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R SHEET ON ALTERNATIVES TO POLICE RESPONSES

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BACKGROUND

In 2020, the United States has seen an upsurge in protests against police practices following the killing of George Floyd. In particular, phrases such as “abolish the police” and “defund the police” have captured the attention of many activists, the media and some policymakers. One side endorses these slogans as a radical, necessary effort to reimagine public safety, while the other declares the proposals to be extreme and their literal application impossible or objectionable in practice. Lost in the rhetoric and retreat to opposing camps is a piece of common ground, the shared belief that, as Dallas Police Chief David Brown [put it](#), “We’re asking cops to do too much in this country.”

Trying to find ways to share or shift some of these duties and responsibilities to non-law enforcement professionals is therefore not a matter of whether one is “for” or “against” the police. Instead, it is an attempt to make both law enforcement officers and society at large better off by allowing other individuals to take charge of the public welfare in certain situations. Likely, this explains why communities across the United States and the ideological spectrum have already attempted to find alternatives that relieve law enforcement officers from having to respond to every possible emergency, or at least provide them with better support when they do.

CURRENT DEBATE

The primary question for policymakers is whether to share, shift or eliminate law enforcement officers’ authority or duty to respond to certain situations. A host of local and state leaders has already attempted each of these three paths, developing and implementing a variety of alternatives to traditional emergency response systems. In addition, each option is not mutually exclusive from one another, but can instead work in concert as part of a larger emergency response system.

SUMMARY

- Society expects law enforcement officers to perform an unreasonable and undesirable set of duties and responsibilities.
- Law enforcement officials and society at large would benefit from other individuals taking charge of the public welfare in certain situations.
- The question for policymakers is whether to share, shift or eliminate some law enforcement responsibilities.
- Lawmakers can aid local efforts by legislatively empowering non-law enforcement officials, and authorizing and supporting local programs.

The first path, sharing responsibilities, is not so much an alternative to a response by law enforcement officers as it is the provision of an alternative alongside them. The most prominent initiative is a co-responder model in which a social worker or other professional with behavioral health expertise accompanies a law enforcement officer to potential behavioral health emergencies such as mental health or substance-use crises. This approach keeps all response options on the table, with either the law enforcement officer or the behavioral health specialist taking charge as the situation demands. However, the mere presence of the law enforcement officer may escalate situations and degrade outcomes.

The second approach, shifting responsibilities, involves non-law enforcement officials responding to some or all calls for assistance to certain types of emergencies. While these programs may be purely voluntary for those in crisis, some jurisdictions have granted certain non-law enforcement officials additional legal authorities to intervene and, in some cases, even utilize various forms of civil custody. This strategy can reduce the time and resources demanded of law enforcement officers as well as the risk of unnecessary law enforcement actions since officers are

no longer present on scene. However, if a crisis escalates to the point that it requires a law enforcement presence, officials on scene will have to wait longer for one to arrive. The third strategy, eliminating certain responses altogether, has proven popular for more minor transgressions and other conduct that does not immediately threaten public safety. Although in most instances this will require a legislative act to remove the offense from the criminal code, law enforcement officers and prosecutors have also leveraged their considerable discretion to effect this kind of strategy. This path reduces government interference in individuals' lives, lowers costs and avoids potentially counterproductive interventions. However, it can raise the risk that smaller issues will metastasize into larger problems.

ACTION ITEMS

Empower non-law enforcement personnel. In most states, law enforcement officers are effectively required to respond to every possible crisis because the law grants them a monopoly over the authorities necessary to respond adequately and erects barriers to other professionals intervening effectively. Sharing the authority to initiate an emergency mental health hold, for example, with qualified behavioral health specialists or medical personnel can begin the process of shifting the responsibility for responding to acute mental health crises away from law enforcement officers. Likewise, expanding Good Samaritan laws to cover additional overdose situations as well as amending protective custody statutes to apply more broadly and potentially allow limited non-law enforcement personnel to initiate custody can push more substance-use crises away from unnecessary involvement with the criminal justice system. Similarly, lawmakers should assess whether other laws, such as ambulance transport destination rules that limit where EMS personnel can take individuals, are hamstringing the ability of non-law enforcement officials to participate in alternatives to arrest programs.

Support local programs. Although programs using alternatives to arrest are run overwhelmingly at the local level, state policymakers still have a critical support role to play. Explicit authorization of these kinds of local programs can remove any ambiguity about their political desirability or legality that may hamper local efforts. At the same time, this type of legislation can lay the groundwork for state level assistance as well as guidance on best practices and goals for these local programs. Critically, this can include data collection and analysis, which will help ensure that these programs operate as intended, improv-

ing outcomes and producing equitable results. Finally, state leaders can bolster local capacity to engage in these strategies by ensuring that these types of local programs are eligible for statewide grants relating to public safety.

CONTACT US

For more information on this subject, contact the R Street Institute, 1212 New York Ave. N.W., Washington, D.C. 20005, 202-525-5717.



Lars Trautman
Resident Senior Fellow
ltrautman@rstreet.org