

## RETHINKING PUBLIC SAFETY

### ABSTRACT

To date, the prevailing model of public safety takes the form of a police-centric community policing model. This means that police officers are first to engage with the community on issues such as aiding the homeless, responding to non-violent mental health situations, stopping traffic, treating youth unemployment, addressing substance use disorder incidents' and other societal service activities.<sup>1</sup> As a result, this model encourages and increases intense civilian day-to-day contact with armed police officers and ultimately can result in violent responses and even shootings to non-violent situations. A history of police shootings underscores the depth of the crisis. In May 2020, Police Officer Derek Chauvin responded to a call over a phony \$20 bill, ultimately resulting in the murder of George Floyd when Officer Chauvin knelt on Floyd's neck for over nine minutes. A few years earlier, in Staten Island, Eric Garner was murdered by Officer Pantaleo when Officer Pantaleo used an illegal chokehold on Garner that ended his life for allegedly selling untaxed cigarettes. Incident after incident has demonstrated that there is a pressing need to rethink public safety.

It is my thesis that we need to rethink public safety by (1) narrowing the scope of our police forces to respond only to on violent crimes, on-going crimes and serious felonies, (2) creating an unarmed trained civilian public safety team to respond to non-violent crimes, and (3) building police accountability infra-structure and architecture.

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<sup>1</sup> The ethos of community policing is perhaps best exemplified by the final report of the President's Task Force on 21st century policing commissioned by President Obama; President's Task Force On 21st Century Policing, U.S. Dep't Of Justice, Final Report Of The President's Task Force On 21st Century Policing (2015), [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

## PROPOSAL

Currently, police officers spend only 10 percent of their time on crime and 5 percent of their time on violent crime.<sup>2</sup> Often responses to mundane problems, needlessly escalate. This is sometimes due to the high number of gun owners in the United States<sup>3</sup> as they engage with armed police officers. Police are aware that there is a relatively high likelihood that the civilian could be armed, and that this encounter could escalate into a shooting. In turn, civilians are aware that it is highly likely that the police officer is armed and liable to draw and utilize their service weapon at any potential sign of a perceived threat. The combination of fear and firearms has proven to have a significant chance of leading to fatal outcomes.

### I. Narrowing of Police Force

Some municipalities have chosen to narrow the police force by allocating a large proportion of police funding and responsibilities to programs and professionals who are more equipped to handle non-criminal matters and crises. In Eugene, Oregon, the White Bird Clinic, a community-based healthcare provider, started a program called Crisis Assistance Helping Out On The Streets (“CAHOOTS”) in 1989.<sup>4</sup> The founders of CAHOOTS knew that people in peril were not calling the police and wanted to create a community-based service that people could trust.<sup>5</sup> CAHOOTS members are prescribed a level of training that requires them to complete more than 500 hours of de-escalation and crisis intervention training. The purpose of this program is to provide assistance to locals with urgent medical and psychological needs, crisis counselling, grief and loss, and conflict resolution amongst many other services. This proposal

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<sup>2</sup> *Disaggregating the Police Function*, Barry Friedman, University of Penn law review V 169. No 4, March 2021.

<sup>3</sup> *42% of U.S households own a firearm as per Statista as of 2020* – Statista report, Statista Research Department, 22<sup>nd</sup> June 2021, <https://www.statista.com/topics/1287/firearms-in-the-us/> .

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

has shown that it is effective and realistic. During its implementation in Eugene, police back-up has only been requested a meagre 0.6 % percent of the time or 150 times in a total of 24,000 calls<sup>6</sup>.

While CAHOOTS started with a run-down van and a few employees, it has become a heavily relied-upon service in the Eugene and Springfield areas.<sup>7</sup> Currently, CAHOOTS responds to about 20% of calls that come in through 911 and the police non-emergency number, receiving between five and ten requests for services per day.<sup>8</sup>

## II. Civil Public Safety Force

Building upon the CAHOOTS model, my proposed civil public safety force is an entity that would consist of professionals including community-trained mediators, social workers, emergency medical technicians, traffic monitors and quality of life monitors and would focus on prevention of violence in areas where armed police are not necessary, ranging from 911 calls, traffic offenses and monitoring quality of life on the streets. With public safety in mind, a new unarmed, trained civilian public safety force can better address, among other things, two main non-violent social and community needs: risks accompanied by traffic stops on the one hand and quality of life violations on the other.

### *Traffic Violations*

Common traffic violations include failure to stop at a red light, failure to signal, passing in in a no passing zone, speeding and failure to wear a seat belt.<sup>9</sup> The bulk of these traffic

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<sup>6</sup> Deborah Ramirez and Tamar Pinto, *Policing the Police: A Roadmap to Police Accountability Using Professional Liability Insurance*, Rutgers Law Review, Forthcoming, (2020).

<sup>7</sup> Parafiniuk-Talesnick, *supra* note 213.

<sup>8</sup> Interview by Ari Shapiro with Ben Brubaker, Clinic Coordinator, and Ebony Morgan, Crisis Worker, White Bird Clinic (June 10, 2020), <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>.

<sup>9</sup> <https://www.communityleisure.org/10-most-common-traffic-violations/>

offenses does not require armed police officers. Rather, they can be dealt with by unarmed traffic monitors, who can issue citations. Moreover, technology such as cameras and speed monitors can be used to automatically monitor traffic behavior and issue citations.<sup>10</sup> This would significantly reduce violent incidents where people of color, are often harassed by police, due to minor traffic violations.<sup>11</sup>

### *Quality of Life Violations*

In order to reduce mass incarceration and racial disparities, many social justice prosecutors have refused to prosecute minor street crime violations such as graffiti, congregating people or motorcycles obstructing passage, trespassing by homeless people sleeping in public places, minor damage to property, minor narcotics offenses, panhandling, public urination, etc.<sup>12</sup> For many urban areas and towns, the issue becomes: how do we control and enhance the quality of life on the streets without using the criminal justice system to enforce behavioral norms?

Studies suggest that 23 to 45 percent of 911 calls are for minor concerns such as noise complaints, behavioral health issues or other non-criminal and non-violent incidents.<sup>13</sup> Trained civilian investigative monitors, empowered to issue civilian citations, could effectively address these 911 calls and respond to such issues.

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<sup>10</sup> *Id.*

<sup>11</sup> Dean A. Strang and Nancy Gertner, Supreme Court rulings on traffic stops reinforce structural racism in policing, updated 16<sup>th</sup> April 2021, <https://www.bostonglobe.com/2021/04/16/opinion/supreme-court-rulings-traffic-stops-reinforce-structural-racism-policing/> .

<sup>12</sup> <https://rollins4da.com/policy/charges-to-be-declined/>

<sup>13</sup> President's Task Force On 21st Century Policing, U.S. Dep't Of Justice, Final Report Of The President's Task Force On 21st Century Policing (2015), [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

When other policing can be allocated to trained civilians and medical professionals, police officers can focus their time on responding to ongoing, dangerous, serious and violent crimes.

### III. Police accountability.

Even if we defund, dismantle, and reimagine a narrowed police force by transferring responsibilities to other professionals such as social services, healthcare, and community services, we still need a system of accountability for a police force focused more narrowly on routine, on-going, and violent crimes. The current lack of police accountability stems from the fact that police unions control the police through collective bargaining. Left unscrutinized, unions have used the collective bargaining process to strip away police chiefs' managerial powers, including the authority to fire, promote, hire, or discipline.<sup>14</sup>

Professional liability insurance is an instrument for identifying officers engaged in risky policing behaviors through a neutral actuarial process. Just as physicians, lawyers, accountants, and other professionals carry insurance for protection against claims made by their clients, professional liability insurance detects and deters police misconduct. Using a system of premiums which increase upon occurrences of dangerous policing and a fixed deductible, officers engaged in risky policing are priced out of the profession before they ever meet their victims. With bad officers held accountable through insurance policies, good officers can thrive, advance and protect the community. A system with police accountability creates an infrastructure that will save lives by detecting, preventing, and deterring police misconduct, while at the same time reducing taxpayer costs and compensating victims fairly.<sup>15</sup>

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<sup>14</sup>.See Rushin, *supra* note 13 at 1202–07.

<sup>15</sup> Deborah Ramirez and Tamar Pinto, *Policing the Police: A Roadmap to Police Accountability Using Professional Liability Insurance*, Rutgers Law Review, Forthcoming, (2020).