

POLICE REFORM AFTER THE DEATH OF GEORGE FLOYD

Kelly Klire/Flickr Commons, used under a CC BY-NC-ND 2.0 license.



Protesters in Seattle, Washington, marched in response to the death of George Floyd, who was murdered by police in Minneapolis, Minnesota. Multiple polls showed that by July 2020, an estimated 15 million to 26 million people had demonstrated in response to George Floyd's death.

Since the first centralized police departments appeared in major U.S. cities in the middle of the 19th century, members of the public have made various demands for police reform. After the murder of George Floyd on May 25, 2020, in Minneapolis, Minnesota, at the hands of four police officers, the nation's attention was sharply focused on the issues of police misconduct, use of excessive force, and the impacts of racism.

George Floyd was a Black man. The police officers subdued him and held him face-down on the ground with his hands cuffed behind his back. A white officer kept his knee on Floyd's neck for nearly nine minutes while George Floyd was lying on the ground. The three other officers present and involved in the incident were Black, white, and Asian-American, respectively.

The incident shocked the consciences of many. Polls in June 2020 showed that an overwhelming majority of Americans favored firing the officers involved in George Floyd's death. The polls also showed a supermajority of Americans supported charging the officer whose knee was on Floyd's neck with murder. In fact, the four officers were subsequently arrested and charged with murder for Floyd's death. The officer who kept his knee on Floyd's neck was convicted of murder and manslaughter on April 20, 2021.

As multiple studies have shown, Black people are killed by police at higher proportional rates than are

white people. According to the U.S. Census, Black people make up about 13 percent of the U.S. population, whereas non-Hispanic white people make up about 60 percent. In 2020, however, Northeastern University and Harvard University released a study of 2014-2015 data from 27 states showing that Black people are killed in police-related shootings at twice the rate of white people.

A 2020 study published by the Harvard Chan School of Public Health also found that among more than 5,400 police-related deaths between 2013 and 2017, Black people were three times as likely to be killed by police than white people. The higher rate of deaths among Black people makes the number of deaths *disproportionate* compared to the lower total population of Black people.

In response to the murder of George Floyd, the largest public protests in U.S. history took place across the country — supported by many sympathetic protests overseas — prompting a nationwide debate about institutional or systemic racism. The term *institutional racism* was first used in 1968 in the writings of Black political activists Stokely Carmichael and Charles V. Hamilton. The term referred to racism that is built into systems of policymaking and governance. Since

then, the term has been used interchangeably with *systemic racism*.

Reformers and scholars have not agreed on one definition of systemic racism. They nonetheless have generally understood that systemic racism involves racism which has become part of a normal practice of policymaking or governance, such as policing. It can also refer to a system that perpetuates disproportionate poverty and lack of opportunity generation to generation in many minority communities. According to this understanding, individuals who may not believe they are discriminating on the basis of race can still be participants in activities which involve systemic racism and which can have discriminatory impacts.

In 2020, U.S. political leaders of both major parties spoke to the concerns of the public protests. Then-Democratic presidential candidate Joe Biden commented that George Floyd's death was "not an isolated incident but a part of an ingrained systemic cycle of injustice." Republican Senator Lindsey Graham said, "This happens way too much."

"We've got to get to the bottom of that," Graham said, "because there is a real disconnect. The way to solve this problem, in my view, is to have the police engage in the community." As chair of the U.S. Senate Judiciary Committee in 2020, Graham presided over a Senate hearing that contributed to competing Republican and Democratic proposals for reform. In 2021, with a Democratic-controlled Congress, the proposals continued to be debated.

Defunding Police?

One response to George Floyd's death has been the call for "defunding" the police. As protests spread to all 50 states, many protesters' signs bore the three-word phrase "Defund the Police." The phrase was picked up by news cameras and social media feeds and thrust onto the national stage.

Taken literally, the word "defund" means to stop providing funds. Indeed, during the 2020 protests, some activists advocated for police departments to be abolished and for department budgets to be entirely reallocated toward social services, like health care, public housing, and public schools.

Other supporters of "defunding" called for reducing police budgets, not abolishing police. These advocates would reinvest the funds from the partial defunding into social services like those mentioned above. They believe the reinvestment will decrease crime more effectively than continuing to give the police more and more money each year. Those calling for defunding often also advocate for removing police

officers from public schools and ending the sale of military weapons and vehicles to police departments.

Supporters of reducing, but not eliminating, police budgets still see a role for traditional police departments. But they also believe that police officers currently serve some functions that are inappropriate or best left to others. Supporters propose that social workers, not police, should be first responders to people experiencing mental-health crises or neighborhood noise complaints.

Andrea Ritchie, an attorney who has studied the "defund the police" movement since the social unrest surrounding the Rodney King beating in 1992, says, "What 'defund the police' is calling for is saying, 'we need to take money, power and equipment and scope of operation away from police and we need to invest that money and more into what people need to survive this [coronavirus] pandemic and this economic crisis.'"

In June 2020, a majority on the Minneapolis City Council pledged to completely defund the city's police department. Just a few months later, however, a majority of councilmembers changed their minds. In December 2020, the council instead reduced police department funding by \$8 million, or 4.5 percent of the city's police budget. The \$8 million would go instead to other city services, such as mental health.

By August 2020, 13 cities had reduced police budgets. Los Angeles reduced its \$3 billion police budget by \$150 million. Seattle reduced its police budget by 20 percent. By 2021, however, no city had completely defunded its police departments.

Maintaining Police Funding

Critics of the idea of defunding the police argue that decreasing police budgets will not address the problems cited by supporters. The Marshall Project, a nonprofit that studies the urgency of criminal-justice reform, has reported that the Great Recession of 2008 led to cities decreasing police budgets. Existing officers became overworked and often under-paid. In 2015 in Memphis, Tennessee, complaints about police use of force as well as 911 wait times rose after the police budget was reduced.

Criticism of defunding the police has come more recently, as well. Seattle's first Black woman police chief Carmen Best resigned in protest in August 2020 when Seattle reduced police department funding and laid off 100 new police officers. Best noted that the layoffs would make the police department less racially diverse as non-white police officers were more recently hired and had less seniority.

Despite popular support for protests against police misconduct and against systemic racism, polls also

showed that only about one-third of American supported the Defund the Police movement. Former President Barack Obama himself said a “snappy slogan like ‘Defund the Police’ ” will make the movement lose “a big audience.” Rep. Jim Clyburn (D-SC), the highest-ranking Black lawmaker in Congress, said that support for “defund the police” likely cost the Democratic Party congressional seats in the November 2020 elections. “We need the police,” Clyburn said in November 2020. “We want the police. They have a role to play.”

Reforming Police Departments

Prior to Clyburn’s comments, an August 2020 Gallup poll found that 81 percent of Black Americans wanted the time police spend in their communities to remain the same or to increase. Around the same time, however, another Gallup poll showed that 96 percent of all Americans support reforms that would provide for greater accountability and punishment of officers for misconduct. Ninety-eight percent of Americans support reforms that would bar officers with multiple incidents of misconduct from continuing to serve as officers.

That same Gallup poll also showed that most Americans want “major changes” to the practice of policing in the United States. Only six percent of Americans said that “no change” was needed. While 47 percent of Americans said they support reducing police department budgets, only 15 percent of Americans said they support abolishing police departments. Various reforms to address Americans’ concerns have been proposed at the federal, state, and local levels.

At the federal level, many bills were introduced in 2020 in response to concerns over police conduct. House Democrats passed the George Floyd Justice in Policing Act in 2020 and again in 2021. This act would make it easier to prosecute police for misconduct, including excessive force and racial bias. Democrats proposed a companion bill in the Senate, the Justice in Policing Act, which, among other things, would make it easier for federal courts to hold police personally liable for civil-rights violations.

One provision of the George Floyd Justice in Policing Act lowers the criminal intent standard to convict law enforcement officers of misconduct. Under existing standards, it must be proved that an officer *willfully* commits an offense, or that an officer acted with intent to break the law. This makes it difficult to convict the officer. Under this act, however, it would have to be proved that the officer *knowingly* or *recklessly* commits an offense. This means that an officer could be convicted even if he or she acts without knowing that their specific conduct breaks the law.

Republican Sen. Tim Scott (SC) introduced the JUSTICE Act to improve and reform policing practices, accountability, and transparency. In addition,

Republican Sen. Rand Paul (KY) authored the Justice for Breonna Taylor Act. The act would prohibit no-knock warrants from any federal law enforcement agency and any agency receiving federal funds. As of this writing, neither the 2021 House bill nor either of the Senate acts have become law.

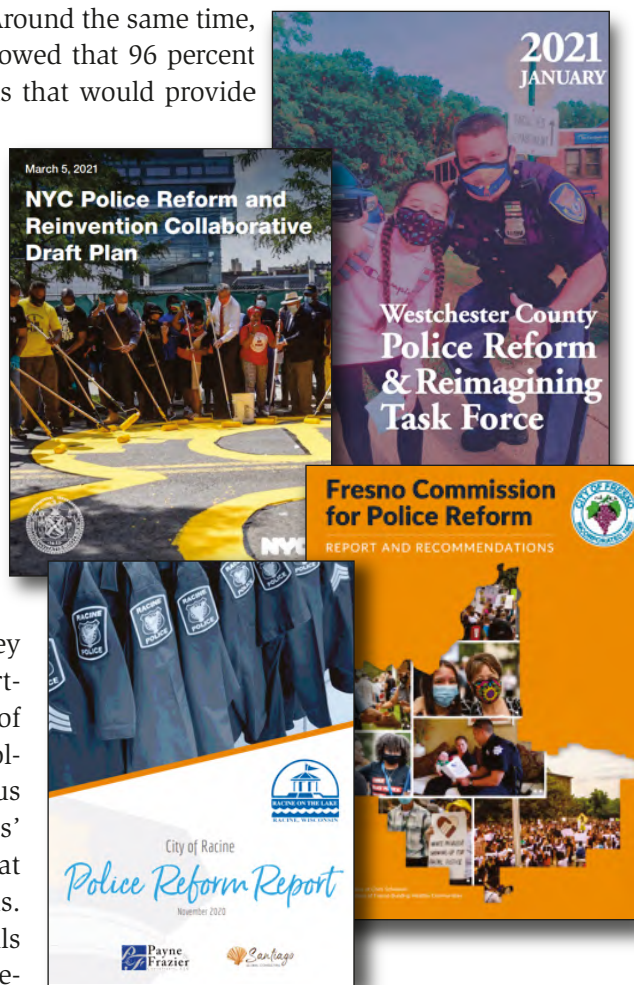
Senator Paul’s act was named for Breonna Taylor, an unarmed woman who was not a criminal suspect but was shot and killed by police in Kentucky in 2020. Officers forced their way into her apartment as part of a drug investigation into Taylor’s former boyfriend. A judge had granted the officers a no-knock warrant, which meant they did not have

to announce themselves before forcing entry.

Taylor’s current boyfriend did not hear any announcement from the police, thought they were intruders, and fired a shot at them. Police responded with 32 shots into Breonna Taylor’s apartment, killing her.

Despite the federal stalemate, many cities also passed local reforms in 2020:

- Seattle, San Francisco, and Washington, D.C., banned police use of chokeholds on suspects.



- Mayors from Chicago, Cincinnati, and Tampa, as well as police chiefs from Baltimore, Columbia (South Carolina), and Phoenix formed the Police Reform and Racial Justice Working Group to recommend reforms to police departments.
- School boards in Seattle, Minneapolis, Denver, and Portland (Oregon) discontinued use of police resource officers in schools. They instead now use private security.
- Dallas police now have a “duty to intervene” and stop officers from using excessive force.

The Milwaukee Example

Many police departments are now adjusting to decreased 2021 annual budgets. The Milwaukee City Council proposed a 10 percent reduction in the police department’s budget to reallocate to public services. Using 2020 figures, the Milwaukee police department budget is approximately \$297 million. Over 95 percent of the department’s operating budget goes to salary, wages, and fringe benefits to its 2,305 employees, which includes 1,868 uniformed officers. This amounts to an average of approximately \$122,000 per employee.

A 10 percent police department budget reduction in Milwaukee is \$29.7 million. By contrast, Milwaukee’s total health department budget is \$14 million. Using these figures, applying just half of the police-department

reduction to the Health Department would double resources for the city’s health programs.

Milwaukee Chief of Police Alfonso Morales, however, is critical of this reduction, arguing it would decrease the size of the police force by 375 officers — a 20 percent cut to the police force. Chief Morales stated that he believes the reduction would mean longer response times; less traffic enforcement; no private security at community events; no fingerprinting services for businesses and individuals; and a reduction in responses to nonviolent complaints such as prostitution, family conflicts, drug overdoses, and noise.

WRITING & DISCUSSION

1. What are the conflicting views on defunding the police?
2. Why have political leaders warned against using “defund the police” as a slogan? Do you agree? Why or why not?
3. After the Seattle City Council cut police funding, Police Chief Carmen Best resigned. She then said of her own African American family members, “It’s not that they don’t want policing. They just want to make sure that when policing happens, that it’s fair and just.” What do you think she meant?
4. How would changing the level of criminal intent from *willful* to *knowing* or *reckless* in the George Floyd Justice in Policing Act make it easier to convict a police officer of a crime?

ACTIVITY: The 8 Can’t Wait Campaign

The police-reform nonprofit organization Campaign Zero initiated the “8 Can’t Wait” campaign. They recommend eight reforms that local police departments can adopt to reduce police violence.

The reforms are:

- a. Require police officers to be trained in de-escalation (verbal techniques to calm potentially violent situations).
- b. Use a use-of-force continuum (reserving severe force only for extreme situations).
- c. Ban chokeholds and strangleholds.
- d. Require officers to verbally warn before shooting in all situations.
- e. Ban officers from shooting at moving vehicles in all situations.
- f. Exhaust all alternatives before using deadly force.
- g. Impose a duty to intervene (officers must intervene to stop excessive force by fellow officers).
- h. Require officers to report every single use of force, whether or not someone was injured.



Campaign Zero reports that although no city has adopted all eight reforms, most cities in the U.S.A. have adopted at least some of them.

You are on the city council of a city that has had many complaints of excessive force by police but has not adopted any of the proposed reforms of 8 Can’t Wait. Form a committee with three other council members in your class and decide which, if any, of the above reforms you want your city to adopt. Discuss the potential advantages and disadvantages of each reform. Who will likely be for or against each reform? If you adopt a reform, would you modify it in any way?

Choose a spokesperson and be ready to report to the whole city council (class) why your committee chose the reforms it chose.

Sources

Police Reform After the Death of George Floyd

Arnold, Amanda. "What Exactly Does it Mean to Defund the Police?" *The Cut. New York Magazine*, 12 June 2020. thecut.com/2020/06/what-does-defund-the-police-mean-the-phrase-explained.html. • Balsamo, Michael. "A side-by-side look at police reform bills in Congress." *AP News*, 23 June 2020. apnews.com/article/cb459fa005a19b074f452ac1092b6d04. • Barker, Kim. "The Black Officer Who Detained George Floyd Had Pledged to Fix the Police." *The New York Times*, 27 June 2020. nytimes.com/2020/06/27/us/minneapolis-police-officer-kueng.html. • Brown, Matthew. "Democratic Whip Jim Clyburn: 'Defund the police' cost Democrats seats, hurt Black Lives Matter movement." *USA Today*, 9 Nov. 2020. usatoday.com/story/news/politics/2020/11/08/james-clyburn-defund-police-cost-democrats-seats-hurt-black-lives-matter/6216371002/. • Collins, Jon, and Brandt Williams. "After pledging to defund the police, Mpls. City Council still rethinking public safety." *MPR News*, 28 Oct. 2020. mprnews.org/story/2020/10/28/after-pledging-to-defund-police-mpls-city-council-still-rethinking-public-safety. • Collins, Sean. "The House has passed the George Floyd Justice in Policing Act." *Vox*, 3 March 2021. vox.com/2021/3/3/22295856/george-floyd-justice-in-policing-act-2021-passed-house. • Crabtree, Steve. "Most Americans Say Policing Needs 'Major Changes.'" *Gallup*, 22 July 2020. news.gallup.com/poll/315962/americans-say-policing-needs-major-changes.aspx. • Davis, Susan, et al. "The Death of George Floyd sparks Outrage From Both Sides of the Aisle." *NPR*, 28 May 2020. npr.org/2020/05/28/864496274/the-death-of-george-floyd-sparks-outrage-from-both-sides-of-the-aisle. • Dirr, Alison. "Milwaukee Common Council adopts 2021 budget, maintains cut of 120 police positions, fire station closure." *Milwaukee Journal Sentinel*, 9 Nov. 2020. jsonline.com/story/news/local/milwaukee/2020/11/06/milwaukee-common-councils-adopted-2021-budget-maintains-police-cut/6181472002/. • Durr, Sara. "Nation's Mayors Assemble New Police Reform and Racial Justice Working Group." *The United States Conference of Mayors*, 8 June 2020. usmayors.org/2020/06/08/nations-mayors-assemble-new-police-reform-and-racial-justice-working-group/. • Edwards, Clarence. "Race and the Police." *National Police Foundation*, 18 Feb. 2016. policefoundation.org/race-and-the-police/. • Edwards, Frank, et al. "Risk of being killed by police use of force in the United States, by age, race-ethnicity, and sex." *PNAS*, 20 Aug. 2019. pnas.org/content/116/34/16793. • Kaba, Mariame. "Yes, We Mean Literally Abolish the Police." *The New York Times*, 12 June 2020. nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html. • King, Maya. "How 'Defund the Police' went from moonshot to mainstream." *Politico*, 17 June 2020. politico.com/states/new-york/albany/story/2020/06/17/how-defund-the-police-went-from-moonshot-to-mainstream-1293451. • Koppelman, Andrew. "What is systemic racism, anyway?" *USA Today*, 23 Sep. 2020. usatoday.com/story/opinion/2020/09/23/systemic-racism-how-really-define-column/5845788002/. • Koran, Mario. "'We're suffering the same abuses': Latinos hear their stories echoed in police brutality

protests." *The Guardian*, 12 June 2020. theguardian.com/world/2020/jun/12/latinos-police-brutality-protests-george-floyd. • Lovan, Dylan. "Grand jury audio details moments before Breonna Taylor died." *The Detroit News*, 2 Oct. 2020. detroitnews.com/story/news/nation/2020/10/02/breonna-taylor-grand-jury-recording/5893277002/. • McCarthy, Niall. "Police Shootings: Black Americans Disproportionately Affected [Infographic]." *Forbes*, 28 May 2020. forbes.com/sites/niallmccarthy/2020/05/28/police-shootings-black-americans-disproportionately-affected-infographic/?sh=505e919159f7. • McEvoy, Jemima. "At Least 13 Cities Are Defunding Their Police Departments." *Forbes*, 13 Aug. 2020. forbes.com/sites/jemimamcevoy/2020/08/13/at-least-13-cities-are-defunding-their-police-departments/?sh=323c36f329e3. • Morales, Alfonso. "I'm Milwaukee's police chief. Here's what 'defunding the police' might mean." *Milwaukee Journal Sentinel*, 14 July 2020. jsonline.com/story/news/solutions/2020/07/14/mpd-chief-details-cuts-might-required-defund-police/5421894002/. • Pannett, Rachel, et al. "George Floyd Death in U.S. sparks Outcry Abroad." *Wall Street Journal*, 3 June 2020. wsj.com/articles/george-floyds-death-in-u-s-sparks-outcry-abroad-11591123234. • Phillips, Coretta. "Institutional Racism and Ethnic Inequalities: An Expanded Multilevel Framework." *Journal of Social Policy*. Cambridge University Press, Vol. 40, Issue 1 (Jan. 2011). cambridge.org/core/journals/journal-of-social-policy/article/institutional-racism-and-ethnic-inequalities-an-expanded-multilevel-framework/CC0299D0168307C7F6ED1FD891D74245. • Saad, Lydia. "Black Americans Want Police to Retain Local Presence." *Gallup*, 5 Aug. 2020. news.gallup.com/poll/316571/black-americans-police-retain-local-presence.aspx?utm_source=tagrss&utm_medium=rss&utm_campaign=syndication. • Thomsen, Ian. "The Research is Clear: White People Not More Likely Than Black People to Be Killed by Police." *News@Northeastern*, 16 July 2020. news.northeastern.edu/2020/07/16/the-research-is-clear-white-people-are-not-more-likely-than-black-people-to-be-killed-by-police/. • Weichselbaum, Simon, and Nicole Lewis. "Support for Defunding the Police Department Is Growing. Here's Why It's not a Silver Bullet." *The Marshall Project*, 9 June 2020. themarshallproject.org/2020/06/09/support-for-defunding-the-police-department-is-growing-here-s-why-it-s-not-a-silver-bullet. • "#8CantWait." *8cantwait.org*, N.D. 8cantwait.org/. • "Black people more than three times as likely as white people to be killed during a police encounter." *Harvard T.H. Chan School of Public Health*, 8 July 2020. hsph.harvard.edu/news/hsph-in-the-news/blacks-whites-police-deaths-disparity/. • "Graham Announces Hearing on Police Use of Force." *Committee on the Judiciary*, U.S. Senate, 19 May 2020. judiciary.senate.gov/press/rep/releases/graham-announces-hearing-on-police-use-of-force. • "H.R.7120 - George Floyd Justice in Policing Act." *Congress.gov*, N.D. congress.gov/bill/116th-congress/house-bill/7120. • "Peter Hamby Interviews President Obama." *YouTube*, uploaded by Snapchat, 2 Dec. 2020. youtube.com/watch?v=Yj-eNGfeG0o. • "S.3985-The JUSTICE Act." *Congress.gov*, N.D. congress.gov/bill/116th-congress/senate-bill/3985. • "Stop-and-Frisk Data." *New York Civil Liberties Union*, N.D. nyclu.org/en/Stop-and-Frisk-data. • "U.S. Census Bureau Quick Facts." *U.S. Census Bureau*, N.D. census.gov/quickfacts/fact/table/US/PST045219.

Standards Addressed

Police Reform After the Death of George Floyd

California History-Social Science Framework (Adopted 2016), p. 447-448:

Teachers can emphasize how power and responsibilities are divided among national, state, local, and tribal governments and ask students to consider this question: **Why are powers divided among different levels of government?** . . . Students should also identify typical responsibilities of state government, including education, infrastructure such as roads and bridges, criminal and civil law, and regulation of business. The state also oversees and regulates local governments and the services provided such as fire and police protection, sanitation, local public schools, public transportation, housing, and zoning and land use.

California History-Social Science Standard 12.7: Students analyze and compare the powers and procedures of the national, state, tribal, and local governments. (5) Explain how public policy is formed, including the setting of the public agenda and implementation of it through regulations and executive orders.

National Civics Standard 21: Understands the formation and implementation of public policy. Middle School (3): Understands why conflicts about

values, principles, and interests may make agreement difficult or impossible on certain issues of public policy. **High School (2):** Understands the processes by which public policy concerning a local, state, or national issue is formed and carried out. (4): Understands why agreement may be difficult or impossible on issues such as abortion because of conflicts about values, principles, and interests.

Standards reprinted with permission:

National Standards © 2000 McREL, Mid-continent Research for Education and Learning, 2550 S. Parker Road, Ste. 500, Aurora, CO 80014, (303)337.0990.

California Standards copyrighted by the California Department of Education, P.O. Box 271, Sacramento, CA 95812.

Common Core State Standards used under public license. © Copyright 2010. National Governors Association Center for Best Practices and Council of Chief State School Officers. All rights reserved.



601 South Kingsley Drive
Los Angeles, CA 90005
213.487.5590 • Fax 213.386.0459
crf@crf-usa.org • www.crf-usa.org

SPECIAL NOTICE

Some Future Issues of *Bill of Rights in Action* Will Only Be Available Electronically!

We will publish two issues of the quarterly *Bill of Rights in Action* in electronic format only and two issues in print and electronic format. To receive notification of when the electronic edition is available for download, sign up at www.crf-usa.org/bill-of-rights-in-action.