



Policing, Justice, and Black Communities

Part 3: Policing, Policy, and Transformative Justice - An Overview of Reform and Abolition Strategies

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Introduction

Transformative justice is a community-driven, abolitionist framework that aims to replace both *punitive* and *retributive* systems with alternatives that *prevent* violence and promote healing, safety, and community trust. It is a human-centered approach that assesses how harm occurs and seeks to address and transform the conditions that created the harm to begin with.^{1,2}

In order for this framework to be carried out effectively, there must be transformation. A prominent example is the implementation of trauma-informed care, a framework grounded in the understanding of and responses to the impacts of trauma, and training for community members to carry out these actions.³

In this third and final report on policing, justice, and Black communities, we aim to discuss current policing reform efforts in the United States with specific attention to the practices of transformative justice and abolition.

Current Discourse

#8cantwait vs #8toabolition

Following the murders of Breonna Taylor (March 13, 2020) and George Floyd (May 25, 2020), activists Brittany Packnett and Deray McKesson spearheaded and founded a national campaign called *8 Can't Wait*.⁴ The goal of this campaign sought to bring about change through an 8-step plan that is predicated on reducing police brutality by 72%, based upon a correlational study.⁵ The 8-step plan focuses on banning chokeholds and strangleholds, requiring de-escalation, requiring warning before shooting, requiring alternatives before shooting, requiring officers to intervene during excessive force, banning shooting at moving vehicles, requiring a use of force continuum, and requiring comprehensive reporting.⁶ The desire of this campaign is to bring awareness to immediate harm reduction and comprehensive community safety.⁷

The campaign also offers a model use of force

¹ <https://www.youtube.com/watch?v=U-BOFz5TXo>

² <https://transformharm.org/transformative-justice-a-brief-description/>

³ <https://traumainformedoregon.org/wp-content/uploads/2016/01/What-is-Trauma-Informed-Care.pdf>

⁴ <https://www.politico.com/magazine/politico50/2016/deray-mckesson-brittany-packnett>

⁵ <https://www.vox.com/2020/6/5/21280402/8-cant-wait-explained-policing-reforms>

⁶ https://docs.google.com/document/d/1XS-frPPH7cSDf5ovsj6RG4z4ukMlozPxLki7WjBnK_Q/edit

⁷ <https://8cantwait.org>

policy, which focuses on 1) minimal reliance on force (physical force is used only when no other viable option is available), and 2) alternatives to use of force (de-escalation, communication from a safe position, etc.), and proportional use of force (taking into account the seriousness of the crime and level of threat present). It was created to provide policy makers with language to implement policy focused around reducing force in police departments.⁸

Conversely, the 8 to Abolition campaign is a direct response to the 8 Can't Wait campaign, while also serving as a list of demands that hope to end police brutality and state-sanctioned violence entirely. The goal of this campaign is to promote the possibilities of prison and police abolition. The 8-step plan focuses on defunding the police,⁹ demilitarizing communities,¹⁰ removing police from schools,¹¹ freeing people from prisons and jails,¹² repealing laws criminalizing survival,¹³ investing in community self governance,¹⁴ providing safe housing for everyone,¹⁵ and investing in care, not cops.¹⁶ This campaign also offers examples of how the 8 Can't Wait campaign misses the mark. The desire of this campaign is also to provide the community with resources "that demonstrate practical changes we can make now towards abolition."¹⁷

Recent Reform Policies

Eric Garner Anti-Chokehold Act (New York)

"The Eric Garner Anti-Chokehold Act would create a new crime of aggravated strangulation. This offense would occur when a police or peace officer, using a chokehold or similar restraint, applies pressure to the throat or windpipe of a person, hindering breathing or the intake of air, and causes serious physical injury or death. This would be a class C felony, punishable by up to 15 years in prison....In 1993, the New York City Police Department (NYPD) banned the use of chokeholds by police officers. In 2014, Eric Garner was approached for selling loose cigarettes on a New York City sidewalk and was tackled by a police officer who placed a chokehold on Eric Garner's neck. Garner fell to the pavement, and

can be heard on video recording, saying, "I can't breathe. I can't breathe." His death captured national attention, but was not the first death from a law enforcement chokehold in New York City. Additionally, between 2014 and 2020, the New York City Civilian Complaint Review Board reported 996 allegations from people who say they had been subjected to a chokehold."¹⁸

House Bill 426 (Georgia)

"The hate crimes bill that Georgia Governor Brian Kemp signed into law on June 26, 2020, imposes additional criminal sentencing guidelines on anyone who commits a "hate" crime intentionally based on race, sex, sexual orientation, color, religion, national origin, mental disability, or physical disability. Under the new law, a person found guilty of committing a hate crime would face an additional six-to-12 months in prison and a fine of up to \$5,000 for one of five misdemeanor offenses, and at least two years in jail for a felony offense. This law also specifically requires law enforcement officers to prepare and submit a written report, called a "Bias Crime Report," when investigating any crimes that appear to be hate crimes, whether or not an arrest is made."¹⁹

Senate Bill 217 (Colorado)

"The bill requires all local law enforcement agencies to issue body-worn cameras to their officers and requires all recordings of an incident be released to the public within 14 days after the incident. Peace officers shall wear and activate a body-worn camera at any time when interacting with the public."²⁰

Justice In Policing Act (Federal)

Goals are to:

"1) establish a national standard for the operation of police departments; 2) mandate data collection on police encounters; 3) reprogram existing funds to invest in transformative community-based policing programs; and 4) streamline federal law to prosecute excessive force and establish independent prosecutors for police investigations."²¹

⁸ <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/5defffb38594a9745b936b64/1576009651688/Campaign+Zero+Model+Use+of+Force+Policy.pdf>

⁹ <https://www.8toabolition.com/defund-the-police>

¹⁰ <https://www.8toabolition.com/demilitarize-communities>

¹¹ <https://www.8toabolition.com/remove-police-from-schools>

¹² <https://www.8toabolition.com/free-people-from-prisons-and-jails>

¹³ <https://www.8toabolition.com/repeal-laws-that-criminalize-survival>

¹⁴ <https://www.8toabolition.com/invest-in-community-self-governance>

¹⁵ <https://www.8toabolition.com/provide-safe-housing-for-everyone>

¹⁶ <https://www.8toabolition.com/invest-in-care-not-cops>

¹⁷ https://static1.squarespace.com/static/5edbf321b6026b073fef97d4/t/5ee0817c955eaa484011b8fe/1591771519433/8toAbolition_V2.pdf

¹⁸ <https://nyassembly.gov/Press/files/20200608a.php>

¹⁹ <https://www.jacksonlewis.com/publication/georgia-s-new-hate-crimes-legislation>

²⁰ https://leg.colorado.gov/sites/default/files/documents/2020A/bills/2020a_217_01.pdf

²¹ https://judiciary.house.gov/uploadedfiles/fact_sheet_justice_in_policing_act_of_2020.pdf

Diversifying Police Forces (National)

Many police reform advocates believe ethnic and racial diversity in the police force will reduce police violence and brutality.²²

Ongoing Discussions

“Defund the Police”

The recent demands circulating after the murder of George Floyd are but an extension of decades-long conversations that abolitionists and Black feminists have fostered. The call to defund the police in this specific moment, however, has brought both national and international attention to policing in the United States. Since the demand derives from abolitionist thought, it requires a look into the budgets of not only police departments, but also public services and military budgets.

For example:

“Los Angeles: the police budget is \$1.8 billion, and the mayor has for weeks been pushing for raises and bonuses for officers and an overall 7% increase that would make the budget more than half of the general fund. But on Wednesday, he said he was now looking to make cuts to the police budget.”

New York: The mayor is pushing to leave the NYPD’s nearly \$6 billion budget intact while slashing education and youth programs and cutting other agencies by as much as 80%.

Philadelphia: The mayor has proposed spending \$977 million on police and prisons, which is 20% of the general fund. A \$14m increase for police comes as the city is cutting funding for youth violence prevention, arts and culture, workforce development, and laying off staff at recreation centers and libraries.”²³

“Activists have long criticized the Section 1033 provision of the 1997 National Defense Authorization Act, which allows the transfer of tactical military equipment to police departments, so that police can confront protesters

and civilians with terrifying Mine-Resistant Ambush-Protected vehicles and heavily armed SWAT teams. Hawaii Sen. Brian Schatz has proposed ending Section 1033....The United States spends about \$115 billion on policing a year, more than any other country’s military budget except for China. It spends \$732 billion on the military, which is more than the next 10 highest-spending countries combined.”²⁴

The pattern to cut or remove programs dedicated to enhance police forces, recruit more police officers, and maintain policing, is a pattern that members of marginalized, and specifically Black communities, are committed to halting. Given the most recent events, support for community concerns regarding racialized police misconduct are receiving renewed attention.

For Example:

- The Minneapolis City Council is moving to establish a public safety force, which would be overseen by a director, appointed by the mayor, with non-law enforcement experience in community safety services. The idea is to establish a “holistic” approach to public safety.²⁵
- The Baltimore City Council approved a \$22.4 million budget cut for the police department.²⁶
- The Portland City Council cut \$15 million from its police budget and put \$5 million toward a new program that sends unarmed first responders to answer homelessness calls.²⁷
- Philadelphia cancelled a planned \$19 million increase for the police department and instead allocated \$14 million to other entities including affordable housing.²⁸
- In Seattle, every department budget is being trimmed by roughly 10%.²⁹

Although the goal of defunding the police is to defund it entirely—meaning the police force would have zero funds—many local governments are choosing other measures. However, the 8 to Abolition campaign has provided a list of policy and organizing recommendations that provide steps toward defunding entirely in a seemingly incremental matter that local governments can follow to fulfill the wishes of the community.

²² <https://www.eeoc.gov/advancing-diversity-law-enforcement>

²³ https://www.theguardian.com/us-news/2020/jun/04/defund-the-police-us-george-floyd-budgets?CMP=Share_iOSApp_Other

²⁴ <https://foreignpolicy.com/2020/06/15/defund-the-police-military-spending-militarization-Black-lives-matter/>

²⁵ <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/06/26/884149659/minneapolis-council-moves-to-defund-police-establish-holistic-public-safety-forc>

²⁶ <https://www.wbal.com/article/464307/124/city-budget-committee-makes-227m-in-cuts-to-police-prosecutors>

²⁷ <https://www.opb.org/news/article/portland-police-budget-15-million-defund-cannabis-council-vote/>

²⁸ <https://www.inquirer.com/news/budget-police-philadelphia-kenney-covid-20200618.html>

²⁹ <https://www.axios.com/cities-defund-the-police-george-floyd-188e169a-a32a-44fa-bace-e2e5df4d1c9b.html>

Reform Reality Made Transparent (The Reality of Reform)

As previously stated, the 8 to Abolition campaign is a direct response to the 8 Can't Wait campaign. The 8 Can't Wait campaign offered the same police reformist policies that have been utilized in a variety of states for years with very modest results. So, many have argued that the 8 Can't Wait campaign provides politicians with a non-transformative alternative to current policing efforts. However, since the 8 Can't Wait campaign provides a small database of cities across the United States that have implemented between one or all of these reforms, it is helpful to gauge how these measures have actually helped. Unfortunately, these measures have helped only modestly over the years, which is why the 8 to Abolition campaign explicitly states how the 8 Can't Wait campaign "is dangerous and irresponsible, offering a slate of reforms that have already been tried and failed, that mislead a public newly invigorated to the possibilities of police and prison abolition, and that do not reflect the needs of criminalized communities."

For example:

San Francisco, CA³⁰

In 2014, Alex Nieto was murdered by police after being shot at 59 times. Shortly after in 2015, Mario Woods was murdered and the officers who were involved were said to have been "acting within policy." A year later, Jessica Williams was murdered as she was fleeing in a car. Most recently, in 2019, Dacari Spears was attacked by the San Francisco Police department with batons while with his girlfriend. According to the 8 Can't Wait campaign, this city has implemented all 8 of its reform policies.

Tucson, AZ

At a protest in 2017, an 86-year-old woman was shoved to the ground and pepper sprayed. Also in 2017, a report found that Tucson police officers were rarely held accountable for use of excessive force.³¹ In 2019, shortly after a teenaged quadruple amputee was slammed and held in a headlock, the same police officer slammed another teenager who was recording into a wall. Sadly, a few months ago, Carlos Ingram López died after being handcuffed

under a blanket by police officers in his home. According to the 8 Can't Wait campaign, this city has implemented all 8 of its reform policies.

Philadelphia, PA³²

In 1991, Michael Grant was murdered after suffering four blows to the forehead by two police officers. Over 15 years later, Ronald Timbers, a teenager, was murdered by police after they were called to help with rehabilitation. More recently, in 2014, Philippe Holland was shot after being wrongly suspected and as a result of his injuries developed a permanent seizure disorder. In 2016, Christopher Sowell was murdered after police officers fired 109 rounds after mistaking a gun for a cell phone. Just a few months later, David Jones was murdered while running away. According to the 8 Can't Wait campaign, this city has implemented 7 of its reform policies; the comprehensive reporting policy being the one not implemented.

Miami, Fl

In 2010, DeCarlos Moore was murdered after being misidentified as a suspect. More recently, in 2017, Charles Kinsey was shot by a police officer while lying next to his patient trying to negotiate with police officers at the scene. Also, in 2018, five police misconduct reports surfaced in the month of May alone.³³ In 2019, Saffiya Sattchell was shot twice with a taser gun after an officer put his knee on her neck. Just a week ago, Paris Sharon Anderson was punched by an officer in the Miami International Airport. According to the 8 Can't Wait campaign, this city has implemented 7 of its reform policies; the comprehensive reporting policy being the one not implemented.

New Orleans, LA

The Danziger Bridge murders in 2005 shook the state of Louisiana after officers fired at pedestrians. In 2018, George Gomez suffered extensive injuries after being beaten by two off duty cops. According to the 8 Can't Wait campaign, this city has implemented 6 of its reform policies; the warning before shooting policy and exhausting all alternatives before shooting policy being the two not implemented.

³⁰ <https://theappeal.org/san-francisco-police-brutality-da-election/>

³¹ https://tucson.com/news/local/watchdog/tucson-police-officers-rarely-disciplined-for-using-excessive-force/article_74d12231-475d-5983-a464-fe2dc3a6cbce.html

³² <https://www.inquirer.com/news/inq/philadelphia-police-brutality-history-frank-rizzo-20200710.html>

³³ <https://www.miamiherald.com/news/five-may-2018-miami-police-misconduct-videos-10401320>

To extend the conversation, many residents in cities with high(er) rates of police brutality are sparking debate about whether or not police departments can be reformed. This debate, though, is one that has been ongoing. Abolitionists, specifically prison industrial complex abolitionists, have stated and argued that police departments cannot be reformed because of the foundations on which they stand. Simply meaning, violence and punishment is embedded within police departments and policing as we know it. Therefore, the abolitionist stance is that the systems of policing must be abolished, not reformed.

Reform Fatigue

In 2012, the Camden police department was disbanded. This sparked new hopes toward a city without policing. However, shortly after it was disbanded, the city created the metro police, which relies heavily on surveillance and mass supervision.³⁴ Following these changes, Black and Latinx people have continued to be disproportionately arrested. Therefore, the police department was forced to rewrite and reconsider its use of force policies. However, many community members and activists say they were ignored during these processes and have not benefited from these changes.³⁵

Some have pointed to Camden, NJ as a blueprint to actualize the demands of “defund the police,” but others say that to do so it would be a misuse of the demands of the community. As previously stated, the goal of defunding the police is to ultimately defund it entirely and move the funds that would be used for policing into public services like healthcare and housing. So, in the case of Camden, NJ, the disbanded police department only reincarnated itself into yet another form of policing; which, to be clear, is not the goal of the demand “defund the police.”³⁶

A different but current reform that has earned much applause from reformists has been the usage of police body cameras. Since 2014, reformist responses to police violence have promoted police body camera usage which has ultimately led to more funding for police departments. Following the death of Michael Brown, President Obama called for \$263 million to be set aside for funding police body cameras.³⁷ The conversations

around this, though, have always garnered the question, “where is this money coming from?” As the 8 to Abolition campaign has warned, there is no causal evidence that body cameras reduce police brutality. With this, though, police departments have also stated they struggle with implementing this reform on a statewide scale.³⁸ So, like some other reforms, funds are being allocated towards more policing efforts instead of redirecting funds to social goods and public services with no evidence that these reforms actually reduce the problems it seeks to solve.³⁹

Finally, there is evidence that when police officers do intervene during excessive force encounters, those *police officers are more likely to be ostracized and/or fired* from the police force. The conversation around this begs to ask the question, “what is the culture of policing if doing what is ‘right’ leads to ostracization?” Communities and governments across the country are grappling with this question, but abolitionists and some reform advocates have answered it various times. They’ve stated that when an entity is built upon racist, punitive values, it functions within those parameters. Therefore, police departments are forced to remove officers who try to prevent the entity to function in this way. In 2006, a police officer in Buffalo, NY was fired after intervening in a colleague’s chokehold.⁴⁰ In 2016, an officer in West Virginia decided to not shoot and use de-escalation tactics and as a result was ousted.⁴¹ As a contrast, amongst the officers involved with George Floyd’s murder were a few officers who stood by while an officer had his knee on Floyd’s neck.

Many are continuing this conversation by illustrating that these reforms only solidify and reinforce policing tactics, which is not actually linked to the reduction of police violence.

Transformative Justice Imagined

Since the creation of prisons and police forces, federal and state governments have focused on *punishment instead of restoration and rehabilitation*. The ideals of punitive justice, which is the belief that punishment can change behavior and the infliction of pain will deter criminal behavior, have reigned supreme

³⁴ <https://www.wired.com/story/disbanding-police-really-meant-camden/>

³⁵ <https://why.org/articles/camden-residents-city-not-a-model-for-defunding-police/>

³⁶ <https://www.inquirer.com/news/camden-police-defund-minneapolis-george-floyd-protest-20200609.html>

³⁷ <https://www.nbcnews.com/politics/first-read/obama-requests-263-million-police-body-cameras-training-n259161>

³⁸ <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/01/14/body-cameras-may-not-be-the-easy-answer-everyone-was-looking-for>

³⁹ <https://truthout.org/articles/police-reforms-you-should-always-oppose/>

⁴⁰ <https://www.mercurynews.com/2020/06/16/black-officer-fired-for-intervening-in-white-colleagues-chokehold/>

⁴¹ <https://www.themarshallproject.org/2018/09/17/when-trying-to-help-gets-you-fired>

throughout the entirety of United States society. There is evidence of this in education systems,⁴² social work, criminal justice, public services, and certainly policing. In light of this, abolitionists have pondered the idea of something new.

In the efforts to do this, abolitionists have been at the forefront of conversations and actions that have pushed against expanding prison and jail capacity, decriminalization of drug use, and an end to mass surveillance.⁴³ Essentially, abolitionists push us to imagine a world where the needs of the people are met and a culture of care is at the center. Transformative justice embodies a beginning to this. For this reason, it is important to understand that transformative justice is not the sole strategy which creates the conditions that support people's freedoms. Transformative justice, like abolition itself, requires practice so that communities are protecting and restoring themselves. Therefore, transformative justice isn't just something we do, it is something we are. Transformative justice is something that begins at home—here's why:

- The principles of transformative justice include healing, accountability, and transformation.
- Healing - meaning to support the restoration of those impacted by harm.
- Accountability - meaning to provide the necessary resources and arrangements needed to ensure those impacted by harm are learning

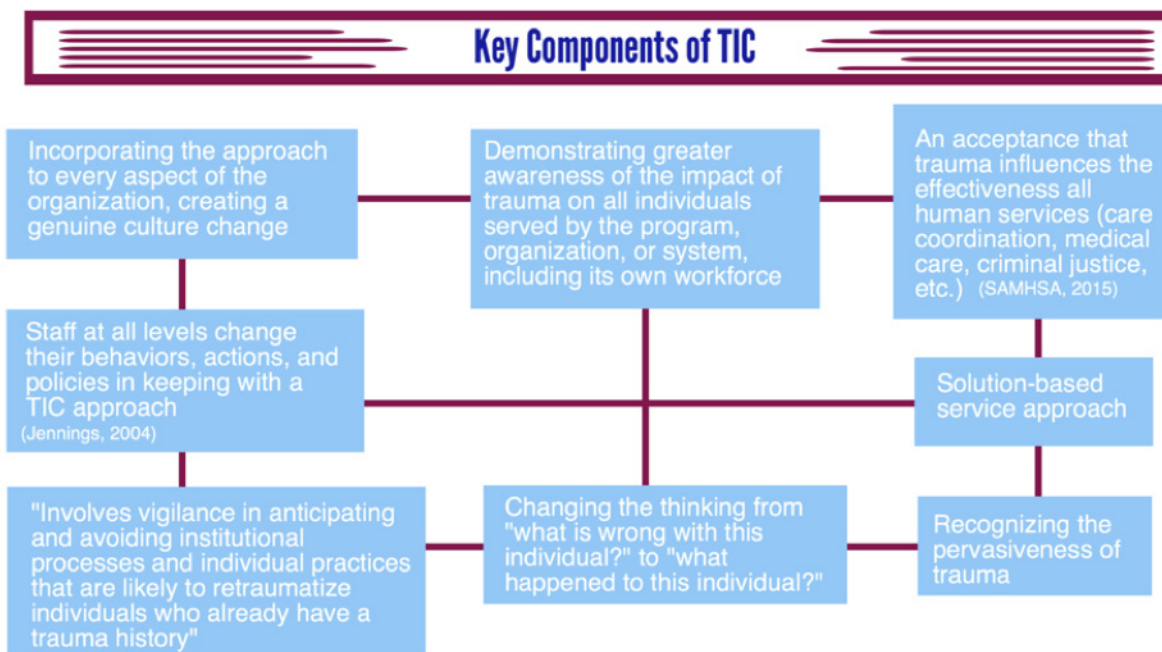
from, addressing, and/or healing from harm done.

- Transformation - meaning to remove the circumstances that created the harm itself.
- Transformative justice helps us see harm as "normal" rather than individual evil, which requires us to understand the contexts of which we live through.

Being transformative moves away from pointing fingers and allows us to meet people where they are and provide them with care. This is not to say that there are no consequences for actions, but it does mean we begin to foster a culture of restoration instead of leading with punishment.

Trauma-Informed Care and Restoration

A skill that must be fulfilled within transformative justice is trauma-informed care. Although this framework comes out of social work efforts academically, this is a practice that has been and must continue to be carried out at the local, grassroots, and community level. Trauma-informed care begs us to move away from cycles of re-traumatization in order to promote healing and recovery. Some coalitions and organizations of folks within the community have used the term "pods" to describe groups that support both the individual and collective healing of its people.⁴⁴



Graphic by the Institute on Trauma and Trauma-Informed Care (2015)

⁴² <https://hechingerreport.org/opinion-punitive-discipline/>

⁴³ <https://www.jacobinmag.com/2017/08/prison-abolition-reform-mass-incarceration>

⁴⁴ <https://batjc.wordpress.com/pods-and-pod-mapping-worksheet/>

The key principles of trauma-informed care concur with principles of restoration, which are:

- Safety
- Choice
- Collaboration
- Trust
- Empowerment

Pulling from this framework, we are able to put transformative justice into context. As previously stated, transformative justice desires to prevent future harm while also addressing current harm done. In the context of policing, marginalized, and more specifically Black communities, are being harmed by state-sanctioned violence. Transformative justice would seek to restore these impacted communities by providing the resources they need to heal and live in order to create safer environments for themselves. So, the state would provide for its people and meet their needs while preventing the harm (state-sanctioned violence) from occurring again through abolishing the system of policing itself.

However, transformative justice doesn't expect these things to happen instantly. Abolitionists have been clear on their stance against reformist reform while offering incremental changes that would lead to transformative justice, on a larger scale, being actualized. There is no step-by-step plan for implementing transformative justice, which presents the need for processes that appeal to community needs in different contexts. (Though, there are robust resources written and created by organizers and abolitionists that provide us with routes to both understand and fulfill these desires). This is a simple example of transformative justice that requires ongoing effort.

Conclusion

This third and final report on policing, justice, and Black communities highlights current policing reform efforts in the U.S. with special attention paid to transformative justice and abolitionist ideas. The report highlights differences in the 8 Can't Wait campaign versus the 8 to Abolition campaign, as well as current state reform bills and changes to police budgets in cities across the country. The report also clarifies some of the goals of "defund the police," while offering

examples of transformative justice efforts actualized by organizations and coalitions. Understanding current national discourse and practices of transformative justice is crucial as communities and political leaders engage in efforts moving forward.

Below you will find links to resources, guides, and useful graphics with information regarding abolition, defunding, punishment, and statistics related to use of force.

Resources

[Resource Guide: Prisons, Policing, and Punishment](#)

[2020 Janine Soleil Abolitionist Institute](#)

[Transform Harm](#)

[By the numbers: US police kill more in days than other countries do in years](#)

[#DefundPolice Toolkit](#)

[Reformist reforms vs Abolitionist steps in policing](#)

[Stop Urban Shield](#)

[Abolitionist Responses to Jail Expansion and Reform](#)

[8 Steps Towards a Jail Free City](#)

[Creative Interventions Toolkit: A Practical Guide to Stop Interpersonal Violence](#)

[STOP](#)

[Guide to Grow Abolition on Your Campus](#)

[Critical Resistance](#)

[Bay Area Transformative Justice Collective](#)

[Community Accountability Process \(Example\)](#)

[The Revolution Starts at Home](#)