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Unresolved: American Policing

Guests:

Paul Butler, Jason Johnson, Rafael Mangual,
Sue Rahr, Vikrant Reddy
Moderator: John Donovan

Motion: We Should Defund the Police

Winner: **Yes**

Yes: **+2.37%**

No: **-2.37%**

Motion: Police Unions Do More Harm than Good

Winner: **Yes**

Yes: **+3.94%**

No: **-3.94%**

Motion: The Police Have Become too Militarized

Winner: **No**

Yes: **-2.36%**

No: **+2.36%**

Start Time: (00:00:00)

John Donovan:

This is Intelligence Squared U.S. And I'm John Donovan, your host and moderator for this virtual digital debate. And tonight's theme, unresolved, American policing and our deliberate use of that word, unresolved, signals our determination that there is so much to dig into here.

There are so many disagreements, so many crosscurrents, that instead of arguing a single resolution, as we usually do, we will argue a series of resolutions, one after the other, and then we will have five debaters, each one flying solo, taking a yes or no position on each of those resolutions. Among the many issues that are dividing us today is how we all see the police. One set of American kids is raised to think the policeman is your friend, and another set of kids, at some point in their childhood, are given what is called "the talk," and that's the warning that cops can be dangerous for them, so you got to be careful around them. George Floyd's death has split that gap wider open than ever before, the largest ever protests calling for overhauling how policing works in the United States.

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But against that we're hearing from counter-protesters, Blue Lives Matter, arguing that police

departments require public support in the challenging kind of assignments that society gives the cops to do. So there is a lot being debated around policing, and that is what we are about to do now. But before we get to our debate, we are going to ask you, our live audience, to take part in this debate by casting your vote on our resolutions, and here's how you're going to be doing that. If you're using our chat, you'll see a link to vote coming from one of our producers right now, and you just click on that link, and by the way, if you don't see it, you don't have to worry; you can also go to a web browser and type in IQ2US.org/vote. That's IQ2US.org/vote. All right, so let's have you vote on our four resolutions; it's going to go like this. Our first resolution, we should defund the police.

00:02:01

Next, police unions do more harm than good, yes or no? And finally, the police have become too militarized. I want to let you know we're going to have you do this all over again after you've heard the arguments to see where you stand, so that we can see who moved your opinion from one side to the other. So let's meet those five debaters. Now, first, let's welcome Paul Butler. Paul, you're an author and a scholar and a law professor. You were a progressive federal prosecutor. You are also an alumnus of our series. So, Paul Butler, welcome back to Intelligence Squared, U.S..

Paul Butler:

Great to be here. I'm a recovering prosecutor now.

[laughter]

John Donovan:

Okay, I think we'll hear more about what you mean by that. Our next debater I'd like you to meet is Jason Johnson. Jason, welcome to Intelligence Squared. You're a former police executive. You currently serve as president of the Law Enforcement Legal Defense Fund. I want to say to you also, welcome to the program.

Jason Johnson:

Thanks for having me.

00:03:00

John Donovan:

Next, Rafael Mangual. Rafael, you are a criminal justice scholar at the Manhattan Institute. You were also recently appointed to serve on the New York State Advisory Commission on the U.S. Commission on Civil Rights. Thanks so much for joining us.

Rafael Mangual:

Thank you so much for having me. It's a pleasure to be here.

John Donovan:

And Sue Rahr. Sue, from law enforcement, you served as sheriff of King County. That's in Washington State, and it encompasses Seattle and the surrounding area. You also served on President Obama's Police Reform Commission. Thanks so much for being part of this debate today.

Sue Rahr:

Thanks for having me. I appreciate it.

John Donovan:

And I'd like to also introduce Vikrant Reddy. Vikrant, you are a senior fellow at the Koch Institute. You're an expert on criminal justice reform. It's what you have devoted many years of study to. And it's great to have you and your expertise with us. Vikrant, thanks for joining us.

Vikrant Reddy:

It's a delight to be here. Thank you.

John Donovan:

And to those of you who are watching, I don't want -- I want to have you not forget that you can still cast your pre-debate vote on all of these resolutions, all of these motions right now.

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You can check our chat right now for the link to cast your pre-debate vote. If you don't see the link, you can go to a web browser, go to IQ2US.org/vote, and you will get the prompts to vote there. And to remind you again of how this will be working, we're going to be going through a series of resolutions, one at a time. For each resolution, the debaters will declare a yes or no. And then each debater will have 90 seconds to tell you where he or she stands. And we're going to be working through this, through the debaters, in alphabetical order. Let's start our debate then. Let's move to our first resolution. And it is the three word protest cry that's been heard around the nation, "Defund the police," and those three words actually comprise our first resolution. Kicking off this first round for his 90 second opening statement on the resolution, Paul Butler, on statement, we should defund the police. Do you say yes or no?

00:05:01

Paul Butler:

Yes. We should reallocate the billions of dollars that taxpayers currently spend on policing to programs that are proven to keep communities safer and citizens healthier.

Nine out of 10 calls that police get are for nonviolent encounters. Often people with guns and clubs and the power to arrest make things worse, not better. If people call the police because of a problem in a relationship or a beef between neighbors or because of a mental health crisis or someone who's suffering from addiction or homelessness, the guns, the pepper spray, the batons, the handcuffs, they don't solve the problem. There are a lot of myths about police, including that they solve crimes. The police don't solve the vast majority of crimes. People know that if you call 911 and say your iPhone is stolen, the cops aren't going to find your iPhone. What a lot of people don't realize is that's true for most crimes.

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Seventy percent, 70 percent of robberies, 70 percent of rapes are not solved by the police. Forty percent of murders aren't solved. One consistent finding in social science is if we want to reduce crime, education equity and establishing jobs is the best approach. So defund the

police recognizes that shifting resources to community programs for violence prevention or mental health treatment and providing housing to homeless people is a better use of resources than the billions of dollars that are now spent on policing.

John Donovan:

Thank you, Paul Butler. Next to argue yes or no on the resolution, we should defund the police, Jason Johnson. Jason, are you yes or no?

Jason Johnson:

I'm a no. And there are three principal reasons. One is that police are a critical component and an irreplaceable component in the public safety team to provide safety to the public at large. We know that when police are marginalized or unable to do their jobs to the full extent that crime tends to go up -- this year, for example, homicides nationwide are up almost 15 percent.

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In selected jurisdictions like in New York this year, arrests are down 55 percent and homicides are up 45 percent. In Chicago in 2016 after their stop and frisk agreement with the ACLU, arrests went down 24 percent; homicides up 59 percent in Baltimore after the Freddie Gray riots, arrests down 28 percent, homicides up 55 percent. Clear connection between police activity and violent crime. Reason number two is reform. Police reform, which is something people of goodwill on both sides of the issue agree is good to one degree or another. Reform is expensive. It does cost money. It does not come for free, training police officers to a new standard, whether it's the escalation or addressing mental health issues or anything else. If we're going to have police officers, we are going to have to change to one degree or another how they operate. That costs money.

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Number three is the communities that are most impacted by this proposed defunding don't support it. Gallup poll in June and July of this year found that 81 percent of African Americans and 83 percent of Hispanic respondents to a poll did not support reducing the amount of police presence in their communities.

John Donovan:

Thank you, Jason Johnson. Let's move on to our next debater on the question, defund the police. Rafael Mangual, you are up next. Do you say yes or no on we should defund the police?

Rafael Mangual:

I say absolutely not. And I say that for the most obvious reason that you can think of, something that Jason just touched on, which is that doing so will significantly reduce the capacity of law enforcement to keep crime and disorder at bay in the United States of America. And that is a failure whose consequences will fall disproportionately on black and brown communities throughout the United States, which is something I think we ought to keep in mind because it is in those communities' names that we hear that that call to defund the police exclaimed. Now, America's actually already gotten a taste of what less police looks like, and it's not pretty.

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Consider, for example, that Sunday, May 31st was the single most violent day in the city of Chicago since that city started keeping track in 1961, with 18 murders committed over the span of just 24 hours, nearly all of them on the city's south and west sides. Now, why this is noteworthy? It's noteworthy because May 31st was a day in which, rather than proceeding with normal weekend deployments and patrol activity, Chicago police were overwhelmed by riots as a result of the George Floyd incident. Those riots erupted throughout the city, causing police to redeploy their resources away from problem neighborhoods. And we have some support for this in the reporting, right? Father Michael Pflieger, a noted police critic in the city of Chicago, told the Chicago Sun Times that particularly that Sunday, he heard people saying all over [unintelligible], "There's no police anywhere. Police are not doing nothing." Now, while that's an extreme example, what that day in Chicago demonstrated is a longstanding principle of criminology expressed by the routine activities theory of crime. Police are the most obvious form of capable guardians that we have and reducing their capacity to do their job will cause significant harm.

00:10:04

John Donovan:

Thank you very much, Rafael. Our next debater taking on this resolution will be Sue Rahr. Sue, as I said, you served as sheriff of King County. You have a law enforcement perspective in general. We'd like to hear what you have to say on this resolution. Should we defund the police? Yes or no?

Sue Rahr:

If defund means to eliminate the police, absolutely, unequivocally, no. If it means reducing or diverting their funding to social services, my answer is not yet. We must learn from the cautionary tale of the deinstitutionalization movement of the 1970s when funding was cut for mental health institutions. The theory was that we should get patients out of the inhumane institutions and they should be treated in their communities. The theory was well intentioned but not well implemented because the infrastructure was not in place to deliver services and the money didn't follow the need. To this day, we still don't have an adequate system in place to manage and provide treatment for addiction and mental illness.

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So it won't work to simply move the money from one system to the other. The reason police respond to calls involving homelessness, drug use, and mental illness is because we're the only ones that answer the phone 24/7 and show up. By the time people call police, the problem is out of control and often too dangerous for an unarmed social worker to respond. We are not like the fire service who intentionally took on the role of emergency medical services. We simply inherited the system failures of other institutions. We should not look at this as an either/or. To quote one of my heroes, Tucson Police Chief Chris Magnus, "You have to get the right problem into the right hands and then the hands have to work together."

John Donovan:

And our final debater on this resolution with an opening statement, Vikrant Reddy, on the resolution, defund the police. We should defund the police. Are you yes or no?

00:12:00

Vikrant Reddy:

I'm a no, assuming that we're speaking English and assuming that defund means what any rational English speaker would think it would mean, which is to say that we take the money away and we, more or less, make the institution extinct. That would be ludicrous. We have human nature. It's reality. And if you have human nature, you're going to have incidents of violence. That story is as old as Cain and Abel. You're going to have to have law enforcement to handle those kinds of incidents; that can't go away, period. Now, having said that, I have a hunch that a lot of the people who say defund the police actually mean something different with that word. They probably mean something more like transform the police. They probably mean we should think seriously about whether or not law enforcement is the best way to handle things like mental illness or drug addiction or even traffic. It's not clear to me, just, for example, that an armed agent of the state, somebody carrying a gun, is the right person to walk up to you and alert you that you have a busted tail light. That might be doing more harm than good because it's causing the police to be seen as harassers rather than as helpers.

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So if that's what we mean by defund the police, if it's a transformation, then I'm interested in that idea. I think that's worth a very serious conversation. But I do wish that the people who are behind this kind of defund language would have a little bit more clarity when communicating with the American people, because I think they would actually get a lot more support.

John Donovan:

Okay, Vikrant, thank you for your opening statement and thank all five of your opening statement.

We have just heard opening arguments on the resolution, we should defund the police, and now we're going to give our debaters a chance to respond to one another. We have -- we have one, clear, clearly stated yes; we have three no's; and we have, from Sue Rahr, a sort of "it depends what we mean by it" kind of answer. And I -- and I see in the statements so far that there is a sort of seeking clarity. "Well, what do we mean by defund?" And Paul, I go to you because you took this the most unambiguous position of, yes, let's defund the police. What do you mean by it?

00:14:05

And do you mean what some of your fellow debaters have suggested? The phrase seems to mean, let's get rid of police departments entirely. Is that what you're actually recommending?

Paul Butler:

Defund the police is a slogan. It's a chant that people in the movement for black lives have used to demonstrate our concern with police brutality, violence. As a policy, what defund the police means to me is reallocating the billions of dollars that go into policing, into programs that actually are proven to make communities safer. So it doesn't mean that there is not a role for some law enforcement officers, including people with guns, to occasionally respond to especially dangerous situations. All I'm doing is recognizing what even President Trump

recognized in his executive order, where he acknowledges the need for first responders who are equipped to deal with the psychological and mental health drama and trauma that is usually the reason that people call the police.

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John Donovan:

So, again, just to zero in a little bit, would you -- when you say defund the police by the billions, if there's a theoretical police department operating the way police departments operate today, let's just make the number easy, has \$100 billion in funding. Would you see most of that going away or a small portion of it going away? Just to give a sense of the proportionality of what you're talking about?

Paul Butler:

You know, I look at what cities like Los Angeles are doing, where it took \$100 million away from the LAPD to programs for minority communities, San Francisco, Baltimore, P.G. County. All of those are reallocating large sums of money doing things like taking police out of schools.

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My mother was a third grade teacher. She says she doesn't need somebody with a gun and handcuffs and the power to arrest to make kids do right. She knows how to that, so again, what we're thinking about is getting the people who are the best at dealing with a situation. And that's usually not the men and women with guns and batons and pepper spray and the power to arrest.

John Donovan:

All right. So you're talking about -- if you're using the example of Los Angeles, 100 billion is a significant number, really significant number. So let's take -- I want to take that to Rafael. That's a significant number. That is -- that is a profound reorganizing of what the police would do. What is your reaction to that?

Rafael Mangual:

My reaction to that is that we know just by simple economics what that means, and that means a reduced capacity for police to do what it is that they're doing. It means that they are going to have to triage their decisions, which calls to take in which order, how much to divert away from proactive investigation.

00:17:05

Right? When we talk about what's proven to work and what I'm hearing is a kind of sense of we ought to be ignoring the extremely large body of evidence that shows that having more police, better funded police in communities does an incredible amount of good. Right? We have several studies. Alex Tabarrok, for example, did a study showing that during high alert terrorism seasons back in Washington, D.C., there were floods of cops in two public spaces along the National Mall. That created a natural experiment that showed us that the mere presence of those police resulted in statistically significant reductions in crime. If we start to divert police resources away, we will inhibit their ability to be on foot patrol, to be proactive in their investigations, also to arrive at calls in a timely manner, which we know is actually

associated with higher rates of clearance. Yes, it's true that the police do not clear most of their cases.

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But if we were to reduce their funding and if not eliminate it, what that is going to do is just drive that lack of clearance rate higher.

John Donovan:

Jason, what's your response to what you're hearing so far and the flow of the debate?

Jason Johnson:

Yeah, I agree with what Rafael just laid out with respect to the amounting body of evidence that increased police officers in any public space or really in any part of the city that is challenged with crimes has been shown to reduce crime. And then that's been well-documented. And I would just respond to Professor Butler, clearly, as many do have concerns over the prospect of there being issues with police brutality, issues with police, professionalism, issues with police conduct of all kinds. And to say that we're going to respond to that by cutting funding to police is a little bit like saying if we have a problem with medical malpractice, that we're going to cut funding to institutions that train medical professionals. I mean, the funding is what law enforcement organizations depend on in order to reform themselves, in order to develop better practices, in order to implement better training, in order to build systems of accountability.

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These things are not free and they are actually quite expensive for any agency that's been through a transformative process like that. So I would just say that I -- you know, I certainly agree that there are elements of what have become part of police work that are more appropriate for other professionals. No one can disagree with that. But in many cases, you're going to also have law enforcement involved. Some of these situations are dangerous. They may involve mental health issues, but they also may involve people who are armed and capable of harming a social worker who's unable to protect themselves. So you still are going to have to have law enforcement involved, even if they're taking a bit of a subordinate role. I don't think anyone disagrees with that. I think what we -- I think the real disagreement is that that is called defunding. It's not defunding. It's actually spending more money on law enforcement, coupled with these additional social services to address homelessness, addiction, mental illness, domestic violence, traffic, you name it.

00:20:02

John Donovan:

Okay. Vikrant, I want to bring into the conversation and again I --

Vikrant Reddy:

And again, because I actually wanted to jump in and make a point about something, John, if you don't mind. There have been some references to these studies that show that more police means more public safety. And this is true; more police on the streets means more public safety. But these studies also show diminishing marginal returns. So it's not true that if you just keep adding more and more and more police, you get the equivalent amount more and

more and more public safety. It might be true that you could reallocate some of those dollars to different kinds of things and get more public safety that way. Let me -- perhaps that sounds garbled. Let me say this a little bit differently. We know that more incarceration can, up to a point, produce more public safety, but that too produces diminishing returns. So at a certain point, instead of incarcerating so much on the back end, you would put more police on the streets on the front end. Apply the same kind of logic to police officers; police officers more and more produce public safety up to a point. Beyond a certain point, it makes more sense to allocate funds to things like those sorts of things we've been talking about: drug addiction, mental health, homelessness, all of those things.

00:21:06

[talking simultaneously]

Paul Butler:

I live in Washington, D.C., a city that has more police officers per capita than any other big city. Yet D.C. has a higher unbury than many cities that have significantly fewer officers. Everybody knows that just putting people with guns on the street in uniforms doesn't make communities safer. In fact, to talk about diminishing returns, when you get the level of policing that we have in black and brown communities and the violence and abuse that's associated with it, people don't want to cooperate. It makes people not like really government, because at this point, African American communities are so overpoliced that the police are the government. For most young black men, they're the primary manifestation of the state in their lives.

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And if you talk to those young men, they don't think all those cops make them safer. They think that they make them less safe.

[talking simultaneously]

John Donvan:

Rafael, you go, and then I'm going to come to Sue. Go ahead, Rafael.

Rafael Mangual:

Yeah, I would just reiterate the recent Gallup poll that actually looked at specifically black communities and how they felt about defunding the police and just remind Professor Butler that there was majority opposition to that proposal, specifically within the black community. So I don't think it's right to say that those communities view police with that kind of suspicion across the board. There certainly is some of that. I also just want to address a couple of things here. We talked about diminishing returns, and I think that's certainly a possibility. However, I don't think we're anywhere close to there yet. Over the last few years, the United States is actually seen a significant amount of de-staffing in its police forces around the country. The Police Executive Research Forum in 2013 put out a report noting that the plurality of responding police departments to a survey that they put out reported difficulties with recruiting and retention.

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This is a problem that we've been seeing a tick up again as of late, especially in New York City where the NYPD actually had to put a cap on the amount of retirements that could be filed for in a given week. In terms of the per capita policing argument, just because a city has a high per capita rate of police, that doesn't necessarily mean that they are adequately policed. Right? You can have the same kind of per capita rate in two different jurisdictions, but one jurisdiction is more geographically sprawling than the other, which means that policing that larger geographical space actually has higher transaction costs, such that the same amount of per capita staffing doesn't really matter all that much. When we talk about whether communities are over policed, again, there's been some empirical work on this. I would point the panelists to a study done by Aaron Charlton and Justin McCreery. It asks specifically the question, are U.S. cities under policed? And in fact, what they found was that the answer was yes. And really what they found was that for every single dollar spent on police, there was a \$1.63 return in social benefits.

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And so --

John Donovan:

All right, Rafael, let me interrupt you again because you made quite a few points. And I want to let your fellow panelists respond to some of it, and Sue, again, I want to remind people that at the outset of this round of the debate, you were sort of yes or no, depending on the situation. But jump in with that context.

Sue Rahr:

Right, okay. I guess what I would say is I don't think that we're going to resolve this argument by looking at statistics. I think we need to look at the argument itself. Police are like the emergency room in a medical model. And I think social services are like preventative medicine. And we're talking about, should we have one or the other? They have distinctly different functions. And if you shut down the emergency room, you're going to eliminate a critical piece of medical care. You have to have both. We just have to find the right balance between the two.

John Donovan:

Paul Butler, what --

Paul Butler:

But the emergency room is providing bad medicine. It's not actually making communities safer. If you want to talk about Chicago and talk about policing there, well, what about before the police are apparently deployed to solve -- to go after all these protesters?

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What about -- what's normal policing like in Chicago? Normal policing is like, for a shooting that doesn't result in a homicide, 20 percent or lower clearance rates. With all these cops, they can't solve over 80 percent of shootings that don't result in death. There's got to be a better way. You're right, Sue, the better way is prevention, working with community programs that prevent violence from happening in the first place because in places like Chicago, when it happens, the police are going to do very little.

Sue Rahr:

But there has to -- but there has to be something in the interim. Prevention doesn't happen overnight. It's going to take decades for those kinds of social services to kick in for all of our systems that that are racist, that are ineffective.

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Those systems aren't going to be corrected overnight. Somebody has got to come in and clean up the mess in between.

John Donovan:

All right, Jason --

[talking simultaneously]

Paul Butler:

-- mean it happens tomorrow. Defund the police, abolition, all of those are a gradual processes. Those are goals. It doesn't mean that we take every cop off the street tomorrow.

John Donovan:

Jason Johnson, as we round it out towards the end of this conversation, I want to give you a chance just to comment on what you've heard so far. And then I want to let Vikrant do that and then we're going to wrap. Jason.

Jason Johnson:

Yeah. I mean, I think that the clearly defunding is again, it's throwing the baby out with the bathwater. If there's a problem with policing in America, and I think all of us can agree to one extent or another, there are problems that could be fixed or improved upon. The answer to that is not cut -- is not cutting the funding. It's you fix the problem and oftentimes the fix is something that actually does cost money. All the efforts at prevention are good. Certainly no one is opposed to trying to prevent crime. That is the best and most efficient way to address it.

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But that doesn't mean that you get rid of the emergency room just because you're not satisfied with the quality of service. You fix it.

John Donovan:

And Vikrant, as you had to wait last to speak in this round, I want to give you the last word.

Vikrant Reddy:

Well, perhaps I'll just say this. It is true that there's been a slight uptick in violence ever since George Floyd's killing. It's also true that there was a slight uptick in violence after Michael Brown's killing in Ferguson. But setting those two brief periods aside, the broad trend for the last several years, really for the last several decades, has been a crime decline. It's important to note that because while there have been unfortunate problems with police recruiting in just the last few years, that doesn't mean that it's resulted in a lot more crime.

John Donovan:

All right, Vikrant, thank you and all debaters, thank you for your arguments. And that concludes round one of this Intelligence Squared U.S. Unresolved debate, we should defund the police. Now, let's move on to a new resolution. The police are getting challenged in so many quarters. The one reliable support they have are from the unions that so many police belong to.

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But it's a relationship that has become controversial in itself, as it's perceived over the last several months. So the resolution we're debating and you are first up for this one, Jason Johnson. Police unions do more harm than good. Jason, are you yes or no on that one?

Jason Johnson:

I'm a no with one relatively small caveat, which I'll address. You know, policing unions do three principal things. First off, third, they're social. They allow police officers to decompress together in a social environment, get their families together. And certainly, I don't think anyone argues against that. They also are collective bargaining units. So they do negotiate on behalf of the members of police departments, police officers. They negotiate with the municipalities that employ police officers, inform work contracts, collective bargaining agreements. And third, they are -- they push for legislation. They push for or against legislation. So in their role as advocates for it and collective bargaining for their membership, the vast majority of these unions simply are negotiating for better wages, salaries, working conditions.

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They're negotiating with municipalities. So any collective bargaining agreements they have are struck with the municipalities. They're not things that're just drafted by the union and the municipalities are stuck with them; they are bargains in every sense of the word. And so they shouldn't be scapegoated as contributing to problems of law enforcement. With respect to their legislative work, there are 16 states in the United States that have some form of law enforcement officers Bill of Rights that in many cases were championed by these unions. Again, this is legislative action that's taken by legislative bodies in states. They do so voluntarily. There is a political check on them. And then it's not the union's fault if people now feel that those bills of rights -- to protect procedural rights only for law enforcement officers -- are all of a sudden unpopular. The caveat I'll give you where I think there is a problem is when collective bargaining agreements overly involve themselves in the discipline process and tie the hands of law enforcement executives and don't allow them to take appropriate disciplinary action.

00:30:02

That is the one caveat where I think we need to do better with unions.

John Donovan:

Thank you, Jason. Our next speaker on this one is Rafael Mangual. Rafael, on the resolution, police unions do more harm than good. Are you a yes or a no?

Rafael Mangual:

I'm a no simply because I just don't think there's enough evidence to say that. Now you

should stand that as someone who's generally skeptical of public sector unions, I'm somewhat more ambivalent about this question than some of the others before us. But I think what we have to ask ourselves with respect to this particular resolution, as well as the others, for that matter, is why this issue has come to the fore. And I think that the answer to that is that there is an argument that has risen to the fore. And that argument goes as follows, which is, as Jason noted, police unions have been instrumental in bargaining for provisions in collective bargaining agreements that functionally raise the transaction costs of disciplining police officers when they misbehave beyond the point of reasonableness. And I think that this is certainly a problem, but it's also important for us to understand why unions so closely guard the employment security of their members. And I think the reason is that as a policing career develops, you develop a set of skills as a cop that isn't necessarily obviously translatable into another line of work.

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And police officer pay is not especially high. Much of it is [unintelligible] prevention programs. And so I think one of the things that we ought to be thinking about is how we can encourage union leaders to ease up on some of these specific provisions, such as by raising officer pay at the front end, even if that means maybe reducing pension payments because if you spent eight years, you know, as a cop and you get fired, you know, that could be extremely, extremely detrimental. And so, you know, I also think that there is some good that they do. Jason sort of hinted at some other legislation. To the extent that that gives police officers the confidence they need to proactively do their jobs well, I think that is a good. I'm open to being convinced otherwise if the balance comes out the other way. But for now, I say no.

John Donovan:

Thank you, Rafael. Next up is Sue Rahr. Sue, resolution again, police unions do more harm than good.

00:32:03

Are you yes or no?

Sue Rahr:

I'm a no, but [laughs] unions serve an important function for employees, especially employees in a dangerous working environment where funding is limited. There needs to be strong advocacy for safety and reasonable pay. In my experience, the unions get blamed for what elected officials do. The elected officials bow to easily, in my opinion, to union's political pressure. The union is playing an advocacy role. The elected officials need to play their stewardship role and strike a balance between the interests of the community and the interests of the members and their employment rights. Because tough on crime has been such a popular political position, unions have been able to use it to their advantage. They can threaten politicians who don't -- who don't support union-backed legislation by labeling them soft on crime. And that threat has been very effective for the last 50 years. It still works well in the most egregious misbehavior, even in the very blue state of Washington.

00:33:05

Unions do what unions are supposed to do. Elected officials need to begin challenging that.

All the right processes and procedures unions use to protect officers are encoded in local laws and procedures, just as Jason has said. I think that in Washington State, we have binding arbitration that allows a civilian arbitrator to order a police chief to put an officer that was fired for egregious misconduct right back on the street. When I was sheriff, this infuriated me. But it was and it still is the law in the state of Washington. The laws need to be changed and the politicians need to stand up to the pressure.

John Donovan:

Thank you, Sue. Our fourth opening statement on the motion. Police unions do more harm than good, Vikrant Reddy. Vikrant, the screen is yours.

Vikrant Reddy:

Much like Rafael, I'm generally a skeptic of public sector unions, but I would extend that to police unions also. I'm a yes on this question. You know, unions, they argue for reduced accountability for their members.

00:34:04

That happens whether it's a police union or it's not a police union. That's what they're pushing for. That's why you see things like in Austin, Texas, where I come from, a really curious rule that says that after an allegation of police misconduct, the officer is allowed to review his video before speaking to an investigator. That's a really bizarre rule; it means that you've got to come up with some kind of a story that's consistent with what everybody is going to see on the screen before you even speak with the investigator. Rules like that get bargained for by the unions. You know, there was actually a case in 2003 in Florida that gave collective bargaining rights to sheriff's deputies. In the immediate aftermath of this of this decision to give collective bargaining rights to the sheriff's deputies, allegations of police misconduct went up 40 percent. Now, I'm just citing one study in one state, but we know what's happening here. What's happening here is that the unions are collective bargaining and they're bargaining for reductions in accountability.

00:35:04

I will even note that police unions will come forward and oppose police reform idea that come from other police officers. A few years ago, the Police Executive Research Forum put out a set of guidelines on the use of force. And all this thing said was that there are standards set by law, but there are best practices that go above and beyond the law, and police officers ought to stick to these and nevertheless, the police unions opposed this document. It was drafted by cops for cops. As a closing note, I'll say I gave a kind of middle of the road answer on whether or not we should defund the police. I can give a firm answer that we should defund the police unions.

[laughter]

John Donovan:

Okay. Thanks very much. Combining two of our resolutions. All right, we are three no's and one yes on whether police unions do more harm than good. That leaves it now to Paul Butler, Paul Butler on the resolution. Are you a yes or no?

Paul Butler:

I'm neither. I'm a oh, hell yes.

00:36:00

John Donovan:
[laughs] Okay.

Paul Butler:

A pack of rabid animals, that's how the president of the Philly Police Union described activists in Black Lives Matter. They were protesting a cop who shot black suspects in the back on two separate occasions. When that cop finally got suspended for his [unintelligible], the police union had a fundraiser for him. Chicago police officer Jason Van Dike got fired for shooting 16 bullets into the back of Laquan McDonald. The Chicago Fraternal Order of Police then hired him to be a janitor at their headquarters. That cop was subsequently convicted of murder. Tamir Rice, 12 year old kid, got killed by a Cleveland police officer. The president of the Miami Fraternal Order of Police tweeted, "Act like a thug, you'll be treated like a thug." After cops in Atlanta and New York were disciplined for police brutality, the head of the Florida Police Union tweeted, "We're [inaudible] in Florida."

00:37:07

Police reform is about transparency and accountability. Police unions fight those every step of the way. They block transparency by fighting to have the disciplinary records of cops who've been fired for misconduct kept secret. They fight accountability by seeking special protections and privileges for police officers who have killed or beat up, falsely arrested the people who they're supposed to serve and protect. So I agree with my debaters who say that there's nothing wrong with any worker, including a police officer, organizing for better working conditions or more pay. Police unions should not be allowed to bargain for things like the use of deadly force or hiding the disciplinary records of bad apple cops.

John Donovan:

Thank you, Paul Butler. All right, we've just heard opening arguments on the resolution, police unions do more harm than good, and now we're going to give our debaters a chance to respond to one another and take some questions from me.

00:38:07

All right, so let's discuss what we've just heard. And I want to go to Jason Johnson, not just because you spoke first, but because you did make a distinction, the distinction that Paul Butler just mentioned, between police having basically labor protection in terms of salary, working conditions, things like that. You made an exception for -- you said, well, the one place I don't think the unions are always conducting their business in the correct way is when it comes to their enforcement, their interaction, their involvement with disciplinary measures. You kind of put that at the tail as like not the main thing that the union is about. You're -- all four of the other debaters really did make the point that that's the main problem with that. That's a big problem. That's a main thing. And it's having far, far reaching effects. The fact that some police unions are involved in lobbying legislators who set the laws or in setting local regulations and that there's an impulse to protect -- to protect one's own.

00:39:10

And that that's a big deal. So I want to -- I want to go back to you as the first speaker in in that round to have you respond to the weight that your opponents are giving to that part of the story.

Jason Johnson:

Yeah, that's what I -- that's what I'm saying, is that I think that is the area in which police unions, the work of police unions is -- can be more harmful than helpful is when there's an overemphasis on collective bargaining for disciplinary due process and in other ways restraining the ability of their executives, their police chiefs or their sheriffs from administering discipline. You know, police unions are part of the process. They're part of the democratic process. So they have a seat at the table, just like the community does, just like the leadership in any jurisdiction and how the police department or sheriff's office is and should be run, so to shut them out of that seems completely undemocratic.

00:40:02

To say that they can't lobby legislators to pass laws that are helpful to them and their membership, it's the same thing that the ACLU does, that any organization does, is that they use the democratic process to improve things for their members. And that's all the unions do. Now, over time, jurisdictions have for -- sometimes for the purposes that are good for the employing municipality, have made concessions with the unions that allow collective bargaining agreements to be filled with things that are not monetary in nature, have nothing to do with salary and benefits, have everything to do with restraining the ability of executives to discipline police officers. But in many cases, those have been put in there at the behest of the municipalities because they don't want to pay raises or other things, make improvements to benefits. They would rather include these non-monetary issues that have historically been less important to the municipalities.

00:40:59

And now we get to a point in history where there is a lot of scrutiny on these things and all of the municipal leaders are sort of walking away from it and blaming it on the unions, when really the unions just came to the table to negotiate and they got the best deal they could for their members. So I think -- I think there is something that just the kind of stinks about putting this at the feet of the unions when in most cases these were things that were pushed by the municipal leaders.

John Donovan:

Rafael, your thought on that?

Rafael Mangual:

Yeah, no, I think -- look, I think we can say that it is almost an unalloyed harm, negative, that you know, these unions often are successful in being able to negotiate for these provisions that essentially prevent executives from disciplining rogue officers. And I think that's a real problem. However, one of the reasons I don't say that we can say for sure the police unions do more harm than good is that the universe in which those provisions come to bear is actually really small. Right? Again, the reason we're talking about this is because we had these viral incidents of alleged police misconduct. But the reality is that police use of force is extremely rare in the United States across jurisdictions, whether those jurisdictions have

police departments that are unionized or not.

00:42:08

More than 99 percent of arrests affected in the United States go off without a hitch, which is to say that they go off without any significant amount of force being used by police at all. And even in the cases in which police do use force, 98 percent of the time, that force does not result in any measurable injury to the suspect. So I think it's natural for us to worry about these really problematic events. But we do have to sort of, I think, zoom out and understand how rare they really are, and when we do that, I think what we see is that while this is a certainly negative aspect of police unionization, it's brought to bear in a relatively small number of cases, given the overall volume of police activity in the United States [inaudible].

John Donovan:

So to take that point to Vikrant, what you're arguing is that the numbers -- the incidents of police using force, which is where this question of having control over discipline comes into play, is really, really small. It's really -- it's really quite, on the scale of things, a very minor part of what police do most of the time in most interactions with people.

00:43:11

Vikrant, does that argument soften, in any way, your concern about police having this power?

Vikrant Reddy:

No, not in the slightest. I'd say two things about that. First of all, I agree with Rafael that the uses of force and abuses of force are small relative to everything that police officers do. But nevertheless, when they happen, there should be discipline whenever they're bad. The police unions are arguing for ways to reduce that kind of accountability. That's just clear. The second thing I would say is that even if it's not a use of force, there are all kinds of things that could constitute police misconduct for which police unions, once again, they are in a position to argue for reduced accountability for their members. I'll give just one really small example. Professor Butler mentioned the Tamir Rice situation. "Situation," I should be more clear, I should mention the Tamir Rice killing in Cleveland.

00:44:03

Paul Butler:

Prodigy for [unintelligible].

Vikrant Reddy:

Yeah. And Professor Butler mentioned that something very ugly was said by a police union leader in Miami. But forget the ugly thing that was said. What about the ugly thing that was done? The police officer who shot Tamir Rice had a record. He'd been fired from previous job at a different police department. And he hid that from the Cleveland Police Department when he was hired. He was fired for hiding this, for withholding this information. And the police union has stepped forward to defend him in court because that's what they do. They step forward to defend the absolute worst of their membership. That's the job. That's a big part of why they're a huge problem if we're looking for police reform.

John Donovan:

Sue, you were in the position that you described where you wanted to exert discipline against officers under your command. And the union rules wouldn't let you do that. And you were frustrated. But you say, let's not blame that on the union; let's blame that on the legislature. But, our -- you know, as Jason mentioned at the beginning, unions work on legislation.

00:45:06

Would you -- would you want to bar unions from having that right to push legislation?

Sue Rahr:

No, absolutely not. What I'm saying is our elected officials need to grow a backbone. That's where the problem is. It's like saying we're going to do criminal justice reform by getting rid of defense attorneys. Unions have a necessary and important role, and especially in a profession that has so many dangers in it. What I'm saying -- and I -- and I can't believe so much in my career, I fought against the union, but I'm going -- I agree with Jason on this. We have seen municipalities all over the country try to save money in wage increases by vice -- by conceding to all kinds of procedural things. So I'm not saying we need to get rid of unions, and I'm not saying that they shouldn't lobby, but we need our elected officials to take responsibility for the stewardship of the welfare of the community and not bow to the unions' pressure, and not sell it, not sell it, so they can pay lower wages.

00:46:11

John Donovan:

Paul, I see you shaking your head on that.

Paul Butler:

Yeah, because Sue says that lawmakers need to grow a backbone. Respectfully, some of my fellow debaters here need to grow a backbone. The resolution is police unions do more harm than good. We're not talking about lawmakers, so I don't understand why people are passing the buck. So people know that there have been arrests with these protests. Some of the people who have been arrested are agitators, right wing agitators, who are trying to give the nonviolent protesters a bad name, people like the Proud Boys and the Boogaloo Boys. I guess you could ask, do the Proud Boys and the Boogaloo Boys do more harm than good? It sounds like some of the debaters would say, well, no, because they don't make the law.

00:47:00

Only the people who make the laws who should be held responsible. I think that police unions should be held responsible for the damage that they do to our civil society. Rafael said that it's just a minor -- well, not a minor problem, but a rare problem, people being subject to violence by police. Not if you look at the number of people who -- well, look at statistics. One in 1,000 black men and boys will be killed by the police, one in 1,000. So I guess you could say to Tamir Rice or Michael Brown or Eric Garner, well, it doesn't happen to most black men; the fact that it happens as frequently as that is a problem. I guess the last thing I would say is, you know, at least Vik was consistent. He says he's skeptical of public employee unions and he's also skeptical of police unions. I'm curious about what Rafael is skeptical about most police unions.

00:48:03

But in regards to people who have the power to kill, to beat you up, to arrest you, to change your life in a minute, then he's not as sure. Well, maybe those people who have all that power, well, maybe they should be allowed to, you know, to organize. I don't get that distinction. It doesn't make sense to me.

John Donovan:

All right. I want to -- I want to let Rafael respond to that. But I want to point out that Rafael did not say that violent incidents were minor. I used that term and I'm withdrawing it. What he was really saying was, statistically, it was a small part of the number of interactions. So let's take minor off the table.

Paul Butler:

And just to be clear, I don't think he said that, and I'm sure he doesn't mean that, so I also corrected. He said that they were rare. Not that they're minor, but that they're rare.

John Donovan:

Yeah.

Rafael Mangual:

Right. And they are statistically rare. And yes, while it is true that one in 1,000 black men -- the risk of being killed by police for black men, it's about one in 1,000. I think it's important --

Paul Butler:

Not the risk, but the actual number, one in 1,000.

00:49:04

[talking simultaneously]

Paul Butler:

One in 1,000 will be killed.

Rafael Mangual:

With respect, I believe that you're referring to a study in the National Academy of Sciences, in the annals of the National Academy of Sciences, which put the odds to dying at the hands of police for black men at one in 1,000. That was a statement [unintelligible] not that one in 1,000 black men would be killed by police. But if you contrast that with the odds of all Americans being killed by general gun assault, those odds are dramatically higher at one in 298. When you consider the fact that black men are more than 10 times more likely than their white counterparts to be the victim of a homicide, I think it becomes very clear that the risk of death at the hands of police is far lower than of homicide generally. And that risk of a higher risk of homicide generally explains why the risk of police being -- of black men being killed by police is so much higher, because that influences how police deploy their resources in response to those areas of high crime, which then manifests itself in more interactions.

00:50:02

But I do think it's important to say that I did not say that [unintelligible] are good. The

question before us is whether they do more harm than good. And I don't have to buy into public sector unions or police unions specifically to come to the answer that I did. Again, I just think that when you consider the scope of the cases in which, you know, this specific problem, the police unions have caused with respect to these provisions and collective bargaining agreements, I do think it's a relatively small part of what police do. I do think it's a significant problem. I think I've been very clear about that. But again, that does not mean that on balance, on net, the harm that is done outweighs the potential good. I just haven't heard enough evidence to say otherwise.

John Donovan:

Vikrant, you haven't been part of the conversation for a while now; would you like to jump in?

Vikrant Reddy:

Well --

John Donovan:

And I can go to Jeff -- Jason, because it looks like he is ready to go. Jason, why don't we go to you, and then I'll come back to --

Jason Johnson:

Yeah, two things, first off, the police unions don't do anything with respect to collective bargaining agreements or supporting or opposing legislation that implicates in any way the criminal responsibility -- or criminal system that applies to police officers when they have used force.

00:51:10

So if a police officer violates the criminal law and use of force, nothing that union can do in any other power extends in any way to that. Nor does it cover civil liability for police officers. We have to remember, this is simply in the employment context. That's it. It governs the relationship between the employer and the employee, just like any other union. The other thing I would point out partially in response to something Vikrant said about, you know, officers have to be held accountable if they use excessive force. I think we all agree with that. The problem is that because of the nature of the work the police officers do, their work is increasingly in the public space. They're on videotape. There're viral videos of police actions. And people are paying a lot more attention to it. Very easy for elected officials and even police chiefs to fall into the trap of treating very harshly police officers, even when they've done nothing wrong. They get treated very harshly because of the public backlash on the actions.

00:52:03

There's a very, very short attention span of the public on these police policing the issues. Many members of the public pay zero attention to the facts. They see a viral video and they assign blame to it and they're ready to move on to the next one. The work of unions, in part, is to protect law enforcement officers from the political heat that comes with being involved in a controversial incident and making sure that the employer is actually looking at the facts and treating that employee with due process. There's nothing any union can do to get a police officer out of trouble when they've done something wrong. There simply is not. I've seen

some really, really -- collective bargaining agreements to go very, very far. At the end of the day, if the cop has done something wrong and it can be proven, there can be accountability.

John Donovan:

Jason, are you saying that we should -- that we should not we should not be trusting what the videos seem to say?

Jason Johnson:

No, you shouldn't. The video is one piece of evidence. You can't just look at a video and decide you know what happened. That's a trap that people fall into. And that's why -- you know, that's partly why unions exist, is because they have to ensure that their members are being treated fairly and with due process.

00:53:06

That's it. That's all they're asking for is due process. Now, if an employee -- and I know Professor Butler's probably waiting to say this. If an employer, a law enforcement employer fails to properly investigate a use of force or fails to take proper action, that's on the agency. That's not on the union. Unions cannot stop the discipline from happening. I've worked in jurisdictions with very strong unions on both the labor and management side. I know it can be done. You just have to [laughs] actually follow through and follow the procedural steps that are required.

John Donovan:

Vikrant, I want to give you the last word again. But because of that, I think Paul wants to say something and I'll let Paul speak and then I'll come to you, Vikrant. Paul, if I'm wrong -- go ahead.

Paul Butler:

Well, there was a statement about videotapes and maybe we shouldn't believe them. I think that we can believe our own eyes when we see police in Minneapolis put their knee on George Floyd's neck and strangle him to death. I think that one of the reasons that we're having this national reckoning on race is that all over the country, Americans have seen with their own eyes the violence and brutality of policing in communities of color.

00:54:14

John Donovan:

Vikrant, last word from you.

Vikrant Reddy:

Well, I'll just briefly agree with Jason on his point about cameras. Any sports fan knows that you can't just say, well, we have instant replay. We've got it all figured out. But on a more important point, I really disagree with Jason on this question about whether or not police unions can help their members evade accountability. Jason's argument was that, look, if they've done something wrong, they've done something wrong. They're not going to be able to get away from that as the process plays itself out. I question that. But even more importantly, what can happen on the front end? Again, I think about the police contract in Austin. So after 180 days -- there's a 180 day rule. If a complaint is made against police officers after 180 days, it can't be investigated.

00:55:00

It's got to happen within this time period. Beyond that, you're out of luck. You can negotiate for these rules on the front end to help the officer evade accountability on the back end later on.

John Donovan:

Thank you, Vikrant. Then that concludes our discussion of this question of whether police unions have done more harm than good. All right, let's move on to our next resolution. And that resolution, you know, really touches on one of the things that we have all seen over the last several months in the cell phone videos. And it's the sort of equipment that -- when we see police using in confrontations with large groups of people. Also some of the tactics that they're using in those confrontations. What we've seen for many civilians, it's a little bit of a revelation to us. And it's also the jumping off point for our next resolution, which Sue Rahr will argue first. And that resolution is the police have become too militarized. Sue, are you a yes or no on that?

Sue Rahr:

In the arena of equipment, I say no. But in the arena of a militarized culture, I say yes.

00:56:01

Police are working in one of the most heavily armed countries in the world, and they have to be able to protect themselves and others. Equipment like armored personnel carriers and helicopters are critically important to rescue missions and to apprehend dangerous criminals and to rescue people. When I was sheriff in the metropolitan area, we relied on our helicopter to rescue hikers and to track down suspects. We absolutely needed our armored personnel carrier to manage dangerous situations involving hostages and armed people who were barricaded. We couldn't get to them to begin negotiating unless we had that armored personnel carrier. I acquired dozens and dozens of military rifles, not because they were more lethal; they were less lethal than what was available in the local gun store. But what they were was free. And I couldn't afford to buy enough rifles for my officers. Police officers know in many situations rifles are much safer to use than handguns.

00:57:00

The problem with military equipment is not the equipment itself. It's the way it's used and the way it's displayed, which gets us to the culture. Creating the image of the police engaged in war began in the '70s with the war on drugs, the war on crime. It exploded in -- after 9/11 with the war on terror. It's a political movement that morphed into popular culture. Remember the TV shows SWAT? I don't know if anybody else is as old as me that remembers that. And that image was warmly embraced by the profession. We need to work intentionally to reclaim the culture of service and protection. The problem isn't the equipment; the problem is the culture.

John Donovan:

Thank you, Sue Rahr. The resolution again, the police have become too militarized. Vikrant Reddy, are you a yes or a no on that?

Vikrant Reddy:

I'm a yes. I often think on this issue about a passage in The Odyssey. Actually, in this moment in The Odyssey, Odysseus is about to host a banquet and he tells his son at the banquet, you've got to confiscate all the men's swords.

00:58:02

Son asks him why. He says, I remember this line, "Because the sword itself incites to violence." The very act of holding the blade, the very act of holding a weapon makes a person want to use it. You give all these police officers, very frequently young men, by the way, all these really interesting, fascinating weapons that were used in places like the Battle of Fallujah, they are looking for opportunities to use those weapons. They have adopted a kind of warrior mindset whenever they're carrying these weapons around. Also note, by the way, that it goes beyond being a matter of culture. It is a matter of the equipment itself. If you've got an extremely heavy gun, one that you need both hands to hold, you can't be in a position where you're holding a gun with one hand but trying to de-escalate or wave off the situation with the other. There are all sorts of ways in which the policing culture and the policing equipment just exhibits excessive militarization. We can talk about the uniforms. I don't understand why police officers are frequently wearing camouflage.

00:59:01

There are no jungles in downtown Houston or Omaha, or Minneapolis; you see that sort of thing. I think we ought to be looking at the ways in which we use SWAT, whether or not that's being used too frequently. I think we should look at use of force training and tactics. If the person you're going after pulls out a gun, then sure, the police officer probably needs to pull out a gun. But if the person you're going after pulls out a baseball bat, do you need to pull out a gun? What is the police department's policy on that? Police departments should be reviewing all of these things because the militarization that's overtaken policing is a problem.

John Donovan:

Thank you. We have the police have become too militarized; we have a yes and a no so far. Now on to Paul Butler on the police have become too militarized. Paul Butler, are you a yes or no?

Paul Butler:

I'm a yes with a shout out to whoever made this question last, because it perfectly combines all of the other issues that we've debated about why the police need to be defunded in the sense of having some of their money reallocated to social services.

01:00:00

The problem of police unions. People know about this 1033 program where police departments got surplus military equipment from the Pentagon. And people think that President Obama stopped the program. He didn't. All he did was say that certain weapons, like tanks and grenade launchers and bayonets, were off limit. Fast forward to the Trump presidency. The Fraternal Order of Police, National Convention, the attorney general of the United States goes home like a conquering warrior and says, guess what? We've reinstated the program. You get your grenades, you get your tanks, and you get your bayonets back. The reports say that the audience of police officers stood up and cheered. What the hell do

police need with a bayonet? How in the hell are they going to use that? The only thing that I know for sure is that the people who are most likely to be victims are black and brown people.

01:01:02

We talk about SWATs. So SWAT stands now for special weapons and -- special weapons system team. Originally, the guy who came up with the acronym, the former police chief of Los Angeles, he wanted it to stand for special weapon attack team. They thought that sounded too bad. So that's why they changed the name. But that gives you a sense of the problem, the cultural problem that Sue has done really good work on. The problem is that police officers think of themselves as warriors. It's us against them, and them is we the people. Well, we the people, the police, are supposed to serve and protect. So if you think about somebody who applies for a job to be a warrior as opposed to somebody who applies to be a guardian, it's a whole different skill set. It's a whole different reason why you want to do the work.

01:02:01

John Donovan:

All right, Paul. I have to -- I have to break in in the interest of time, but thank you very much for your opening statement. Again, the resolution, the police have become too militarized. Our next speaker, Jason Johnson. You get your 90 seconds now.

Jason Johnson:

No, my thoughts -- my thoughts overlap to a great extent with those of Sue Rahr. I do agree that there are certain cultural issues in policing that have become, you know, I don't know if militarize is the right term, but they don't square with what is the most effective approach to serve the community and all the different ways that law enforcement organizations and officers are asked to serve the community. With respect to some of my colleagues here on the panel that voted yes for this motion, who I have incredible respect for, I think in some ways it's a little bit naive. You know, we're in a country that has about 15 million military style assault weapons out there and in general circulation. Last year in 2019, there were 417 mass shootings. We still face the risk of terrorism that local law enforcement is a first responder to.

01:03:03

And our officers need to be prepared to address even just a routine hostage barricade situation. There is no one else that's going to respond to that; the social workers and the addiction counselors and everyone else is not going to respond to and address that situation. It's going to be local law enforcement. They need to be properly trained, properly equipped. That may include having a SWAT team. They may be wearing green BEUs [spelled phonetically], but there's a reason for that. They may be operating an armored personnel carrier that they got from the federal government. It won't have a gun on the turret, but it will be armored and it will allow negotiators to get to right in front of the hostage taker and engage in a dialog. There will be medical professionals as part of that SWAT team, as most SWAT teams are now incorporating and embedding medical professionals, including mental health professionals and others, as a blended response. And these are all good things. But I think to just say that it's militarized based on anecdotal information, observations that I would

I would say, in many ways, are naive is not the right approach here.

01:04:05

I think we need to look at each individual -- if we're talking about militarization, we need to look at each individual aspect of that and determine whether it makes sense or it doesn't. I agree with Sue that it's mostly cultural.

John Donovan:

Thank you, Jason Johnson, and our last debater on this resolution, Rafael Mangual. The police have become too militarized. Are you a yes or a no?

Rafael Mangual:

I am a no, and I'm a no as to both equipment and culture, simply for the reason that there's just no evidence in the available data and, you know, I'm going to rely on empirics here. We heard that this is a trend that started culturally in the 1970s. But if we look at major city uses of force, what we don't see is any correlation with use of force and that kind of attitudinal shift. In 1971, the NYPD are shot and injured 221 people; by 2016, that number was down to 72. In Chicago, between 1974 and 1978, police shot approximately 131 people per year; in 2018, that number was just down to 43, and we heard about SWAT.

01:05:04

Well let's look at SWAT involved in cities across the United States. Within the NYPD, ESU Officers, Emergency Service Units, which is like our SWAT team here, in 2019, did not record a single shooting. 2018, ESU officers were involved in just one shooting; in 2017, just two; in Chicago, SWAT teams filed just 26 or 0.003 percent of the department's 10,068 tactical resources [inaudible] they have to follow when a use of force like a punch, a kick, or a gunshot is recorded. If we consider a comparison -- an international comparison between us and the U.K., we do not see varying rates of civilian complaints with respect to police use of force. The rate here in the United States is 7.5 force complaints for 100,000 officers; in the U.K., where most officers are not even armed, it is 7.2 per 100,000 officers. As to the 1033 program, there have been multiple empirical analyses of these.

01:06:03

I'll quickly -- I know I'm out of time -- talk about three. What they all found was that the 1033 program was associated with declines in officer injury, declines in officer use of deadly force, declines in suspect injury, particularly because of the mechanism of deterrence. And there actually is some evidence where, as Vikrant noted, from the uniform literature, which actually says that the police are communicating outwardly a sense of authority, that people respond to that by disengaging violently or being less likely to engage violently.

John Donovan:

All right. Let's move on to -- let's move on to some general discussion, but Rafael, while we do that, I just want to ask you, can I summarize the point -- you just came with numbers on -- for your argument? Can I summarize that by you're saying that in general, compared to, say, 20, 30 years ago, that there is less violence in the interactions between police and the population than there was 20 or 30 years ago? There is less violence?

Rafael Mangual:
That's right.

John Donovan:
All right.

Rafael Mangual:
Significantly.

John Donovan:
I want to take -- I want to take that. I want to know, number one -- I want to take it to Vikrant.

01:07:00

Do you challenge that assertion? And if you don't, does it -- did Rafael just blow up the whole notion that the militarization issue is one of concern at all, that militarization is, as Jason had said, the wrong word here?

Vikrant Reddy:

No. Well, let me begin by saying that I don't challenge the assertion that there is, you know, less police violence than there have been in periods in the past that Rafael is talking about. I think that is true. And I think -- I believe Rafael has written about this. To some extent, what we are seeing is concerns that are erupting because of things like viral videos. Now, having said that, I don't think that that blows up the argument. These incidents of violence do happen and they still happen more frequently than I would like to see them happening. They should be reduced. It's also true that we do have these viral videos and like it or not, they're out there and they really, really damage police community relationships. Police officers should be the very first one saying we want to do everything we can to ensure that we have good relationships with members of the community, that they don't view us as warriors, that they do view us as guardians.

01:08:07

They view us as protectors and helpers. And these really terrifying weapons don't help that process. I should note, by the way, I take Jason's point that we live in a uniquely militarized society, civilian militarization. It's not Japan. It's not Belgium. We're never going to have that kind of reduction in police militarization. But you can still have reasonable limits on these things. I read stories about the city of Keene, New Hampshire, population 24,000, having an armored tank to guard its pumpkin festival. Those kinds of things happen. Those are real. That's a real story. And, you know, you might say in response, well, you know, there was a terrorism concern there. I think the way that you handle terrorism is that you're a realist about the fact that, yes, some police departments are going to need very sophisticated weapons. Yes. New York and L.A. and Chicago, these places can serve as nodes and you can very rapidly deliver these weapons to places that need them if they happen to be needed in a small, suburban or rural area.

01:09:10

But the idea I would give those weapons to 12,000 or 18,000 different police departments, I

just don't see that [unintelligible].

John Donovan:

Let me bring in -- let me bring in Sue Rahr.

Sue Rahr:

I just want to -- I just want to clarify something. We don't -- police officers, we're not saying they have to be either warriors or guardians. They have to combine both. They have to see themselves serving the role of a guardian. But they must also have warrior skills, warrior courage, and warrior equipment. The problem we have with the appearance of over militarized police is a failure of leadership. And that -- I'm talking about the people who make decisions about when that equipment will be pulled out. It is patently ridiculous to be -- to bring a tank to a pumpkin festival. Some of the things we saw in Ferguson that inflamed the country were an inappropriate display of that military equipment.

01:10:02

You need to have strong leadership that has the courage to tell officers what kind of behavior is okay and not and where the equipment should be used. But I think it would be a terrible disservice to our communities to say you have to pick one or the other.

John Donovan:

Sue, you spoke in your opening on this particular motion about you have concerns about culture, but you say it -- but you think the equipment is necessary. But we heard Vikrant explicitly say -- and Paul Butler, you know, more implicitly said -- the equipment kind of affects the culture, that one -- that, you know, especially Vikrant said, you know, young men get these guns, they want to use them.

Sue Rahr:

That's why you need strong leaders.

John Donovan:

But I want to ask you, do you think that's a real dynamic? Do you think that the weapons sort of attract a kind of certain either individual or elicit a certain kind of behavior?

Sue Rahr:

So driving fast with lights and siren and having guns, yeah, that is going to attract people that are attracted to excitement and adventure.

01:11:04

We have to look at how we recruit police officers, but we can't -- we can't discard important equipment because we don't have strong enough leadership to manage the culture of their agency. We need to pay more attention to that.

John Donovan:

Would anybody on the panel like to suggest what equipment should be discarded that's now in the hands of police force?

Paul Butler:

Me, me, me, me, me, me.

John Donovan:
Yeah, Paul. Sure.

Paul Butler:
How about the bayonets and the grenade launcher?

Sue Rahr:
I agree.

Paul Butler:
President Obama didn't take away everything. He took away those. And the cops were mad about that. That's why attorney general --

Sue Rahr:
Not all the cops.

Paul Butler:
Well enough that he got a standing ovation at the FOP convention when he announced they were getting the bayonets back. But, you know, the issue isn't only the specific war-like weapons. It's, as Sue said, the culture. So 80 percent of police arrests are for nonviolent crimes, things like jumping a turn -- a subway turnstile, not paying tickets, smoking weed in public.

01:12:09

Clearly we don't need war equipment for that, even for the [unintelligible] crimes. You don't need the bayonets and the grenades. The problem very quickly is -- Sue talked about [unintelligible] SWAT. Jason used the phrase I really like; he said engage in a dialog. That's how the police make serious cases like homicide; they don't run chasing the bad guys like you see in SWAT. Think of Law and Order; all they do in Law and Order is go from one office to a home to a park to a garage, talking to people. And if your experience with cops is that [unintelligible] they're out to get you and lock you up, you're not going to want to talk to them, which is why police don't solve most crimes, including most serious crimes.

John Donovan:
Does anybody not agree that there's a culture problem? Does anybody feel that that's exaggerated or is there a -- and it's fine if you all agree on something, even though it's a debate because we're trying to shed light.

01:13:07

Do you all agree that there's actually essentially a cultural problem in police forces that -- in the sense of being too militarized?

Rafael Mangual:
I disagree in the sense -- yeah, I disagree in the following way: to the extent there has been a cultural shift toward militarization, I have yet to hear any evidence connecting that culture with the kind of negative outcomes that are bringing us to this table here today. Right?

There is absolutely --

Sue Rahr:

It's the trust. The negative -- the negative outcome is broken trust, not -- we're not -- it's not about the crime rate or the number of shootings. It's caused a break in public trust.

Rafael Mangual:

And I -- but if you look at levels of public trust in Gallup polls or other polling over the last two decades, trust in the police has remained essentially constant. Again, I just have yet to hear any kind of causal evidence actually linking the two together.

[talking simultaneously]

Sue Rahr:

Crime has gone down. Crime has gone down. Training has improved, but trust hasn't.

01:14:01

Paul Butler:

And the clearance rate for homicide is 60 percent. In Chicago, the clearance rate for a shooting is lower than 20 percent. That's your evidence. Again, [unintelligible] cases when the community trusts you. When the community doesn't trust you, they don't talk to the cops. And then we --

[talking simultaneously]

John Donovan:

Yeah, Rafael, I think you're being told -- nobody's questioning your numbers and at Intelligence Squared, we appreciate people who bring numbers and evidence. But I think they're saying they're not relevant, that they're not -- they're not the relevant metric.

Rafael Mangual:

Yeah, and I'm not sure I'm understanding why that's so. I understand the mechanics of the argument, that trust this is somehow, you know, being affected by this militarization. But is there really any evidence that police were trusted to a higher degree in the 1970s by the black community on the south and west side of Chicago? I don't think that there is. What -- you know, yeah. Are there low clearance rates in some jurisdictions as compared to others? Yeah.

01:15:01

But the clearance rate in New York City is significantly higher and you can actually see that we have just as much militarization. And again, I would just point to the data from Chicago SWAT. They are involved in 0.003 percent of all uses of force by police in that city. I have yet to see SWAT officers enforcing the kind of nonviolent crimes that Professor Butler has noted. The reality is that they are not involved in that kind of enforcement effort. There are some shows of authority, you know, through rolling the tanks down when there's a riot or protest, but the evidence shows pretty clearly that that's actually associated with good things. Again, one last study, I'll point to O. Benga Al-Jubeir [spelled phonetically], a senior economist, very liberal Center for American Progress, did a study of the 1033 program and

found, quote, "little evidence of a causal link between general military surplus acquisition and a documented use of force incident." In fact, the acquisition of military vehicles leads to fewer use of force incidents, and that is because of the other data that show that that kind of show of force actually deters criminal behavior, which minimizes those kinds of broad interactions that I think we all worry about.

01:16:07

[talking simultaneously]

John Donovan:
Let me bring Jason.

Paul Butler:
-- a tank in every corner.

[talking simultaneously]

John Donovan:
I'm sorry, Paul -- I was talking over you, Paul. I want to hear what you have to say. And then I want to go to Jason.

Paul Butler:
No, I was just saying what we just heard from Vik is a great argument for a tank and a bayonet on every street corner in Chicago.

John Donovan:
Jason.

Jason Johnson:
Well, there you have it, John. The question was, is anyone exaggerating the issue of militarization? And I think we just heard it. American police are not using bayonets. They're not using grenade launchers. And that's a great talking point. That's a great thing to say to attract attention to this. But that's actually not happening. I don't know what happened at the FOP convention. I suspect that maybe the attorney general said that they were going to open the 1033 program back up. I can promise you, if he mentioned bayonets or grenade launchers, that would not elicit a positive response.

01:17:01

But it's not police equipment and it's not used by police in America. So I think really we just need to focus on what the real issues are and not just, you know, inject a bunch of exaggerated rhetoric because [inaudible].

Sue Rahr:
We also need -- we need to identify better metrics for comparison purposes because if the only thing you're looking at is crime rates and uses of force, you're missing the point. And I will agree with Paul. Public trust is critical to reducing the crime rate. We don't have a good way to measure public trust and we don't have a good way to determine what actually improves public trust and what actually diminishes it. We just have to draw some

conclusions from our own experiences.

Rafael Mangual:

We don't have a good way to measure public trust. But I can think of one small study that I saw that shows the way trust declines in kind of an interesting way. I think it's worth bringing into the conversation. There was an awful incident of police violence in Milwaukee several years ago. There was a study done that showed that in the immediate aftermath of this incident, calls to 911 declined precipitously.

01:18:05

Now, that doesn't mean the crime rate declined. Crime rate stayed what it was. But people just had lost confidence in the police. They'd lost the state and government. That's a tragic situation. Those kinds of studies are fairly common.

Vikrant Reddy:

I agree entirely. And I think we ought to be moved by that. And in my recent testimony to the President's Commission on Law Enforcement, I actually noted that study from the American Sociological Review in 2016, which actually showed that. And I think it's concerning. What's important, though, to realize is that we're currently talking about police militarization, and as far as I can see, there have been no incidents in which SWAT officers are the ones driving that or in which there's a connection between that sense of mistrust, that kind of reaction, and the militarization that we're talking about. I think we are making a very large, logical leap here and potentially with negative consequences to the extent that we act on them.

Paul Butler:

Tell that to [unintelligible]. If you look at the way that cops execute search warrants in communities of color, including [unintelligible], it's often with these highly militaristic actions.

01:19:04

And to respond to Jason, I'm not exaggerating; the logical extension of the idea that having military equipment on streets makes people safer is that in crime-plagued, violence-plagued communities, if you have a tank on every corner, then we'll be safer. You know, there's never been a question that civil liberties and the idea that we live in a democracy where the police and the military don't run stuff is at some tension with whether people commit crimes. And so we will resolve that tension in a way that respects our democracy and when the police who are supposed to serve and protect and keep us safe are warriors, that doesn't resolve that tension in the right direction.

Jason Johnson:

Well, we don't want it -- we don't want to have police departments filled, you know, with just binary warriors, but if you are -- had the misfortune of being involved in a very dangerous situation, like an active shooter, I'm sure when you're lying under the desk, you're going to be wishing that a warrior shows up.

01:20:07

John Donovan:

So, Sue Rahr, you were talking before about the need for people to be able to perform both functions. Does that mean, as Jason just said, you want the warrior to show up? Do police departments need to have warriors?

Sue Rahr:

Police departments need to have complete police officers, and a complete police officer has the ability to balance properly between defending people's civil rights and defending their physical safety. I got pushback when I talked about this whole concept of warriors and guardians. And one of the arguments got resolved this way. We have -- we have canine officers. We have -- we have police dogs that we can train to track down a suspect. And they can be extremely dangerous. We can take that same dog into a kindergarten classroom and the dog wags its tail and licks the children in the face. If a dog is smart enough to be able to appropriately respond, then I think a police officer can do both things, too.

01:21:05

John Donovan:

And that concludes debate on our final resolution of the night. Thank you to all of our panelists for joining us. I want to thank you for working through these four questions with us. I want to thank you for the intelligence that you brought to it and also the respect that you showed one another throughout, even though it's clear you really have some deep disagreements. But what was also really interesting was the places where there was overlap on some of the points of view. So to the five of you at this difficult time, taking on this difficult question in the way that you did, I want to say that I thank you and Intelligence Squared thanks you as well.

Okay, you've now heard the debaters make their arguments on all our resolutions, and it's time for you to register your second vote. Again if you're using our chat, you'll see a link to vote come from our producers right now. Just click on that link. If you don't see that link, you can just go to a web browser and type in IQ2US.org/vote. That's IQ2US.org/vote.

01:22:03

The resolutions again, we should defund the police; police unions do more harm than good; the police have become too militarized. So our vote's going to remain open till tonight at midnight Eastern Time, and you can learn which sides were the most persuasive, according to your votes, by checking your inbox tomorrow, and while you're casting your second vote, I would like to take a minute just to thank you all for being here tonight. We are beginning our fall season. This is actually our premiere here at Intelligence Squared. We have a season filled with debates that we are really excited about. Our next one is going to be our first Intelligence Squared U.S. and Bloomberg debate called "That's Debatable" and it's going to be airing on Bloomberg Television on Friday, October 9th, at 7:00 p.m. Eastern. That debate will be on a single resolution, it's time to redistribute the wealth. Robert Reich and Yanis Varoufakis will be arguing for the resolution. Allison Traeger and Larry Summers are arguing against. You're not going to want to miss that one.

01:23:03

There's one more thing that I want to say, and I've already thanked all of you and our

audience for helping to make this debate happen by being here and by your votes, but there's one other way in which you can help us. And whether you know it or not, and I think some of you do, Intelligence Squared U.S. operates as a non-profit. We put these debates on and we put them out to you in the world, and we do it for free. We do it as a gesture intended to help raise the level of public discourse, to shed light, to educate; in fact, we are used in high schools and colleges, universities, not just in the United States, but around the world. So it's a good thing, and we would like to ask you to participate in doing good. So the information is up on the screen right now showing how you can help us. You can make a contribution. We appreciate anything. The number there is a suggestion. It'd be one we'd love to see from as many of you as possible, but any contribution would be greatly, greatly appreciated. It means that we can do more of this more often, and if you enjoyed what you saw, and I'm betting that you did, we would love to have you on the team in helping us to continue to do it.

01:24:04

So I want to say thank you again to our debaters, and thank you to you, our audience, for joining us, for being part of this, for helping to raise the level of public discourse by holding debaters' feet to the fire to be smart, intelligence, informative, and all of the rest of it that we enforce and believe in here at Intelligence Squared U.S. I'm John Donovan from Intelligence Squared U.S. Thanks so much. See you next time.

This is a rough transcript. Please excuse any errors.