Reimagining Public Safety: The Policing Project at the New York University Law School

BY MAUREEN Q. MCGOUGH

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In the months following the police killing of George Floyd in Minneapolis, the concept of “defunding” the police—redirecting funds away from police departments and towards other government agencies—has gained significant traction in jurisdictions across the country. Although the framing of “defunding” can seem extreme to some, the driving concept of realigning public resources to better meet public needs is long overdue.

Communities, reformers, and police seem to agree—we ask our cops to do too much. And we ask them to engage in responses for which they often are ill-trained, ill-equipped, and insufficiently resourced. We ask them to spend limited time and resources on interventions that don’t reduce crime, and then hold them accountable for crime rates that result from a host of social factors beyond their control. Not only is this ineffective to address underlying issues and improve community outcomes, it often results in overcriminalization and overuse of force, with the impact felt largely in Black communities and other communities of color.

At the Policing Project at the New York University (NYU) School of Law, we have pursued our agenda of reimaging public safety since our founding five years ago. It is past time for a national conversation about what public safety for everyone looks like, how it is best achieved, and what the appropriate role of policing is in achieving it.

The current zeitgeist for reform reflects that need: Communities deeply long for peace and security, and the current model of public safety often fails to provide it.

The Policing Project at NYU Law School

Barry Friedman, Jacob D. Fuchsberg Professor of Law and Affiliated Professor of Politics at NYU Law and author of Unwarranted: Policing Without Permission, founded the Policing Project five years ago to promote democratic accountability in policing, reduce disparate outcomes and harm to communities, and ensure public safety efforts address the root causes of instability and insecurity. We work with stakeholders from across the ideological spectrum—from police leadership to union officials, to community activists and policy think tanks, to elected officials, to academics and companies in the private sector—to promote public safety through transparency, equity, and democratic governance of policing.

1 https://www.policingproject.org/
2 https://www.policingproject.org/our-partners

At the Policing Project, we are committed to cost-benefit analysis, which is severely underutilized in policing. By integrating insights from these analyses with additional social science research and legal principles for democratic engagement, we build programs and policies that not only are evidence-based, but also protect individual civil liberties, foster racial justice, and ensure communities have a meaningful say in how they are policed.

Reimagining What Police Do

From our center’s inception, reimaging public safety and how it is best achieved have been at the forefront of our efforts. Much of our past and current research has focused on understanding the impact of police practices, addressing racial disparities, exploring the extent to which these practices achieve their intended public safety outcomes, and envisioning an improved public safety response that relies less on enforcement and more on social interventions administered by professionals appropriately resourced and qualified to do the job.

Building a framework for transformation. As jurisdictions across the country grapple with how best to reallocate public funding, we are working hard to ensure that policymakers have a practical, data-driven framework to guide decision-making. We also are hosting a series of convenings with researchers, policymakers, community advocates, and police to chart a course for evidence-informed transformation, including identifying priority areas for replacing police responses with those more suited to societal needs.

Exploring alternative approaches to traffic safety. Traffic stops are the most frequent type of police-initiated contact, with more than 20 million people stopped annually in the United States. Common sense dictates that traffic stops should lead to fewer accidents and safer roads. And many policing agencies make traffic stops for pretextual reasons on the theory that stops are an effective tool for addressing serious crimes. But traffic stops lead to significant harms, while the benefits of at least some of the enforcement practices are uncertain at best. Stops can lead to aggressive use of fines and fees, which fall hardest on those least able to bear the cost. Numerous studies
have demonstrated the prevalence of racial profiling and disparate outcomes in traffic stops. And stops can be dangerous both for police and for members of the public.

In 2018, we partnered with the Stanford Computational Policy Lab to perform a first-of-its-kind cost-benefit analysis of the use of high volumes of traffic stops by the Metropolitan Nashville Police Department (MNPD) to address serious crime. We found notable racial disparities in traffic stops, with higher numbers of disparities for nonmoving violations such as broken taillights or expired tags. Most important, we showed that the practice of making large numbers of stops in high-crime neighborhoods was not an effective strategy for reducing crime. These results, together with interviews of Nashville residents about their experiences with policing, informed a series of recommendations to MNPD. The department since has implemented changes that resulted in a sharp reduction in traffic stops.

We are building on these efforts in a new portfolio of research exploring the degree to which enforcement by police of traffic laws is necessary or beneficial for equitable public safety outcomes. We are seeking to understand the efficacy of the current enforcement model and the extent to which technological and other alternatives may be a better means of achieving road safety.

Transforming first response. If the footprint of policing is narrowed, we are left with the obvious question: What should first response look like? We are building a research portfolio to explore the effectiveness of existing response alternatives—such as co-response models or non-enforcement responses—and learning from promising practices in other countries. Our goal is an entirely reimagined first responder paradigm built on the model of emergency room doctors. Generalist professionals would serve as first responders. They would be trained in a range of skills such as mediation, social work, knowledge of social services and resources, and basic emergency medicine. Their function would be to stabilize situations, diagnose the underlying problem, and resolve it if they are able. If the situation cannot be resolved, they would have the means to call in other government services. The foundation for this response already exists in promising practices such as the Memphis Crisis Intervention Team (CIT), or Houston’s Crisis Call Diversion Program. Importantly, this model would recognize the need for force and law enforcement in some situations, and these first responders might have to have those skills. Alternatively, police would exist as they do today and accompany or back up responders as needed. In either case, the reward structure would be against enforcement and in favor of other resolutions.

Transforming dispatch. To support these alternative responses, 911 dispatch also must be reformed. Half of what police do involves responding to calls for service. Research shows the significant impact the framing by the dispatchers has on police behavior and perceptions of a possible threat. And a recent study by Dr. Jessica Gillooly, a postdoctoral fellow with the Policing Project, shines light on a previously overlooked call-taker function—risk appraisal. Simply put, if a call taker is unable to assess risk accurately, they will be unable to determine when to send alternative nonpolice responders, or when a police response is necessary from the outset. We are embarking on a multipart study of 911 dispatch and police response to understand a) how jurisdictions are approaching dispatch and response during the current pandemic, when many responders are not doing so in person; and b) how to disaggregate broad call categories into more fine-grained risk categories, so that the necessity of dispatching force can be determined more accurately at the time the call is taken.

Reimagining Who Police Are
Although the system of first response needs to be reimagined, we also must rethink immediately who police are. At present it is even more critical to hire officers with the inherent skills necessary to engage with communities meaningfully and peacefully, de-escalate encounters, and close the persistent rift between officers and the people they serve.

One strategy in which there is significant promise and growing scientific evidence is deceptively simple: Hire, retain, and promote more women officers. Research shows that women officers use less force and less excessive force, are better able to interact with diverse communities, are perceived by the public as more trustworthy, are associated with better outcomes for crime victims, and may even cost less than their male counterparts because they are involved in fewer lawsuits.

This fall, the Policing Project is launching the 30x30 Initiative to reach 30 percent representation of women in police recruit classes by 2030. We will build a national collaboration of researchers, policymakers, community stakeholders, police, and professional associations to advance the initiative. We will design and launch programs and research that remove discriminatory barriers to entry for qualified women candidates, support retention and promotion of qualified women officers, and address internal policies and cultures that impede women’s interest in the profession and ability to succeed within it. Even in a world of reimagined first response, there is a need to ensure the work force is diverse along many dimensions, including gender diversity.

The Role of Scientific Evidence in Reimagining Public Safety
Research and data are essential—not only to identify harmful impacts of policing strategies and practices that must be reformed but also to determine what works and what matters to produce and sustain public safety for all communities. As we as a nation reckon with a long history of discrimination and the disparate impacts of the criminal justice system on people of color, we cannot afford to build a reimagined system on anything less than a solid foundation of scientific evidence. At the Policing Project, we promote the use of cost-benefit analysis and social science research broadly, and applaud the work of the Center for Evidence-Based Policing to make scientific research a foundational component of criminal justice policies and practices.