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**The Exclusionary Nature of Policing and the Liberal Argument for Cohesion:
A Call for Abolition?**

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Introduction: Ideal Theory as Joe Friday?

It is intellectually satisfying to use a society's dominant ideology—in this case liberalism—to explain why that society requires fundamental change. Here, we see that with regards to policing and social cohesion. Hosein argues that if freedom and equality are fundamental truths of liberalism, then liberals must support a model of policing rooted in inclusion over control. Yet, as Hosein notes in his introduction, the history of liberal societies is a history of policing via brutal control. Why, then, does liberal society keep making the wrong choice of control over inclusion, often in the name of increased inclusion (e.g., “community policing”)?

To consider such questions, Hosein's thesis—that inclusive policing is ideal because it provides freedom via protection within the liberal nation-state to all citizens—must be in conversation with policing-as-is, which is an exclusionary institution rife with problems. The United States is not an outlier here; although some liberal nation-states are closer to inclusive policing, the differences are a matter of degree, not of kind. To foreshadow our argument, we worry that the liberal conceptualization of inclusive policing as ideal is subject to what Charles Mills (2017) terms the problem of ideal theory, which “abstract[s] away from relations of structural domination, exploitation, coercion, and oppression, which in reality, of course, will profoundly shape the...social hierarchies of various kinds.” (76) Put differently, to what end does the idealization of “good policing” serve today? Does it lead to a novel form of socially cohesive policing, or does it provide the patina of policing as a public good, to obscure the reality that liberal society requires police to—using violence—create and perpetuate social exclusion? For a pop culture variant of that question: is good cop Joe Friday—or the more modern comparison, Olivia Benson—a goal to strive for, or a coverup by the LAPD for Bloody Christmas? (Or that the NYPD's Special Victims Unit is yet again under investigation by the Department of Justice as we write this?) To be purposefully provocative, is the liberal theory of inclusive policing

academia's form of "copaganda"? Can police serve any function other than to enact exclusion via slow violence on behalf of the state (Kramer and Remster 2022)?

To wrestle with these questions, we divide our comment into four sections, starting with several key empirical findings concerning the nature of policing today and a very brief history of police, focusing on the U.S. Next, we turn to the continued failure of inclusive reform efforts before considering why reform routinely fails and conclude by returning to whether Hosein's liberal theory of inclusion can be reconciled with the recognition that police only perform inclusion via exclusion.

A. Policing Has Never Been Inclusive

Histories of police in liberal nations are clear: police serve to protect the empowered status quo, not to inclusively provide justice for all. In the United States, policing traces much of its origin to slave patrols in the South, labor union and strike busting in the North (including in our home state of PA), and settler colonialism nationwide. The Texas Rangers, for example, originated as an anti-Native militia. U.S. policing also has roots off American soil, in military occupations and colonizations such as the Philippines as well as in various counterinsurgencies like COINTELPRO to monitor and subvert Black freedom movements (Go 2020; Schrader 2019). In fact, the argument that US police are more violent can at least in part be explained by the fact that in the US, the racial hierarchy exists internally (settler colonialism) rather than externally. France and the United Kingdom represent two stark examples; while U.S. police physically brutalized civil rights activists at home, France had only just concluded its war against Algerian independence and the UK was entering the Troubles. Other democracies kept the racial/ethnic subjugation across colonial borders, whereas U.S., policing practices premised on violence and imperialism abroad were brought home to "other" Black and Brown Americans (Schrader 2019).

We hope that we do not need to spend too much time arguing that policing is not inclusive today but let us lay out some key empirical findings to highlight the extent of the problem. First, we acknowledge that the best empirical research demonstrates that increased police presence, especially in what are known as “hotspots” does reduce crime and is, compared to not spending money on any anti-crime initiative, cost effective (Chalfin, Hansen, Weisburst, and Williams 2022). However, this recognition of policing’s cost-effectiveness is both a black box problem—we do not know *how* or *why* police provide protection from crime—nor whether only police can do so (the comparison in econometric cost-benefit analyses of policing strategies and force size is always to *not spending the money*, rather than spending the money on other possible services). Greening public spaces (Garvin, Cannuscio, and Branäs 2013), repairing housing (South, MacDonald and Reina 2021), improving lighting (Chalfin, Hansen, Lerner and Parker 2022; Mirtre-Becerril, Tahamont, Lerner and Chalfin 2022), and providing summer jobs for youth (Heller 2014) also improve public safety and evidence suggests they are more cost efficient than hiring more police without the same negative externalities of increased low-level arrests.

Another fundamental finding is that for the state to deter crime, apprehension by police must be swift and certain (Nagin 2013; Apel and Nagin 2015). That is, the level of certainty of getting caught deters individuals from crime, rather than the severity of punishment for that act, such as long prison sentences. Yet most offenses go unreported to police; nationally, only 40.9% of violent offenses and 32.5% of property offenses were reported in 2019 (Pew 2020). And police fail to apprehend a suspect for most of those reported cases; in 2019, the clearance rates for violent and property crime were 45.5% and 17.2%, respectively. Historically speaking, both indicators of certainty—reported offenses and cases resulting in an arrest—have remained relatively stable for the past few decades (Pew 2020). However, when we narrow our focus to homicide, clearance rates were above 70% in the 1990s and early 2000s. We use Philadelphia—our beloved hometown and not an outlier within US policing as an example throughout this

paper and today, Philly PD clears roughly 40% of homicides. Meanwhile six homicide detectives with decades on the job have been arrested for illegal interrogation tactics and perjury in the last five years.

Moreover, the accuracy of arrests that police do make is questionable, especially since the institution began prioritizing quantity over quality in the 1990s. It is unknown how frequently police arrest the wrong person, but the number of exonerations continues to grow annually nationwide. Since 1989, roughly 27,200 years have been lost to exonerees (3247 individuals) (National Registry of Exoneration 2021). At least some of those exonerations were due to junk science (Fabricant 2022). In 2009, the National Research Council determined that most forms of forensic science had no empirical basis. Nonetheless, there have been no reforms to forensic standards since and police continues to rely on junk science to make arrests. At the same time, police routinely fail to use more reliable and valid forms of forensic science; thousands of untested rape kits across the country were recently discovered and DNA matches from processing those backlogged kits are now being used to prosecute culprits for additional offenses committed while those rape kits went untested (Medina 2022).

Our own work (Kramer, Remster, and Charles 2017; Kramer and Remster 2018; Remster, Smith, and Kramer forthcoming), along with many other studies, demonstrates the rampant racial and ethnic disparities in the likelihood of being stopped by police as well as experiencing police violence, net of competing explanations. In other words, rather than extreme outliers, the viral cases of killings committed by police are generally representative of a systemic pattern of disproportionate police violence more broadly against young people of color in working class communities.

It is difficult to overstate the varied and far-reaching harms that aggressive policing today—characterized by frequent, invasive low-level stops—inflicts disproportionately on people of color. Indeed, this form of slow violence constitutes cultural trauma (Kramer and Remster 2022). In the latest research, for instance, demographers find that exposing Black children to

the same rate of neighborhood stop and frisk as White children would reduce the high school graduation gap in New York by roughly one-quarter (Legewie and Cricco 2022). Other impacts include elevated rates of psychological distress and physical ailments among individuals, families, and neighborhoods subjected to such policing (Legewie and Fagan 2019). Policing practices also structure physical space and define community membership by defining who can be where and when and distinguish residents worthy of protection from residents to be criminalized (Gascón and Rousell 2019). Yet aggressive policing and its resulting harms is not limited to communities of color, instead it is spreading; as we discuss later, the idyllic suburb has become increasingly likely to suffer the harms of aggressive policing practices.

Further, and beyond the scope of our comments today, is a consideration of how policing constrains the very definition of harm. For example, if policing focused on financial crime, the *White-Collar Crime Map* shows that it would target very different parts of cities than it currently does (Clifton, Lavigne, and Tseng 2017). Flint's water crisis—or more recently Jackson's—are not nominally police issues nor do they fit Hosein's definition of "genuine and serious harm" (which implicitly accepts the individualistic nature of the criminal code and policing practices). By focusing on low level, "crimes of the street," actual genuine and serious harms committed by the state as well as private companies are largely ignored (and to stick to water issues, as Pennsylvanians we'd be remiss to not also acknowledge the impact of fracking on rural water supplies as another example). That focus has a devastating impact; economists estimate that those harms collectively dwarf both the death and financial toll of "street crime."

This alternative understanding of police as a modern institution that serves *a form of* liberal inclusion—what Tillman (2022) calls "carceral liberalism"—but not a universal liberal inclusion, helps ground the second part of our argument which focuses on reform: Reform has never produced universally inclusive policing and, in fact, even the most inclusive minded reforms often turn out to be exclusionary in practice because they are embedded within the institution of policing.

B. Inclusive Reform is Anything but Inclusive

As Kaba (2020) noted, the same basic reforms for policing—for police to be procedurally just and fair to all Americans, to diversify departments and recruit from heavily policed neighborhoods, to professionalize and be less violent as well as to improve oversight and accountability—have been identified by commissions and citizens for as long as policing has existed in the United States.

Technological solutions arguably rose to the forefront in recent decades and remain popular; body cams are the latest iteration. Although often characterized as improving police accountability, there are few examples of bodycam footage identifying and punishing police misconduct without a local, sustained movement and/or sousveillance from the cell phones of passerby, and even then, most officers avoid criminal charges. Based on over 70 studies, the National Institute of Justice (2022) recently concluded that bodycams have no empirical impact on police use of force or other markers of police behavior including civilian complaints. Before bodycams, TASERs held similar hopes—and before that dashboard cams—but instead of reducing police violence, research shows that TASERs introduce *more* unnecessary violence because officers view them as non-lethal and not as excessive as a handgun (Ariel, Lawes, Weinborn, Henry, Chen and Brants Sabo 2019; Sierra-Arevalo 2019).

Although policy might mitigate such flaws in technological reform, it is concerning that state agents tasked with enforcing the rule of law require further oversight. Or, as the title of a *Slate* (Stern 2020) piece put it “The police lie. All the time.” as proven—to again use Philadelphia as exemplar—by the existence of the District Attorney’s do-not-call lists (spanning at least the previous traditional office holder and the reformer currently in office) naming dozens of active-duty officers disqualified from testifying due to their routine misconduct and perjury. Moreover, most technology-related reforms do not address the actual source of police problems, which are institutionalized policing practices and protocols.

Other inclusive sounding concepts of reform—from procedural justice to community policing—are either nebulous in concept or easily turned into methodologies of exclusion. For example, Gascón and Roussell (2019) demonstrate how community policing is less about reaching the cynical and disconnected and more about defining a “good community” to be protected from the anti-community, especially an anti-community that demands police reform. To return to Philadelphia once again, this past summer police denied over 200 block party applications due to fears of potential violence (a block party is perhaps the quintessential example of inclusion as cohesion). Cheng (2020) shows how police use scripts and silences to avoid accountability in community meetings and Gordon (2020) shows that how police conceptualize neighborhoods shape neighborhood trajectories over time.

At the individual officer level, reforms like procedural justice serve as the *mano suave* (soft hand) that works not in lieu of but rather in tandem with the *mano dura* (strong hand) of police violence and brutality (Rio, Prieto, and Ibarra 2020). Brutality with a smile is still brutality. In a related vein, recent data shows that diversifying the police does reduce—but not eliminate—police violence and low-level arrests in Chicago (Ba, Knox, Mummolo, and Rivera 2021). Yet police skew whiter and more conservative than the people and places they patrol (Ba, Kaplan, Knox, Komisarchik, Mariman, Mummolo, Rivera and Torres 2022).

Other forms of reform proclaim a scientific or evidence-driven approach. Yet that data are rife with bias, as the state creates, legitimizes, and oversees its collection. For over 125 years, scholars have noted that crime and police data are used to create the myth of black criminality—that there is no such thing as “genuine indicators of crime” and any effort to create such a thing has time and time again defined crime in a racist, classist, and sexist manner (Du Bois 1899; Muhammad 2011; Daly and Tonry 1997). Evidence based reforms rarely, if ever, address the critical questions of what evidence, whose evidence, and how that evidence was collected (this is especially damning for any attempted move toward algorithmic interventions, see Ferguson 2016; 2017; Hanna, Denton, Smart, and Smith-Loud 2020; Lally 2021;

Alikhademi, Drobina, Prioleau, Richardson, Purves, and Gilbert 2022). For example, some scholars argue that we could reduce the number of *Terry* stops—or as we know it, stop and frisk—by roughly 95% and still locate most guns found via the full operation (Gel, Rao, and Shroff 2016).

Such “evidence-based” reforms also ignore another utility of conducting frequent stops; this routine policing practice demarcates citizens’ racial subservience and obscures the stark racial disparity in the risk of experiencing police violence. Because stops of Black Americans are based on less suspicion than stops of Whites, stops of Black Americans are far less likely to be a high-risk stop for an officer than stops of Whites (Knox, Lowe and Mummolo 2020). Besides, being stopped by lethally armed agents of the state with the power to take your freedom is anything close to “innocuous.” This is why, as a form of control with the desire to “change people’s underlying character, instilling in them a greater respect for authority and sense of personal responsibility,” stop and frisk was not only unsuccessful, it was *harmful toward that goal*. Stop and frisk is one of the primary motivations for distrust of the police, cultural and communal trauma, and the success of the largest, most diverse protest movement in American history.

At a more macro-level, even as violence declines, *policing* increases. As Kohler-Hausmann (2018) shows, police are very active, but rarely active in addressing serious crime. Herring (2019) updates that finding by showing that San Francisco police are tasked with moving homeless Americans away from capital’s desired locations, initiated by residents’ calls, and rarely get calls for serious problems. In other words, police are tasked with managing social problems (Vitale 2017)—not genuine harms—and instead of mitigating poverty, drug addiction, mental illness, and the like, police socially exclude impacted individuals. That misplaced focus explains the phenomenon Weaver, Papachristos and Zanger-Tishler (2019) call “the great decoupling”. Historically speaking, arrests were rare but strongly linked to criminal activity whereas today, a substantial share of Americans are arrested without committing a crime,

and—not surprisingly—Black Americans are disproportionately impacted. In other words, policing today has less to do with public safety and more to do with sustaining racial inequities.

As Hosein notes, this is just police *as law enforcement officers*. Yet Dorothy Roberts shows that policing diffuses beyond the institution in both her classic book *Killing the Black Body* (1999) and her newest book, *Torn Apart* (2022). Or, as she recently remarked in an interview “some cops are called caseworkers” (see also Edwards 2016; Fong 2020; Edwards, Wakefield, Healy and Wildeman 2021). Schools are now rife with police who do not stop school shootings or prevent juvenile offenses but instead expand the school-to-prison pipeline by increasing punitiveness from detentions to suspensions to arrests (Owens 2017; Gottfredson, Crosse, Tang, Bauer, Harmon, Hagan, Greene 2020). Schools, where students should be able to process and heal trauma, are instead too often traumatizing spaces. This is especially damning given studies showing that non-police interventions can and do improve student safety, such as the Safe Passage program in Chicago (Shedd 2015; McMillan, Sarmiento-Barbieri, and Singh 2019).

C. Reform Doesn't Work Because Policing is Functioning as Intended

If we accept the above empirical evidence that inclusive reform has long been the promised solution to the problems of policing and that nearly every reform ends up reinforcing policing as control, it becomes even more crucial to understand why that is. Is it the poor design of reform? Something inherently enticing or easier about control-based methodologies over inclusion? That control has more power in the battle between control and inclusion approaches?

None of the above are particularly satisfying answers nor well-documented. As Forman (2017) and other historians of policing the Black community note (see especially Hinton 2017 and for a review, Hinton & Cook 2021), the call from communities being hyper-controlled (but under-supported) was always for more police *and more service*. People who have been

arrested still express that same desire today—to be seen as worthy of police protection rather than as targets (Campeau, Levi, and Foglesong 2021). However, the response then and now is almost entirely *more police*.

The reason for this is simple: the purpose of policing *is not and never has been* to include everyone into the body politic; since inception police have been and continue to be the violent arm of exclusion. Police inflict legitimate violence to protect the state from its citizens. Less physically violent policing—e.g., via aggressive surveillance and big data policing—remains exclusionary at its core. Is it substantively different to be constantly watched and tracked, wary of the one small technical violation that will send you back to jail or fine you hundreds of dollars—to fund a local government purposefully starved of tax revenue (Harris 2016)—than to be brutalized? Liberal theory argues the state is the people, but as history repeatedly demonstrates, who counts as the people has never been a universal definition of the people.

Some, perhaps most famously AOC, then say we should “police like the suburbs” where everyone in the suburb is assumed to be a “person” in the liberal sense. The call for this imagined suburb is like the call for policing to look more like policing in Europe. However, research shows that Europe is not a haven of inclusive policing (Fassin 2013) and the primary task of suburban policing is to protect the “people” from outsiders desecrating their higher status (Boyles 2015). Indeed, as suburbs diversify and see higher poverty rates, they often shift policing practices. While cities are fitfully moving away from aggressive policing, suburbs are incorporating “urban” practices. Consequently, arrest rates, police use of force, and killings by police in suburbs are now outpacing cities (Sinyangwe 2020).

D. Reconciling the Liberal Theory of Inclusion with the Exclusionary Nature of Policing

Materialist histories help make sense of the persistent failure to reform policing. Policing is not a struggle between methodologies of justice, but rather the violence protecting and reinforcing the existing social order of racial capitalism (Neocleous 2000). In fact, Neocleous’

argument goes so far as to assert the interest in freedom is secondary to liberalism's implicit interest in "security" (2008). As non-philosophers, we hesitate to engage that argument in front of philosophers other than to note that the actual purpose of policing—not its stated motto of "protect and serve"—has never been a solution to any form of genuine and serious harm", but rather to ensure that some people (and capital) can avoid disorder and have security. Reforms, then, are embraced when there is some form of interest convergence—the best example being that the reduction in mass incarceration only began when state budgets faced the 2008 crisis; 15 years later, the U.S. incarceration rate remains unparalleled in both time and place (Garland 2001; Kluckow and Zeng 2022).

The above, a theorist can note, is a critique of police *as is* and not the liberal theory of what policing should be. We close with a return to Joe Friday and Olivia Benson. These idealized forms of police in popular culture—and, we'd argue, in academia—serve the purpose of obscuring the realities of police. Joe Friday made an unprofessional, corrupt LAPD look like a serious crime fighting organization, helping create a mythology that shrouded its corruption and racism for generations. Olivia Benson's SVU portrays one of the most poorly run, sexist parts of the NYPD as a space of empathy, effectiveness, and moral fortitude.

This is not to deny Hosein's liberal argument that inclusion is the proper method of ensuring social cohesion. But hopefully having demonstrated that police have always been a force of exclusion, we ask, can liberal inclusion be a call for abolition?

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