

Refunding the Community: What Defunding MPD Means and Why It Is Urgent and Realistic

JLI Vol. 39 Editorial Board¹

“(The police) are a very real menace to every black cat alive in this country. And no matter how many people say, ‘You’re being paranoid when you talk about police brutality’—I know what I’m talking about. I survived those streets and those precinct basements and I know. And I’ll tell you this—I know what it was like when I was really helpless, how many beatings I got. And I know what happens now because I’m not really helpless. But I know, too, that if he (police) don’t know that this is Jimmy Baldwin and not just some other nigger^[2] he’s gonna blow my head off just like he blows off everybody else’s head. It could happen to my mother in the morning, to my sister, to my brother . . . [.] For me this has always been a violent country—it has never been a democracy.” – [James Baldwin, Dick Cavett interview, 1969](#).

“[Fuck Tha Police](#),” rapped the revered American hip-hop group N.W.A from Compton, California in their seminal [debut studio album](#), “Straight Outta Compton.” In [six short minutes](#), MCs Ice Cube, Ren, and Eazy-E, [serve as effective prosecutors](#)—with Dr. Dre presiding as a judge in the case of [N.W.A v. The Police Department](#)—against the Los Angeles Police Department (LAPD) for possessing the [“authority to kill a minority.”](#) The LAPD, [like](#)

1. The *Minnesota Journal of Law & Inequality’s* (*JLI*) editorial board includes both the editors and the staff members. The article was drafted by Anna Berglund, Articles Editor; Sam Brower, Lead Online Editor; Abigail Hanson, Lead Managing Editor; Navin Ramalingam, Editor-in-Chief; and one more Editor. Thanks to Jen Davison, Lead Articles Editor, for her feedback; Abby Rauls, Executive Editor, and Hillary Richard, Staff Member, for their inputs. Thanks are also due to Adam Johnson and Chris Lund, Online Editors, for their help editing this article. Thanks, most of all, to *JLI* for providing a space for all us to come together, learn, and advocate for much-needed legal reform in this country.

2. *JLI’s* Vol. 39 does not have a single Black Editor. *JLI* acknowledges its own role in perpetuating racial inequality by not having Black voices in positions of power within the Journal. *JLI* strives to diversify its membership, authorship, and readership, and has measurable goals to achieve these objectives in the next few years. We chose to publish the n-word unredacted because it was part of a Baldwin quote. We do not possess the intellectual chutzpah to edit or censor a quote by James R. Baldwin. Not redacting the word while providing this context is our best solution to make peace with these competing tensions.

[police departments in other American cities](#), had a [notorious reputation](#) for [corruption](#), using [excessive force](#), [racial profiling](#), and [harassing](#) minority communities in the Greater Los Angeles area. While [some citizens](#) and the [police](#) gave it their [all](#) to [curb](#) the popularity of the track, the song, the album, and [the hip-hop group](#) themselves would go on to [achieve blockbuster status](#). In the summer of 2020, after the brutal killing of [George Floyd](#)—an unarmed Black man—by a [police officer](#) with the Minneapolis Police Department (MPD), the popularity of the [thirty-two-year old](#) anti-police-brutality anthem [skyrocketed](#). The very existence of an audio track called “Fuck Tha Police” and its [enduring and unwavering appeal](#) among [large swaths](#) of Americans over multiple decades perfectly encapsulates the story of modern American policing, especially its relationship to racial and ethnic minority groups in the United States.

In four sections, this Article (1) looks at the history of policing in the United States and the city of Minneapolis; (2) surveys the ineffective internal reforms the MPD and the City have undertaken over the past few decades; (3) proposes urgent and effective responses to prevent the deaths of Black Americans, like Floyd, and other racial and ethnic minorities at the hands of the MPD; and (4) concludes why refunding the community, by defunding the MPD, is a pragmatic and timely response to the MPD killing Black and Brown Minnesotans.

I. The True History of Policing in the United States and Minneapolis

This past [summer](#), Americans and people around the world [watched in horror](#) as [pictures and videos of police officers](#) in heavily militarized gear and war-time weapons [subjected peaceful protestors](#) across the United States to [extraordinary violence](#). The [scale and intensity of violence](#) the police [inflicted upon Americans](#) exercising their constitutionally-protected first amendment rights begged the question—exactly *who* are these police officers [sworn to](#) “protect and serve?” Any meaningful survey tracing the roots of modern American policing begins with its relationship to that purported [North Star of American prosperity—private property](#).

The [first documented death](#) of Black men by law enforcement in what would become the United States happened in 1619 when a Dutch slave ship landed in [Virginia](#). Enslaved Africans aboard the ship were [killed](#) “because of overcrowding, unsanitary conditions, and inadequate provisions on the ships.” Their situation [did not improve](#) after they landed. The highly impactful [Barbadian Slave](#)

[Codes](#), used by the British “[to justify](#) the practice of slavery and legalize the planters’ inhumane treatment of their enslaved Africans,” inspired American colonies to draft their own [slave codes](#). The first of these codes, drafted by Maryland and Virginia, [defined enslaved people](#) as “piece[s] of property” possessing no human rights, unlike their White owners. The enslaved essentially had the same “status of [farm animals or chattel](#).” While Americans enslaved the Africans starting in the early seventeenth century, the history of modern policing itself goes back to thirteenth-century England.

William Blackstone, the eighteenth-century English lawyer, jurist, author of “Commentaries on the Laws of England,” and Tory politician the American [common law judges love to love](#), called the modern police’s predecessors [King’s men](#). These men kept the “king’s peace” since as early as the thirteenth century. Even after Americans overthrew the king—with Thomas Paine famously proclaiming “[the law is king](#)”—Americans retained the King’s men. Since the thirteenth century, the constable, an officer of the King’s court, was aided by a group called the “[watch](#).” The [watch](#) was composed of able-bodied adult male volunteers from the community who alerted authorities when there was trouble and operated mostly at night. In the early American colonies, these watches [streamlined](#). Boston, New York, and Philadelphia formed their official night watches in the seventeenth century and their day watches in the [early nineteenth century](#). The goal of these watches was to “[warn of impending danger](#)” including activity that would break the law. In the early colonies, and up until the mid-nineteenth century, [slavery was legal in large parts of the United States](#). This meant that any action that subverted slavery, like escaping it, was *breaking the law*.

A. *Modern American Policing is a Loyal Descendant of the Original Slave Patrols*

“It was part of my business to arrest all slaves and free persons of color who were collected in crowds at night, and lock them up. It was also part of my business to take them before the Mayor. I did this without any warrant, and at my own discretion. Next day they were examined and punished. The punishment is flogging. I am one of the men who flog them. They get not exceeding thirty-nine lashes. I am paid 50 cents for every negro I flog. The price used to be sixty-two and a half cents. I am paid fifty cents for every negro I arrest, and fifty cents more if I flog him. I have flogged hundreds. I am often employed by private persons to pursue fugitive slaves. I have been thus employed since 1838. I never refuse a good job of that

kind.” - [John Capeheart, Norfolk, Virginia’s Constable, Sally Hadden’s Slave Patrol.](#)

“ . . . the paddy rollers would come an’ horse whip every las’ one of ‘em, jes cause poor souls were praying to God to free ‘em from dat awful bondage.” - [Minnie Fulkes](#), formerly enslaved, Work Projects Administration interview, March 5, 1937.

[Historian Jill Lepore](#) argues slavery is “[not a rule of law . . . \[but\] a rule of police.](#)” Policing in the early United States followed [two distinct but ultimately complementary approaches](#) in the North and the South. In the South, following the adoption of the aforementioned slave codes, slave patrols were formed in the [early eighteenth century](#), the first one in the Carolinas in 1704. The enslaved Africans [called the slave patrols](#) “patrollers,” “patty rollers,” or “paddy rollers” who used what would eventually become known as “paddy wagons,” an older version of the modern-day police van, to scour the counties for the runaway enslaved. [These slave patrols](#) were formed under state laws, organized by counties, and bankrolled by taxes. The same slave patrols would go on to [inspire](#) the Ku Klux Klan’s “night riders” after the end of the Civil War in 1865.

Following the Carolinas, the other southern colonies, Virginia, Tennessee, Georgia, and, after independence, states such as Kentucky, [all formed slave patrols](#) in the eighteenth century to protect the properties of White slave owners. These laws were [further strengthened](#) following the slave revolts led by Abolitionists like Nat Turner, Gabriel Prosser, and Denmark Vesey in the early nineteenth century. The [goals of these slave patrols](#) were multifold: (1) apprehend the runaway enslaved; (2) provide organized terror to deter revolt by the enslaved; and (3) maintain extra-judicial discipline for enslaved workers. These slave patrols shed light on not only the origins of American law enforcement but also its [primary motive](#)—“the need to police enslaved Africans and control the behavior of Black people.”

Though slave patrols originated in the Southern states, Northern states are not off the hook for their own contributions. Northern states like New York and Connecticut [passed laws controlling](#) the enslaved who escaped from the South to the Northern states. The Northern States also helped Congress pass [Fugitive Slave Laws](#) in 1793—which were strengthened again in 1850—that “[allowed for runaway enslaved Africans to be returned to their owners.](#)”

In the early nineteenth century, [American cities experienced huge population](#) growth through immigration and industrialization. Industrialization also increased [urbanization](#). Although public disorder—public drunkenness and prostitution—seemed to have increased with swift urbanization, “[evidence of an actual crime wave \[was\] lacking](#).” But this did not stop the “[emerging commercial elite](#)” [nativists](#) from using the fear of purported “outsiders”—mostly immigrants and Blacks—to whip up fear and establish “[a mechanism to insure a stable and orderly work force, a stable and orderly environment for the conduct of business, and the maintenance of what they referred to as the ‘collective good.’](#)” Around the same time, [starting in the early 1830s](#), almost every major American city—Boston, New York City, Albany, Chicago, New Orleans, Cincinnati, Philadelphia, Newark, and Baltimore—had established centralized, bureaucratic police forces. [Professor Michael A. Robinson of the University of Georgia argues](#) that the goal of early police departments was “to protect the financial interest of the wealthy, much like the slave patrols protected financial interests of enslaved African owners.”

While early policing in America targeted and terrorized enslaved Black people, early policing efforts also took aim at other non-White populations. Indigenous communities were forcibly moved and held indefinitely in military detention, including at [Minnesota’s Fort Snelling Concentration Camp](#), which held over 1,600 Dakota people during the winter of 1862–63. [It is estimated](#) that up to 300 Dakota detainees died in the camp. The Texas Rangers reorganized shortly after in the 1870s to address the pressing “[native question](#).” [More recently in 2016-2017](#), law enforcement officers in North Dakota inflicted extraordinary violence against Native water protectors at Standing Rock. Over 300 police-inflicted injuries [were reported](#) among those protesting the Dakota Access Pipeline.

Although slave patrols were formally dissolved after the Civil War, the formerly enslaved [promptly](#) came under the [Black Codes](#). These Codes restricted where [Black Americans could travel and live](#), and were brutally enforced by the newly formed police departments in both the North and the South. The Black Codes were followed by (1) the Jim Crow laws (a “[new kind of slave code](#)”); (2) the [emergence of state police forces](#) and union busting—[a proud American tradition](#)—during the Progressive Era; (3) the bipartisan “[War on Crime](#)” led by Presidents Lyndon Johnson and Richard Nixon; and (4) the 1990s’ so-called [Tough-on-Crime](#) bills. Lepore

succinctly [articulates](#) the vicious cycle of the self-fulfilling prophecy that is the policing of Black Americans in the United States:

“Police patrolled Black neighborhoods and arrested Black people disproportionately; prosecutors indicted Black people disproportionately; juries found Black people guilty disproportionately; judges gave Black people disproportionately long sentences; and, then, after all this, social scientists, observing the number of Black people in jail, decided that, as a matter of biology, Black people were disproportionately inclined to criminality.”

Today, there are approximately [eighteen thousand](#) law-enforcement agencies or police departments in the United States. Between them, they have nearly seven hundred thousand police officers. These agencies have received more than “[seven billion dollars’ worth of surplus military equipment](#)” from the Pentagon in the past two decades. In its treatment of its Black population, especially through its police force, Minneapolis is no different from any other major American city.

B. Minneapolis—A Unique American Subculture Yet All Too Common American Policing Problems

“Would [the killing of Philando Castile by an officer in a suburb of St. Paul] have happened if those passengers, the driver and the passengers, were white? I don’t think it would have. So, I’m forced to confront, and I think all of us in Minnesota are forced to confront, that this kind of racism exists and that it’s incumbent upon all of us to vow that we’re going to do whatever we can to see that it doesn’t happen, doesn’t continue to happen.” - [Governor Mark Dayton of Minnesota, July 7, 2016](#).

Minneapolis has long been described as a [paradox](#). It is part of one of the wealthiest metropolitan areas in the country, but this has been [primarily true only for its White residents](#). Minneapolis is a bastion of [progressive politics](#), but is also a [racially segregated city](#) despite a history of welcoming refugees and immigrants from all around the world. The current chief of the MPD, as a young lieutenant, once joined a lawsuit filed against his own department for [tolerating racism](#). Only [seven percent](#) of MPD officers live in the city. [Some](#) commute from predominantly White suburbs like Anoka or even exurbs like Hudson, Wisconsin. This disparity has worsened in the past two decades after Governor Jesse Ventura [signed](#) a law

revoking the requirement that Minneapolis and St. Paul police officers live in the cities in which they worked.

Excessive force [complaints](#) against the eight-hundred-plus-officer strong MPD are commonplace. Black Americans account for twenty percent of the city's population, but "[accounted for more than 60 percent](#) of the victims in Minneapolis police shootings from late 2009 through May 2019." [Black Minneapolitans](#) are also more likely "[to be pulled over, arrested and have force used against them than white residents](#)," which [MPD's own data demonstrates](#).

Today in Minneapolis, Native individuals [experience more stops and searches relative to their population frequency](#). In the U.S., Native Americans are [more likely](#) to be killed by the police than any other racial or ethnic group. For those who survive police encounters and end up incarcerated in Minnesota, Native inmates are [1.8 times more likely](#) than their White counterparts to be placed in solitary confinement. Native organizers have rallied against police brutality for many years: [The American Indian Movement \(AIM\) was formed in 1968, in part due to police brutality against Native people in Minneapolis](#). Minnesota's Native communities [continue to protest the state-sanctioned violence](#) against non-White bodies and affirm that Native Lives Matter.

In 2015, an MPD officer [killed](#) Jamar Clark, a Black man, claiming that Clark tried to take another officer's weapon. The Hennepin County Attorney, Mike Freeman, declined to press charges, claiming the shooting was justified. In [2016](#), a suburban police officer fired seven shots and killed Philando Castile, a Black man, in front of Castile's four-year-old daughter, and girlfriend, even after Castile informed the officer he had a licensed gun on his person. In 2018, Thurman Blevins, a Black man, begged two White police officers closing in on him to not shoot him and leave him alone. Blevins was still shot in a fatal encounter [captured on camera](#). [Only one percent](#) of complaints against MPD officers "that have been adjudicated since 2012 have resulted in disciplinary action." The only MPD officer to be convicted of an on-duty, fatal shooting was "[a Black MPD officer who shot and killed Justine Rusczyk, a white woman, in 2017](#)." Rusczyk's family received a \$20 million settlement from the city of Minneapolis. Minneapolis Police Union's then-president has [called](#) Black Lives Matter a "terrorist organization" and "[openly wore a white power patch on his motorcycle jacket](#)." MPD, like many other police departments, has tried unsuccessfully to reform itself many times over the past few decades.

II. Current Efforts at Reform

A. *Trial and Error—A Decades-Long Story of the City and the MPD’s Inability to Create Meaningful Change*

“We’re tired of weak reforms like body cameras, tweaks to civilian oversight, and new signs in police cars . . . 150 years after MPD was founded and 3 years after they murdered Jamar Clark, the problems they cause in our communities haven’t changed. We want a better return on the investment of our tax dollars.” - [Hani Ali, Black Visions Collective, Nov. 1, 2018](#).

[George Floyd](#), [Jamar Clark](#), [David Smith](#), [Tommie Baker](#), [Quincy Smith](#), [Dominic Felder](#), [Christopher Burns](#), [Mark Henderson](#), Philando Castile, Thurman Blevins. How much longer will we engage in a process of trial and error that results in [Black and Brown people shot and killed](#)? Racially discriminatory policing in Minneapolis [is not a recent phenomenon](#), and [any suggestion](#) that the issue can be solved through incremental policy changes faces a difficult task in explaining why this time will be different. George Floyd’s tragic murder was preceded by [decades of unrestrained police misconduct](#) and [decades of ineffective reform measures](#). The experience of Minneapolis, [one of the most “progressive” cities in the United States](#), demonstrates that good intentions and internal solutions are not enough to counteract the repressive and systemic racism that has been [intrinsic to police forces from the outset](#). When it comes to constraining excessive use of force and holding MPD accountable, we have fallen woefully short.

Complicating [Minneapolis’ reputation for racist policing](#) are the City’s [progressive attitudes](#) and prior attempts to constrain the use of force. In 2016, MPD issued a new policy creating a [“duty to intervene”](#) for officers in circumstances where they see a fellow officer use excessive force. That same year, MPD [unveiled its “sanctity of life” policy](#), which set forth a requirement of de-escalation for officers in [“dangerous”](#) situations. In 2017, the Department [implemented body cameras](#) to be worn by its officers, a measure viewed by some as [“key to police reform.”](#) There was also cause for optimism when, in August 2017, Medaria Arradondo was appointed the City’s first [Black police chief](#). Arradondo had previously joined other Black police officers in Minneapolis in suing the MPD for racial discrimination; the case eventually [settled for \\$740,000](#).

In 2018, the City Council [shifted \\$1.1 million](#) of the MPD budget to fund community-led public safety initiatives. However,

the City Council [added \\$8.2 million](#) to the department budget in December of 2019. In April of 2019, Minneapolis Mayor Jacob Frey [announced](#) that the City would ban “warrior-style” training that police officers were allowed to use when they were off-duty, [one of the first bans of its kind in the nation](#). These policies and reform measures failed to prevent George Floyd’s killing, when former-Officer Derek Chauvin knelt on Floyd’s neck for [8 minutes and 46 seconds](#). Nor do these policies, even with the added weight of public scrutiny after Floyd’s murder, give any assurance that they will be sufficient to prevent another instance of police brutality.

An inability to prevent MPD officers from using excessive force against Black and Brown people has led to [reliance on seeking accountability](#) for the officers involved. [MPD 150](#)—a collective of local organizers, researchers, artists, and activists—have compiled resources that [analyze the history](#) of the Minneapolis Police Department. In the late 1960s, the City Council created a “Civil Rights Commission” designed to provide an outlet for [investigating civilian complaints about police officers](#). Shortly thereafter, Mayor Charles Stenvig, who [had previously served as head of the police union](#), revoked the Civil Rights Commission’s authority to conduct investigations, leaving the Minneapolis Police Department as the only entity capable of investigating police misconduct. The issues that led to the creation of the Civil Rights Commission persisted in its absence, and the [City created the “Civilian Review Authority” in 1990](#). Unfortunately, the Civilian Review Authority was stripped of power by the Minnesota Legislature in 2012—at the [request of](#) the Minneapolis Police Federation—and replaced by the City with the [Office of Police Conduct Review](#).

The current process of filing complaints against Minneapolis police officers is [complicated, based on theories of self-accountability, and is, ultimately, ineffective](#). In its current form, the Office of Police Conduct Review works to investigate charges of police misconduct and provides [“recommendations regarding the merits of such complaints to the chief of police.”](#) Any such recommendations are interceded by another layer of review, [whereby a review panel composed of two MPD officers and two civilians](#) provides an opportunity for MPD to prevent issues from reaching the Chief’s desk. Despite the fact that hundreds of police misconduct complaints against the MPD are brought each year, only [three percent of complaints result in discipline](#), and the [vast majority of complaints result in no action](#), while a [moderate corrective action of “coaching”](#) serves as an alternative.

Even if a complaint does reach a recommendation of officer discipline, another obstacle looms: arbitration. Internal disciplinary decisions are finalized after binding arbitration, which [regularly reverses firings and other punishments](#). [Between 2013 and 2018](#), MPD fired five officers and demoted one officer from its [800-person force](#). When asked to comment or respond to these jarring numbers, [MPD did not respond](#), apparently running from scrutiny rather than facing it. In more recent years, some have observed the Minneapolis Police Department engaging in a pattern of [“stonewalling, evading and deflecting the slightest suggestion of police brutality”](#) in response to racially discriminatory policing. Although there are a host of reasons why racially discriminatory policing continues in Minneapolis, lack of accountability is a common thread.

The inability or unwillingness to hold MPD accountable or prevent its officers from using excessive force has damaging consequences for Black Minneapolitans and other minorities. According to a [2015 report](#) from the American Civil Liberties Union, Black people in Minneapolis were 8.7 times more likely than White people to be arrested for low-level offenses and 25 times more likely to be arrested for [“loitering with intent to commit a narcotics offense.”](#) Despite constituting only 6 percent of the population of Minneapolis, [“Black people accounted for more than 60 percent of the victims in Minneapolis police shootings from late 2000 through 2018.”](#) Carrying on with the status quo is an act of complicity to the cruelty Black people in Minneapolis experience [on a daily basis](#).

B. Recent Attempts at Reform Demonstrate the Difficulty of Achieving Substantive and Meaningful Change

The killing of George Floyd, an unarmed Black man, by a White Minneapolis police officer on May 25, 2020, fueled renewed outrage towards the racist policing of the MPD. Floyd was murdered with a knee to his neck as onlookers pleaded for his release and captured a video that would spur protests in at least [140 cities across the United States](#). In Minneapolis, the reaction to the death was [swift](#): thousands gathered in protest the next day, the four officers involved were fired, the protests grew rapidly, Governor Walz declared a peacetime emergency, and for over a week crowds swelled, shutting down the city and demanding change. The officer who had forced his knee on Floyd’s neck was [charged with third degree murder](#) just four days after Floyd’s death. This powerful reaction suggested that substantive change of the MPD might finally be in reach.

The cause advanced by the protesters was distilled by their rallying cries to [abolish the police and defund MPD](#), a cause that community groups such as [Black Visions](#) and [Reclaim the Block](#) have been championing for years. As pressure mounted to take action, the Minneapolis City Councilors responded. On June 7, 2020, a majority of City Councilors [pledged to dismantle the MPD](#) in its current form and on June 26, the Council [unanimously passed](#) an ordinance seeking an amendment to the City Charter. The City Charter currently contains a provision ([§7.3\(c\)](#)) requiring that a police department be funded by the Council. The amendment, which would need approval by the Charter Commission, Mayor, and voters of Minneapolis, would mark a major transition from how the MPD is currently funded and change the shape of policing in the city.

The charter amendment process hit immediate hurdles, showing the difficulty of sustaining momentum for change. The [Charter Commission](#), an unelected body whose members skew White, stymied any hope of having the amendment appear on the November 3, 2020 ballot. They [voted](#) to take the full 150 days to review the City Council's proposed amendment, meaning that the multi-stage process is now stalled and the energy from the summer protests dissipating. In December 2020, the City Council voted to [divert \\$8 million](#) from the MPD to the Office of Violence Prevention and other city services. This amount reflects just [4.5%](#) of MPD's budget. The City Council [narrowly voted](#) to not diminish the size of the police force, keeping it above the threshold size required by the City Charter. These acts are a far cry from the expansive vision of reform demanded after Floyd's killing.

Monumental change to the MPD was never going to be easy. Though protests suggested mass support for the idea of defunding the police, a [local poll](#) found that 44% of residents oppose a reduction in the size of the force, while 40% support it. There are legitimate concerns regarding changing the current mechanisms of public safety, and those concerns are not only expressed by White suburbanites. The [same poll](#) found that residents who identify as Black were more likely to oppose the reduction than their White counterparts. Black residents of Minneapolis' North Side [report mixed feelings](#) about the proposal; some acknowledge the need to have an authority to call when a crime is committed while also having encountered racist policing themselves. When something goes wrong, people still want [someone to count on to protect their families](#).

One of the major sticking points for residents about the [City Council proposal](#) is that it does not map out a vision for what type

of services would replace a police department presence. Everyone from Mayor Jacob Frey to the Charter Commission to community activists have [expressed frustration and reluctance](#) towards the City Council's lack of a plan. Members of the Council, however, insist that the lack of detail is [part of the design](#) and will allow them to spend time with stakeholders devising a workable replacement.

The national backlash over George Floyd's killing was swift and powerful; the City Council's reaction was equally fast, but progress stalled when anti-democratic barriers emerged. Now residents are left wondering whether change will ever happen and, if so, what it will look like.

III. Solutions

The recent barriers faced by the Minneapolis City Council reveal the difficulties in challenging the MPD's entrenched power. Throughout the history of the MPD, systemic hurdles have prevented progress, societal racism has hindered change, and community concerns about alternative safety strategies have cast doubt on new proposals. Yet, since 2000, the officers tasked with protecting and serving Minneapolis residents have killed [34](#) individuals, 22 of whom were Black.

Compounding the statistics about loss of life is real concern about the effectiveness of the MPD. Statistics cited after the killing of George Floyd show the MPD has cleared only [56% of homicide cases in 2019, along with just 22% of rapes in 2016](#). These clearance rates trend lower than those nationally, where, in corresponding years, [61% of murder offenses](#) and [41% of rape offenses](#) were cleared. Additionally, we should be able to "[resolve confusion over a \\$20 grocery transaction without drawing a weapon or pulling out handcuffs](#)." Clearly, the current system is not working.

We argue for a two-prong response: defund the MPD and decriminalize or legalize certain non-violent offenses. These approaches are feasible and focus on local change. Altering police funding mechanisms and decriminalizing low-level crimes potentially provide the quickest and most direct impact for Minneapolis residents.

A. *Defund MPD, Refund the Community*

Our first proposed change is defunding the MPD. As used in this article, defunding encompasses both reducing the budget of the police *and* reducing police responsibilities. Common critiques from [outside](#), as well as [inside](#), the police force describe the many roles a police officer is expected to play: social worker, mental health

practitioner, traffic liaison, investigator, and more. “[Unbundling](#)“ those roles from a police officer’s duties would divert funds from the police department to other city departments or community resources that address housing, mental health, and preventative violence.

Shifting funds to service providers outside of the police department would reduce potential violent interactions between community members and police. It would address societal issues closer to their roots, as opposed to the temporary solutions that the police can provide. While the goal of defunding is to shrink the police department, it would still retain a police force to address serious threats to public safety which would calm the fears of many described above.

1. Redirect MPD Funding

Many cities across the nation have started *defunding* their police departments by *funding* alternative safety programs. Although Minneapolis may not be able to reduce the size of the police force and thereby dramatically cut funding without a charter amendment, the city had initial success with community safety programs and should build on those successes by shifting more funds from the police department budget. In 2018, the [Office of Violence Prevention](#) (OVP) was established within the Minneapolis Health Department (MHD). Since its inception, the OVP has implemented programs which are designed to treat community violence as a [public health concern](#). Three program highlights include:

- i. [Project LIFE](#), a [group violence intervention initiative](#), focuses its efforts on group-involved gun violence. The program serves individuals with prior exposure to violence and provides them with wrap-around support services that address health, housing, and other basic needs. Since the start of the program in 2016, non-fatal gang affiliated shootings in Minneapolis have dropped from [93 to 27](#).
- ii. [Next Steps](#), a program in partnership with Hennepin Healthcare, seeks to interrupt community violence by connecting young people who have suffered a violent injury to resources such as job training, educational support, or housing. Since 2016, the program has helped [400](#) individuals connect with community support, and less than 7% have returned to a partner hospital with the same or similar injuries.

- iii. Most recently, the OVP rolled out [MinneaplUs](#). Modeled after [Cure Violence](#), a successful nationwide community safety program, MinneaplUs staff members act as violence interrupters. The program will provide informal mediation and de-escalation, while offering connections for community support.

Additionally, the OVP has helped to [fund](#) successful community programs such as [MAD DADS](#), [St. Stephen's Homeless Outreach](#), and the [Domestic Abuse Project](#). Yet the OVP received roughly \$3.7 million in funding from the city in 2020 compared to the MPD's \$192 million. Though OVP resources are slated to [substantially](#) increase in 2021, Minneapolis should more aggressively fund and expand OVP programming. While ["there are not deep literatures on \[community safety programs\] individually, there is evidence that combinations of these programs are underappreciated causes of reduced crime over the past several decades."](#) The [recent](#) movement of \$8 million from the MPD's 2021 budget to violence prevention still leaves a police force with a suspect [community](#) safety culture largely intact.

In addition to violence prevention initiatives, increased funding should be directed to programs which bolster the ability of mental health practitioners to respond to those in crisis. A robust mental health response beyond current police capabilities is imperative, as ["the risk of being killed during a police incident is 16 times greater for individuals with untreated mental illness than for other civilians approached or stopped by officers."](#) Since 2006, Hennepin County, in which Minneapolis is located, has offered direct support for adults with mental health crises through [Community Outreach for Psychiatric Emergencies](#). Increased funding through Hennepin County and structural changes to the 911 response framework could help Minneapolis mirror the results seen in Oregon's much lauded [CAHOOTS](#) program, which responded to roughly 17% of Eugene's emergency calls in 2019.

Programs without city connections are also important to the promotion of a changed relationship with community safety. Black Visions, a leader in the Minneapolis abolition movement, has coordinated ["Peace Walks"](#) throughout Minneapolis neighborhoods and hosted [teach-ins](#) about community safety. The American Indian Movement (AIM) has long engaged in informal community security initiatives, one being [AIM Patrol](#). Bolstering the funding of these non-city associated organizations through fundraising or grants

will not only serve as a continued check on systemic safety powers, but also support a more community-based understanding of what safety *is*.

2. Disaggregate MPD Functions

In addition to redirecting funds away from the MPD, certain responsibilities should be redirected as well. Specifically, MPD officers should not be conducting traffic stops. While this article was prompted by the killing of George Floyd, the role of police in traffic stops was questioned after another tragic and unnecessary killing in Minnesota: that of Philando Castile. In 2016, Philando Castile, a nutrition services supervisor at a local elementary school, was pulled over for a broken [taillight](#). After notifying the officer of his legally possessed firearm, Castile was shot and killed. Castile's girlfriend and her daughter were also in the car. In the years leading up to his shooting, Castile had been pulled over [52 times](#) for traffic violations. Removing armed police officers from these types of routine [interactions](#) could prevent the deadly escalation of commonplace encounters.

Other cities within the nation have proposed moving towards [police-less traffic stops](#), including [Berkley](#) and [Cambridge](#). Minneapolis should follow their lead and implement a non-police traffic enforcement system. This system could be staffed with civilian employees and housed within the [Minneapolis Regulatory Services Department](#), a division which already manages Minneapolis [Traffic Control](#).

Demographic data shows the need for traffic stop reform. In 2019, Minneapolis was [60% White](#), yet [70%](#) of traffic stops were of non-Whites. If a traffic stop progressed to a search of the vehicle, [78%](#) of those searches were of Black individuals' vehicles. These extreme disparities mandate a system overhaul.

Reinforcing this need for a drastic shift in the traffic safety system is the fact that Minneapolis has attempted elements of traffic stop reform. This reform has not worked. "[Lights On!](#)," a program which allowed police officers to hand out vouchers to fix minor equipment violations, was adopted after Castile's death. Yet Minneapolis police "[issued White drivers the vouchers at a rate three times higher than Black and East African ones in equipment stops.](#)" The outcome of the voucher disbursement is especially discouraging, given that Black drivers are pulled over at a much higher rate than White drivers.

The removal of traffic safety responsibilities from the MPD offers an opportunity to restructure safety regulations. At a

minimum, removal of armed officers correspondingly removes the potential for officer-associated violence stemming from traffic stops. At a higher level, reassigning traffic enforcement duties to a separate department would allow Minneapolis to define policies of enforcement that actively counteract operational biases produced by racism.

B. Rethink What We See as a Threat in Society

In order to change the way police interact with citizens, it is necessary to re-evaluate which situations warrant armed police intervention. Disaggregating current police functions, as discussed above, is part of the solution. But disaggregation must be accompanied by the decriminalization and legalization of activities that our society no longer views as a threat to community safety, and which produce racial disparities in our criminal justice system. By both disaggregating police functions and decriminalizing certain low-level, non-violent offenses—such as legalizing recreational marijuana use for adults—high risk interactions between police and community will decrease, and police officers and prosecutors will be able to focus on more substantial threats to community safety.

Although broad decriminalization and legalization requires legislative action, prosecutorial discretion allows for change at the local level. Prosecutors in both Hennepin and Ramsey counties have implemented policies aimed at reducing the prosecution of certain low-level crimes such as drug possession. In 2019, the [Hennepin County Attorney's Office announced](#) that it would no longer be prosecuting those in possession of small amounts of marijuana. According to Hennepin County Attorney Mike Freeman, the policy change was motivated by a flawed Minnesota law with “grossly inappropriate” penalties that result in racial disparities in the criminal justice system. However, the policy contains exceptions that allow for charges in situations where a person also possesses trace amounts of another illegal substance (like THC oil or wax) or a firearm. Previous drug possession convictions, or allegations of gang activity, can also lead to charges.

Ramsey County Attorney John Choi also implemented a [similar policy](#) regarding marijuana possession in 2019. More recently, prosecutors in Ramsey County have opted not to pursue charges for all fifth-degree drug possession cases [throughout the COVID-19 pandemic](#) in order to ease the burden on an already backlogged court system and to ensure the right to a speedy trial in more serious cases. Ramsey County Sheriff Bob Fletcher expressed his support for the policy, noting that his department had already

moved away from pursuing small possession cases because “[w]e need to be thinking about where we can do the most good to keep the community safe.” Despite some flaws, policies that give prosecutors and police the discretion to eliminate charges for low-level drug possession crimes are a step in the right direction in the face of legislative inaction. These policies should be expanded to cover more low-level non-violent crimes and implemented with accompanying tools to track the impact on reducing racial disparities in the criminal justice system.

Prosecutorial discretion and decriminalization must be accompanied by legalization of marijuana use for adults. In every state, [Black people are arrested for marijuana possession at higher rates than White people](#), despite the fact that Blacks and Whites use marijuana at essentially the same rate. Although possession of a small amount of marijuana in Minnesota is not technically a criminal offense, Minnesota has the 8th largest racial disparity in the United States in arrests for marijuana possession: Black people are over 5 times more likely than White people to be arrested. Despite [broad public support](#) and [recent federal action towards decriminalization](#), [legislative pushes for legalization](#) of recreational marijuana in Minnesota have failed. Legalizing recreational marijuana use for adults in Minnesota would result in [fewer arrests](#), which in turn would reduce the number of potentially high risk interactions between armed police and community members. It would assist in addressing the racial disparities within the criminal justice system and promote community safety by allowing police and prosecutors to focus on more significant threats.

Conclusion

Over the past year, “Defund the Police” became a rallying cry for racial justice activists in the United States. However, liberal establishment figures such as [President Barack H. Obama](#) and [Representative James E. Clyburn](#), the highest-ranking Black member of Congress and a veteran of the civil rights movement, have acknowledged the political costs of calling for what many see as a radical response. But the severity of the problem necessitates an extreme solution. The politicization of the language of defunding obscures the end goal of this process, which is as much about *funding* community safety programs as *defunding* militarized police departments. Although the popularity of the rallying cry has garnered national attention, the important debate is not whether to use the language of defunding, but how to prevent the continuing subjugation of Black people by the police.

As a legal journal that focuses its scholarship on how the existing legal system oppresses, exploits, and discriminates against marginalized communities, we believe that the response should be multifaceted. In Section I, we traced the history of policing in the United States since its colonial days. From its racist roots in slave patrols and Black codes to today's hyper-militarized police departments, it is clear that American policing does what it was intended to do: control Black lives through state violence. In Section II, we outlined the decades of failure to achieve meaningful progress in Minneapolis, despite the existence of "liberal" policies and procedures meant to address the unauthorized use of force against Black people. For a few months in the summer of 2020, it appeared that this was poised to change as mass protests kicked off a period of intense scrutiny of policing. However, recent efforts have fallen short of providing the substantive change they promised. In Section III, we advocated for the redirection of MPD funding to violence prevention and alternative responses, along with the decriminalization of certain low-level non-violent offenses. We recognize that neither of these approaches represent a complete solution. However, both represent viable changes to the structural problems inherent within the MPD.

As the energy from the past summer's protests fades, the cause of police reform does not become any less urgent. The sweeping promises and blanket optimism must be followed up by an ongoing commitment to the details of enacting change. Those of us who benefit from the privilege of not thinking about race every single day must remind ourselves that every day we wait for change is another day a Black man might be murdered by the state for a simple grocery store dispute.