additional low-level offenses, and instead issued only civil citations and fines.[67] Philadelphia's experience demonstrates that decriminalizing low-level offenses can be a successful strategy.[68] It also creates an opportunity to redirect resources from the criminal legal system to other systems that promote the well-being of communities, such as schools and social services.

Use Community Responders to Address and Resolve Issues Underlying 911 Calls and Connect People with Needed Services

There is growing recognition that 911 calls often result from unmet health and social needs.[69] Community responders can help people meet these needs instead of punishing them for their circumstances.[70] One evaluation of 911 data from eight cities estimated that up to sixty-eight percent of 911 calls could be handled without sending an armed officer to the scene, and between twenty-three percent and thirty-nine percent of calls were low priority or not urgent.[71] The Support Team Assistance Response (STAR) program in Denver, Colorado deploys teams of health care workers to downtown police precincts to serve people experiencing mental distress, homelessness, addiction, and poverty. Over six months, the STAR program resulted in a thirty-four percent reduction in 911 calls for low-level offenses, order maintenance offenses, and welfare checks, and a fourteen percent overall reduction in crimes.[72]

The harms of police encounters with people with mental illness are illustrated by tragic incidents, such as in the recent police killing of Sonya Massey.[73] Communities should staff call centers with mental health practitioners to identify and re-route calls that might involve people with mental illness. These calls should be handled by trained responders who can provide advice, make referrals, or offer transportation to a community-based provider.[74]

Community responders should be made up of teams with diverse expertise. For example, Denver's STAR program teams include emergency medical technicians and behavioral health clinicians.[75] In Dayton, Ohio, city officials worked with community members to design and

implement a Mediation Response Unit (MRU).[76] MRU teams include licensed social workers, mediation specialists, a youth probation officer, crisis workers, and mental health professionals.[77] Community responders like these can help people navigate conflict, connect them to formal mediation, and refer them to service organizations when necessary.

Community responders may also be more cost effective for city budgets: Denver's STAR program costs four times less than police responses to the 911 calls it addresses.[78]

Invest Resources in Communities and Restorative Practices to Promote Safety

Research clearly and consistently finds that investments in the social safety net and social welfare programs—including cash aid, housing support, and violence prevention programs—advance public safety.[79] Moreover, restorative practices offer solutions to resolve conflict and repair harm without the negative consequences of incarceration. The following are examples, but not an exhaustive list, of the types of investments that can promote long-term safety, stability, and well-being:

Build economic security through cash and financial aid to advance long-term community safety

The link between economic instability and involvement in the criminal legal system has been well documented.[80] Research also shows that increased spending on social and public health services can lead to significantly lower homicide rates at the state level.[81] Thus, investments in programs that promote economic stability are critical to reducing violence and ensuring safety within communities.

For example, cities that provide temporary financial assistance to people facing sudden and significant reductions in income can reduce violent crime by up to fifty-one percent.[82] Similarly, a higher earned income tax credit (EITC) increases employment, reduces poverty, and significantly reduces violent crime.[83] Cities should also spread out payments from federal financial assistance programs, such as the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Supplemental Security Income (SSI) throughout the month. This approach can decrease crime by 17.5% and decrease theft at grocery stores by 20.9%.[84]

Income stability supports safe communities because people experience positive impacts on their health, well-being, and sense of empowerment in goal-setting and risk-taking.[85] In a Washington, D.C. pilot program, people who received a guaranteed basic income reported improvements in mental health because they were able to cover everyday expenses and transportation costs, pay down debt, invest in small businesses, and afford their children's medical expenses or childcare.[86] In addition, summer youth employment programs can improve social outcomes and dramatically reduce violent crime arrests.[87]

Invest in safe, affordable, and supportive housing, which is critical to long-term safety and wellness within communities

Stable housing creates safe, stable communities. Supportive housing combines affordable housing with intensive, coordinated services, such as assistance with substance use, Social Security benefits, or employment opportunities. For people with mental illness, chronic health conditions, histories of trauma, or other struggles, supportive housing services can help them access adequate treatment, which in turn can reduce their interactions with police and their involvement in the criminal legal system.[88]

When Denver provided supportive housing to unhoused people, arrests dropped by forty percent and police contacts dropped by thirty-four percent.[89] The Denver Supportive Housing Social Impact Bond program, which provided a permanent housing subsidy and intensive services to people experiencing chronic homelessness, had multiple positive effects on program participants and the larger Denver community.[90]

Similarly, a Philadelphia program was able to reduce the incarceration rates of participants by fifty percent by providing supportive housing to formerly unhoused people with serious mental illness and substance use disorders.[91] An Ohio study found that people who had been incarcerated were forty percent less likely to be re-arrested and sixty-one percent less likely to be re-incarcerated if they were in supportive housing.[92] In New York, moving people into stable, long-term housing was more effective at improving safety than relying on a short-term shelter-based system.[93]

Expand community-based violence interruption and prevention programs

Violence interruption and prevention programs, led by community members using credible messengers to interrupt conflict, decrease violent crime rates in both the short-term and long-term—without the harms caused by law enforcement involvement.[94] For example, Baltimore's community-centered violence prevention and interruption program, Safe Streets, caused a fifty-six percent reduction in homicides in one neighborhood.[95] Similarly, a 2017 evaluation of New York's Cure Violence programs found significant declines in the number of gun injuries and shooting victims.[96] Violence prevention programs have demonstrated similar successes across the country, including in Philadelphia, New Orleans, Kansas City, New York City, and New Jersey.[97]

These programs, along with other community-based solutions that prioritize economic stability, safe and affordable housing, physical improvements to neighborhoods, and access to quality health care, can reduce violence and create security within communities without the harms associated with increased policing and incarceration. Strategies to promote safety must invest in these areas.

Repair harm through restorative practices, mediation, and similar services

Arrest and incarceration have long-term consequences for directly impacted people and their families. Incarceration disconnects people from their communities, limiting their future access to employment opportunities, voting, education, and health care.[98] Studies have found that restorative justice practices, like victim-offender mediation and family group conferencing, are cost-effective ways to address harms from incidents that might otherwise be criminalized while also reducing further involvement in the criminal legal system[99] and its associated harms. Communities should expand programs that include reparative solutions to resolve conflicts without the harms of incarceration, so that such programs are more readily accessible when all parties wish to pursue them.

CONCLUSION

The current system of policing, and the broad criminal code that lets officers use their discretion to criminalize ordinary daily activity, has failed to keep Black people and their communities safe. A system of public safety that respects the dignity and humanity of Black people, and more effectively keeps Black communities and all communities safe, is both necessary and possible. To achieve this, policymakers must decriminalize low-level offenses, expand community responders, and invest in communities to address the root causes of conflict, violence, and instability.

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