

# NATIONAL REVIEW

## Law-Enforcement Unions Have Too Much Power

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The Patrolmen’s Benevolent Association of the City of New York, the largest union representing NYPD officers, took a bold step toward reform this week: It cut the number of “courtesy cards” members can give to their friends and family from 30 to 20. If you’ve never heard of these cards, you’re not alone. They allow their bearers to skate on speeding tickets or other low-level offenses, and they’re something of a closely guarded trade secret among officers, perhaps because of the petty corruption they obviously evince. Unsurprisingly, not all PBA members were pleased that this particular privilege was curtailed: “They are treating active members like sh\*\*,” a retired cop told the *New York Post*.

Public-sector employees who belong to unions are used to special treatment, and police officers, apparently, are no different. There are little or no private alternatives to the services schoolteachers, air-traffic controllers, police officers, and prison guards provide. Their unions negotiate directly with politicians, and can demand policies that benefit them — if not the taxpayers who foot the bill — because no elected official wants to risk a catastrophic strike. The result is a tacit, unsavory bargain in which politicians and civil servants join together to direct public funding and exclusive privileges to the most favored of all interest groups: politicians and civil servants.

Republicans typically cite these arguments to justify their efforts to dismantle such unions. Wisconsin governor Scott Walker made this the centerpiece of his career, and prevailed over counter-campaigns by Madison’s public sector and its political allies. But support for law enforcement has become a polarized culture-war issue, and Republicans — Walker among them — tend to leave unions representing criminal-justice workers alone as a result.

This is a shame. Law-enforcement unions shape our criminal-justice policies for the worse and encourage irresponsible public spending to achieve their own ends. “Take prison guards,” says John Pfaff, a professor at Fordham Law School who researches criminal justice. “They’re always going to fight efforts to decarcerate, because if you start emptying out prisons, you’re going to get demands to close facilities.” In New York, for example, the prison population fell by more than 20 percent in recent years, yet the state struggled to close any prisons, wary of putting unionized corrections officers out of work.

These unions also support the laws that contribute to incarceration in the first place. California’s correctional-officers union is infamous for having wielded its political clout on behalf of the

state's three-strikes law. To a certain kind of conservative, that law was a triumph at the time, but in the long term it fueled government's growth at the expense of defendants.

Nor are police unions supportive of reform. They insist that their members have special "bills of rights" that shield them from accountability for misconduct. With a voting base that traditionally respects first responders, such concessions can be a political winner for Republicans. But they also have pernicious effects which ought to worry conservatives not comfortable with increasing the power of the state at the expense of the citizenry. According to a police-union-watchdog group, at least 50 cities and 13 states have union contracts that delay interrogations of police officers accused of wrongdoing. Forty-three cities, meanwhile, have contracts with local police-union chapters to erase officers' misconduct records. Researchers at the University of Chicago have even found that allowing law-enforcement officials collective-bargaining rights increases the risk of misconduct.

So there's a compelling case that the negative effects of police unions extend beyond bloated spending and criminal-justice policy. As Cato's Julian Sanchez argues, union courtesy cards, "bills of rights," and other such contractual handouts reflect and reify a view among public officials "that the law — or at least, some ill-defined subset of it — isn't a body of rules binding on all of us, but something *we* impose on *others*." In unionizing, police officers and prison guards send a message that they have interests separate from those of the body politic, especially when the demands they make conflict with market realities or policies backed by democratically elected leaders.

A push for criminal-justice reform is reportedly in the works at Jared Kushner's Office for American Innovation, and there are a few ideas the federal government could consider to weaken the grip of these unions. Pfaff points to a policy in New York, where Governor Andrew Cuomo offered upstate counties millions of dollars in aid to offset the jobs they would lose by closing their prisons. Providing subsidies to states that decarcerate in order to help prison guards find work is "the kind of thing the federal government could look at," Pfaff says.

But it would be foolish to suggest that federal policies can solve what is ultimately a local problem. "It's hard for the federal government to have a big impact on incarceration," Pfaff points out, because the criminal-justice system is really an amalgamation of disparate state and local policies. Changing those policies would be more effective in weakening the power of law-enforcement unions. But first, citizens must recognize the insidious influence these unions wield. So don't be too hard on the officers of the New York PBA for letting slip that they expect special treatment: They may just have done Americans an unintentional favor.