



Reduce spending on police by limiting what they must enforce

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Across the country, demonstrators have marched against police violence and misconduct and public support for the Black Lives Matter movement is at an all-time high. Politicians, corporations and sports teams are calling for reform, and police departments nationwide are facing unprecedented scrutiny.

A prominent reform proposal is reduced funding for police. We agree that such expenditures, and criminal justice spending more broadly, should be much smaller than currently. But calls for reduced funding, by themselves, are potentially unconvincing because they do not specify what police expenditure or activity should be cut.

The ideal approach is to first eliminate laws that never made sense in the first place: those that limit freedom rather than protecting it.

Repealing freedom-limiting laws, and their associated enforcement practices, will dramatically reduce encounters and tension between the police and the public, thus diminishing the possibility of violence or other harassment.

Such laws — roughly, those against victimless crimes — include drug prohibition, laws against prostitution, criminal charges for “nuisance crimes” like loitering or vagrancy and pretextual traffic stops, amongst others. Such laws also generate policies that infringe civil liberties and exacerbate racial tension by giving police an excuse to engage in overly aggressive tactics (no-knock warrants) or target minorities (stop-and-frisk).

In contrast, laws against murder, rape, assault, and theft aim to protect lives and property of genuine victims. And while enforcement of these laws also is open to abuse, the scope for misconduct is far smaller. Police officers trying to solve a murder must have at least some evidence that a crime has occurred and that an alleged perpetrator might have been involved. Police officers who want to harass Black teenagers can simply assert that a particular individual “looked suspicious” or “acted like a drug dealer.”

Laws that limit freedom thus create an artificial need for police and generate wasteful expenditure. More importantly, they promote conflict between police and the citizenry, especially minorities, because police have so much discretion in enforcement.

Repealing freedom-limiting laws, and their associated enforcement practices, will dramatically reduce encounters and tension between the police and the public, thus diminishing the possibility of violence or other harassment. And these laws were unwarranted limitations on individual liberty in the first place.

Without these laws, moreover, police could focus on preventing or solving serious crimes, not arresting people for selling loose cigarettes (as in the case of Eric Garner, who died after being

placed in a chokehold by police), conducting invasive searches justified by “the odor of marijuana” (long permitted, albeit challenged in many states, including New York), treating Black gun owners as threats for legally carrying weapons (or killing them, in the case of Philando Castile), harassing people experiencing homelessness or executing illegal no knock warrants like the one that led to the shooting of Breonna Taylor. Improving the low closure rates for violent crimes will do far more to improve public safety than arresting people for victimless crimes.

And so long as infringing basic liberties is a key part of policing, that occupation will attract the wrong type of person for the job. Under the status quo, warrior cop mentality, officers who are aggressive, reactive, and violent will thrive. Reorienting law enforcement towards stopping real crime, and helping people, will attract officers who care more about public safety than the adrenaline rush of breaking down doors.

And without these ill-advised laws, reduced police expenditures makes perfect sense. More than 20% of arrests in the United States in 2018 were for drugs, alcohol, prostitution or vagrancy offenses. Eliminating these arrests will also reduce the burden on courts and prisons. Ending the prosecution of drug-related offenses alone would reduce state and federal expenditures by \$47 billion.

Misguided laws are not, to be sure, the only cause of police misconduct. Other factors include limited accountability due to union rules and qualified immunity, which shield officers from the consequences of misconduct. The militarization of state and local police via federal grants for surplus military equipment also creates the wrong atmosphere, giving suburban police departments weapons and vehicles designed for war zones.

But aligning society’s laws with appropriate objectives is a crucial condition for other reforms to have a major impact. Why? Because a system that is fundamentally misfocused — in trying to limit freedom, rather than protect it — will have a hard time keeping police accountable. So the starting point for reform must be eliminating those laws that create the wrong framework for the police, accompanied by the implied reductions in funding.

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