

UNBUNDLING POLICING HOW TO HAVE LESS CRIME AND MORE JUSTICE

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ABSTRACT

What would it mean to “defund” or “abolish” the police? Advocates of these positions tend to offer few details about what would follow. This article draws on both economic theories and empirical studies of crime to describe how crime control might function without state-based policing. I argue that market failure explanations that justify state-based crime control on economic grounds are misplaced. They also ignore the possibility of government failure that arises in policing, such as abuse of civil asset forfeiture laws and excessive use of citations and misdemeanors to fund local governments. I propose a framework based on “debundling” aspects of policing that can guide a transition toward abolition. However, the econometric evidence strongly supports the claim that police deter crime, so police presence, in general, should not be reduced without significant alternatives in place. In the final section, I offer a theory of polycentric crime control and provide evidence of non-state crime control based on technology, social programs, religious communities, and market provision.

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I. CRISIS IN AMERICAN POLICING

American policing is in crisis. Large segments of society are not satisfied with the quality of policing. According to a 2017 Gallup poll, only 45 percent of Hispanic and 30 percent of Black respondents have “a great deal” or “quite a lot” of confidence in the police.² From decades of polling data, Gallup concludes that these responses reveal “a troubling loss of confidence among key groups in U.S. society.”³ Police kill roughly one thousand people per year and a disproportionate number of them are people of color.⁴ Yet, between 2005 and 2015, only fifty-

² Jim Norman, *Confidence in Police Back at Historical Average*, GALLUP, Jul. 10, 2019, <https://news.gallup.com/poll/213869/confidence-police-back-historical-average.aspx>

³ *Id.*

⁴ F. E. ZIMRING, *WHEN POLICE KILL* 23 (2017); A. S. VITALE, *THE END OF POLICING* 2 (2017).

four police officers were charged for fatally shooting someone while on duty, and only eleven had been convicted.⁵ In the wake of the killing of George Floyd in May of 2020, and the large number of protests across the United States and world that followed, it is likely that public support for police has fallen even further.

In August 2014, A Ferguson Missouri police officer shot and killed Michael Brown, sparking a series of uprisings and protests. In the wake of a Department of Justice investigation, we learned that Ferguson, like many local governments, use law enforcement as an alternative revenue collection system based on fees and fines from traffic citations and misdemeanor arrests.⁶ The Department of Justice found that “Ferguson has allowed its focus on revenue generation to fundamentally compromise the role of Ferguson’s municipal court.”⁷ In doing so, it “communicated to officers not only that they must focus on bringing in revenue, but that the department has little concern with how officers do this.”⁸ Local governments are especially prone to this type of abuse during times of tight fiscal budgets because these sources of revenues are more flexible and responsive compared to other local revenue sources, like property taxes.⁹ Because of the frequent and localized nature of this extractive behavior, it feels especially oppressive to local communities. Contact with the police reduces political participation and trust in government, both for the person subject to police contact, but also to that person’s extended family members.¹⁰ As a result, policing is undermining American

⁵ Kimberly Kindy, & Kimbriell Kelly, *Thousands Dead, Few Prosecuted*, WASH. POST, Apr. 12, 2015.

⁶ U.S. Department of Justice, Civil Rights Division, *Investigation of the Ferguson Police Department* (Mar. 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

⁷ *Id.*, 3.

⁸ *Id.*, 11.

⁹ M. D. Makowsky et al., *To Serve and Collect: The Fiscal and Racial Determinants of Law Enforcement*, 48(1) J. LEGAL STUD. 189 (2019); M. D. Makowsky & T. Stratmann, *Political Economy at Any Speed: What Determines Traffic Citations?* 99(1) AM. ECON. REV. 509 (2009).

¹⁰ B. R. Davis, *Testing Mechanisms: Carceral Contact and Political Participation*, 101(2) SOC. SCI. Q. 909 (2020).

democracy.¹¹ More broadly, the state has increasingly used crime and criminalization to control society.¹²

For all of these reasons, there is a growing movement that calls for the defunding or abolition of the police as we currently know it.¹³ What would a post-abolition world look like? It is difficult to say. The near-universal presence of police “leaves abolitionists with a necessarily ‘unfinished’ vision in contrast to the complete vision of the system we have.”¹⁴ In a special issue of the journal *Radical History Review*, the editors likewise write, “Envisioning a world without police requires a radical imagination.”¹⁵ This is most certainly the case. Abolition is radical. No modern, developed country lacks something that resembles a police force. It, therefore, also requires imagination. We have few relevant cities or countries to examine to learn how, and how well, society functions without a police force.¹⁶ However, as with calls for prison abolition, abolitionists have nuanced understandings of what abolition means and how to get there.¹⁷ For instance, prison abolitionists do not typically wish to abolish prisons instantaneously.¹⁸ Many prison abolitionists also believe that some form of

¹¹ Vesla M. Weaver & Amy E. Lerman, *Political Consequences of the Carceral State*, 104(4) AM. POL. SCI. REV. 817 (Nov. 2010); AMY E. LERMAN & VESLA M. WEAVER, *ARRESTING CITIZENSHIP: THE DEMOCRATIC CONSEQUENCES OF AMERICAN CRIME CONTROL* (2014).

¹² J. SIMON, *GOVERNING THROUGH CRIME: HOW THE WAR ON CRIME TRANSFORMED AMERICAN DEMOCRACY AND CREATED A CULTURE OF FEAR* (2007).

¹³ Following Duran and Simon (2019, 86), by police, I mean the “uniformed, semi-professionalized, semi-militarily organized and once mostly urban forces that have been around in more or less recognizable form since the middle of the 19th century in the large eastern cities of the United States.” See also the discussion on defining the police in K. WILLIAMS, *OUR ENEMIES IN BLUE: POLICE AND POWER IN AMERICA* 51–55 (2015).

¹⁴ Duran & Simon, *supra* note 13, 89.

¹⁵ A. Chazkel et al., *Worlds Without Police*, 2020(137) RADICAL HIST. REV. 1, 4 (2020).

¹⁶ One possible exception is when the Nazis disbanded the Danish police force, which was promptly followed by an increase in crime. J. ANDENS, *PUNISHMENT AND DETERRENCE* (1974). We can also turn to industrial revolution-era England for insights, but the significant time that has passed since then reduces our ability to draw helpful inferences. M. Koyama, *Prosecution Associations in Industrial Revolution England: Private Providers of Public Goods?* 41(1) J. LEGAL STUD. 95 (2012); M. Koyama, *The Law & Economics of Private Prosecutions in Industrial Revolution England*, 159(1–2) PUB. CHOICE, 277 (2014).

¹⁷ A. Y. DAVIS, *ARE PRISONS OBSOLETE?* (2003); R. W. GILMORE, *GOLDEN GULAG: PRISONS, SURPLUS, CRISIS, AND OPPOSITION IN GLOBALIZING CALIFORNIA* (2007).

¹⁸ P. Butler, *The System Is Working the Way It Is Supposed To: The Limits of Criminal Justice Reform*, 104 GEO. L. J. 1419 (2015).

confinement and control will be necessary for “the dangerous few.”¹⁹ In a similar way, police abolition does not require the complete absence of state-based armed officers in any capacity. Abolition leaves room for creating alternative organizations and institutions, so moving in the direction of abolition is still within the abolitionist vision.²⁰ Nevertheless, instead of exercising a radical imagination, I invoke a *constrained* imagination. I theorize a vision of police abolition, but do so constrained by—what I see as—the best theories, arguments, and evidence in the social sciences about policing, crime, and public safety.

In this article, I discuss the common economic justification for a state-based criminal legal system, and in particular, policing services. These arguments typically overlook the numerous problems of government failure, which once considered, weakens the presumption for state-based policing. I argue that we should think of policing as a bundle of services and analyze which of those service bundles can be efficiently provided by an unarmed organization or eliminated entirely. I then offer a polycentric theory of crime control that identifies ways in which it can be more effective and better tailored to community needs than state-based policing. A wide range of alternative mechanisms of crime control might allow us to vastly diminish, or even eliminate, the state’s current role in policing. A polycentric system—one with multiple, competing centers of authority that overlap within a given geographic territory—can reduce the costs of crime, with the use of technology, social programs, religious communities, and market provision.

¹⁹ A. M. McLeod, *Prison Abolition and Grounded Justice*, 62 UCLA L. REV. 1156, 1168 (2015).

²⁰ Mariame Kaba, *Yes, We Mean Literally Abolish the Police*, N.Y. TIMES, Jun. 12, 2020, <https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html>. Some of the most prominent cases for police abolition focus the most on criticizing existing practices and arguing that reform is not a sufficient response. VITALE, *supra* note 4; WILLIAMS, *supra* note 13).

II. WHAT JUSTIFIES STATE-BASED POLICING?

A. *Market Failure*

A common economic explanation for the widespread prevalence of state-based policing services is that if the state did not provide it, markets would fail to do so.^{21,22} For example, Tracey L. Meares argues that policing is a “public good.”²³ A public good is a good where access to it is non-excludable and consumption of it is non-rivalrous, meaning that one’s use does not reduce the amount available to others.²⁴ National defense is a textbook example; it is not easy to exclude particular residents from the benefits of protection and their safety does not take away from others’ safety.²⁵ In the standard analysis of public goods, each person would prefer that other people produce it so that he or she can enjoy the good without paying for it.²⁶ If enough people act in this way, then no one will produce the good and everyone will be worse off. The state can therefore remedy this market failure by taxing everyone and producing the public good, making society better off. From this perspective, states create a

²¹ On criminal justice generally, see W. M. Landes & R. A. Posner, *The Private Enforcement of Law*, 4(1) J. LEGAL STUD. 1 (1975); R. A. Posner, *An Economic Theory of the Criminal Law*, 85(6) COLUM. L. REV. 1193 (1985); M. Koyama, *Prosecution Associations in Industrial Revolution England: Private Providers of Public Goods?* 41(1) J. LEGAL STUD. 95 (2012).

²² Some scholars explain the origins of policing based on slave patrols and white supremacy. VITALE, *supra* note 4, 45–48; WILLIAMS, *supra* note 13, 63–87). Economists have also argued that policing emerged because of changes in technology and the economy. D. W. Allen & Y. Barzel, *The Evolution of Criminal Law and Police During the Pre-modern Era*, 27(3) J. L., ECON., & ORG. 540 (2011). Others argue that the police exist to maintain inequalities and to protect the elite and powerful. WILLIAMS, *supra* note 13, 198.

²³ Tracey L. Meares, *Policing: A Public Good Gone Bad*, BOSTON REV., Aug. 1, 2017, <http://bostonreview.net/law-justice/tracey-l-meares-policing-public-good-gone-bad>.

²⁴ R. CORNES & T. SANDLER, *THE THEORY OF EXTERNALITIES, PUBLIC GOODS, AND CLUB GOODS* 8 (1996); J. M. Buchanan, *An Economic Theory of Clubs*, 32(125) ECONOMICA 1 (1965).

²⁵ T. COWEN & A. TABARROK, *MODERN PRINCIPLES OF ECONOMICS* 345 (2013).

²⁶ M. OLSON, *THE LOGIC OF COLLECTIVE ACTION: PUBLIC GOODS AND THE THEORY OF GROUPS* 111–131 (1971).

criminal legal system—including the content of the criminal law, courts, prisons, and policing services—because we would not have them in its absence.²⁷

In a limited way, policing can be understood as producing a service that is non-exclusive and non-rivalrous. In particular, policing that produces general deterrence is a public good to some extent. If greater policing on a street deters crime, the increase in safety for one house on the street does not come at the expense of the safety of the neighboring house and it would be hard to exclude that house from the benefits of deterrence. However, the degree of non-rivalry is only true within a specific, possibly quite limited, geographic area. The police that reduce crime in one area are not available to simultaneously reduce crime in another area. More narrowly, when a police officer is involved with one call, he or she cannot be involved with another call. When an officer investigates one crime, he or she cannot investigate another crime at the same time. In concrete terms, policing services themselves are produced with scarce resources and are rivalrous in consumption, so it is often not a public good.

Another problem with the market failure justification for state-based policing is that policing need not be non-exclusive. The state could easily prevent people from accessing policing services if it wished to. For example, anyone can now call 911 and request police assistance, but it would be a trivial matter to raise the barrier to who could use it, perhaps making it dependent on having paid a special “police assistance tax.” Police could likewise withhold their responding to assist people who have not paid the tax. The state could intentionally make policing more excludable, and there is no reason why a private company could not offer an excludable service akin to 911, as we already observe with private home security companies that offer twenty-four-hour on-call assistance. In many cases, the degree of exclusivity is not fixed or exogenously given. In fact, exclusivity is endogenous to our crime

²⁷ See S. Mayeux, *The Idea of the Criminal Justice System*, AM. J. CRIM. L. 55 (2018), on the origins and implications of the term “criminal justice system.”

control choices. For instance, we can reduce auto theft either by having police patrol target-rich parking lots or by installing anti-theft devices like “the Club,” a bar that one locks to the steering wheel that makes driving difficult or impossible. The former creates deterrence that is less excludable (one could prevent people from parking in the lot, but not nearby), while the latter only protects the one who installs it. To the extent that aspects of policing are excludable and rivalrous, there is less economic justification for the state to provide it. The standard conditions that give rise to strong market failure arguments are not readily apparent in this context, which should weaken the presumption for state-based policing based on economic grounds.

B. Government Failure

The presence of market failure is also not the only information needed to justify state action on economic grounds. There must also be reason to believe that government will provide the service better than the suboptimal outcomes that might arise in the market.^{28,29} Nevertheless, governments are apt to fail for several reasons. First, state-based police forces must determine how to best deploy its resources to address community need, but it often lacks the information and incentives needed to do so effectively. Learned Hand, Chief Judge of the U.S. Court of Appeals for the Second Circuit, once said, “If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.”³⁰ In an abstract sense, justice might be available in full to all people. Yet, in practical terms, the exercise of the criminal legal system is—and must be—rationed. Policing is produced with scarce resources, so officials have to decide how

²⁸ H. Demsetz, *Information and Efficiency: Another Viewpoint*, 12(1) J. L. & ECON. 1 (1969).

²⁹ Moreover, most crimes now are not even reported, so the public must not perceive much value in what is already a free service. Between 1993 and 2018, the rate of people subject to violent victimization who report it to the police fell from about 80 per 1,000 people to about 22 per 1,000 people. R. E. MORGAN & B. A. OUDEKERK, CRIMINAL VICTIMIZATION, 2018 (2019).

³⁰ B. van Niekerk, *Judicial Visits to Prisons: The End of a Myth*, 98 S. AFR. L. J. 416 (1981).

to use them and they must rely on some process for rationing.³¹ Currently, one of the most common ways of rationing in the criminal legal system is simply waiting. People wait for the police to respond to crime. People wait for the police to solve a crime. People wait for a judge to hear a case.

A second common rationing mechanism relies on political influence. For example, residents in richer areas have louder voices, so they enjoy relatively better policing, especially given underlying crime rates.³² Homeowners associations lobby for tougher property crime laws, which receive a disproportionately large amount of policing resources. More broadly, homeowners vote for tough-on-crime laws out of fear that their largest asset will lose value if crime rises.³³ In effect, richer suburbanites are the decisive voter, meaning that they determine how policing and crime control will be practiced in both suburban and urban neighborhoods.³⁴ Given that it is less likely to affect residents in the suburbs, these voters bare few of the costs associated with heavy-handed policing.

There is good reason to believe that lobbying efforts will not be for the public good. The most effective special interest groups tend to be smaller groups with heavily-aligned incentives, as is often the case among members of the same industry or occupation.³⁵ They pursue policies that will transfer resources from a large number of dispersed, unorganized individuals. The special interest group has a strong incentive to be well informed and to invest in lobbying. However, when the costs are dispersed among many people, it is not in most people's interest to invest time and resources to fight lobbying that advances wasteful policies and laws.

³¹ B. L. BENSON, *TO SERVE AND PROTECT: PRIVATIZATION AND COMMUNITY IN CRIMINAL JUSTICE*, vol. 4., 73–192 (1998).

³² W. J. STUNTZ, *THE COLLAPSE OF AMERICAN CRIMINAL JUSTICE* (2011).

³³ N. Lacey & D. Soskice, *Crime, Punishment and Segregation in the United States: The Paradox of Local Democracy*, 17(4) *PUNISHMENT & SOC'Y* 454, 457 (2015).

³⁴ *Id.*

³⁵ Olson, *supra* note 26, 111–131.

A classic example of this is the California Peace Officers Association, which spent years lobbying successfully for greater investment in correctional facilities and employment. Through both direct lobbying and by funding victim's rights groups, they successfully passed tough on crime laws, like three-strikes-laws.³⁶ If people in poor neighborhoods lack political connections and influence, then the policing services that they receive will be less desirable and effective. Moreover, the political level at which these choices are made also influences whose voices will be heard. Local residents have far less influence on state and federal crime policy.³⁷

A third rationing mechanism police can use is discrimination against groups based on gender, ethnicity, religion, class, and appearance. Under what William Stuntz calls "the rule of too much law," police have wide discretion that allows them to indulge in discrimination.³⁸ They can choose which drivers to pull over and for what to cite them. Prosecutors likewise choose who to charge and for what crimes. Judges choose which cases to hear. With vast room for discretion, law enforcement officers can indulge in discrimination at little cost to themselves.³⁹

Will any of these methods of rationing access to policing services lead to efficient use? Probably not. Many political decision makers do not know or bear all of the costs and benefits of their actions. For example, representatives at the city and county level make important choices about how many police to hire and how many people to send to state prisons. Since they have to tax local voters to fund police expansion, and all of the state's taxpayers fund

³⁶ J. PAGE, *THE TOUGHEST BEAT: POLITICS, PUNISHMENT, AND THE PRISON OFFICERS UNION IN CALIFORNIA* (2011).

³⁷ L. L. MILLER, *THE PERILS OF FEDERALISM: RACE, POVERTY, AND THE POLITICS OF CRIME CONTROL* 3–27 (2008).

³⁸ Stuntz, *supra* note 32, 112.

³⁹ E. Hinton & D. Cook, *The Mass Criminalization of Black Americans: A Historical Overview*, 4 ANN. REV. CRIMINOLOGY (2020). Hinton and Cook also discuss the history of policing and mass criminalization of Black Americans.

prisons, it makes sense from the politician's perspective to use prisons more than police.⁴⁰ However, this means that they are making an inefficient use of tax dollars. The marginal dollar spent on police reduces crime far more than prisons, but the political incentives are unresponsive to this fact.⁴¹

These allocation methods—waiting, political influence, and discrimination—tend to lead to inefficient use of policing resources, but they are also inherently costly. It is costly to the person who has to wait, but the cost of waiting is not a corresponding benefit to someone else. Political influence is likewise costly. It requires lobbying efforts, like expensive meals, junkets, and campaign donations.⁴² While some of these costs are benefits to other people, the value of the rents being sought are dissipated in the process in a way that is socially wasteful.⁴³

More generally, there are strong reasons to doubt that state-based policing will respond well to voter preferences. Voters are rationally ignorant about politics, parties, and policies.⁴⁴ It is incredibly rare that a single person's vote would ever be decisive in a state or national election. For the 2008 presidential election, on average, the typical voter had a 1 in 60 million chance of being the decisive voter.⁴⁵ Perhaps rationally, voters invest little time and resources in learning about the issues and researching who has the best policy proposals. To the extent

⁴⁰ F. E. ZIMRING & G. J. HAWKINS, *THE SCALE OF IMPRISONMENT* (1991).

⁴¹ S. D. Levitt, *Understanding Why Crime Fell in the 1990s: Four Factors That Explain the Decline and Six That Do Not*, 18(1) J. ECON. PERSP. 163 (2004); A. Chalfin & J. McCrary, *Are US Cities Underpoliced? Theory and Evidence*, 100(1) REV. ECON. & STAT. 167, 179 (2018).

⁴² Page, *supra* note 36.

⁴³ A. O. Krueger, *The Political Economy of the Rent-Seeking Society*, 64(3) AM. ECON. REV. 291 (1974); G. Tullock, *The Welfare Costs of Tariffs, Monopolies, and Theft*, 5(3) ECON. INQUIRY 224 (1967).

⁴⁴ C. H. ACHEN & L. M. BARTELS, *DEMOCRACY FOR REALISTS: WHY ELECTIONS DO NOT PRODUCE RESPONSIVE GOVERNMENT*, vol. 4 (2017); B. CAPLAN, *THE MYTH OF THE RATIONAL VOTER: WHY DEMOCRACIES CHOOSE BAD POLICIES* (new ed., 2011); I. Somin, *Voter Ignorance and the Democratic Ideal*, 12(4) CRITICAL REV. 413 (1998).

⁴⁵ A. Gelman et al., *What Is the Probability Your Vote Will Make a Difference?* 50(2) ECON. INQUIRY 321 (2012).

that voters have views about criminal legal issues, they are typically adopted based on what is salient within their chosen political party, rather than through weighing the evidence.⁴⁶

Even if voters were highly informed, a related problem is that voters vote for politicians not directly for policing policies. This reduces political responsiveness in several ways. First, there might be no candidate that supports all of the policies that a voter prefers. The voter might then choose to vote for the candidate whose overall bundle of policy positions is closest to his or her most preferred positions. However, if voters care about multiple policy issues, then they might have to compromise for a candidate who does not support police reform but does support some other important issue. This reduces the strength of the signal to the politician about what voters care about. Second, voting for a politician is not the same as voting for a policy directly. A politician might change his or her position on crime control after being elected. Local events can change what is a political priority. Political compromise might water down or completely undermine police reform efforts. Finally, if a voter is not pleased with her choice, she must wait another two to four years to choose again. By comparison, if a customer is not pleased with the service at a restaurant, he or she can easily choose a different one the next day. Reliance on voice in politics, instead of exit, means that feedback is less likely to improve failing systems.⁴⁷ Taken together, the feedback from voters to politicians is thus indirect, noisy, and delayed, meaning that politicians will tend to be unresponsive to voter preferences.

The nature of state-based crime control is also that everyone lives under the same laws. It must be “one size fits all.” Most people will probably agree that murder should be against the law. But, reasonable people can disagree, for instance, about whether consuming

⁴⁶ P. K. ENNS, *INCARCERATION NATION* (2016); D. DAGAN & S. M. TELES, *PRISON BREAK: WHY CONSERVATIVES TURNED AGAINST MASS INCARCERATION* (2016).

⁴⁷ A. O. HIRSCHMAN, *EXIT, VOICE, AND LOYALTY: RESPONSES TO DECLINE IN FIRMS, ORGANIZATIONS, AND STATES* (1970).

marijuana or psilocybin should be a crime.⁴⁸ People disagree about how the police should spend their time, which crimes should be a priority, and how assertive enforcement should be. Because of its comprehensive nature, it is difficult to make state-based policing narrowly tailored to everyone's preferences.

Bureaucracies, like police departments, are also less likely to be innovative.⁴⁹ Their existence and success is not dependent on performing well against competing entities, so there is less external pressure to perform better. Residents cannot opt-out of receiving policing services, so the threat of exit cannot discipline police departments.⁵⁰ Heads of agencies are not residual claimants, so there is less personal financial incentive to find ways of policing that better suit community needs. There is political oversight, but as is often the case, insiders know far more about the bureaucracy than outsiders do, so they can often evade attempts at control. For example, “Washington Monument Syndrome” (sometimes also known as the “firemen first” principle) occurs when bureau budgets are cut and it responds by eliminating the most highly visible or most popular services, rather than finding wasteful or less important spending elsewhere.⁵¹ For all of these reasons, it has proven remarkably difficult to reform failing police departments in a permanent way.

Finally, the monopoly nature of state-based policing means that it is difficult to assess its effectiveness. Because a city can only have one police force with a given approach at a time, there is no straight forward comparison to make. Evidence from other cities can help, but cities are unique in many ways that affect policing, such as the extent of economic decline, varying rates of substance use disorders, gang activity, and racial conflict. This makes it more difficult

⁴⁸ M. POLLAN, *HOW TO CHANGE YOUR MIND: WHAT THE NEW SCIENCE OF PSYCHEDELICS TEACHES US ABOUT CONSCIOUSNESS, DYING, ADDICTION, DEPRESSION, AND TRANSCENDENCE* (2019).

⁴⁹ G. TULLOCK, *BUREAUCRACY*, vol. 6 (2005).

⁵⁰ Hirschman, *supra* note 47.

⁵¹ C. W. SURPRENANT & J. BRENNAN, *INJUSTICE FOR ALL: HOW FINANCIAL INCENTIVES CORRUPTED AND CAN FIX THE US CRIMINAL JUSTICE SYSTEM* (2019).

for voters to learn what are better policing practices simply by observing daily activity. By comparison, when there are multiple private security companies in operation, the effectiveness of alternatives can more easily be observed. With state-based policing we cannot use two different practices in the same place and time, so we cannot easily know the counterfactual about the relative effectiveness of different policies.⁵² In Section 4 below, I discuss how thoughtful research design, and in some cases randomization, allow us to learn about the relative effectiveness of policing practices. However, for the typical resident, who is not trained in statistics and is rationally ignorant, academic studies provide little guidance. In sum, we should not assume that the political system will provide policing services that are tailored to voter preferences, responsive to community need, or innovative and effective.

III. TOWARD ABOLITION: DEBUNDLING THE POLICE

A. *Empower Unarmed Alternatives*

If we take these concerns about the information and incentives facing state-based policing seriously, then it predicts that policing will operate in ways that are a direct financial benefit to itself and are not tailored to community needs. In many ways, we ask and expect too much from the police already. Policing is a fairly blunt tool, and police officers must respond to an incredibly wide range of scenarios, stretching from resolving disputes between tenants and landlords, to calls about issues of homelessness, to people experiencing mental health crisis, to violent confrontations with dangerous people. Dallas police chief David Brown articulated this frustrating concern, “We’re asking cops to do too much in this country . . . Every societal failure, we put it off on the cops to solve. Not enough mental health funding, let the cops handle

⁵² S. DeCanio, *Democracy, the Market, and the Logic of Social Choice*, 58(3) AM. J. POL. SCI. 637 (2014).

it . . . Here in Dallas we got a loose dog problem; let's have the cops chase loose dogs. Schools fail, let's give it to the cops . . . That's too much to ask. Policing was never meant to solve all those problems."⁵³ This is even more problematic when one asks what tools the police have to solve these myriad problems. Within certain legal constraints, they can disperse people. They can give written or verbal warnings. They can give a citation or make an arrest. They can injure or kill a person. Those are the basic tools that they can deploy. With such a limited toolkit, we should reconsider which problems we can reasonably ask them to solve.

Instead of speaking of abolition in a comprehensive manner, the economic perspective suggests that we think “on the margin” about what police should do. It need not be an all-or-nothing decision. Rather, we should ask whether some particular role or policy in policing should be abolished. I refer to this as “debundling” the police.⁵⁴ In particular, we should debundle activities that could be provided just as well or better by an unarmed professional staff that is housed outside of a law enforcement body. Ideally, these people would be more specialized and have more resources capable of helping. In addition, with fewer interactions between police and residents, there are fewer opportunities for discrimination and police brutality, making both officers and the public safer.⁵⁵ By thinking in terms of debundling, we might eventually be led to the total abolition of the police. At a minimum, debundling provides a framework for thinking about the process for moving in the direction of a post-police world.

Several areas of policing appear to be well-suited to debundling because the benefits outweigh the costs. First, debundling activities associated with social problems seems like a good trade-off because the police are often not well equipped to address them and other professionals already are. For example, police spend a lot of time responding to calls about

⁵³ Brady Dennis et al., *Dallas Police Chief Says “We’re Asking Cops to Do Too Much in This Country,”* WASH. POST, July 11, 2016, <https://www.washingtonpost.com/news/post-nation/wp/2016/07/11/grief-and-anger-continue-after-dallas-attacks-and-police-shootings-as-debate-rages-over-policing/>.

⁵⁴ I thank economist Alex Tabarrok for proposing this term.

⁵⁵ Paul A. Gowder, *Rule of Law Case for Police Abolition* 17 (2020), Northwestern Law School. Working Paper.

homelessness.⁵⁶ What can an officer do in these situations? He or she lacks vouchers for short-term or medium-term housing. They do not necessarily have professional networks or knowledge about government bodies or non-profits that can address a homeless person's situation. They do not have money or other resources that they can provide. They are not experts in helping unhomed people. Homelessness is often compounded by other issues, like mental health crises, alcohol and drug problems, and poverty. How can officers use their tools—disperse, warn, ticket, arrest—to address these deep, structural issues? They cannot. Instead, the first responder to calls about homelessness should be experts with training, experience, and resources to help address the situation. There is already a precedent for doing so. In Olympia, Washington, for example, unarmed “crisis responders” from the Crisis Response Unit handle many calls about homelessness and other social problems.⁵⁷

Police should likewise not be first responders for wellness checks or situations where someone is in a mental health crisis, unless there is a clear threat of danger and others are unwilling to respond. Estimates suggest that one in four people killed by police suffer from mental illness.⁵⁸ Police officers are not trained to be experts on mental health. Yet, estimates suggest that between 5 to 20 percent of police incidents involve someone with mental health issues.⁵⁹ These calls should instead be responded to by someone with extensive training and clinical practice working with people in mental health crisis. Some police departments have adopted the “Memphis Model,” which involves a subset of officers receiving special training for working with people suffering mental illness.⁶⁰ While this is an improvement, police

⁵⁶ VITALE, *supra* note 4, 90.

⁵⁷ C. Thompson, *This City Stopped Sending Police to Every 911 Call*, THE MARSHALL PROJECT, Jul. 24, 2020, <https://www.themarshallproject.org/2020/07/24/crisisresponders>.

⁵⁸ Doris A. Fuller et al., *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters* 1 (Dec. 2015), <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>.

⁵⁹ VITALE, *supra* note 4, 80.

⁶⁰ T. Cutts et al., *From the Memphis Model to the North Carolina Way: Lessons Learned from Emerging Health System and Faith Community Partnerships*, 78(4) N.C. MED. J. 267 (2017).

officers can also be frightening and intimidating, so their mere presence can add tension and fear to what is already a highly stressful situation. Finally, the presence of armed police officers increases the opportunity for so-called “suicide by cop.” In Eugene, Oregon, a unit called Crisis Assistance Helping Out On The Streets (CAHOOTS) is comprised of mental health workers who respond to calls for welfare checks, mental health issues, and public intoxication.⁶¹ Team members estimate that they know about half of the people that they come into contact with from past interactions, and this allows them to develop knowledge and relationships that aid in providing assistance.

In July 2016, a Minnesota police officer shot and killed Philando Castile during a traffic stop, while his partner and four-year-old sat with him in the car.⁶² Traffic stops are overwhelmingly the most common context in which residents interact with police.⁶³ The vast majority of them are civil and safe.⁶⁴ Some stops turn violent, but part of the reason for that is because the stop is made by an armed police officer. Traffic stops are often a pretense to investigate other crimes, search for contraband, and to find people with open warrants.⁶⁵ If an alternative entity is handing out citations but has no right to investigate or arrest, some of the violent conflicts and police chases will not happen. For comparison, restaurant inspectors audit and cite restaurants regularly but they do not typically carry a weapon. In instances now where a driver would be arrested, such as driving under the influence of alcohol, traffic safety workers can call a police officer to confiscate their keys, write a citation, and then take the driver home.

⁶¹ Thompson, *supra* note 57.

⁶² M. Smith, *Minnesota Officer Acquitted in Killing of Philando Castile*, N.Y. TIMES, Jun. 16, 2017, <https://www.nytimes.com/2017/06/16/us/police-shooting-trial-philando-castile.html>.

⁶³ Elizabeth Davis et al., *Contacts between Police and the Public, 2015. US Department of Justice Office of Justice Programs Bureau of Justice Statistics Special Report* (Oct. 2018), <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>.

⁶⁴ F. BAUMGARTNER ET AL., *SUSPECT CITIZENS: WHAT 20 MILLION TRAFFIC STOPS TELL US ABOUT POLICING AND RACE* 58 (2018).

⁶⁵ *Id.*, 95–124.

In Berkeley, the police are currently being removed from the role of making traffic stops.⁶⁶ Two other major metropolitan areas—New York City and Los Angeles—are also considering transitioning traffic and street safety enforcement to their departments of transportation.⁶⁷ In Los Angeles, one explicit reason for doing so is frustration of people being pulled over for “driving while black,” an inappropriate and unjust police action.⁶⁸ As I discuss below, many police departments also use traffic stops as an opportunity to raise revenues, so debundling traffic safety from policing reduces the risk of this type of extractive policing.

In March 2020, Louisville police officers with a no-knock warrant and a battering ram entered the home of Breonna Taylor and shot and killed her.⁶⁹ No drugs were found in the house. Given its high costs, the drug war should be debundled from policing. While the term “victimless crime” is a misnomer, it is true that there is no victim in a drug deal in the same way that there is clearly a victim in a violent crime. As a result, policing the drug war requires extensive surveillance, intrusive contact to identify potential customers and sellers, and violent confrontation, such as the no-knock raid that led to the killing of Breonna Taylor.⁷⁰ As long as police are actively fighting the drug war, they will have to rely on tactics that undermine their legitimacy and effectiveness while also using violence at an unacceptable level. Decriminalizing and regulating drug use can be done in a careful and safe way.⁷¹ Experiments with decriminalizing marijuana in several states already provides experience and insight into

⁶⁶ David Meyer, *Berkeley Moves Toward Removing Police from Traffic Stops*, N.Y. POST, Jul. 16, 2020, <https://nypost.com/2020/07/16/berkeley-moves-toward-removing-police-from-traffic-stops/>.

⁶⁷ Julianne Cuba, *Campaign to Remove NYPD from Traffic Enforcement Gains Steam*, STREETS BLOG NYC, Jun. 25, 2020, <https://nyc.streetsblog.org/2020/06/25/campaign-to-remove-nypd-from-traffic-enforcement-gains-steam/>; Beverly White, *Could Routine Traffic Stops be Conducted Without Armed Police Officers?* NBC L.A., Jun. 30, 2020, <https://www.nbcalosangeles.com/news/local/could-routine-traffic-stops-be-conducted-without-lapd/2388942/>.

⁶⁸ Luh, Elizabeth, *Not So Black and White: Uncovering Racial Bias from Systematically Misreported Trooper Reports* (Apr. 30, 2020), <https://elizluh.github.io/files/highwaybias.pdf>.

⁶⁹ R. Oppel Jr., *Here’s What You Need to Know About Breonna Taylor’s Death*, N.Y. TIMES, May 30, 2020, <https://www.nytimes.com/article/breonna-taylor-police.html>.

⁷⁰ RADLEY BALKO, *RISE OF THE WARRIOR COP: THE MILITARIZATION OF AMERICA’S POLICE FORCES* (2013).

⁷¹ J. LEITZEL, *REGULATING VICE: MISGUIDED PROHIBITIONS AND REALISTIC CONTROLS* (2007).

how this should be done.⁷² Treating substance use disorders as a medical issue, rather than a criminal one, reduces police influence and saves resources being wasted in a failed war on drugs.

B. Abolish Extractive Policing

The theory of government failure also suggests that police will pursue their own interest, instead of the public's interest. In these cases, we do not need to find ways to perform these activities through other entities. These practices should simply be abolished. First, abolish the funding of local governments through fees and fines charged for citations and misdemeanors. This sets up an entirely wrong incentive for police. It turns residents, who are supposed to be protected and served, into potential extortion victims. In addition, it tends to undermine police effectiveness. For example, police departments in cities that collect a greater share of revenues from fees are far less effective at solving both property crime and violent crime, and the effect on violent crime is especially large in smaller cities where police have fewer resources and less specialization.⁷³

Second, civil asset forfeiture laws in many places allow law enforcement to seize valuable property from residents, even if one has not been convicted of a crime, and in some places, not even arrested for a crime. In the past two decades, the federal government seized \$36.5 billion in assets.⁷⁴ As with excessive use of fees, this distorts the allocation of policing

⁷² See, e.g., D. Mark Anderson & Daniel I. Rees, *The Legalization of Recreational Marijuana: How Likely Is the Worst-Case Scenario?* 33(1) J. POL'Y ANALYSIS & MGMT. 221 (2014); D. Mark Anderson & Daniel I. Rees, *The Role of Dispensaries: The Devil Is in the Details*, 33(1) J. POL'Y ANALYSIS & MGMT. 235 (2014); M. A. KLEIMAN, WHEN BRUTE FORCE FAILS: HOW TO HAVE LESS CRIME AND LESS PUNISHMENT 149–163 (2009).

⁷³ R. Goldstein et al., *Exploitative Revenues, Law Enforcement, and the Quality of Government Service*, 56(1) URB. AFF. REV. 5 (2020).

⁷⁴ William H. Freivogel, *No Drugs, No Crime and Just Pennies for School: How Police Use Civil Asset Forfeiture*, ST. LOUIS PUB. RADIO, Feb. 18, 2019, <https://news.stlpublicradio.org/government-politics-issues/2019-02-18/no-drugs-no-crime-and-just-pennies-for-school-how-police-use-civil-asset-forfeiture>.

services away from concerns about community safety to situations where the police department can benefit itself directly. For example, after the passage of the Comprehensive Crime Control Act of 1984, local law enforcement was allowed to keep a larger proportion of the value of seized assets.⁷⁵ As a direct result, local law enforcement spent more time and resources on drug crime and less on property crime. One study finds that this “reallocation of police resources to focus on drug crime directly explains an estimated 40 to 50 percent of the increase in property crime rates in Florida over the 1984–89 period.”⁷⁶ Police departments should not be given incentives to enrich themselves while neglecting community safety needs.

Finally, “stop and frisk” style policing is extractive and should be abolished. These practices are routine, invasive, and disrespectful. There is also little evidence that it works.⁷⁷ Moreover, it taxes the goodwill of the community that is necessary for effective policing and investigation of property and violent crime. The police need residents to assist in solving crimes, by reporting crimes, serving as witnesses, and providing information. When police act in invasive, arbitrary, and discriminatory ways to dictate and control people’s lives it violates the rule of law.⁷⁸ More generally, the widespread and frequent contact with the carceral state—from being stopped on the street, to arrest, to incarceration—is doing serious damage to the health of our democracy. Not only does it undermine the trust in government effectiveness it diminishes the sense, for many in minority communities, that they have full and equal citizenship.⁷⁹ These extractive policing practices explain why many people in disadvantaged

⁷⁵ B. L. Benson et al., *Police Bureaucracies, Their Incentives, and the War on Drugs*, 83(1–2) PUB. CHOICE 21 (1995).

⁷⁶ *Id.*

⁷⁷ A. Chalfin & J. McCrary, *Criminal Deterrence: A Review of the Literature*, 55(1) J. ECON. LITERATURE 5, 19–20 (2017).

⁷⁸ Gowder, *supra* note 55.

⁷⁹ A. E. LERMAN & V. M. WEAVER, *ARRESTING CITIZENSHIP: THE DEMOCRATIC CONSEQUENCES OF AMERICAN CRIME CONTROL* (2014).

and minority communities are both “over-policed” and “under-policed.” They feel that the police are always around to harass, but never there when they are needed.⁸⁰

C. Demilitarize Policing

Militarization equips American police with assault rifles, armored vehicles, and grenade launchers. American police have not always been militarized, and their mandate is not to be warriors.⁸¹ However, the Department of Defense’s Federal 1033 program has sent \$7.4 billion worth of equipment to local police departments.⁸² We should be skeptical about this program because of the difference in mandates to police and soldiers. Police officers work within their own country to “protect and serve” members of the community while respecting their constitutional rights. By contrast, members of the military are trained to deploy lethal force against enemy combatants. Their job is literally to “engage and destroy.” The U.S. Army’s “Soldier’s Creed” states, “. . . I am a warrior . . . I am disciplined, physically and mentally tough, trained and proficient in my warrior tasks and drills . . . I stand ready to deploy, engage, and destroy, the enemies of the United States of America in close combat.”⁸³ We should be concerned that tools developed for the context of war will be appropriate in the context of domestic policing.

In practice, militarization has had several negative consequences. First, by increasing access to assault weapons, tanks, and even grenade launchers, it increases the police capacity to wield force.⁸⁴ With greater capacity, police can use deadly force more frequently and for a

⁸⁰ Gwen Prowse et al., *The State from Below: Distorted Responsiveness in Policed Communities*, 56(5) URB. AFF. REV. 1423 (2019).

⁸¹ BALKO, *supra* note 70.

⁸² Defense Logistics Agency, 1033 Program FAQs (2020), <https://www.dla.mil/DispositionServices/Offers/Reutilization/>.

⁸³ <https://www.army.mil/values/soldiers.html>

⁸⁴ BALKO, *supra* note 70.

wider range of activities for which it is not strictly necessary, such as serving warrants or as backup for low level drug arrests.⁸⁵ While there might be a small number of situations in which militarization is necessary—terrorist attacks, spree killers, armed hostage takers, etc.—these resources are not typically needed for everyday policing. Likewise, while militarization might make sense for some current policing activities, such as surprise raids against armed drug dealers, many of these policing activities will not exist in a world closer to the abolitionist ideal.

Militarization also undermines a healthy and community-focused policing culture. In influential works in policing and corrections, advocates for these entities argued that they do best when their practitioners adopt a “guardian” mindset.⁸⁶ Framing this work as a responsibility to guard and protect the people in your care affects which people enter the profession. Militarization, on the other hand, attracts warriors and discourages guardians. It nudges policing policy and tactics toward more confrontational and less community-need policing. It also undermines the relationship between police officers and the community. People with assault rifles and intimidating body armor driving around in assault vehicles are frightening. It sends the message that police believe the public are a source of danger, not the people who they are supposed to protect.

Practically speaking, militarized policing is often less effective.⁸⁷ For example, armored cars are expensive to operate. They are unnecessary since police do not regularly encounter improvised explosive devices or land mines. It is also more costly to repair them because the parts are not as readily available as are parts for standard automobiles. The use of assault rifles (the M-4, in particular, is widely used) is likewise impractical in several ways.

⁸⁵ *Id.*, 43–80.

⁸⁶ P. K. MANNING, *POLICE WORK: THE SOCIAL ORGANIZATION OF POLICING* (1977); J. J. DI IULIO, *GOVERNING PRISONS* (1990).

⁸⁷ Arthur Rizer, *Equip Police More Like Batman and Less Like G.I. Joe* (Mar. 2018), <https://www.rstreet.org/wp-content/uploads/2018/04/Corrected-137-1.pdf>.

Assault rifles are capable of firing a large number of rounds quickly and powerfully. That means that rounds can easily pass through human targets, but also then through additional walls, floors, and doors. This causes more damage and increases the chance of injuring or killing innocent bystanders. Tactically, assault weapons are a “two hand” weapon, meaning that it takes both hands on the weapon to use.⁸⁸ With only one hand holding it, the weapon becomes an obstacle, and potentially, a threat to the officer if someone else can take control of it. This concern can be reduced to some degree by use of a shoulder strap, but in doing so, it provides a way for a subject to grab and control the officer. This was ultimately why the Sam Browne belts used by police in earlier periods were eventually discontinued. As a result, while holding an assault rifle, a police officer has few other options for controlling a situation. It becomes dangerous or impossible to use a less lethal weapon, like a taser, or even to apply handcuffs. Only about 19 percent of police officers have served in the military.⁸⁹ Hence, a large majority of officers have not received the extensive training and experience that soldiers must undergo to wield these types of weapons in the field. Police officers also often lack the “rules of engagement” that, in many military situations, strictly constrain when and how a soldier is able to use deadly force. With fewer constraints and expansive protection because of qualified immunity, police officers face few repercussions from using military weapons poorly or only when absolutely necessary.⁹⁰

⁸⁸ *Id.*, 6.

⁸⁹ Simone Weichselbaum & Beth Schwartzapfel, *When Warriors Put On the Badge*, THE MARSHALL PROJECT & USA TODAY, Mar. 30, 2017, <https://www.themarshallproject.org/2017/03/30/when-warriors-put-on-the-badge>.

⁹⁰ J. C. Schwartz, *How Qualified Immunity Fails*, 127 YALE L. J. 2 (2017).

IV. DO POLICE DETER CRIME?

A. *The Challenges of Measuring Deterrence*

One of the main goals of policing is to deter crime. Economists since Gary Becker have often argued that police deter crime and that severe punishments work best.⁹¹ More recent empirical work makes a compelling case that deterrence is instead most effective when it is swift, certain, and fair.^{92,93} Police themselves believe that they deter crime. Yet, the implied premise of many abolitionist conversations is that this is false: police do not deter crime. Criminologists have historically tended to be highly skeptical of deterrence as well. Two eminent criminologists, Michael R. Gottfredson and Travis Hirshi, write in their book *A General Theory of Crime*, “no evidence exists that augmentation of police forces or equipment, differential police strategies, or differential intensities of surveillance have an effect on crime rates.”⁹⁴ Likewise, in *Police for the Future*, David Bayley argues, “The police do not prevent crime. This is one of the best kept secrets of modern life. Experts know it, the police know it, but the public does not know it. Yet the police pretend that they are society’s best defense against crime and continually argue that if they are given more resources, especially personnel, they will be able to protect communities against crime. This is a myth.”⁹⁵ However, in the decades since they wrote, social scientists have found rigorous and robust evidence that police do deter crime. If the police deter crime, and do so reasonably efficiently, then we might not wish to abolish all aspects of

⁹¹ Gary Becker, *Crime and Punishment: An Economic Approach*, 169 J. POL. ECON. 176 (1968).

⁹² KLEIMAN, *supra* note 72.

⁹³ This is a key point made by Cesare Beccaria in 1764 and by Jeremy Bentham in 1823. CESARE BECCARIA, BECCARIA: ON CRIMES AND PUNISHMENTS AND OTHER WRITINGS (trans. Richard Davies, 1995); Jeremy Bentham, *Punishment and Utility*, in PUNISHMENT AND REHABILITATION, 21 (ed. J. G. Murphy, 3rd ed., 1995). Chalfin and McCrary and Nagin et al. provide excellent, detailed reviews of the broader literature on deterrence. Chalfin & McCrary, *supra* note 77; D. S. Nagin et al., *Deterrence: A Review of the Evidence by a Criminologist for Economists*, 5(1) ANN. REV. ECON. 83 (2013).

⁹⁴ M. R. GOTTFREDSON & T. HIRSCHI, A GENERAL THEORY OF CRIME 1 (1990).

⁹⁵ DAVID H. BAYLEY, POLICE FOR THE FUTURE: STUDIES IN CRIME AND PUBLIC POLICY 3 (1994).

policing, or do so only after some alternatives mechanisms of crime control have been produced.

It is important to highlight that deterrence is a more preferable crime control tool than arrests and incarceration. When we deter crime, we not only save the cost of the victimization itself, but also the cost of the punishment.⁹⁶ Prisons are expensive. In California, for example, it costs, on average, about \$81,000 per year to house a prisoner.⁹⁷ The legal procedure is time-consuming and costly. Prisoners cannot contribute to society through gainful employment or caring for friends and family. Formerly incarcerated people often have difficulty finding work. Families of incarcerated people likewise share heavy economic burdens. These costs are not a corresponding benefit or transfer of value to other people. They are socially-wasteful. By avoiding these costs, deterrence is more socially desirable than punishment.

The relationship between police and crime is an inherently difficult relationship to study with observational data sets. If one simply looks at cross-sectional data, one often sees that there are more police where there is more crime. This would be consistent with the claim that the presence of police officers actually increases the amount of crime. Although, it is likely the case that more crime causes there to be more police in those areas. If we do not disentangle the effect of reverse causality, then we cannot know the true effect of police on crime. Even if we have time series data for the number of police and the amount of crime in an area, it is still difficult to interpret. In some instances, we might see an increase in police followed by an increase in crime. However, it might be that officials simply anticipate more crime in the future, so they send police before. We observe this in large, public events like Mardi Gras, college football games, and St. Patrick's Day celebrations. Because of these empirical challenges, it is

⁹⁶ P. N. Salib, *Why Prison: An Economic Critique*, 22 BERKELEY J. CRIM. L. 111 (2017).

⁹⁷ Legislative Analyst's Office, *How Much Does It Cost to Incarcerate an Inmate?* (Jan. 2019), https://lao.ca.gov/PolicyAreas/CJ/6_cj_inmatecost.

difficult to know if police have a positive, negative, or no effect on crime.⁹⁸ Instead, we need to identify situations where the number of police on patrol changes for reasons that are unrelated to crime rates, and then observe whether crime rates rise or fall. Moreover, even if we observe a decline in crime, we need to determine whether it was caused by deterrence, incapacitation, or both.⁹⁹ If deterrence matters more than incapacitation, then the argument in favor of police is stronger. With the “credibility revolution” in applied economics, we now have a fairly large number of econometric papers that are able to carefully study the police-crime hypothesis.¹⁰⁰ To give a sense of how these empirical claims are tested, I will briefly discuss a few existing studies.¹⁰¹

B. Econometric Evidence on Police and Policing Strategies

1. Police Presence

Klick and Tabarrok study the Metropolitan Police Department of the District of Columbia in Washington D.C. to see whether more police leads to fewer crimes.¹⁰² They focus on changes to the terror alert level set by the Department of Homeland Security. There are five distinct alert levels: low, guarded, elevated, high, and severe. The purpose of the threat level is to coordinate and trigger specific actions regarding anti-terrorism efforts by federal entities. It is

⁹⁸ Some scholars who are skeptical of police deterrence appear to be unaware or unconcerned about such problems. DAVID H. BAYLEY, *POLICE FOR THE FUTURE: STUDIES IN CRIME AND PUBLIC POLICY* 3–4 (1994); VITALE, *supra* note 4, 32.

⁹⁹ Chalfin & McCrary, *supra* note 77, 13.

¹⁰⁰ J. D. Angrist & J.-S. Pischke, *The Credibility Revolution in Empirical Economics: How Better Research Design Is Taking the Con out of Econometrics*, 24(2) J. ECON. PERSP. 3 (2010).

¹⁰¹ It is important to note that these studies rely on reported crimes, rather than actual crimes, and are based on data provided by the Uniform Crime Report. Given that people are more likely to report a crime when police are more effective, this data tends to underestimate police effectiveness.

¹⁰² J. Klick & A. Tabarrok, *Using Terror Alert Levels to Estimate the Effect of Police on Crime*, 48(1) J. L. & ECON. 267 (2005).

not designed as a source of public information or intended to communicate to the public. Importantly, it is not based on local crime rates in Washington D.C.

When the alert level goes from elevated to high, the Metropolitan Police Department increases the number of police on patrol by about 50 percent. Because the increase in police is unrelated to crime rates, this research design avoids the empirical challenges discussed above and provides a nice test of the police-crime relationship. They find that, compared to days when the alert level is elevated, high alert days see a reduction in crime of about 6.6 percent across all crime.¹⁰³ They also look at crime in each of the seven districts that the department operates in. They find that in District 1, which is home to the National Mall, crime fell by about 15 percent. This is likely because an increase in police for terror-related reasons will be deployed around the higher-likelihood targets, like prominent monuments, buildings, and statues. They also study crime-specific effects. They find no effect on violent crime, but they found very large effects—a 43 percent decline—on auto theft and theft from autos.¹⁰⁴ They also find a 15 percent decline in burglary.

This is not an isolated finding. In July 2005, terrorist bombs exploded in central London. In the following six weeks, police activity increased more than 30 percent in central London. Again, this is an exogenous increase in the police force that was not driven by daily crime rates. By comparing crime rates in central London to those in outer London, Draca et al. find that a 10 percent increase in police presence reduced crime by roughly 3 to 4 percent.¹⁰⁵ They find no evidence that crime was displaced into other regions. These effects were substantial for property crimes (picking pockets, snatches, thefts from stores, motor vehicle-related theft, and tampering) and violent crimes (including common assault, harassment, and

¹⁰³ *Id.*, 271.

¹⁰⁴ *Id.*, 2750. Given that they are only able to exam several weeks of data, and that murders are relatively infrequent, it might be that there were simply not enough data to identify an effect.

¹⁰⁵ M. Draca et al., *Panic on the Streets of London: Police, Crime, and the July 2005 Terror Attacks*, 101(5) AM. ECON. REV. 2157, 2158 (2011).

aggravated bodily harm).¹⁰⁶ Moreover, when police presence was reduced after six weeks, they identify a sharp and immediate increase in crime rates.¹⁰⁷

These papers use fairly similar research designs to study particular cities, but empirical work on a broader scale also supports these findings. Mello studies a hiring grant program, from Community Oriented Policing Services (COPS).¹⁰⁸ The American Recovery Reinvestment Act increased funding for the program from less than \$20 million to \$1 billion. These grants, which cover the salary cost of new hires, were awarded based on a scoring scheme. The author uses data from 2004 to 2014 from 4,327 cities and towns to compare crime rates in areas that scored above the threshold (and thus received funding) and below it (no funding). Compared to cities that did not receive a grant, areas that received a grant saw the police force increase by 3.2 percent and the victimization cost-weighted crime rate fall by 3.5 percent.¹⁰⁹ The author finds large reductions in robbery, larceny, and auto theft, as well as suggestive evidence of a fall in murders.¹¹⁰ The author estimates that each additional officer reduces victimization costs by about \$352,000, far less than an officer's salary.¹¹¹ Moreover, for cities in which the data is available, there is no increase in arrest rates, suggesting that it is deterrence rather than incapacitation that reduces crime rates. An study on the same grant program over an earlier time period also found substantial declines in auto thefts, burglaries, robberies, and aggravated assaults.¹¹²

¹⁰⁶ *Id.*, 2171.

¹⁰⁷ See also R. Di Tella & E. Schargrodsky, *Do Police Reduce Crime? Estimates Using the Allocation of Police Forces after a Terrorist Attack*, 94(1) AM. ECON. REV. 115 (2004).

¹⁰⁸ S. Mello, *More Cops, Less Crime*, 172 J. PUB. ECON. 174 (2019).

¹⁰⁹ *Id.*, 175.

¹¹⁰ *Id.*

¹¹¹ *Id.*, 175.

¹¹² W. N. Evans & E. G. Owens, *Cops and Crime*, 91(1–2) J. PUB. ECON. 181 (2007); see also S. D. Levitt, *Using Electoral Cycles in Police Hiring to Estimate the Effects of Police on Crime: Reply*, 92(4) AM. ECON. REV. 1244 (2002); M.-J. Lin, *More Police, Less Crime: Evidence From US State Data*, 29(2) INT'L REV. L. & ECON. 73 (2009).

We turn to police with the hope that they can reduce the costs of crime in society, and not all crimes are equally costly. Economists Chalfin and McCrary¹¹³ argue that the cost of property crime is relatively low, but violent crime is extremely costly. They estimate that murder alone accounts for 60 percent of the total per capita expected costs of all crimes. As such, they write, “even relatively small effects of police on violent crime would be sufficient to justify additional investment in police.”¹¹⁴ They find that for medium and large U.S. cities between 1960 and 2010, police had a substantial negative effect on crime, including violent crime like murder. They estimate that for every dollar spent on policing, there is a reduction in the cost of crime of \$1.63. This suggests that U.S. cities are actually under policed. In an article reviewing the literature in economics and criminology for the *Journal of Economic Literature*, Chalfin and McCrary summarize the evidence on the police-crime hypothesis, noting that studies consistently find, in general, “a larger effect of police on violent crimes than on property crimes, with especially large effects of police on murder, robbery, and motor vehicle theft.”¹¹⁵

2. Hot-Spot Policing

The empirical literature has also found that not only do the number of police matter, but the strategies that they use matter too. In particular, “hot spot” policing and “problem-oriented” policing both deter crime. Hot spot policing deploys a disproportionately larger police presence to places that attract disproportionate levels of crime. One randomized control trial in Minneapolis enhanced patrol in 55 of 110 crime hot spots with about twice as many police officers.¹¹⁶ Based on 7,542 hours of systematic observation, they found that observed disorder was half as prevalent compared to places that did not receive more police. The total number of

¹¹³ Chalfin & McCrary, *supra* note 41.

¹¹⁴ *Id.*, 168.

¹¹⁵ Chalfin & McCrary, *supra* note 77, 14.

¹¹⁶ L. W. Sherman & D. Weisburd, *General Deterrent Effects of Police Patrol in Crime “Hot Spots”: A Randomized, Controlled Trial*, 12(4) JUST. Q. 625 (1995).

crime calls fell between 6 and 13 percent in treated hot spots. In another study, patrolling was intensified in a ten-by-eight block area with an incredibly high homicide rate.¹¹⁷ This led to a 65 percent increase in firearms seized by police and gun crimes in the area fell by 49 percent, with no observed displacement. A study of hot spots in Lowell, Massachusetts randomized increased policing in 17 of 34 crime hot spots.¹¹⁸ They found that, compared to places without additional policing, crime and disorder calls fell substantially. They found no evidence that crime was displaced to other areas. In a New Jersey study that was designed specifically to check for displacement caused by hot spot policing, no displacement was found.¹¹⁹ This is even more surprising given that they focused on drug crimes and prostitution, which are relatively less geographically fixed. In a review of the literature published in *The Annals of the American Academy of Political and Social Science*, Braga examines experimental and quasi-experimental studies on hot spot policing.¹²⁰ He concludes from these papers that hot spot policing reduces crime and disorder in hot spots, there tends to be little to no displacement, and there are often unintended crime prevention benefits as well.¹²¹ It might be that we do not want the police to address “disorder” or particular crimes, but the best evidence available shows that hot spot policing can deter crime.

¹¹⁷ L. W. Sherman & D. P. Rogan, *Effects of Gun Seizures on Gun Violence: “Hot Spots” Patrol in Kansas City*, 12(4) JUST. Q. 673 (1995).

¹¹⁸ A. A. Braga & B. J. Bond, *Policing Crime and Disorder Hot Spots: A Randomized Controlled Trial*, 46(3) CRIMINOLOGY 577 (2008).

¹¹⁹ D. Weisburd et al., *Does Crime Just Move around the Corner? A Controlled Study of Spatial Displacement and Diffusion of Crime Control Benefits*, 44(3) CRIMINOLOGY 549 (2006).

¹²⁰ A. A. Braga, *The Effects of Hot Spots Policing on Crime*, 578(1) ANNALS AM. ACAD. POL. & SOC. SCI. 104 (2001).

¹²¹ See also A. A. Braga, *Hot Spots Policing and Crime Prevention: A Systematic Review of Randomized Controlled Trials*, 1(3) J. EXPERIMENTAL CRIMINOLOGY 317 (2005); D. Weisburd, *Hot Spots Policing Experiments and Criminal Justice Research: Lessons from the Field*, 599(1) ANNALS AM. ACAD. POL. & SOC. SCI. 220 (2005); R. Berk & J. MacDonald, *Policing the Homeless: An Evaluation of Efforts to Reduce Homeless-Related Crime*, 9(4) CRIMINOLOGY & PUB. POL’Y 813 (2010).

3. Problem-Oriented Policing

“Problem-oriented” policing refers to a “collection of focused deterrence strategies that are designed to change the behavior of specific types of offenders or to be successful in specific jurisdictions.”¹²² Engagement with the community is an important part of problem-oriented policing. These strategies typically incorporate some form of “advertising” to warn offenders of the heightened priority and increased likelihood of enforcement.¹²³ Boston’s Operation Ceasefire, which successfully reduced youth gun violence, is a well-known example.¹²⁴ Writing about the program, Braga et al. found significant declines in youth homicide, shots-fired calls for service, and gun assaults.¹²⁵ The youth homicide trend in Boston also fell compared to youth homicide rates in other large U.S. cities. A randomized control trial in Jersey City, New Jersey sought to test the effectiveness of problem-oriented policing on reducing urban violent crime.¹²⁶ They used problem oriented policing in 12 out of 24 areas with high levels of violent crime. Compared to untreated areas, crime and disorder fell substantially. Braga and Weisburd survey the literature on problem-oriented policing, including focusing on ten papers that used non-randomized research designs.¹²⁷ They find that problem-oriented policing has a “medium-size crime reduction effect.”¹²⁸ In addition, problem-oriented policing tends to be most effective in reducing gang activity and drug markets. They are effective, but less so, for programs focused on “high-risk” individuals.

¹²² Chalfin & McCrary, *supra* note 77, 6.

¹²³ KLEIMAN, *supra* note 72.

¹²⁴ David M. Kennedy et al., *Reducing Gun Violence: The Boston Gun Project’s Operation Ceasefire* (Sep. 2001), <https://www.ncjrs.gov/pdffiles1/nij/188741.pdf>.

¹²⁵ A. A. Braga et al., *Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston’s Operation Ceasefire*, 38(3) J. RES. CRIME & DELINQ. 195 (2001).

¹²⁶ A. A. Braga et al., *Problem-Oriented Policing in Violent Crime Places: A Randomized Controlled Experiment*, 37(3) CRIMINOLOGY 541 (1999).

¹²⁷ A. A. Braga & D. L. Weisburd, *The Effects of “Pulling Levers” Focused Deterrence Strategies on Crime*, 8(1) CAMPBELL SYSTEMATIC REVIEWS 1 (2012).

¹²⁸ See also D. Weisburd et al., *Is Problem-Oriented Policing Effective in Reducing Crime and Disorder? Findings from a Campbell Systematic Review*, 9(1) CRIMINOLOGY & PUB. POL’Y 139 (2010).

4. Proactive Policing and Broken Windows

While these strategies appear to be relatively effective, obviously not all policing practices deter crime or are socially desirable. “Proactive policing” involves a high intensity of citations and arrests for minor crimes with the goal of reducing more serious crimes.¹²⁹ This is often associated with the “Broken Windows” approach used in New York City by Mayor Rudy Giuliani and Police Commissioner William Bratton.¹³⁰ However, two of the most rigorous studies on New York City find either no effects or very small effects from proactive policing.¹³¹ In their survey, Chalfin and McCrary summarize the literature, noting “in the best controlled models, coefficients on the proactive policing proxy become small and insignificant. More importantly, these models are plagued by problems of simultaneity bias, omitted variables, and the inevitable difficulty involved in finding a credible proxy for the concept of proactive policing, as opposed to simply an environment that is rich in opportunities for police officers to make arrests.”^{132, 133} That is, not only do “stop and frisk” style policing practices degrade and disrespect residents, they simply do not work.

C. *A Conflict of Visions*

Not all policing is the same. Some strategies can effectively deter crime—even the most serious and costly ones, like murder. Nevertheless, deterring crime is not the only outcome that

¹²⁹ Chalfin & McCrary, *supra* note 77, 19.

¹³⁰ J. Q. Wilson & G. L. Kelling, *Broken Windows*, 249(3) ATL. MONTHLY 29 (1982).

¹³¹ Bernard E. Harcourt & Jens Ludwig, *Broken Windows: New Evidence from New York City and a Five-City Social Experiment*, 73(1) U. CHI. L. REV. 271 (2006); R. Rosenfeld et al., *The Impact of Order-Maintenance Policing on New York City Homicide and Robbery Rates: 1988–2001*, 45(2) CRIMINOLOGY 355 (2007).

¹³² Chalfin & McCrary, *supra* note 77.

¹³³ *Id.*, 20.

matters. Even if “stop and frisk” was an effective strategy, the degree to which it undermines police legitimacy, community relationships, and American democracy means it should not be used. However, the empirical evidence is overwhelming that police can deter crime and do so at reasonable cost. Violent crime is most prominent in disadvantaged communities, so their residents have the most to gain from effective policing. More generally, the United States has about 35 percent fewer police per capita than other countries.¹³⁴ Given the evidence about the costs of policing services and the estimated benefits of crime reduction, the United States would likely actually benefit from increasing the size of police forces.

This might not be ideal from an abolitionist perspective. However, if we debundle those aspects of policing that we approve of least—responding to calls about social problems, extracting resources through fines and fees, onerous traffic stops, militarization, waging the drug war, stop and frisk, etc.—we might still wish to keep patrol as one part of the bundle for the time being. Moreover, we should further constrain how police use force by ending qualified immunity and requiring each officer to hold a personal liability insurance policy.¹³⁵ It might also be that unarmed police officers or private security guards on patrol can provide some or all of the deterrence that police provide. In the long run, police abolitionists will need to articulate what types of organizations and institutions will replace state-based, armed patrolling police forces. In the next section, I draw on historical and contemporary practices of crime control to suggest a way forward.

¹³⁴ Council of Economic Advisers, *Economic Perspectives on Incarceration and the Criminal Justice System* 45 (Apr. 2016), https://obamawhitehouse.archives.gov/sites/default/files/page/files/20160423_cea_incarceration_criminal_justice.pdf.

¹³⁵ R. Fields, *Police Officers Need Liability Insurance*, 19(2) CONTEXTS 78 (2020); Schwartz, *supra* note 90.

V. A POLYCENTRIC THEORY OF NON-STATE CRIME CONTROL

What is the most viable and effective alternative to state-based crime control? I argue that a polycentric system has desirable characteristics that avoid many of the pitfalls of the current system. Polycentric systems have a proven track record of working in a wide range of governance problems, and they might be especially well suited to providing crime control.¹³⁶ Polycentric systems are characterized by having many autonomous decision-making centers that are formally independent but functionally interdependent.¹³⁷ Related to this, Elinor Ostrom explains that polycentrism is “a system where citizens are able to organize not just one but multiple governing authorities at differing scales.”¹³⁸ Groups can also vary in size and scope. Some are more influential than others are, but no single group dominates.

Since these groups are formally independent, they might pursue the same end through different means, or different ends altogether. They need not share the same ideals, preferences, or values. They are formally autonomous. Effective and persistent polycentric systems allow for dominion within each group and resist domination by any particular group. Because of the autonomy of these groups, their actions will sometimes affect the interests and activities of other groups. As a result, successful polycentric systems require rules to coordinate and facilitate cooperation between groups. These might come from a third-party to the system, such

¹³⁶ E. Ostrom, UNDERSTANDING INSTITUTIONAL DIVERSITY (2009); E. Ostrom, *Beyond Markets and States: Polycentric Governance of Complex Economic Systems*, 100(3) AM. ECON. REV. 641 (2010); E. Ostrom & G. Whitaker, *Does Local Community Control of Police Make a Difference? Some Preliminary Findings*, 17(1) AM. J. POL. SCI. 48 (1973); E. Ostrom ET AL., PATTERNS OF METROPOLITAN POLICING (1978); E. Ostrom et al., *The Public Service Production Process: A Framework for Analyzing Police Services*, 7 POL’Y STUDIES JOURNAL 381 (1978); P. Boettke et al., *Riding in Cars with Boys: Elinor Ostrom’s Adventures with the Police*, 9(4) J. INSTITUTIONAL ECON. 407 (2013).

¹³⁷ V. TARKO, ELINOR OSTROM: AN INTELLECTUAL BIOGRAPHY 64 (2016).

¹³⁸ E. Ostrom, UNDERSTANDING INSTITUTIONAL DIVERSITY 283 (2009).

as the state, but often rules emerge endogenously from within the system to coordinate among groups.¹³⁹ As such, groups are often functionally interdependent.

A common example of a polycentric system is the scientific community.¹⁴⁰ There is no centralized group that is responsible for, and in charge of, scientific advancement.¹⁴¹ No group sets the end goal for science to pursue or determines how it will be sought. Instead, there are many different groups working within science who choose their own means and ends. There is competition to advance scientific knowledge, earn grants, publish articles and books, and influence the research frontier. But, there is also cooperation and coordination. Scientists share papers, organize conferences, fund external projects, and collaborate across universities. The scientific community has groups based in universities, the private sector, and independent researchers, and they operate and interact at the local, state, national, and international level. They vary tremendously in the breadth of topics studied and the size and budget of their operations. Participant motivations vary, including curiosity, esteem of peers, financial benefits, pride, and ego.¹⁴²

Because this system has so much autonomy, there is “wasteful” duplication, overlapping effort, inefficient use of resources, and fruitless investigations. However, consolidating all of these efforts into a hierarchy controlled by a single group would have disastrous effects. It would create tremendous costs of organization. It would run the risk of being taken over by a contingent who would use the resources for its own personal ends. Scientists with heterodox or minority views would be suppressed. The group in charge might error in pursuing the most important scientific ends or the best way of doing so. It would run

¹³⁹ See, e.g., DAVID SKARBK, *THE SOCIAL ORDER OF THE UNDERWORLD: HOW PRISON GANGS GOVERN THE AMERICAN PENAL SYSTEM* 75–103 (2014).

¹⁴⁰ TARKO, *supra* note 137, 58–61.

¹⁴¹ M. Polanyi, *The Republic of Science*, 1(1) MINERVA 54 (1962).

¹⁴² This is, perhaps, an overly rosy view of the scientific community. T. S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (1962). However, it is important to recognize that, by comparison to a fully centralized system, the scientific community works fairly well.

the risk of becoming unresponsive to society's needs or scientists' values. It would look in some ways, in other words, much like the American criminal legal system.

There are several reasons to think that polycentric systems can outperform centralized systems that are dominated by a single group. A major benefit is that it provides greater scope and resources for local groups to influence crime control efforts.¹⁴³ First, community members can devise crime control efforts based on local knowledge of the particular circumstances of time and place, including what are priority enforcement areas and how to navigate neighborhood social dynamics. Second, local efforts can draw on existing social capital to establish legitimacy and trustworthiness in their activities. Third, information about crime and disorder can often be collected more easily by people living in those areas. Most crimes are not reported, but community members are in a unique place to observe crime and disorder. Information also does not take as much time finding its way to the top of a centralized organization. Fourth, local communities often have different and more diverse preferences, values, and knowledge than those who are attracted to higher levels of authorities, so they have a different perspective that can inform their efforts. For all of these reasons, local control and influence will often produce crime control that is better tailored to local needs and preferences.

However, relying only on local efforts would be a mistake as well. Some communities will not organize crime control efforts, and others will fail in doing so. Local efforts might take on a tyrannical nature and lack fair, just, and democratic elements. There is no guarantee against local crime control techniques stagnating or declining. Local actors might lack the resources to carry out large scale trials of social programs or crime control strategies. In which case, it is crucial that there are larger communities and higher levels in operation that they can learn from. The benefits of greater local action does not suggest that we should only rely on

¹⁴³ More broadly, *see* E. Ostrom, UNDERSTANDING INSTITUTIONAL DIVERSITY 281–282 (2009).

local efforts of crime control. Multiple, competing, and functionally overlapping providers of crime control can be more effective and robust than a centralized and consolidated one.¹⁴⁴

While there are obviously many local efforts in use now, the current criminal legal system is not a polycentric system. The state dominates crime control efforts far more than any other actor or groups.¹⁴⁵ There is a vast amount of funding of existing criminal legal practices, from subsidizing the hiring of police to giving away assault rifles and armored vehicles. Federal dollars likewise often set the agenda and priorities. The system of mass incarceration and mass criminalization that exist in the United States today is just one example of the dominance of the state in the current system. This dominance suppresses alternative sources of crime control, and its pervasive impact cannot be avoided.

Nevertheless, even in the face of the American criminal legal system, we see varied, local, and independent efforts to reduce crime. If the state's role in crime control is reduced, there is good reason to believe that these will emerge, develop, and innovate to an even greater extent. Many examples are observable in everyday life. In numerous ways, we all already self-protect ourselves from crime.¹⁴⁶ This can be as simple as walking the longer, safer way home after a night out. It occurs when you bring a cheaper camera on vacation or carry less cash. People buy car alarms and home security systems. Others pay to live in safer neighborhoods, including in well-protected gated communities with twenty-four-hour security. Each of these actions reduces the availability of criminal opportunities.

Obviously, some of these self-protection efforts are not possible for everyone, but they suggest some of the advantages of relying less on state-based policing for crime control. They are voluntarily adopted, not based on state coercion. These choices do not require agreement,

¹⁴⁴ More generally, see B. S. Frey, *Functional, Overlapping, Competing Jurisdictions: Redrawing the Geographic Borders of Administration*, 5 EUR. J. L. REFORM 543 (2003).

¹⁴⁵ E. HINTON, *FROM THE WAR ON POVERTY TO THE WAR ON CRIME: THE MAKING OF MASS INCARCERATION IN AMERICA* (2016).

¹⁴⁶ P. J. Cook, *The Demand and Supply of Criminal Opportunities*, 7 CRIME & JUST. 1 (1986).

consent, or organization from large numbers of people. A single approach does not have to apply to a group of people with diverse preferences, beliefs, and values. Unlike in politics, an individual's choice is often well-informed and decisive. Decisions are likely to reflect an individual's local knowledge and judgement about the costs and benefits of doing so. While there is some concern that self-protection displaces crime onto other people, the evidence tends to suggest that is not a serious problem in most cases.¹⁴⁷

The following subsections identify examples of how the costs of crime can be reduced in a post-abolition society based on technology, social programs, religious communities, and market provision. Offering concrete examples is important for advancing the abolitionist agenda. While we have no compelling cases of complete abolition, we have many examples of non-state crime control efforts that work on the margin. It is valuable to observe and recognize the many ways that this is happening in contemporary and historical examples. These are also often more effective precisely because they are not carried out by the state.

A. Technology

Technology can be used both to commit crime and to prevent it. Nevertheless, there are excellent examples where technology has been tremendously successful at reducing certain types of crime, especially property crime.¹⁴⁸ Consider two technologies that reduce the frequency and cost of stolen automobiles: engine immobilizers and LoJack. The rate of auto theft in New York City has fallen drastically. In 1990, there were about 147,000 reported auto

¹⁴⁷ C. W. Telep et al., *Displacement of Crime and Diffusion of Crime Control Benefits in Large-Scale Geographic Areas: A Systematic Review*, 10(4) J. EXPERIMENTAL CRIMINOLOGY 515 (2014).

¹⁴⁸ Technological advances can also reduce the cost of crime victimization. For instance, improvements in models of automobile accidents can better pool risk across many people, meaning that break-ins that damage windows can be reimbursed with lower social costs overall.

thefts, roughly one for every fifty residents.¹⁴⁹ In 2019, there were only 5,430 reported auto thefts, or about 1 per 1,500 people.¹⁵⁰ That is a fall of about 97 percent in the annual rate of auto thefts. Technology is responsible for a big part of that change. Stealing cars has become far more difficult and less profitable. Starting in the late 1990s, technological changes allowed car makers to equip cars with “engine immobilizers” that make it nearly impossible to steal a car without the actual key. Ignition keys have a microchip that is matched to each specific car. Because these keys are more technologically advanced, they are also harder for potential car thieves to counterfeit.

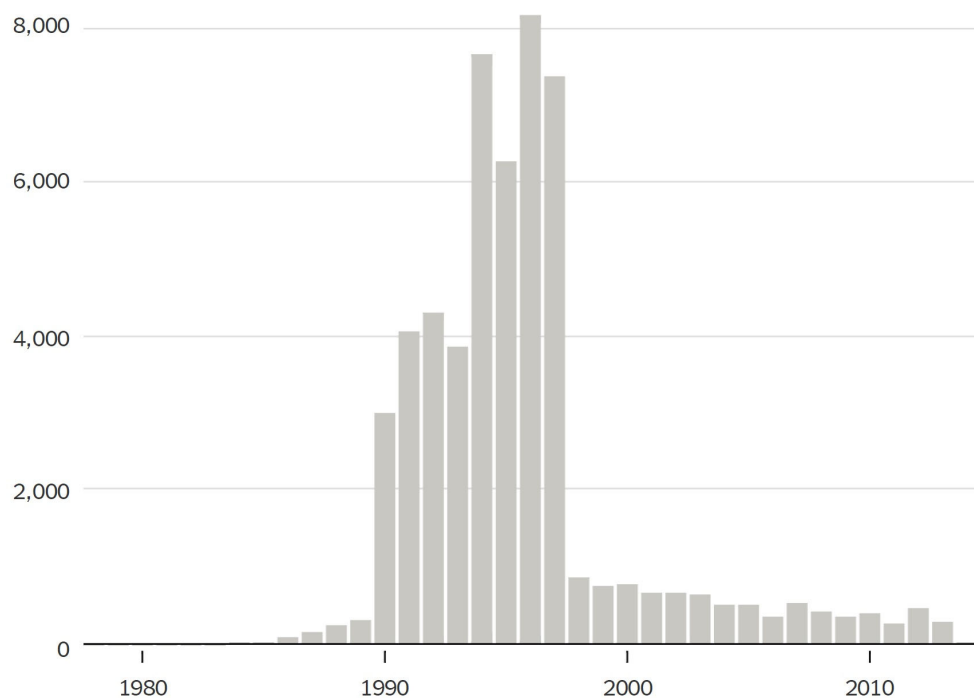


Figure 1: Thefts of Honda Accords in the United States in 2013, broken out by model year.¹⁵¹

¹⁴⁹ Josh Barro, *Here's Why Stealing Cars Went out of Fashion*, N.Y. TIMES, Aug. 11, 2014, <https://www.nytimes.com/2014/08/12/upshot/heres-why-stealing-cars-went-out-of-fashion.html>.

¹⁵⁰ New York City Police Department, Seven Major Felony Offenses (2020), <https://www1.nyc.gov/site/nypd/stats/crime-statistics/historical.page>.

¹⁵¹ Barro, *supra* note 149.

The most commonly stolen car in American is the Honda Accord.¹⁵² In 2013, 1996 was the most common *model year* of Honda Accords stolen (*see* Figure 1). However, the 1998 model year was stolen far less often in 2013 because that was when engine immobilizers were introduced. Older model years are still easier to steal, but they cannot be sold for much so it is less profitable to do so. In New York City, the decline in the number of auto thefts meant that law enforcement could shift the attention of the eighty-five members of the auto theft division to target more sophisticated auto theft operations that could counterfeit the new keys.

Some technologies also generate positive externalities. The LoJack is a device installed in a hidden part of a vehicle that provides information about the car's location to the owner and law enforcement. If a vehicle is stolen, law enforcement can more quickly locate the car, and perhaps prevent it from being destroyed at a chop shop. In many cases, police recover the car and also shut down the shop. One study found that the arrest rate for stolen vehicles with LoJack was more than three times greater than cars without one.¹⁵³ They estimate that deterrence is substantial, such that "one auto theft is eliminated annually for every three LoJacks installed in high-crime central cities."¹⁵⁴ For people who do not have theft insurance, the LoJack is an excellent investment. But most of the social benefit generated by LoJack is that it reduces auto theft more generally. Auto thieves do not know which vehicles have a LoJack, and the inability to know which vehicles do raises the cost and risk of auto theft in general. In fact, the estimated social benefit from installing a LoJack was fifteen times greater than the cost, and LoJack owners received less than 10 percent of these benefits.¹⁵⁵ Private

¹⁵² *Id.*

¹⁵³ I. Ayres & S. D. Levitt, *Measuring Positive Externalities from Unobservable Victim Precaution: An Empirical Analysis of LoJack*, 113(1) Q. J. ECON. 43, 45 (1998).

¹⁵⁴ *Id.*, 45–46.

¹⁵⁵ *Id.*

protection efforts in this case are highly effective and generate positive externalities through deterrence.¹⁵⁶

Even something as simple as improved street lighting can be a way to “fight crime.” In New York City, temporary streetlights were randomly assigned to public housing developments.¹⁵⁷ Improved lighting at night can help reduce crime in several ways. The authors of the study hypothesize that it might be “empowering potential victims to better protect themselves and by making potential offenders more aware that a public space has witnesses or that police are present.”¹⁵⁸ They randomized where the enhanced lighting was located, and also how much more light each location received. They found that introduction of lighting reduced crime (including murder and non-negligent manslaughter, robbery, felony assault, burglary, grand larceny, and motor vehicle theft) by an average of, at least, 36 percent. Moreover, the estimated benefits from improved lighting is likely to be four times greater than the cost of the lighting.

In a polycentric system of crime control, mundane investments and marginal technological innovations can play an important role in reducing the costs of crime. They are tailored to specific needs and locations. In the case of auto security, individuals can choose whether they want the additional protection, and it also does not require political influence or organization. In the case of lights, residents can fund lighting enhancements themselves, but based on the costs, it seems like a clear benefit for government to provide it. Technological solutions to crime tend to also be less politically controversial compared to police and prisons. Few people even notice them.

¹⁵⁶ It is important to note that these technologies depend, in part, on the presence of a state-backed criminal justice system. They are more complements, rather than substitutes. However, a post-abolition world does not necessarily call for the elimination of all armed government officials, and it is likely that something akin to an auto theft division would be in operation.

¹⁵⁷ A. Chalfin et al., *Reducing Crime through Environmental Design: Evidence from a Randomized Experiment of Street Lighting in New York City* (May 2019), <https://www.nber.org/papers/w25798.pdf>.

¹⁵⁸ *Id.*, 3.

B. *Social Programs*

Another way to reduce crime without relying on the police is to make it less attractive to potential offenders by improving their non-crime opportunities and capabilities. In classic economic models of crime, for example, economists argue that the higher the wage available in non-crime employment, the less people will commit crime.¹⁵⁹ An indirect way to address crime—that sociologists and others have long noted—is to enhance social and vocational opportunities to people in high-risk communities. Social programs can reduce the opportunities that people have to commit crimes, but perhaps more importantly, certain behavioral therapies can also help people to exert greater self-control and thus commit fewer criminal offenses.

In a fascinating study in *Science*, Heller studies a jobs program designed to reduce violent crime among disadvantaged youth.¹⁶⁰ She conducted a randomized controlled trial with 1,634 disadvantaged high school youth drawn from thirteen high-violence schools in Chicago. They were given jobs for eight weeks and paid \$8.25 an hour (the Illinois minimum wage). Participants worked in both for-profit and non-profit companies for fifteen hours a week. This included having a mentor, who helped them learn job skills. Some participants were also paid to spend ten hours a week doing social-emotional learning, “based on cognitive behavioral therapy principles, aimed at teaching youth to understand and manage the aspects of their thoughts, emotions, and behavior that might interfere with employment.”¹⁶¹ The study compared outcomes between groups of youth who received the job and the social-emotional learning and a matched set of youth who did not participate in the program.

¹⁵⁹ Becker, *supra* note 91.

¹⁶⁰ S. B. Heller, *Summer Jobs Reduce Violence among Disadvantaged Youth*, 346(6214) *Sci.* 1219 (2014).

¹⁶¹ *Id.*, 1219.

Following up sixteen months later, Heller found that violent-crime arrests fell 43 percent for those who participated, relative to the control group. This amounts to nearly four fewer violent-crime arrests per 100 youth, and this happens largely after the summer jobs program ends. There were no significant changes in arrests for property crime, drug crime, or other crimes. There was also suggestive evidence that these effects were largest for youth with the highest risk of violence. Social and emotional learning that happened during the jobs program helped participants develop “soft skills” that they used to avoid violence, diffuse conflicts, and have better control over one’s emotions.

Cognitive behavioral therapy actually has a fairly impressive influence on violent crime. Three large-scale randomized controlled trials in Chicago tested whether a program called “Becoming a Man” could reduce rates of crime and dropping out of school.¹⁶² The program begins with a simple exercise to teach youth to think carefully about the nature of a social interaction. Participants are paired together and one of them is given a ball. The other participant is instructed that he will have thirty seconds to get the ball from his partner. Nearly all students deploy physical force to try to get it. After the experiment is over, a group leader begins a conversation, asking why the students did not simply ask for the ball. Many students, the authors write, “respond with some version of ‘he wouldn’t have given it,’ or ‘he would have thought I was a punk.’”¹⁶³ But when the group leaders asks the other students how they would have responded if asked nicely for the ball, the typical response was, “I would have given it; it’s just a stupid ball.”

The randomized controlled trial was implemented in disadvantaged neighborhoods in Chicago (with n=2,740 and n=2,064 participants) and in the Cook County, Illinois Juvenile Temporary Detention Center (n=2,693), which holds “high-risk juvenile arrestees.” For the

¹⁶² S. B. Heller et al., *Thinking, Fast and Slow? Some Field Experiments to Reduce Crime and Dropout in Chicago*, 132(1) Q.J. ECON. 1 (2017).

¹⁶³ *Id.*, 3.

first two studies, there were large negative effects from the program, with reductions on total arrests of 28 to 35 percent, violent crime arrests fell by 45 to 50 percent, and arrests for other crimes fell by 37 to 43 percent.¹⁶⁴ They also found an increase in high school graduation rates of 12 to 19 percent. While these effects do not seem to persist after the program ends, these are still incredibly large effects. The study in the juvenile facility found that readmission rates fell 21 percent over the next eighteen months. This intervention is also low cost, less than \$2,000 per participant (and sometimes far less). Compared to the benefits of the crime decline, the benefit-cost ratios range from 5-to-1 up to 30-to-1. This strongly suggests additional investment in the program.

There are already non-crime related benefits from these types of social programs. However, we should also recognize that they generate crime control benefits as well. These types of programs have several distinct advantages. First, there are large effects on violent crime, which is most costly to society. Second, technological advancements have done fairly well at reducing property crime, but it is not obvious that it can affect violent crime as easily. If cognitive behavioral programs like these work, then it should increase our confidence in the ability of non-police solutions to violent crime. Third, these programs are relatively cheap compared to more traditional crime control choices. A sworn police officer costs about \$130,000 per year. That could fund at least 650 more participants in a Becoming a Man program. These types of trade-offs should guide spending on reducing the costs of crime. Finally, the diversity of approaches to reducing the cost of crime allow for experimentation and learning. For example, a meta-survey of sixty-nine studies of treatment programs for those in prison, jail, on probation, or on parole found that cognitive-behavioral interventions reduce recidivism rates more than standard behavior modification approaches.¹⁶⁵ In a polycentric

¹⁶⁴ *Id.*, 4.

¹⁶⁵ F. S. Pearson et al., *The Effects of Behavioral/Cognitive-Behavioral Programs on Recidivism*, 48(3) CRIME & DELINQ. 476 (2002).

system of crime control, there can be a proliferation of social programs like these that are targeted at reducing crime by improving opportunities and capacities.

C. Religious Community

Religious communities are another obvious source of non-state crime control. Members of a religious community often tend to care about each other, and this could extend to wanting to help make their neighbors and neighborhoods safer. Many religious groups are tightly-knit. They have already created rules and norms that encourage people to contribute by filtering who joins and imposing rules that make non-church activity more costly.¹⁶⁶ They have already overcome the challenge of organization and already serve people with many different social problems (homelessness, alcohol and drug abuse, poverty, etc.), so it should be relatively low cost to turn their attention to community safety. Members of a religious community likewise share values and beliefs, which will reduce the cost of making choices about what to do.¹⁶⁷ They sometimes have a large amount of social capital to draw on and extensive social networks to help organize. In some places, churches have deep roots in the community. This can provide a sense of legitimacy in their crime control efforts.

There are many indirect ways that religion might reduce the costs of crime. One obvious way is that when their spiritual mission is successful, people will presumably commit fewer crimes. But, they can also organize in much more formal and direct ways. One interesting example in operation today are the Shomrim, a type of neighborhood watch group that operates a civilian patrol in Haredi Jewish neighborhoods, and they have a significant presence in New

¹⁶⁶ L. R. Iannaccone, *Sacrifice and Stigma: Reducing Free-Riding in Cults, Communes, and Other Collectives*, 100(2) J. POL. ECON. 271 (1992).

¹⁶⁷ G. A. AKERLOF & R. E. KRANTON, IDENTITY ECONOMICS: HOW OUR IDENTITIES SHAPE OUR WORK, WAGES, AND WELL-BEING 11–12 (2010).

York City and central London, among other places.¹⁶⁸ Their goal is to deter assault, burglary, domestic violence, robbery, and vandalism. The size of these patrols range from a few dozen participants to more than one hundred people. They are not armed with guns, batons, pepper spray, or handcuffs.¹⁶⁹ Instead, they can only follow suspects, call the police, and make a citizen's arrest. One member explains, "Our role is to try and get the police to an incident as quickly as possible and make sure they apprehend the perp or address the problem."¹⁷⁰ They typically communicate with each other with walkie-talkies, and they also have a twenty-four-hour dispatch service whose number is known in the Jewish community. In Brooklyn, one Shomrim group reported responding to about one hundred calls a day.¹⁷¹ Some people believe they respond faster than the police, and one Brooklyn-based Shomrim boasts, "We have a faster response than the police, about a minute and a half."¹⁷² He likewise explained that if a suspect is fleeing in an automobile, they can call on the community to block streets and bridges. Likewise, a Shomrim group in London claims a typical response time of two minutes, compared to eleven minutes for the London Metropolitan Police.¹⁷³ They report that fifty members are on-call twenty-four hours a day. Some of their members have participated in some police training and they receive about three hundred calls a month.

While some people have raised concern that Shomrim are biased against people who are not Jewish, Shomrim groups claim to respond to crime calls from all residents.¹⁷⁴ They typically patrol in unmarked cars, waiting for a call from their dispatcher in an area. To some

¹⁶⁸ Corey Kilgannon, *In Protecting Hasidic Neighborhoods, Squads Patrol Without Guns or Badges*, N.Y. TIMES, Sep. 3, 2010, <https://www.nytimes.com/2010/09/04/nyregion/04patrol.html>; R. Rosen, *Meet London's Strictly Orthodox Crime Busters*, JEWISH CHRONICLE, Jun. 17, 2011, <https://www.thejc.com/lifestyle/features/meet-london-s-strictly-orthodox-crime-busters-1.24014>.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ Rosen, *supra* note 168.

¹⁷⁴ A. Johnson, *Neighborhood Watch: Invading the Community, Evading Constitutional Limits*, 18 U. PA. J. L. & SOC. CHANGE 459, 464 (2015).

degree, they are an organized and visible presence, including wearing distinct Shomrim clothing. Volunteers do not receive payment for their participation, and most Shomrim are funded based on voluntary donations, though a few receive some government support. In Brooklyn, volunteers must have a background check before joining. A police spokesperson explained, “These are citizen volunteers . . . and so there is always the concern that they keep their own personal safety in mind and that their mission is to kind of be eyes and ears, and radio for the police or call for the police, particularly if there is a dangerous situation.”¹⁷⁵ Nevertheless, the police typically coordinate with Shomrim, and Shomrim notify the police when they respond to a call.

Unfortunately, we do not have estimates about how much they deter crime, like we did with the technology and social programs discussed above. However, the example of the Shomrim still offer several lessons. First, as a practical matter, private patrols organized by religious communities are possible, and based on observational evidence, are of value to many residents. Second, it is an example of the functional overlapping and coordination that exists in a polycentric system. That is, they perform a similar role to police but are independent from them, but they also work with police when they believe a suspect should be arrested. Third, it shows how local crime control efforts can respond in a tailored ways to communities with specific values. In London, for example, Shomrim groups reportedly formed because of low-reporting rates for crimes against members of the Orthodox community, often because of language barriers.¹⁷⁶ Finally, as in polycentric systems more generally, they have developed rules to coordinate their crime control effort with other groups, such as the local police department, in a way that appears to make both groups more productive.

¹⁷⁵ Kilgannon, *supra* note 168.

¹⁷⁶ Rosen, *supra* note 168.

D. Market Provision

In a polycentric criminal justice system, market provision by profit-oriented businesses will play a role too. There are currently a wide-range of options available for purchase, that span from simple and affordable ones (like bike locks, passwords on our phones, and pepper spray) to more complex and expensive options (like home security systems, gated communities, or private security guards). Residential video monitoring is now commonplace. Anti-auto theft devices come as standard features. Cellphone apps allow people to monitor the location and safety of friends.¹⁷⁷ According to the U.S. Bureau of Labor Statistics, in 2018, there were 30 percent more private security guards than police officers and detectives (1,154,300 and 808,700 respectively). One industry report estimates there are between ten thousand and fourteen thousand private security companies operating now in the United States.¹⁷⁸ In other words, there is already heavy reliance on private policing. Security services like security guards are often bundled with other purchases, such as homes in a particular neighborhood or attendance at a university, thereby resolving any concerns about the problem of public good provision.¹⁷⁹

It is important to note up-front that market provision raises the concern that some people will not be able to afford some or all of the solutions provided by markets. However, in a post-abolition world, there will be a significant amount of funds freed up from government use, and these could be distributed directly to people to spend on these types of goods and services. It is also appropriate to note that poor people today are woefully under-served by

¹⁷⁷ There are many historical and contemporary examples of private policing services. EDWARD STRINGHAM, *PRIVATE GOVERNANCE: CREATING ORDER IN ECONOMIC AND SOCIAL LIFE* (2015); Edward P. Stringham, A Report on the Patrol Special Police and Community Safety in San Francisco (Dec. 21, 2009), https://www.independent.org/pdf/working_papers/74_privatepolicing.pdf.

¹⁷⁸ Signal 88 Security, *Private Security Industry Outlook* (Jan. 8, 2019), <https://blog.signal88.com/franchising/private-security-industry-outlook>.

¹⁷⁹ Koyama (2012), *supra* note 21.

state-based policing. Even if market provision within a polycentric system is not ideal, it need only be better than the current system for us to prefer it. In this section, I discuss several desirable aspects of the market provision of crime control services that are superior to state-based provision. They also offer benefits that are distinct from the other non-state crime control efforts previously discussed.

State-based policing allocates its resources based on waiting, political influence, and discrimination. By contrast, market based crime control services are allocated by willingness to pay, and this actually offers several distinct advantages, especially when compared to political decision making.¹⁸⁰ In a market, a consumer's choice is decisive. Whatever she chooses, she gets. This increases the incentive for a consumer to be informed about the quality of the product relative to alternatives. This is also far more direct than the uncertainty involved with voting and whether a politician will actually implement the policy that a voter prefers. Choices are also made only for the person choosing, rather than choosing for the entire community. This reduces the likelihood, for example, of urban residents living under a policing strategy determined by suburban voters. Often, if a consumer does not like her choice, she can choose again immediately. She does not have to wait several years for another election. This allows experimentation across crime control options. In many ways, consumers can compare the per-unit price of a good or service, conditional on quality, across existing alternatives. Prices make it easier to compare the value of alternatives. As a result, consumers have a large incentive to acquire information and make better decisions.¹⁸¹

Consumers can also use the reputation of a firm as a source of information. Business owners, acting as residual claimants, have an incentive to reduce costs so that they increase

¹⁸⁰ J. M. Buchanan, *Individual Choice in Voting and the Market*, 62(4) J. POL. ECON. 334 (1954).

¹⁸¹ Some people believe that Tiebout competition is an effective check on police quality, but I doubt that the switching costs are genuinely low enough for that to be true. C. A. DeAngelis, *Police Choice: Feasible Policy Options for a Safer and Freer Society*, 10 LIBERTARIAN PAPERS 179, 180 (2018). However, one advantage to market based crime control is that switching costs are much lower.

profits. However, they cannot sacrifice quality too much or consumers will find alternatives. A reputation for high-quality products at a reasonable price also attracts customers. In this way, the reputation of a firm means that consumers can make rational choices between alternatives, even before experiencing the good or service. Unlike with state-based crime control services, in markets, customers can exercise exit and voice. There are clearly cases of private firms failing to fulfill customer's desires, but the ability to switch providers is far easier in markets than with state-based policing, which should make them more responsive to people's needs.

From society's perspectives, prices also provide knowledge about the relative scarcity of different goods and services.¹⁸² As prices rise, consumers have an incentive to look for lower-cost alternatives, while producers have an incentive to increase supply. Importantly, neither buyers nor sellers need to know why some resource has become scarcer to change their behavior. There is also no need for explicit organization to coordinate a response. Markets can obviously fail, but when they work well, price signals combine information and incentives in a way that tends to allocate resources relatively effectively. Markets also have the additional benefit of being a lower cost method of allocation. The costs people often bear when allocation is based on waiting, political influence, and discrimination are socially wasteful. With allocation by price, the money that is a cost to one person is a corresponding benefit to someone else. Instead of a social loss, price-based allocation is a transfer.

Market allocation also helps distribute resources to where they can produce the most value. For example, individual car owners can decide whether or not to install an anti-theft device, like a LoJack. People with older cars will be less likely to do so, leaving them available for use by people with nicer cars. Markets provide discretion and flexibility. With policing, residents have little ability to decide how and how well police protect their neighborhoods. Residents on a street with both expensive cars and cheaper cars receive the same amount of

¹⁸² DeCanio, *supra* note 52.

crime control regardless, and it still might be that the former does not have enough and the latter has too much. Neither has discretion to change this. Customers can often tailor their purchases to their own needs. Private companies are also more likely to be innovative than state-based police. Bureaucracies are less innovative than firms because competition does not force them to be. Private security companies—and more generally, any firm that produces goods and services for crime control—have to outcompete other existing options. Police, by contrast, are not normally faced with a credible threat of closure if they do not serve the community well.

Another advantage of market-based crime control is the variation in the quality of the service. Low quality goods are part of the optimal stock of goods. Sometimes it is inefficient to pay for highly skilled workers. A private security guard's main job might simply be to watch a warehouse or factory. The main skills needed are to be awake, to watch, and to call police if needed. They watch to prevent crime rather than chasing calls. This requires less education and training, and fewer resources than police officers require. According to the U.S. Bureau of Labor Statistics, the 2018 median pay for police and detectives was about \$65,000 per year, but for security guards it was just short of \$30,000 per year. In many cases, the security guard can provide just as much deterrence as a police officer does.

In other environments, security needs will be greater and customers will require protection services that are both more sophisticated and more expensive. It makes sense, for example, that museums and galleries have expensive security systems. They hold items of tremendous value. Likewise, security at a nuclear power station will be more skilled and expensive than a warehouse guard. In many kidnap-for-ransom cases, negotiators are highly skilled, specialized, and knowledgeable about a very specific type of crime.¹⁸³ Nevertheless, a market for insurance effectively coordinates these experts, keeps ransoms at a low level, and

¹⁸³ A. SHORTLAND, *KIDNAP: INSIDE THE RANSOM BUSINESS* (2019).

brings back nearly all hostages safely. With market provision, customers have greater choice over quality and they can tailor their service more closely to their need by choosing among specialized providers.

While there is always a concern that people with less income will not be able to afford sufficient levels of security, non-state provision can actually be relatively advantageous to them. To some extent, poorer people can still pool resources to purchase cameras, hire a security guard, or move to a safer neighborhood. By contrast, if security is allocated by political influence, there is much less opportunity to do so. If they have no political influence, then they are effectively barred from demanding more resources.

Markets can, and often do, fail to provide quality goods and services to consumers. However, when that happens people can find alternatives. With state-based policing, that is not the case. Not only is there no direct and swift way to get better policing, but the police have the unique *de facto* ability to prey on residents through police brutality and corruption. A private security guard at a local store might do a poor job or the corporation that employs him might charge more than a fair price. But, if he injured or killed a customer or employee, he would be fired and arrested. When police harm or kill innocent people, they are often not fired and are rarely charged with a crime. The severity of harm caused by government failure is actually far greater than the costs that arise when markets failure.

VI. CONCLUSION

There is perhaps no greater responsibility that the state has than to maintain the safety of its residents. People should also be safe from state actors themselves. The current failure of many aspects of American policing is evidence that the state has failed to accomplish this bare minimum. In this article, I have argued that the market failure justification for state-based crime

control—and policing in particular—is unpersuasive. Moreover, these arguments overlook the many ways in which government failure plagues policing, such as policing to benefit themselves rather than responding to community safety needs. The state’s dominant role in crime control also distorts, undermines, and prevents better alternatives that can more effectively serve communities of all kinds. I propose a framework based on debundling those aspects of policing that are most pernicious, including addressing social problems, excessive fines and fees, abuses of civil asset forfeiture laws, militarization, and the drug war. Since police do play an important role now in deterring crime, an abolitionist vision needs an alternative institutional framework to address problems of crime. I offer a polycentric theory of crime control that takes advantage of formally independent but functionally interdependent groups that compete and coordinate to provide crime control services. I then discuss existing examples based on technology, social programs, religious communities, and market provision.

This article is not a practical plan for defunding or abolishing the police. I do not claim that this project is politically likely or feasible. There is a large group of people who have a vested interest in the criminal legal system that currently we have. The United States has nearly sixteen thousand police departments, and their members will organize quickly and effectively to prevent major change. Policing is also highly localized, meaning that it is actually more difficult to abolish policing in one fell swoop. While I recognize these political challenges, there is value in acknowledging and developing a better understanding of the abolitionist vision. Yet, whereas abolitionists often invoke a radical imagination, in this article, I have aimed to exercise a *constrained* imagination. It is constrained by—what I see as—the best theories, arguments, and evidence in the social sciences about policing and crime. I do not know how close to the abolitionist ideal society can reasonably get and how soon. However, given the many widespread failings in American policing, we should continue to unpack ways of reducing the cost of crime that do not require a state-based police force.