

COLLEGE CAMPUS POLICE ABOLITION

By: Trey A. Duran*

ABSTRACT

There is a surprising lack of discussion about college campus police abolition in legal scholarship. Only within the last decade has legal scholarship begun to seriously discuss the movement to abolish prisons and police. This Article argues that college campus police abolitionists should gradually shift resources to social services and community welfare with the goal of making college campus police obsolete. In doing so, college campus police abolitionists will correctly adopt a police abolitionist framework and push society closer toward a Third Reconstruction to preserve and expand multiracial democracy in the United States.

This Article discusses the developmental history of the college campus police that distinguishes this institution from the municipal police. Likewise, it examines relevant state and federal law as well as characteristics of crime and policing on college campuses. It then explores the deep roots of the abolitionist policy framework in the history of the United States. In addition, this Article clarifies common misconceptions about the police abolitionist policy framework and argues that police abolitionism is preferable to police reformism as a policy framework. Finally, this Article comments on relevant examples of recent developments in public policy and emphasizes the importance of long-term planning when abolishing college campus police.

* J.D. Candidate 2022, University of Kansas School of Law; B.A. (Political Science) 2019, University of Kansas. The author would like to thank Professor Pamela Von Essen Keller, D.C. Hiebert, and Hunter Lindquist for their guidance and assistance in writing this Article. The author is also very thankful for the hard work of the Editorial Board and the staff editors of the Kansas Journal of Law & Public Policy for the time and effort taken to prepare this Article for print publication.

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I. INTRODUCTION

“Police abolition work is not about snapping our fingers and instantly defunding every department in the world. Rather, we’re talking about a gradual process of strategically reallocating resources, funding, and responsibility away from police and toward community-based models of safety, support, and prevention.”

– MPD150, Building a Police-Free Future: Frequently Asked Questions¹

“[P]reventive justice is, upon every principle, of reason, of humanity, and of sound policy, preferable in all respects to punishing justice”

– William Blackstone, *Commentaries on the Laws of England*²

On May 25, 2020, Minneapolis police officer Derek Chauvin pushed his knee into the neck of a forty-six-year-old Black man: George Floyd.³ For nine

¹ MPD150, Building a Police-Free Future: Frequently Asked Questions (available at <https://www.mpd150.com/wp-content/uploads/2020/06/MPD150-FAQ-Zine-Layout.pdf> [<https://perma.cc/7EEV-UBTR>]), in ENOUGH IS ENOUGH: A 150 YEAR PERFORMANCE REVIEW OF THE MINNEAPOLIS POLICE DEPARTMENT app., at 47 (expanded ed. 2020).

² 4 WILLIAM BLACKSTONE, COMMENTARIES *248 (emphasis omitted); see also Allegra M. McLeod, *Prison Abolition and Grounded Justice*, 62 UCLA L. REV. 1156, 1166–68, 1220–21 (2015) (reconceptualizing Blackstone’s notion of preventive justice).

³ See, e.g., Evan Hill, Ainars Tiefenthäler, Christiaan Triebert, Drew Jordan, Haley Willis & Robin Stein, *How George Floyd Was Killed in Police Custody*, N.Y. TIMES (Nov. 1, 2021),

minutes and thirty seconds, George begged for his life, saying “I can’t breathe” nearly thirty times before Officer Chauvin killed him.⁴ What followed the brutal police lynching⁵ of George Floyd was the American people’s largest social movement in the nation’s history.⁶ Fifteen to twenty-six million Americans participated in public demonstrations to protest policing’s brutality—a greater number than participated in the marches of the American Civil Rights Movement.⁷ These historic demonstrations refocused the American public on the topic of police abolition.⁸ Not only did many Americans call for the abolition of municipal police, but many college students also began calling for the abolition of campus police.⁹

For example, at the University of Kansas, the Abolition KU student movement is petitioning and organizing to abolish the University of Kansas Public Safety Office.¹⁰ The Abolition KU student movement is not alone in its

<https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html> [<https://perma.cc/4VU9-UH4C>].

⁴ Joshua Bote, *George Floyd Told Officers He ‘Can’t Breathe’ Nearly 30 Times, Newly Released Body Cam Transcripts Show*, USA TODAY (July 9, 2020, 2:03 PM), <https://www.usatoday.com/story/news/nation/2020/07/09/george-floyd-body-cam-cant-breathe-30-times-transcript/5404026002/> [<https://perma.cc/862M-8UMB>]; Haley Willis, Evan Hill, Robin Stein, Christiaan Triebert, Ben Laffin & Drew Jordan, *New Footage Shows Delayed Medical Response to George Floyd*, N.Y. TIMES (Jan. 6, 2021), <https://www.nytimes.com/2020/08/11/us/george-floyd-body-cam-full-video.html> [<https://perma.cc/7BX2-2LT2>].

⁵ David Morgan & Richard Cowan, *George Floyd’s Brother Decries ‘A Modern Day Lynching’ in Testimony to Congress*, REUTERS (June 10, 2020, 6:21 AM), <https://www.reuters.com/article/us-minneapolis-police-protests/george-floyds-brother-decries-a-modern-day-lynching-in-testimony-to-congress-idUSKBN23H1NB> [<https://perma.cc/TRG8-ZKPN>] (testifying before the House Judiciary Committee, George’s younger brother Philonise said: “They lynched my brother. That was a modern-day lynching in broad daylight.”).

⁶ Larry Buchanan, Quoc Trung Bui & Jugal K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html> [<https://perma.cc/ZA6S-TEXL>]; Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CALIF. L. REV. 1781, 1783 (2020). See also generally Anne Helen Peterson, *Why the Small Protests in Small Towns Across America Matter*, BUZZFEED NEWS (June 3, 2020, 1:31 PM), https://www.buzzfeednews.com/article/annehelenpeterson/black-lives-matter-protests-near-me-small-towns?bftwnews&utm_term=4ldqpgc#4ldqpgc [<https://perma.cc/4BW3-3N7N>] (discussing the uncommon extent of demonstrations in rural communities).

⁷ Buchanan et al., *supra* note 6.

⁸ Ruairí Arrieta-Kenna, *The Deep Roots—and New Offshoots—of ‘Abolish the Police’*, POLITICO (June 12, 2020, 7:30 PM), <https://www.politico.com/news/magazine/2020/06/12/abolish-defund-police-explainer-316185> [<https://perma.cc/Y6U9-T2YU>].

⁹ Emma Whitford & Lilah Burke, *Students Demand Campuses Cut Ties with Police*, INSIDE HIGHER ED (June 5, 2020), <https://www.insidehighered.com/news/2020/06/05/students-demand-universities-break-ties-local-police-few-have> [<https://perma.cc/7WGM-DVJA>].

¹⁰ Lucy Peterson, *KU Creates Task Force Centered on Reviewing Campus Police’s Policies and Procedures*, U. DAILY KANSAN (Aug. 14, 2020), https://www.kansan.com/news/ku-creates-task-force-centered-on-reviewing-campus-polices-policies-and-procedures/article_47c0f066-de4e-11ea-ac86-ef34bca09ab3.html [<https://perma.cc/3ZCA-DEF4>]; see Conner Mitchell, *KU Launches 25-Person Task Force Dedicated to Improving Local Policing; Girod Says KU PSO Will Stay*, LAWRENCE J.-WORLD (Aug. 14, 2020, 9:38 AM), <https://www2.ljworld.com/news/ku/2020/aug/14/ku-launches-25-person-task-force-dedicated-to-improving-local-policing-girod-says-ku-pso-will-stay/> [<https://perma.cc/C8XH-M5CY>].

efforts. In 2020, many student-led college campus police abolitionist movements emerged across the nation.¹¹

These student-led movements to abolish college campus police emerged after 127 years of colleges increasingly employing campus police.¹² As the number of college campus police officers has increased,¹³ evidence counterintuitively indicates that colleges with fewer campus police officers per student report less violent crime and property-related crime than colleges with more campus police officers.¹⁴ Although this counterintuitive trend could be caused by students having fewer police officers to report crime to, it is equally as likely that some campus communities effectively prevent crime without campus police.¹⁵ Surprisingly, the growing legal literature surrounding police abolitionism has little discussion of abolishing college campus police. Instead, nearly all scholars focus on abolishing municipal police.¹⁶

Compared to municipal police, the professionalization of college campus police is a relatively recent development in United States law enforcement.¹⁷ The circumstances that led to the creation of college campus police forces are distinct from those of the municipal police.¹⁸ Importantly, there is a lack of uniformity in the state laws that authorize employment of sworn college campus police forces¹⁹ and define the territorial jurisdiction of “university precincts.”²⁰ College campus communities also face different crime concerns than those of their host municipalities.²¹

¹¹ See *infra* Appendix, Table A1.

¹² See discussion *infra* Section II.A.

¹³ BRIAN A. REAVES, BUREAU OF JUST. STATS., U.S. DEP’T OF JUST., NCJ 248028, SPECIAL REPORT: CAMPUS LAW ENFORCEMENT, 2011–12, at 1 (2015).

¹⁴ Shannon K. Jacobsen, *Examining Crime on Campus: The Influence of Institutional Factors on Reports at Colleges and Universities*, 29 J. CRIM. JUST. EDUC. 559, 575 (2017).

¹⁵ *Id.* Jacobsen’s 2017 study is the only research exploring this topic and it remains uncertain which hypothesis is more accurate. See *id.*

¹⁶ See generally, e.g., Akbar, *supra* note 6; V. Noah Gimbel & Craig Muhammad, *Are Police Obsolete? Breaking Cycles of Violence Through Abolition Democracy*, 40 CARDOZO L. REV. 1453 (2019).

¹⁷ *Campus Crime Policy: Legal, Social, and Security Contexts*, in CAMPUS CRIME: LEGAL, SOCIAL, AND POLICY PERSPECTIVES 17 (Bonnie S. Fisher & John J. Sloan III eds., 3d ed. 2013) [hereinafter Fisher & Sloan III, *Campus Crime Policy*]; J. Eric Coleman, *Policing the College Campus*, in POLICING AMERICA’S EDUCATIONAL SYSTEMS 66 (John Harrison Watts ed., 2019); see John J. Sloan, *The Modern Campus Police: An Analysis of Their Evolution, Structure, and Function*, 11 AM. J. POLICE 85, 86–89 (1992) (explaining the history of college campus police forces) [hereinafter Sloan, *The Modern Campus Police*]; see also John J. Sloan III, *Race, Violence, Justice, and Campus Police*, FOOTNOTES, July/Aug. 2020, at 10 (discussing how the characteristics of early college campus police changed with professionalization) [hereinafter Sloan III, *Race, Violence, Justice*].

¹⁸ Sloan, *The Modern Campus Police*, *supra* note 17, at 87–88; Melinda D. Anderson, *The Rise of Law Enforcement on College Campuses*, ATLANTIC (Sept. 28, 2015), <https://www.theatlantic.com/education/archive/2015/09/college-campus-policing/407659/> [<https://perma.cc/DA9B-KZ2N>].

¹⁹ Jamie P. Hopkins & Kristina Neff, *Jurisdictional Confusion that Rivals Erie: The Jurisdictional Limits of Campus Police*, 75 MONT. L. REV. 123, 129–30 (2014).

²⁰ Jeffrey S. Jacobson, Article, *The Model Campus Jurisdiction Act: Toward a Broader Jurisdiction for University Police*, 29 COLUM. J.L. & SOC. PROBS. 39, 49 (1995).

²¹ See KE WANG, YONGQIU CHEN, JIZHI ZHANG & BARBARA A. OUDEKERK, INST. OF EDUC. SCIS.,

This Article discusses a possible path forward for college campus police abolitionists. Although it is important to say unequivocally that Black lives matter,²² actions will speak louder than words. College campus police abolitionists should pursue gradually shifting resources to social services and community welfare to make college campus police obsolete. To successfully reimagine law enforcement on college campuses, abolitionist college administrators, faculty, staff, and students should organize long-term plans that contemplate and confront the distinctive attributes of college campus police and crime.

Certainly, scholars have many compelling concerns about the movement to abolish policing as we know it. For instance, defunding police departments may facilitate the privatization of policing which would exacerbate the consequences of growing economic inequality.²³ Yet, as an institution of United States law enforcement, college campus police are peculiar. There are already private forces of sworn college campus police subordinate to unelected private college administrators.²⁴ Furthermore, many caution that police abolition will likely have unintended or unforeseen consequences because of its supposed immediate implementation.²⁵ Such caution is justifiable, especially when considering the experience of Greece.²⁶

After the collapse of its military dictatorship, Greece enacted an academic asylum law that prohibited law enforcement from operating on college campuses, which increased criminality and violence.²⁷ Yet, this caution rests

NCES 2020-063, NCJ 254485, INDICATORS OF SCHOOL CRIME AND SAFETY: 2019 110–11 (2020) (discussing how college campus communities report disproportionately high numbers of sex offenses). A more meaningful discussion of police abolitionism and sex offenses can be found in other legal literature. *See generally, e.g.*, Anonymous, Essay, *Defunding the Police*, 27 UCLA WOMEN'S L.J. 315 (2020) (discussing a sexual violence survivor's arguments in favor of police abolitionism).

²² See John A. Powell, *All Lives Can't Matter Until Black Lives Matter Too*, BERKELEY BLOG (June 17, 2020), <https://blogs.berkeley.edu/2020/06/17/all-lives-cant-matter-until-black-lives-matter-too/> [<https://perma.cc/P2ZD-T39D>] (“To recognize someone’s full humanity does not entail . . . measuring against our own. We understand that racial justice and equality are not zero-sum games.”); Arianne Shahvisi, *The Philosophical Flaw in Saying “All Lives Matter,”* PROSPECT (July 3, 2020), <https://www.prospectmagazine.co.uk/philosophy/black-lives-matter-es-say-why-is-saying-all-lives-matter-wrong> [<https://perma.cc/MY6K-4VF9>] (arguing that although “All Lives Matter” is normatively accurate it is descriptively inaccurate because it does not reckon with the anti-Blackness of major social institutions). The normative statement “All Lives Matter” should be interpreted with skepticism in the context that it arose as a reaction to the statement “Black Lives Matter.” *Id.*

²³ Stephen Rushin & Roger Michalski, *Police Funding*, 72 FLA. L. REV. 277, 318–20 (2020).

²⁴ See John Paul Wright & Kevin M. Beaver, Commentary, *For Safety's Sake, Get Rid of Campus Cops*, CHRON. OF HIGHER EDUC. (Oct. 8, 2014), <https://www.chronicle.com/article/for-safetys-sake-get-rid-of-campus-cops/> [<https://perma.cc/RW9L-75T3>].

²⁵ *See, e.g.*, Lynne Peoples, *Brutality and Racial Bias: What the Data Say*, 583 NATURE 22, 24 (2020).

²⁶ *See, e.g.*, Niki Kitsantonis, *Greece Weighs Ending Law Barring Police from Campuses*, N.Y. TIMES (July 22, 2019), <https://www.nytimes.com/2019/07/22/world/europe/greece-students-universities-violence.html> [<https://perma.cc/4DT9-PPNC>].

²⁷ *Id.*; *see also* Helena Smith, *Greece Scraps Law Banning Police from University Campuses*, GUARDIAN (Aug. 8, 2019, 3:52 PM), <https://www.theguardian.com/world/2019/aug/08/greece->

upon the common misconception that police abolitionism involves merely the immediate elimination of the police. Rather than immediately eliminating the police, police abolitionism is a policy framework²⁸ to gradually phase-out policing by building alternative institutions that make police obsolete.²⁹ Finally, scholars find that police presence itself reduces crime.³⁰ Despite such findings, scientific analysis continues to prove that American police have a persistent bias against non-white people.³¹

scraps-law-banning-police-from-university-campuses [https://perma.cc/R95V-MFW4].

²⁸ The “police abolitionist framework” is a set of guideline principles considered during advocacy and policymaking with the long-term goal of making policing obsolete. This definition of the “police abolitionist framework” is comparable to Professor Allegra M. McLeod’s definition of “prison abolitionist framework.” See McLeod, *supra* note 2, at 1161.

²⁹ Angela Davis, Melina Abdullah & Robin DG Kelley, Opinion, *California Must Lead the Way in Abolishing School and University Campus Police*, SACRAMENTO BEE (Jan. 31, 2021, 9:36 AM), <https://www.sacbee.com/opinion/op-ed/article248636275.html> (“[T]he work of abolition is not about instantly defunding every department in every campus, town or city. Rather, abolition is a process of strategically reallocating resources, funding and responsibility away from police and toward community-based models of safety, support and prevention.”); Derecka Purnell, *What Does Police Abolition Mean?*, BOS. REV. (Aug. 23, 2017), <http://bostonreview.net/law-justice/derecka-purnell-what-does-police-abolition-mean> [https://perma.cc/3S6D-WC6P] (“Today abolition requires more than police officers disappearing from the streets. . . . Police abolition . . . require[s] society to decrease and eliminate its reliance on policing.”); Mariame Kaba, Opinion, *Yes, We Mean Literally Abolish the Police*, N.Y. TIMES (June 12, 2020), <https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html> [https://perma.cc/LWW7-8YP6] (“This change in society wouldn’t happen immediately”); Robyn Maynard, *Police Abolition/Black Revolt*, 41 TOPIA 70, 74 (2020) (“Abolition . . . is as much about building the conditions for safety as it is about dismantling the institutions of harm and captivity, and ending racial violence in all of its forms.”); Meghan G. McDowell & Luis A. Fernandez, *‘Disband, Disempower, and Disarm’: Amplifying the Theory and Practice of Police Abolition*, 26 CRITICAL CRIMINOLOGY 373, 377 (2018) (An “abolitionist approach includes struggles to dismantle structures of oppression . . . , alongside an effort to build new ways to respond to harm, new meanings of justice, and new modes of democratic living.”); *cf. also* McLeod, *supra* note 2, at 1161, 1172 (answering the same counterargument against prison abolition).

³⁰ Jonathan Klick & Alexander Tabarrok, *Using Terror Alert Levels to Estimate the Effect of Police on Crime*, 48 J.L. & ECON. 267, 277 (2005) (finding a causal link between higher police presence and reduced crime during periods when the United States Department of Homeland Security raised terror alert levels); *see also* John M. MacDonald, Jonathan Klick & Ben Grunwald, *The Effect of Private Police on Crime: Evidence from a Geographic Regression Discontinuity Design*, 179 J. ROYAL STAT. SOC’Y 831, 844 (2016) (finding that employing more police officers can be an effective way to discourage criminality).

³¹ Peebles, *supra* note 25, at 22 (discussing scientific findings that police disproportionately use force against Black people). This Article will use the term “non-white” to refer collectively to Black, Indigenous, Middle Eastern and North African, Asian, Pacific Islander, Latine, and multiracial people. *See generally* Meera E. Deo, *Why BIPOC Fails*, 107 VA. L. REV. ONLINE 115 (2021) (exploring criticisms of the term “Black, Indigenous, and people of color” and its acronym “BIPOC”). This Article uses “Latine” to refer collectively to Latin Americans as a gender-inclusive alternative to “Latinx.” *See generally* Ecleen Luzmila Caraballo, *This Comic Breaks Down Latinx vs. Latine for Those Who Want to be Gender-Inclusive*, REMEZCLA (Oct. 24, 2019, 2:54 PM), <https://remezcla.com/culture/latinx-latine-comic/> [https://perma.cc/3285-E9SK] (discussing how “Latine” is easier to pronounce in Spanish than “Latinx”); Luis Noe-Bustamante, Lauren Mora & Mark Hugo Lopez, *About One-in-Four U.S. Hispanics Have Heard of Latinx, but Just 3% Use It*, PEW RSCH. CTR. (Aug. 11, 2020), <https://www.pewresearch.org/hispanic/2020/08/11/about-one-in-four-u-s-hispanics-have-heard-of-latinx-but-just-3-use-it/> [https://perma.cc/UJR2-UULE].

In 2018, the Census Bureau projected that white people would no longer be the majority demographic group in the United States within twenty-four years.³² Demographics are diversifying more quickly than the Census Bureau previously projected.³³ As the demographics of American society change, the nation's political culture appears to be changing too. Fear is growing that political leaders "are using America's institutions to install something resembling a white minority government, even as the country moves swiftly toward the day where no race comprises a majority of the population."³⁴ This fear of a future white minority government was further substantiated on January 6, 2021, when a mob of "overwhelmingly white" insurrectionists invaded and occupied the United States Capitol.³⁵ White supremacists' reactions to the demographic diversification of the United States, and its college campus communities,³⁶ expose the limitations of the current law enforcement system. Because of the current law enforcement system's limitations, it is not unreasonable to doubt the current system's sustainability.³⁷ Despite widely held beliefs to the contrary, "American democracy has always been an aspirational project; it requires work to survive."³⁸ This Article argues that the abolition of college campus police is part of the work necessary to preserve and expand multiracial democracy in the

³² William H. Frey, *The US Will Become 'Minority White' in 2045*, *Census Projects*, BROOKINGS INST. (Mar. 14, 2018), <https://www.brookings.edu/blog/the-avenue/2018/03/14/the-us-will-become-minority-white-in-2045-census-projects/> [<https://perma.cc/UFC4-LTFR>].

³³ William H. Frey, *The Nation is Diversifying Even Faster than Predicted, According to New Census Data*, BROOKINGS INST. (July 1, 2020), <https://www.brookings.edu/research/new-census-data-shows-the-nation-is-diversifying-even-faster-than-predicted/> [<https://perma.cc/NB8M-FAYV>].

³⁴ Emmanuel Felton, *I've Never Been Able to Escape Segregation and Now White People Can't Either*, BUZZFEED NEWS (Oct. 19, 2020), https://www.buzzfeednews.com/article/emmanuelfelton/civil-rights-activists-black-lives-matter?ref=bfnsplash&utm_term=4ldqpho [<https://perma.cc/D5QJ-VYQW>].

³⁵ Christine Fernando & Noreen Nasir, *Years of White Supremacy Threats Culminated in Capitol Riots*, ASSOCIATED PRESS (Jan. 14, 2021), <https://apnews.com/article/white-supremacy-threats-capitol-riots-2d4ba4d1a3d55197489d773b3e0b0f32> [<https://perma.cc/W9U8-XS9B>] (commenting that the insurrectionists also displayed symbols of American white supremacy like the Confederate battle flag); see also Rashawn Ray, *What the Capitol Insurgency Reveals about White Supremacy and Law Enforcement*, BROOKINGS INST.: HOW WE RISE (Jan. 12, 2021), <https://www.brookings.edu/blog/how-we-rise/2021/01/12/what-the-capitol-insurgency-reveals-about-white-supremacy-and-law-enforcement/> [<https://perma.cc/TG24-KJZ8>] (noting that the collaboration of police in the insurrection at the Capitol "should not be surprising considering the infiltration of white supremacists in law enforcement.").

³⁶ Max L. Bromley, *The Evolution of Campus Policing: An Update to "Different Models for Different Eras,"* in *CAMPUS CRIME: LEGAL, SOCIAL, AND POLICY PERSPECTIVES* 300 (Bonnie S. Fisher & John J. Sloan III eds., 3d ed. 2013).

³⁷ Cf. Mark Y. Rosenberg, *Is America's Future South Africa's Past?*, FOREIGN POL'Y (June 10, 2020), <https://foreignpolicy.com/2020/06/10/race-apartheid-united-states-george-floyd-protests/> [<https://perma.cc/C33C-VNAK>] (comparing the United States' contemporary systemic racism to South Africa's former system of Apartheid).

³⁸ KU Law, *The Inevitability of American Democracy*, YOUTUBE, at 8:30 (Nov. 6, 2020), https://www.youtube.com/watch?v=nz0KhtnjF_g&ab_channel=KULaw [<https://perma.cc/2JGV-R687>] (Professor Franita Tolson delivered the University of Kansas School of Law's Fall 2020 Plenary Lecture).

United States.

Part II of this Article provides background information about college campus policing's developmental history,³⁹ the variation of state law authorizing employment of college campus police and defining the extent of university precincts, relevant federal law, and the characteristics of crime and policing in college campus communities. With this background information, the Article argues that the differences between college campus police and municipal police are worth contemplating for college campus police abolitionists. Part III explores police abolitionism as a theory and as a framework for policy change. This exploration of police abolitionism seeks to clarify common misconceptions. Part III further explains why police abolitionism is preferable to police reformism as a policy framework. Part IV presents some early police abolitionist policy proposals and argues that long-term planning is necessary to abolish college campus police.

II. BACKGROUND

A. History of College Campus Police

In 1894, Yale University became the first college in the United States to employ its own police when it hired two local officers from the New Haven, Connecticut, municipal police department.⁴⁰ During the first fifty years of college campus policing, campus police officers served as watchmen with a custodial role.⁴¹ Rather than serving in a traditional policing capacity, these early campus police officers were responsible for “protecting property—preventing and responding to break-ins, addressing vandalism, or insuring doors were locked.”⁴² In the 1930s and 1940s, these watchmen college campus police began to enforce university policies.⁴³ In the 1950s, college campuses expanded as an unprecedented number of students enrolled.⁴⁴ During this period, the Supreme Court of the United States applied the Equal Protection Clause of the Fourteenth Amendment⁴⁵ to end de jure racial segregation of colleges.⁴⁶ From the late 1960s to the early 1970s, non-white people increasingly attended these newly racially

³⁹ This Article is structured in a manner that acknowledges how “[e]xplanations that [individual officers] are to blame have limited utility. Instead, explanations that holistically consider the history, structure, function, and culture of campus policing offer better insight into the problems that need addressing.” Sloan III, *Race, Violence, Justice*, *supra* note 17, at 11.

⁴⁰ See, e.g., Sloan, *The Modern Campus Police*, *supra* note 17, at 86.

⁴¹ *Id.*

⁴² Fisher & Sloan III, *Campus Crime Policy*, *supra* note 17, at 18.

⁴³ Sloan, *The Modern Campus Police*, *supra* note 17, at 86.

⁴⁴ *Id.*

⁴⁵ U.S. CONST. amend. XIV, § 1, cl. 4.

⁴⁶ CHRISTINE J. BACK & JD S. HSIN, CONG. RSCH. SERV., R45481, “AFFIRMATIVE ACTION” AND EQUAL PROTECTION IN HIGHER EDUCATION 2–6 (2019); see also *Sweatt v. Painter*, 339 U.S. 629, 635–36 (1950) (holding that the Equal Protection Clause required admission of a Black student to the University of Texas Law School); *Brown v. Bd. of Educ.*, 347 U.S. 483, 495 (holding that racial segregation of public education violates the Equal Protection Clause).

integrated colleges.⁴⁷ Due to these changes, “many college campuses became small cities.”⁴⁸

The 1960s, a period of change for the United States, was also a period of change for colleges and college campus police. The anti-war movement opposing the Vietnam War eventually spread onto college campuses and campus unrest grew.⁴⁹ Without internally-controlled law enforcement or security forces, “administrators relied upon [municipal] police agencies or the National Guard to restore order on campus.”⁵⁰ These municipal police agencies and the National Guard used brutality against students to restore order.⁵¹ In 1970, the Ohio National Guard fired their rifles into a crowd of Kent State University students, killing four and wounding nine.⁵² To avoid the brutality of the municipal police and National Guard, college administrators professionalized their campus police forces by employing sworn officers with full policing powers.⁵³ Additionally, colleges professionalized their campus police forces because of mass shootings.⁵⁴ In 1966, the first widely reported public mass shooting in the United States occurred at the University of Texas at Austin (“UT”) when a shooter climbed a tower and shot thirty-six people, killing thirteen.⁵⁵

The most recent data from the Bureau of Justice Statistics show that ninety-two percent of major public colleges in the United States employ sworn campus police officers.⁵⁶ In comparison, thirty-eight percent of major private colleges in the United States employ sworn campus police officers.⁵⁷ Despite this lower percentage, private colleges do employ large forces of sworn campus police officers. For example, the University of Chicago Police Department (“UCPD”) is one of the largest private forces of sworn police officers in the United States.⁵⁸

⁴⁷ See Peter Hinrichs, *An Empirical Analysis of Racial Segregation in Higher Education* 3 (Nat’l Bureau of Econ. Rsch., Working Paper No. 21831, 2015) (finding a sharp increase in Black students attending United States colleges between the late 1960s and early 1970s).

⁴⁸ Sloan, *The Modern Campus Police*, *supra* note 17, at 87.

⁴⁹ *Id.* at 87–88.

⁵⁰ *Id.* at 88.

⁵¹ Anderson, *supra* note 18.

⁵² Jerry M. Lewis & Thomas R. Hensley, *The May 4 Shootings at Kent State University: The Search for Historical Accuracy*, 34 OCSS REV. 9, 9 (1998). The Kent State University Massacre came after the Orangeburg Massacre in 1968. Lorraine Boissoneault, *In 1968, Three Students Were Killed by Police. Today, Few Remember the Orangeburg Massacre.*, SMITHSONIAN MAG. (Feb. 7, 2018), <https://www.smithsonianmag.com/history/1968-three-students-were-killed-police-today-few-remember-orangeburg-massacre-180968092/> [https://perma.cc/35E7-4U6K]. In 1968, South Carolina Highway Patrol officers opened fire on a group of Black students from South Carolina State University, known then as South Carolina State College. *Id.* The officers killed three and wounded twenty-eight Black students protesting the racial segregation of a local bowling alley. *Id.*

⁵³ See Sloan, *The Modern Campus Police*, *supra* note 17, at 87–89; see also REAVES, *supra* note 13, at 1 (because “[s]worn police officers have full arrest powers granted by a state or local authority” they can enforce the law as well as university policies).

⁵⁴ See, e.g., Coleman, *supra* note 17, at 66.

⁵⁵ *Id.*

⁵⁶ REAVES, *supra* note 13, at 2.

⁵⁷ *Id.*

⁵⁸ See Michael Sainato, *US Students Call on Universities to Dismantle and Defund Campus Policing*, GUARDIAN (June 24, 2020, 5:45 PM), <https://www.theguardian.com/us-news/2020/jun/>

UCPD has jurisdiction over more non-students than students and is controlled by the university's president rather than any elected official.⁵⁹

B. State Statutory Law

Unlike municipalities, public and private colleges require authorization from a state authority to employ sworn college campus police forces.⁶⁰ In 1969, following the UT tower shooting,⁶¹ Texas became the first state to enact legislation authorizing colleges to employ sworn police officers.⁶² Half a century later, nearly every state has statutes authorizing employment of sworn college campus police.⁶³ In addition, many college campus police officers—especially those of many private colleges—are authorized by becoming deputies of municipal police.⁶⁴ For example, Yale University's campus police are commissioned by the City of New Haven, Connecticut, and are technically a subdivision of New Haven's municipal police.⁶⁵ Another example is Rockhurst University, a private Jesuit college in Kansas City, Missouri, whose campus police are commissioned by the Kansas City Board of Police Commissioners.⁶⁶

The legislative definition of “campus” is another area of significant variation in state law. State legislative definitions of “campus,” which determine the jurisdictional extent of the “university precinct,” vary from including only university-owned property to statewide authority.⁶⁷ Among the various state laws, there are a few trends. Seven states and the District of Columbia limit university precincts to university-owned properties.⁶⁸ Ten states extend

24/campus-policing-us-university-students-call-to-defund [https://perma.cc/L86Y-2ECZ].

⁵⁹ Editorial Board, Editorial, *Rein in Campus Police*, BOS. GLOBE (July 20, 2020, 9:00 AM), <https://www.bostonglobe.com/2020/07/20/opinion/rein-campus-police/> [https://perma.cc/C49S-EYM2].

⁶⁰ Hopkins & Neff, *supra* note 19, at 129.

⁶¹ See discussion *supra* Section II.A.

⁶² Coleman, *supra* note 17, at 67; see generally TEX. EDUC. CODE § 51.203 (West, Westlaw through 2019 Reg. Sess. of the 86th Leg.).

⁶³ In 2021, forty-four states have statutes that explicitly authorize employment of sworn college campus police, three states have statutes that implicitly authorize employment of sworn college campus police, and one state implies an authorization to employ sworn college campus police through the common law. See *infra* notes 68–73. For example, Kansas has such statutes authorizing the employment of sworn college campus police. See KAN. STAT. ANN. §§ 22-2401a(4), 72-6146, 76-726 (West, Westlaw through laws enacted during the 2022 Reg. Sess. of the Kan. Leg. effective on Mar. 10, 2022).

⁶⁴ Jacobson, *supra* note 20, at 65.

⁶⁵ *Id.*

⁶⁶ *Rockhurst University Annual Clery Act Security Report 2021 and Annual Fire Report 2021*, ROCKHURST UNIV., <https://www.rockhurst.edu/securityreport> [https://perma.cc/K4SV-JPRW].

⁶⁷ Jacobson, *supra* note 20, at 43–44.

⁶⁸ These states are Alaska, Colorado, Maine, Massachusetts, Missouri, Rhode Island, and Wyoming. See *infra* Appendix, Table A2; 42 D.C. Reg. 4109 (Aug. 11, 1995) (codified at D.C. Mun. Regs. tit. 6-A, § 1200.2 (2022)) (College and University Campus Security Amendment Act of 1995). Although Wyoming has no statute defining the jurisdiction of its university precincts, the Wyoming Supreme Court decided that it is limited to university-owned property. *Marshall v. State ex rel. Dep't of Transp.*, 941 P.2d 42, 45 (Wyo. 1997).

university precincts to contiguous or adjacent property.⁶⁹ Thirteen states extend university precincts through agreement, resolution, or request.⁷⁰ Nine states—including Kansas—authorize college campus police to expand their university precincts during fresh or hot pursuit of suspects.⁷¹ Nine states authorize countywide or statewide university precincts for their college campus police.⁷² Currently, two states do not have statutes that authorize employment of sworn college campus police or define the jurisdiction of university precincts.⁷³

C. State Common Law

1. Earlier State Common Law: The Doctrine of *In Loco Parentis*

State common law largely defines the liability of colleges regarding their legal obligation to protect their students from crime. Until the late twentieth century, state common law generally applied the doctrine of *in loco parentis* to define colleges' liability for student welfare.⁷⁴ Translated from Latin, *in loco parentis* means "in place of a parent."⁷⁵ In 1913, Kentucky's high court was the first court in the United States to apply the doctrine of *in loco parentis* to the student-college relationship.⁷⁶ In *Gott v. Berea College*, Kentucky's high court held that colleges assumed the duty that students' parents once had.⁷⁷ Courts applied the doctrine of *in loco parentis* to colleges until the 1960s,⁷⁸ the same decade that colleges began to professionalize their campus police.⁷⁹

A few factors led courts to stop applying the doctrine of *in loco parentis* to colleges. In 1961, the United States Court of Appeals for the Fifth Circuit held that college students have a Fifth Amendment due process right to "notice and some opportunity for hearing before . . . [being] expelled for misconduct."⁸⁰ Ten years later, thirty-eight states voted to ratify the Twenty-Sixth Amendment,

⁶⁹ These states are California, Delaware, Georgia, Michigan, Mississippi, New Mexico, South Carolina, Tennessee, West Virginia, and Wisconsin. *See infra* Appendix, Table A3.

⁷⁰ These states are Connecticut, Indiana, Kentucky, Maryland, Nevada, New York, North Carolina, Montana, Ohio, Oklahoma, Oregon, Pennsylvania, and Virginia. *See infra* Appendix, Table A4.

⁷¹ These states are Alabama, Florida, Kansas, Louisiana, Nebraska, North Dakota, South Dakota, Utah, and Washington. *See infra* Appendix, Table A5.

⁷² These states are Arizona, Arkansas, Illinois, Iowa, Minnesota, New Hampshire, New Jersey, Texas, and Vermont. *See infra* Appendix, Table A6.

⁷³ These states are Hawaii and Idaho. *See, e.g.*, UNIV. OF HAW. AT MĀNOA, 2020 UNIVERSITY OF HAWAII AT MĀNOA ANNUAL SECURITY & FIRE SAFETY REPORT 4–5 (2020); UNIV. OF IDAHO OFF. OF PUB. SAFETY & SEC., ANNUAL SECURITY & FIRE SAFETY REPORT 7 (2020); *see also* Max L. Bromley, *Policing Our Campuses: A National Review of Statutes*, 15 AM. J. POLICE 1, 19–21 (1996) (although Bromley's survey of the law was in 1996, further research shows that in 2022 Hawaii and Idaho still do not have statutes authorizing the employment of sworn college campus police).

⁷⁴ Leigh Anne S. Newcomer, Note, *Institutional Liability for Rape on College Campuses: Reviewing the Options*, 78 OHIO ST. L.J. 503, 508–09 (2017).

⁷⁵ *In loco parentis*, BLACK'S LAW DICTIONARY (11th ed. 2019).

⁷⁶ *Gott v. Berea Coll.*, 161 S.W. 204, 206 (Ky. 1913).

⁷⁷ *Id.*

⁷⁸ *See, e.g.*, Sloan, *The Modern Campus Police*, *supra* note 17, at 87.

⁷⁹ *See* discussion *supra* Section II.A.

⁸⁰ *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150, 158 (5th Cir. 1961).

lowering the federal voting age from twenty-one to eighteen.⁸¹ Due to this trend in the expansion of college students' civil liberties, courts eventually stopped applying the doctrine of *in loco parentis*.⁸² Once treated like children, college students were now considered legal adults.

2. Modern State Common Law: Negligence Liability

In the 1980s, courts began to apply various negligence liability theories to protect college students from injuries caused by third parties.⁸³ Courts now regularly apply one of the following three negligence liability theories to the student-college relationship: negligent misrepresentation theory, landlord-tenant theory, and landowner-business invitee theory.⁸⁴ To prove liability under these three theories of negligence, an injured person must show that a college breached a duty that it owed to the person and that breaching this duty proximately caused the person's injury.⁸⁵ The factors considered under these negligence theories "are the foreseeable likelihood that the [college's action or inaction] will result in harm, the foreseeable severity of any harm . . . , and the burden to eliminate and reduce the risk of harm."⁸⁶ If the foreseeable likelihood and severity of harm outweigh the burden of eliminating and reducing risk, then the only reasonable conduct is to eliminate or reduce the risk.⁸⁷ Thus, when a college fails to eliminate or reduce risk in such situations, its conduct is unreasonable and may breach a duty owed to the injured person.

Some courts regularly apply the negligent misrepresentation theory to the student-college relationship. Under the theory of negligent misrepresentation, when a college is aware of crime on its campus, it is legally presumed that the college can or should reasonably foresee future crime on its campus.⁸⁸ Therefore, "[i]f a college [expressly or impliedly] advertises that it has a safe campus and does not disclose information about on-campus crime, it may be held liable"⁸⁹

Other courts regularly apply the landlord-tenant theory to the student-college relationship. Under the landlord-tenant theory, when colleges provide

⁸¹ U.S. CONST. amend. XXVI; *The 26th Amendment*, HISTORY (Apr. 23, 2021), <https://www.history.com/topics/united-states-constitution/the-26th-amendment> [<https://perma.cc/B7VS-WB95>].

⁸² *See Buttny v. Smiley*, 281 F. Supp. 280, 286 (D. Colo. 1968) ("[T]he doctrine of 'In Loco Parentis' is no longer tenable in a university community"); *Goldberg v. Regents of the Univ. of Cal.*, 57 Cal. Rptr. 463, 470 (Ct. App. 1967) ("[U]niversities should no longer stand in loco parentis in relation to their students."); *see also* Michael Clay Smith, Commentary, *College Liability Resulting from Campus Crime: Resurrection for In Loco Parentis?*, 59 EDUC. L. REP. 1, 1 (1990) ("[T]he immediate cause of death was an expanded concept of individual liberties, complicated by a lowered age of majority.").

⁸³ *See Newcomer*, *supra* note 74, at 510–19.

⁸⁴ *See id.*

⁸⁵ *Id.* at 511; *see also* W. PAGE KEETON, DAN B. DOBBS, ROBERT E. KEETON & DAVID G. OWEN, PROSSER AND KEETON ON THE LAW OF TORTS § 30, at 164–65 (5th ed. 1984).

⁸⁶ *See* RESTATEMENT (THIRD) OF TORTS: LIAB. FOR PHYSICAL & EMOTIONAL HARM § 3 (AM. L. INST. 2010).

⁸⁷ *See, e.g., United States v. Carroll Towing Co.*, 159 F.2d 169, 173 (2d Cir. 1947) (explaining Judge Learned Hand's cost-benefit balancing formula for negligence).

⁸⁸ *See, e.g., Duarte v. State*, 151 Cal. Rptr. 727, 735 (Ct. App. 1979).

⁸⁹ *See Newcomer*, *supra* note 74, at 511.

student housing, they assume the same duty that landlords have to protect tenants.⁹⁰ Suppose a college knew or should have known that there were “concealed dangerous conditions”—for example, criminal activity—affecting student housing communities when a student begins living in student housing. In that case, the college has a duty under the landlord-tenant theory to disclose those conditions.⁹¹ Various states’ courts apply this theory to impose negligence liability on colleges,⁹² including Kansas.⁹³

Another group of courts regularly apply the landowner-business invitee theory to the student-college relationship. Under the landowner-business invitee theory, a college that knows or should know about criminal activity has a duty to either (1) exercise reasonable care to detect that such criminal activity is being committed or is likely to be committed or (2) give visitors adequate warning so that they can avoid the criminal activity or otherwise protect the visitors from the criminal activity.⁹⁴ Under the landowner-business invitee theory, unlike under the landlord-tenant theory, whether a college’s conduct is reasonable depends upon the college’s actual or constructive knowledge of similar criminal activity committed in the past.⁹⁵ Although different state courts have regularly found colleges to be liable for negligence under the landowner-business invitee theory,⁹⁶ it is uncertain whether recent developments in American tort law may affect this trend. For example, the *Restatement (Third) of Torts: Liability for Physical and Emotional Harms* abandoned status-based categories defining landowners’ duties, reflecting the trend of a substantial number of American jurisdictions.⁹⁷

Although there are fewer trends in state common law than in state statutory law, the nature of state common law makes it more difficult to determine a college’s duty to its students and third parties. As it may now be clear, the state law in this area continues to be “a maze of conflicting and inconsistent analysis” and it remains uncertain whether the common law on this topic will become more coherent.⁹⁸

⁹⁰ *Nero v. Kan. State Univ.*, 861 P.2d 768, 779 (Kan. 1993).

⁹¹ See *W. KEETON ET AL.*, *supra* note 85, § 63, at 436.

⁹² See, e.g., *Miller v. State*, 467 N.E.2d 493, 494 (N.Y. 1984); *Mullins v. Pine Manor Coll.*, 449 N.E.2d 331, 337 (Mass. 1983).

⁹³ *Nero*, 861 P.2d at 779 (holding that when a Kansas college provides student housing it can be held liable for negligence under the landlord-tenant theory).

⁹⁴ RESTATEMENT (SECOND) OF TORTS § 344 (AM. L. INST. 1965).

⁹⁵ See, e.g., *Peterson v. S.F. Cmty. Coll. Dist.*, 685 P.2d 1193, 1198–99 (Cal. 1984).

⁹⁶ See, e.g., *Delta Tau Delta v. Johnson*, 712 N.E.2d 968, 972–73 (Ind. 1999), *abrogated by* *Rogers v. Martin*, 63 N.E.3d 316, 325 (Ind. 2016); *Johnson v. State*, 894 P.2d 1366, 1370 (Wash. Ct. App. 1995); *Brown v. N.C. Wesleyan Coll., Inc.*, 309 S.E.2d 701, 702 (N.C. Ct. App. 1983).

⁹⁷ RESTATEMENT (THIRD) OF TORTS: LIAB. FOR PHYSICAL & EMOTIONAL HARM § 51, cmt. a (AM. L. INST. 2010). Instead of the former status-based categories defining landowners’ duties, the American Law Institute encourages recognition of a new general duty of reasonable care that a land possessor owes to all entrants of their land. *Id.*

⁹⁸ PHILIP BURLING, NAT’L ASS’N OF COLL. & UNIV. ATT’YS, *CRIME ON CAMPUS: ANALYZING AND MANAGING THE INCREASING RISK OF INSTITUTIONAL LIABILITY* 21 (2d ed. 2003).

D. Federal Statutory Law

For this Article's purposes, the most important federal law to understand is the Clery Act of 1990.⁹⁹ In 1986, Joseph Henry raped and murdered Jeanne Ann Clery in her dormitory room.¹⁰⁰ In 1990, Congress responded by enacting the Student Right-To-Know and Campus Security Act ("Clery Act").¹⁰¹ The Clery Act's predominant provisions mandate that colleges eligible for certain federal funds collect and publicize records of campus crime activity and institutional security practices.¹⁰² Under section 1092(f)(1)(F), colleges must collect and publicize records about the following criminal activities on their campuses: murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson, liquor law violations, drug-related violations, weapons possession, discrimination, domestic violence, dating violence, and stalking incidents.¹⁰³ Sections 1092(f)(8)(A)–(B) mandate that colleges report their institutional practices regarding domestic violence, dating violence, sexual assault, and stalking.¹⁰⁴ Other significant provisions of the Clery Act require colleges to develop and report institutional practices for both timely and emergency notifications of criminal activity on their campuses.¹⁰⁵ Because of its comprehensive scope, the Clery Act forces colleges to "significantly expand and professionalize" their campus police forces.¹⁰⁶

E. College Campus Crime and Policing

The characteristics of college campus crime and policing are another essential consideration for college campus police abolitionists. According to the most recent data, sixty-eight percent of all major public and private colleges employ sworn police officers.¹⁰⁷ In 2017, the most commonly reported crimes on college campuses were burglary at thirty-eight percent, forcible sex offenses at thirty-six percent, and motor vehicle theft at twelve percent.¹⁰⁸ Counterintuitively, colleges with fewer campus police officers per student report less violent crime and property-related crime than colleges with more campus police officers.¹⁰⁹ Between 2005 and 2015, colleges reported increasing numbers of on-campus sex offenses although the actual number of incidents may not have

⁹⁹ 20 U.S.C.A. § 1092(f) (Westlaw through Pub. L. No. 117-102).

¹⁰⁰ *Ex-Lehigh Student Sentenced to Electric Chair for Murder*, N.Y. TIMES, Apr. 30, 1987, at B9; see also Allison Kiss, *The Jeanne Clery Act: A Summary of the Law and its Evolution in Higher Education*, in CAMPUS CRIME: LEGAL, SOCIAL, AND POLICY PERSPECTIVES, *supra* note 17, at 33. In 1998, the Student Right-To-Know and Campus Security Act of 1990 was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. See § 1092(f)(18).

¹⁰¹ Kiss, *supra* note 100, at 34.

¹⁰² § 1092(f)(1)(F), (f)(8)(A)–(B).

¹⁰³ § 1092(f)(1)(F).

¹⁰⁴ § 1092(f)(8)(A)–(B).

¹⁰⁵ § 1092(f)(1)(J), (f)(3).

¹⁰⁶ Kiss, *supra* note 100, at 34 (emphasis omitted).

¹⁰⁷ REAVES, *supra* note 13, at 2 tbl.1.

¹⁰⁸ WANG ET AL., *supra* note 21, at 110.

¹⁰⁹ See Jacobsen, *supra* note 14, at 575. *But see supra* note 15 and accompanying text (implying that more research on the topic is necessary to determine the cause of this trend).

increased.¹¹⁰ Between 2001 and 2017, the only categories of on-campus crime with an increased number of reports were “forcible sex offenses, murder, and negligent manslaughter.”¹¹¹

Like the persistent bias of municipal police against non-white people,¹¹² evidence shows that college campus police may be similarly biased. For instance, at the University of Kansas, the Abolition KU student movement cited a persistent bias against non-white students as a reason to abolish their college campus police force.¹¹³ At the University of Chicago, five percent of the university’s student population is Black,¹¹⁴ while twenty-seven percent of the population of the Hyde Park neighborhood surrounding the university’s campus is Black.¹¹⁵ An analysis of the UCPD “found that 73% of targets in traffic stops were Black, and 94% of those targeted in non-traffic stops were Black.”¹¹⁶ Although the bias of the UCPD does not demonstrate a bias amongst all college campus police, this statistical analysis from the University of Chicago is one of the few recent statistical analyses to investigate college campus police bias against demographic groups.

Further, reliable information is scant regarding potential college campus police bias against other demographic groups like LGBTQ+¹¹⁷ students and religious minorities.¹¹⁸ In the context of intimate partner violence, over fifty percent of same-sex couples experience dual arrests compared to approximately three percent of opposite-sex couples.¹¹⁹ In addition, a study showed that in 2012 thirty-two percent of transgender and genderqueer people who reported having

¹¹⁰ See OFF. FOR VICTIMS OF CRIME, U.S. DEP’T OF JUST., *CAMPUS VICTIMIZATION, in 2018 NATIONAL CRIME VICTIMS’ RIGHTS WEEK RESOURCE GUIDE: CRIME AND VICTIMIZATION FACT SHEETS* (2018) (illustrating the increase of sex offenses between 2005 and 2015). *But see id.* at n.2 (because of changes in the definition of sex offenses used in post-2014 Clery Act mandatory reporting, pre-2014 data cannot be directly compared to post-2014 data).

¹¹¹ WANG ET AL., *supra* note 21, at 110.

¹¹² See Peeples, *supra* note 25, at 23.

¹¹³ See Peterson, *supra* note 10 (citing racial profiling and the cultivation of an unsafe environment for non-white people).

¹¹⁴ Damon Jones (@nomadj1s), TWITTER (Aug. 14, 2020, 4:48 PM), <https://twitter.com/nomadj1s/status/1294390393702932481> [<https://perma.cc/KY63-CR39>]. Damon Jones is an economist affiliated with the University of Chicago Center for the Study of Race, Politics and Culture. Adrienne R. Brown & Eve L. Ewing, Commentary, *Why We Demand More than the Broken Construct of ‘Diversity’*, CHI. TRIBUNE (Oct. 16, 2020, 4:45 PM), <https://www.chicagotribune.com/opinion/commentary/ct-opinion-diversity-race-20201016-fdc7geugk5f2lavlv1wet5wu74-story.html> [<https://perma.cc/FPA9-SGUN>].

¹¹⁵ Jones, *supra* note 114.

¹¹⁶ *Id.*; Brown & Ewing, *supra* note 114.

¹¹⁷ Delaney Hiegert, Article, *Patchwork Protections in Kansas: The Rise of Religious Exemption Laws Demands State-Level LGBTQ+ Antidiscrimination Protections*, 30 KAN. J.L. & PUB. POL’Y 128, 128 n.4 (2020) (discussing use of the acronym “LGBTQ+”).

¹¹⁸ *But see* CHRISTY MALLORY, AMIRA HASENBUSH & BRAD SEARS, WILLIAMS INST., *DISCRIMINATION AND HARASSMENT BY LAW ENFORCEMENT OFFICERS IN THE LGBT COMMUNITY* 6–11 (2015) (discussing discrimination against LGBTQ+ people by police generally).

¹¹⁹ David Herschel & Phillip D. McCormack, *Same-Sex Couples and the Police: A 10-Year Study of Arrest and Dual Arrest Rates in Responding to Incidents of Intimate Partner Violence*, 27 VIOLENCE AGAINST WOMEN 1119, 1122 (2020).

face-to-face contact with police in the previous five years also reported police exhibiting hostile attitudes toward them.¹²⁰

Likewise, it is deeply troubling that college campus police might, themselves, be perpetrators of sex offenses against college students. College campus police officers “are uniquely situated” to perpetrate sex offenses against college students because they have “significant power over students’ educational status and their permanent criminal record.”¹²¹ Moreover, college campus police departments’ lack of transparency obstructs efforts to quantify the full extent of sexual violence against college students perpetrated by campus police.¹²² Although the full extent of such sexual violence remains uncertain, “there are still a shocking number of serious incidents in the public record.”¹²³ The most recent and most comprehensive, yet incomplete, data show that from 2009 to 2014 police departments dismissed nearly a thousand police officers because of sex offenses.¹²⁴ Because of underreporting and disagreements about defining “police sexual violence” it is practically impossible to determine the true extent of police sexual violence.¹²⁵ Even when accounting for underreporting,¹²⁶ college campus police officers’ sexual violence against college students exhibits “a pattern of gender-based violence.”¹²⁷ Additionally, Black, Indigenous, Latine, and LGBTQ+ women are disproportionately the victims of police sexual violence.¹²⁸

Again, it is important to consider that college campus police lack many of the accountability measures of municipal police. Many college campus police forces “report directly to the provost or university president, shielding them from student and faculty oversight.”¹²⁹ According to the most recent data, eighty percent of major public and private college campus police departments did not meet regularly to discuss crime-related problems with student governments and eighty-seven percent did not meet regularly with faculty and staff organizations.¹³⁰ Unlike municipal leaders, college administrators are not democratically accountable to the community they govern or the non-students

¹²⁰ *Police*, LAMBDA LEGAL (2014), <https://www.lambdalegal.org/node/30531> [<https://perma.cc/WUF4-PZ6N>].

¹²¹ Grace Watkins, *The Crimes of the Campus Police*, CHRON. OF HIGHER EDUC. (Oct. 20, 2020), <https://www.chronicle.com/article/the-crimes-of-campus-police> [<https://perma.cc/BF6Z-9CLH>].

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *AP Investigation into Officer Sex Misconduct, by the Numbers*, ASSOCIATED PRESS (Oct. 31, 2015), <https://apnews.com/article/f61d495bb41d47968679c5b89a9907fc> [<https://perma.cc/V6UG-3LTB>] (discussing police generally).

¹²⁵ Dara E. Purvis & Melissa Blanco, *Police Sexual Violence: Police Brutality, #MeToo, and Masculinities*, 108 CALIF. L. REV. 1487, 1494 (2020).

¹²⁶ *Id.*

¹²⁷ Watkins, *supra* note 121; *cf. also* Purvis & Blanco, *supra* note 125, at 1494 (discussing police generally: “[N]umbers of reported incidents of sexual violence committed by police officers are disturbingly high.”).

¹²⁸ Purvis & Blanco, *supra* note 125, at 1496–97 (discussing police generally).

¹²⁹ Watkins, *supra* note 121.

¹³⁰ REAVES, *supra* note 13, at 11 tbl.14.

who live in their university precinct.¹³¹ These specific characteristics, unique to college campus police, are peculiar, especially for private colleges. Private colleges are the only private entities in the United States that enjoy the power to employ sworn law enforcement officers.¹³² Taken together, these unique characteristics of college campus police threaten “the hallmark principles of American jurisprudence.”¹³³

III. UNDERSTANDING POLICE ABOLITIONISM

A. *Origins of the Policy Framework*

To effectively advocate for police abolition, police abolitionists must understand the roots of police abolitionism as a policy framework.¹³⁴ Following the Confederate traitors’ surrender at the end of the American Civil War, the federal government divided ten of the Southern states into five military districts.¹³⁵ Organizing themselves against President Andrew Johnson’s leniency toward former-Confederates during reunification, Radical Republicans led Congress to attempt the First Reconstruction.¹³⁶ From 1867 to 1877, the federal government attempted to reorganize the South to expand white democratic society and government to include Black people.¹³⁷ During the First Reconstruction, Black voter turnout was often near ninety percent, 169 Black federal officials were appointed, and the Southern states elected more than 2,000 Black state and local officials, fourteen Black congressional house representatives, and two Black congressional senators.¹³⁸ With this newfound political empowerment, “the Black Political leadership pressed for the elimination of the racial caste system and the economic uplifting of former

¹³¹ See Editorial Board, *supra* note 59; see also Wright & Beaver, *supra* note 24.

¹³² Wright & Beaver, *supra* note 24.

¹³³ *Id.* (referring to “objectivity, fairness, impartiality, due process, and, most important, freedom from political interference in matters of law enforcement.”).

¹³⁴ Kayla M. Martensen, *Teaching Abolition to Future Police Officers: A Reflective Essay on Pedagogies of Response and Care*, 23 CONTEMP. JUST. REV. 139, 144 (2020) (“Current struggles for liberation are inherently rooted in history[;] making organic connections between abolition efforts of the past to current liberation efforts is essential to abolition work.”); see Angela Y. Davis, *Believe in New Possibilities, Foreword to ABOLITION FOR THE PEOPLE: THE MOVEMENT FOR A FUTURE WITHOUT POLICE & PRISONS* 22 (Colin Kaepernick ed., 2021) [hereinafter ABOLITION FOR THE PEOPLE] (“The language of abolition evokes historical continuity.”).

¹³⁵ Eric Foner, *Reconstruction*, ENCYC. BRITANNICA (Nov. 5, 2021), <https://www.britannica.com/event/Reconstruction-United-States-history> [https://perma.cc/44ZV-TWG7]; see also First Reconstruction Act of 1867, Pub. L. No. 39-153, § 1, 14 Stat. 428.

¹³⁶ Foner, *supra* note 135. The Radical Republicans were a faction of the Republican Party that supported the abolition of chattel slavery and the recognition of Black people’s rights. See *id.*

¹³⁷ *Id.*

¹³⁸ See *Reconstruction Reshaped America Along Lines Contested Today*, ECONOMIST (Dec. 19, 2020), <https://www.economist.com/christmas-specials/2020/12/19/reconstruction-reshaped-america-along-lines-contested-today> [https://perma.cc/M8W6-GAFH]. See generally ERIC FONER, FREEDOM’S LAWMAKERS: A DIRECTORY OF BLACK OFFICEHOLDERS DURING RECONSTRUCTION (rev. ed. 1996).

slaves.”¹³⁹ The states quickly, although somewhat unwillingly,¹⁴⁰ ratified the Reconstruction Amendments to the United States Constitution during this period referenced as the “Second Founding” of the United States by many historians.¹⁴¹ The Thirteenth Amendment abolished chattel slavery,¹⁴² the Fourteenth Amendment guaranteed equal protection under the law and equal access to citizenship,¹⁴³ and the Fifteenth Amendment extended voting rights to Black men.¹⁴⁴

Despite the immense progress achieved by the First Reconstruction, the Republican Party soon reduced its support for racial equality and justice.¹⁴⁵ Without the support of either of the major political parties, the First Reconstruction quickly ended. White terrorists, such as those in the Ku Klux Klan,¹⁴⁶ violently opposed the First Reconstruction.¹⁴⁷ During the First Reconstruction era, white mobs staged several coups d'état to overthrow democratically elected, multiracial local governments.¹⁴⁸ In 1865, President Johnson returned the Southern land confiscated by the federal government to white landowners.¹⁴⁹ This action reversed the efforts of General William T.

¹³⁹ Foner, *supra* note 135.

¹⁴⁰ See First Reconstruction Act § 5 (requiring Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas to ratify the Fourteenth Amendment as a precondition to restoring representation in Congress); State Constitutions Act of 1869, Pub. L. No. 41-18, § 6, 16 Stat. 41 (requiring Virginia, Mississippi, and Texas to ratify the Fifteenth Amendment as a precondition to restoring representation in Congress); Georgia Reconstruction Act of 1869, Pub. L. No. 41-3, § 8, 16 Stat. 60 (requiring Georgia to ratify the Fifteenth Amendment as a precondition to restoring representation in Congress). Tennessee’s representation in Congress was restored before the First Reconstruction; Tennessee ratified the Fifteenth Amendment in 1997. See ERIC FONER, *THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION* 108 (2019).

¹⁴¹ See, e.g., FONER, *supra* note 140, at ii.

¹⁴² U.S. CONST. amend. XIII. Although the Thirteenth Amendment abolished chattel slavery, the amendment’s exception preserved a limited form of slavery. *Id.* (“Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, or any place subject to their jurisdiction.” (emphasis added)); see also 13TH (Kandoo Films 2016) (a popular documentary distributed by Netflix exploring the use of the Thirteenth Amendment’s exception to oppress Black people); McLeod, *supra* note 2, at 1188–92 (2015) (discussing the transformation of chattel slavery into convict leasing and other forced prison labor).

¹⁴³ U.S. CONST. amend. XIV.

¹⁴⁴ U.S. CONST. amend. XV.

¹⁴⁵ See Foner, *supra* note 135.

¹⁴⁶ Compare ELAINE FRANTZ PARSONS, *KU-KLUX: THE BIRTH OF THE KLAN DURING RECONSTRUCTION* 6 (2015) (“[T]he first Ku-Klux Klan would . . . become the most widely proliferated and deadly *domestic terrorist movement* in the history of the United States.” (emphasis added)), with *id.* at 20 (“Reframing and renarrating the Klan in terms of a national discursive process opens it up in several productive ways. . . . [I]t spread[s] the responsibility for Klan violence *beyond a single terrorist movement* and suggest[s] how antiblack violence was embedded in a broader national culture.” (emphasis added)).

¹⁴⁷ See Foner, *supra* note 135.

¹⁴⁸ Isaac Chotiner, *Learning from the Failure of Reconstruction*, *NEW YORKER* (Jan. 13, 2021), <https://www.newyorker.com/news/q-and-a/learning-from-the-failure-of-reconstruction> [<https://perma.cc/H6MM-MLYY>] (interviewing Eric Foner).

¹⁴⁹ See Foner, *supra* note 135.

Sherman and the Freedmen's Bureau to provide Black people land and upward economic mobility.¹⁵⁰ When President Johnson attempted to remove the Secretary of War, the House of Representatives impeached him for obstructing the First Reconstruction.¹⁵¹ The Senate then, by a single vote, chose not to remove President Johnson.¹⁵² In contrast to President Johnson's lenient approach, the next president, Ulysses S. Grant, "launched a legal and military offensive that destroyed the [first] Klan."¹⁵³ However, after withdrawing federal soldiers prematurely to secure his own presidency through the Compromise of 1877,¹⁵⁴ President Rutherford B. Hayes restored civilian government in the Southern states and enabled a new era of racial segregation as well as legal and extralegal violence against Black people.¹⁵⁵ Reflecting on the legacy of the First Reconstruction in 1935, the influential scholar W.E.B. Du Bois wrote *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880*.¹⁵⁶ Du Bois argued that "[t]he abolition of slavery meant not simply abolition of legal ownership of the slave; it meant the uplift of slaves and their eventual incorporation into the body civil, politic, and social, of the United States."¹⁵⁷ The First Reconstruction remained incomplete upon the restoration of white supremacist governments in the Southern states.¹⁵⁸

By the middle of the twentieth century, the United States attempted a Second Reconstruction.¹⁵⁹ In 1948, President Harry Truman desegregated the military and in 1954 the Supreme Court of the United States ended de jure racial segregation of public schools in its unanimous *Brown v. Board of Education*

¹⁵⁰ *Id.*

¹⁵¹ See Annette Gordon-Reed, *The Fight Over Andrew Johnson's Impeachment was a Fight for the Future of the United States*, SMITHSONIAN MAG. (Jan. 2018), <https://www.smithsonianmag.com/history/fight-andrew-johnson-impeachment-fight-future-united-states-180967502/> [<https://perma.cc/TZX9-83QN>].

¹⁵² Erick Trickey, *The Backroom Deals that Saved Andrew Johnson's Presidency by a Single Senate Vote*, WASH. POST (Jan. 31, 2020, 6:00 PM), <https://www.washingtonpost.com/history/2020/01/31/johnson-impeachment-senate-vote/> [<https://perma.cc/4C4B-Q2T4>].

¹⁵³ See Foner, *supra* note 135. See also generally Enforcement Act of 1870, Pub. L. No. 41-114, 16 Stat. 140; Second Enforcement Act of 1871, Pub. L. No. 41-99, 16 Stat. 433; Third Enforcement Act of 1871, Pub. L. No. 42-22, 17 Stat. 13.

¹⁵⁴ Wilfred Codrington III, *The United States Needs a Third Reconstruction*, ATLANTIC (July 20, 2020), <https://www.theatlantic.com/ideas/archive/2020/07/united-states-needs-third-reconstruction/614293/> [<https://perma.cc/3NJ9-4R8W>].

¹⁵⁵ See Foner, *supra* note 135; see also Rebecca E. Zietlow, Opinion, *It's Time for a Third Reconstruction*, HILL (June 17, 2020, 2:30 PM), <https://thehill.com/opinion/civil-rights/503182-its-time-for-a-third-reconstruction?rl=1> [<https://perma.cc/VJ3F-Z58N>].

¹⁵⁶ Elliott Rudwick, *W.E.B. Du Bois*, ENCYC. BRITANNICA (Aug. 23, 2021), <https://www.britannica.com/biography/W-E-B-Du-Bois> [<https://perma.cc/7ZDS-GQZW>]. See also generally W.E.B. DU BOIS, *BLACK RECONSTRUCTION IN AMERICA: AN ESSAY TOWARD A HISTORY OF THE PART WHICH BLACK FOLK PLAYED IN THE ATTEMPT TO RECONSTRUCT DEMOCRACY IN AMERICA, 1860-1880* (1935), reprinted in W.E.B. DU BOIS: *BLACK RECONSTRUCTION & OTHER WRITINGS* (Eric Foner & Henry Louis Gates, Jr. eds., Libr. of Am. 2021).

¹⁵⁷ DU BOIS, *supra* note 156, at 222.

¹⁵⁸ See Gimbel & Muhammad, *supra* note 16, at 1532.

¹⁵⁹ See Codrington III, *supra* note 154.

decision.¹⁶⁰ At the height of the Second Reconstruction, President Lyndon B. Johnson signed the Civil Rights Act of 1964¹⁶¹ and the Voting Rights Act of 1965¹⁶² into law.¹⁶³ Through the “legal revolution” of the Voting Rights Act of 1965, the Second Reconstruction accomplished “the abolition of nearly all remaining limits on the right to vote.”¹⁶⁴ Although the exact number cannot be certain, more than twenty million new voters joined the electorate.¹⁶⁵ Learning from the mistakes of the First Reconstruction, and perhaps the lessons of W.E.B. Du Bois, the Second Reconstruction included the Great Society economic program that reduced poverty and expanded the Black middle class.¹⁶⁶

Unlike the First Reconstruction, the Second Reconstruction did not suddenly end.¹⁶⁷ Instead, the Second Reconstruction slowly disappeared over time.¹⁶⁸ President Johnson’s War on Poverty transitioned into President Richard Nixon’s War on Drugs.¹⁶⁹ The so-called War on Drugs, however, was a pretext for further oppression of Black people.¹⁷⁰ As John Ehrlichman, an advisor to President Nixon, admitted: “[B]y getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news.”¹⁷¹ The War on Drugs created the foundation for the ostensibly color-blind or race-neutral New Jim Crow era of mass incarceration¹⁷² and continues to inflict psychological, physical, and sexual violence upon Black people.¹⁷³

Subsequently, Angela Davis—a world-renowned scholar and abolitionist visionary¹⁷⁴—built upon what W.E.B. Du Bois called “abolition democracy”¹⁷⁵ to support her vision of prison abolition.¹⁷⁶ Davis reiterated: “DuBois argued

¹⁶⁰ *Id.*; see also *Brown v. Bd. of Educ. of Topeka*, 347 U.S. 483, 493 (1954).

¹⁶¹ Pub. L. No. 88-352, 78 Stat. 241.

¹⁶² Pub. L. No. 89-110, 79 Stat. 437.

¹⁶³ See *Codrington III*, *supra* note 154.

¹⁶⁴ ALEXANDER KEYSSAR, *THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES* 228 (rev. ed. 2009).

¹⁶⁵ *Id.*

¹⁶⁶ See *Codrington III*, *supra* note 154.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ See Brandon Hasbrouck, *Abolishing Racist Policing with the Thirteenth Amendment*, *UCLA L. REV. DISCOURSE* 200, 211–13 (2020).

¹⁷¹ Dan Baum, *Legalize it All*, *HARPER’S MAG.*, Apr. 2016, at 22.

¹⁷² MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 68–73 (2010).

¹⁷³ Hannah L.F. Cooper, *War on Drugs Policing and Police Brutality*, 50 *SUBSTANCE USE & MISUSE* 1188, 1191–92 (2015).

¹⁷⁴ See, e.g., Nelson George, *Angela Davis*, *N.Y. TIMES: T MAG.* (Oct. 19, 2020), <https://www.nytimes.com/interactive/2020/10/19/t-magazine/angela-davis.html> [<https://perma.cc/CJ44-CULK>].

¹⁷⁵ DU BOIS, *supra* note 156, at 231 (“How two theories of the future of America clashed and blended just after the Civil War: the one was abolition-democracy based on freedom, intelligence and power for all men; the other was industry for private profit directed by an autocracy determined at any price to amass wealth and power.”).

¹⁷⁶ See Gimbel & Muhammad, *supra* note 16, at 1532–33.

that the abolition of slavery was accomplished only in the negative sense. In order to achieve the *comprehensive* abolition of slavery . . . new institutions should have been created to incorporate black people into the social order.”¹⁷⁷ In the pursuit of abolition democracy, Davis argued that prison abolitionists must create “an array of social institutions that would begin to solve the social problems that set people on the track to prison, thereby helping to render the prison obsolete.”¹⁷⁸

It is with these historical roots that police abolitionism emerged as a policy framework.¹⁷⁹ Police abolitionism stems from prison abolitionism because prisons and police developed as “chronological twins;”¹⁸⁰ there can be “[n]o prison without police.”¹⁸¹ In the United States, the first major police abolitionist group was the Black Panther Party.¹⁸² In the 1960s, the Black Panther Party worked to protect Black neighborhoods against the anti-Black violence of the police.¹⁸³ The present moment appears to be the first time that public debate is focused on police abolitionism since the days of the Black Panther Party.¹⁸⁴

The use of cell phones and other video recording devices increasingly expose the American people and the world to the heinous reality and evils of police killing civilians in the United States.¹⁸⁵ The legally sanctioned state violence in these videos “has sparked community mobilization, unrest, and an internationally recognized effort to reaffirm the humanity, value, and importance of Black lives.”¹⁸⁶ In the aftermath of the police lynching of George Floyd and the racial injustices of the COVID-19 pandemic response, there is new hope for a Third Reconstruction “that could transform the United States . . . into a truly multiracial democracy.”¹⁸⁷

B. The Meaning of “Abolish the Police”

Currently, widespread confusion persists about the police abolitionist policy framework.¹⁸⁸ Police abolitionism is best understood as a policy framework to gradually phase-out policing by building alternative institutions to

¹⁷⁷ ANGELA Y. DAVIS, *ABOLITION DEMOCRACY: BEYOND PRISON, TORTURE, AND EMPIRE* 95 (2005).

¹⁷⁸ *Id.* at 96.

¹⁷⁹ See, e.g., Eduardo Bautista Duran & Jonathan Simon, *Police Abolitionist Discourse? Why it Has Been Missing (And Why it Matters)*, in *THE CAMBRIDGE HANDBOOK OF POLICING IN THE UNITED STATES* 88–95 (Tamara Rice Lave & Eric J. Miller eds., 2019).

¹⁸⁰ *Id.* at 85 (quoting MICHEL FOUCAULT, *THE PUNITIVE SOCIETY: LECTURES AT THE COLLÈGE DE FRANCE, 1972-1973*, at 135 n.3 (Bernard E. Harcourt ed., Graham Burchell trans. 2015)).

¹⁸¹ FOUCAULT, *supra* note 180, at 135 n.3.

¹⁸² See Duran & Simon, *supra* note 179, at 93.

¹⁸³ Robin D. G. Kelley, *Change from the Roots: What Abolition Looks Like, From the Panthers to the People*, in *ABOLITION FOR THE PEOPLE*, *supra* note 134, at 189.

¹⁸⁴ See Duran & Simon, *supra* note 179, at 93–94, 99–100.

¹⁸⁵ *Id.* at 94.

¹⁸⁶ *Id.*

¹⁸⁷ See Codrington III, *supra* note 154.

¹⁸⁸ Andrew Ferguson, ‘Defund the Police’ Does Not Mean Defund the Police. Unless it Does., *ATLANTIC* (June 14, 2020), <https://www.theatlantic.com/ideas/archive/2020/06/what-does-defund-police-really-mean/612904/> [https://perma.cc/J3VV-9JE9].

make police obsolete—rather than immediately eliminating the police.¹⁸⁹ If abolitionism were absolutist—involving merely the immediate elimination of an entire institution—it could be rightfully rejected as preposterous.¹⁹⁰ Those who presume that abolitionism involves merely the immediate elimination of an entire institution overlook the tendency of abolitionism to materialize through “partial abolition projects.”¹⁹¹

Even before the abolition of chattel slavery, abolitionists fought to end the slave trade itself.¹⁹² As Derecka Purnell, a leading voice in the contemporary police abolitionist movement, explained:

During slavery, abolition required more than just disappearing enslaved people from plantations. Society had to eliminate its reliance on forced and brutal labor Overseers, plantation owners, and slave importers had to become obsolete. Amendments were added to the Constitution. Capital was shifted. The formerly enslaved had to find labor, shelter, and protection. There was a short-lived Reconstruction period with elected black officials, civil rights gains, and Jim Crow losses. Abolition required a complete end to slavery, and an ongoing struggle to end all of its lesser versions.¹⁹³

Police abolitionism—rooted in the works of W.E.B. Du Bois and Angela Davis—seeks to build a world that uplifts the oppressed to end community conditions that produce violence and criminality.¹⁹⁴ In fact, police abolitionism is more immediately concerned with building alternative institutions than eliminating the police.¹⁹⁵ Among many other efforts, society must shift economic resources to disrupt wealth inequality, extend and expand civil rights protections, and decriminalize many non-violent behaviors.¹⁹⁶ Although police abolitionism is a gradualist policy framework, all gradual changes must be made “with an eye toward making cops obsolete, even if not in our own lifetimes.”¹⁹⁷

C. Preferability of the Policy Framework

College campus police abolitionists must learn to persuasively explain why police abolitionism, rather than police reformism, is the preferable policy framework to adopt. Contemporary police reformism can be largely divided into

¹⁸⁹ See sources cited *supra* note 29.

¹⁹⁰ Cf. McLeod, *supra* note 2, at 1161 (discussing the same idea in the context of prison abolition).

¹⁹¹ Duran & Simon, *supra* note 179, at 87.

¹⁹² *Id.* at 87–88.

¹⁹³ Purnell, *supra* note 29.

¹⁹⁴ See *id.*

¹⁹⁵ Rachel Herzing, *Big Dreams and Bold Steps Toward a Police Free-Future*, in WHO DO YOU SERVE, WHO DO YOU PROTECT?: POLICE VIOLENCE AND RESISTANCE IN THE UNITED STATES 115 (Maya Schenwar, Joe Macaré & Alana Yu-lan Price eds., 2016).

¹⁹⁶ Purnell, *supra* note 29.

¹⁹⁷ Herzing, *supra* note 195, at 115.

the following four categories: (1) increasing democratization of policing; (2) increasing bureaucratic experts' control over policing; (3) increasing procedural justice; and (4) increasing investment in new tools and technology for policing.¹⁹⁸

First, police reformism may attempt to increase the democratization of policing.¹⁹⁹ For example, these democratization efforts might include creating community oversight bodies or recruiting more non-white and other minority police officers.²⁰⁰ Community oversight bodies protect illusions of police legitimacy by increasing public participation in the regulation of the police.²⁰¹ This reliance on community oversight bodies is misguided because pure democratic governance advantages majority groups over minority groups.²⁰² Police reformists' advocacy for creating community oversight bodies also ignores the extent to which the police decide who is excluded from the community and civic engagement with the government.²⁰³ When police departments recruit more officers to diversify department demographics, this increases passive representation.²⁰⁴ Passive representation is the degree to which the demographics of government officials mirror the demographics of society.²⁰⁵ Recent research shows that without meaningfully addressing any other underlying concerns of oppressed demographic groups, potential benefits of such passive representation is limited.²⁰⁶

Second, police reformism might seek to increase bureaucratic experts' control over policing.²⁰⁷ The motivation behind this approach is that bureaucratic experts with more regulatory power over police conduct can increase police legitimacy because they are more educated, knowledgeable, reasonable, and rational than non-experts.²⁰⁸ A more recognizable example of giving bureaucratic experts more regulatory power over police conduct might be data-based police training requirements.²⁰⁹ However, the opportunity to become better educated and knowledgeable is less accessible for those systemically disadvantaged in society and what is considered reasonable and rational remains a political question.²¹⁰

Third, police reformism may advocate for the increase of procedural

¹⁹⁸ Akbar, *supra* note 6, at 1803–11.

¹⁹⁹ *Id.* at 1803–05.

²⁰⁰ *Id.*; Andrea M. Headley, James E. Wright II & Kenneth J. Meier, *Bureaucracy, Democracy and Race: The Limits of Symbolic Representation*, 81 PUB. ADMIN. REV. 1033, 1039–40 (2021).

²⁰¹ Akbar, *supra* note 6, at 1803–04.

²⁰² BARRY FRIEDMAN, UNWARRANTED: POLICING WITHOUT PERMISSION 317 (2017) (“[M]any of the ills of policing today are the product of democracy itself. . . . The potential problem with democratic governance of policing is that policing does not fall equally on all parts of society. . . . [P]olicing often has been the tool of the ruling class.”).

²⁰³ Akbar, *supra* note 6, at 1805.

²⁰⁴ Headley et al., *supra* note 200, at 1039–40.

²⁰⁵ *Id.* at 1033.

²⁰⁶ *Id.* at 1040.

²⁰⁷ Akbar, *supra* note 6, at 1805–06.

²⁰⁸ *Id.* at 1806.

²⁰⁹ *See id.*

²¹⁰ *Id.*

justice.²¹¹ Advocates of procedural justice want to increase police legitimacy by requiring procedural fairness in police conduct.²¹² For instance, banning chokeholds is a form of procedural justice.²¹³ Although unquestionably good-intentioned, such procedural justice restrictions on police conduct ultimately instruct the police on how exactly to legally kill.²¹⁴ Death penalty reformists, too, advocated for increasing procedural justice when replacing hanging with electrocution and then chemical injections.²¹⁵ The exact technique of killing cannot comfort the dead, instead it comforts the killers and the society that gave them the power to legally kill.²¹⁶

Fourth, police reformism may recommend increasing investment in new tools and technology for policing.²¹⁷ The familiar example of this reform is the widespread investments in body cameras to be worn on police uniforms in response to the early demands of the Black Lives Matter movement.²¹⁸ Over time, it became clear that police racism is reproduced, rather than reduced, and policing power is expanded, rather than restricted, by such new tools and technologies.²¹⁹ Rather than remedy injustices, police body camera footage of Black death may desensitize the public and traumatize Black people.²²⁰

Throughout United States history, the major, if not only, enduring government response to Black-led organizing and uprisings is to increase funding for police and expand the scope of policing.²²¹ Ultimately, police reformism elevates creating illusions of police legitimacy over the protection of Black lives.²²² The police lynching of George Floyd, and the uprisings that followed, were direct consequences of police reformism's failure in the aftermath of the uprisings in Ferguson, Baltimore, Milwaukee, and Charlotte.²²³

Police abolitionism contrasts with police reformism in two key ways: (1) it

²¹¹ *Id.* at 1806–09.

²¹² *Id.* at 1807–09.

²¹³ Naomi Murakawa, *Three Traps of Police Reform*, in *ABOLITION FOR THE PEOPLE*, *supra* note 134, at 168–69.

²¹⁴ *Id.* at 167–68.

²¹⁵ *Id.* at 169.

²¹⁶ *Id.*; see also 2 NESTAR RUSSELL, *UNDERSTANDING WILLING PARTICIPANTS: MILGRAM'S OBEDIENCE EXPERIMENTS AND THE HOLOCAUST* 241–64 (2019) (discussing how the Nazis sought to kill people, and commit genocide against communities, in ways that reduced the negative psychological impact of killing for the killers).

²¹⁷ Akbar, *supra* note 6, at 1809–11.

²¹⁸ Murakawa, *supra* note 213, at 165.

²¹⁹ Akbar, *supra* note 6, at 1810–11.

²²⁰ Cf. Char Adams, Opinion, *I Don't Need to See Another Black Person Die. 30 Years of Brutal Footage Hasn't Stopped These Killings.*, INSIDER (June 21, 2020, 10:53 AM), <https://www.insider.com/dont-need-to-see-viral-videos-black-death-george-floyd-2020-6> [https://perma.cc/6E5M-N9DT] (discussing footage of Black people's deaths generally).

²²¹ Maynard, *supra* note 29, at 73; Akbar, *supra* note 6, at 1804–05; see also Murakawa, *supra* note 213, at 165 (noting that “reform the police usually means reward the police.”).

²²² Maynard, *supra* note 29, at 73.

²²³ See Maynard, *supra* note 29, at 74 (Police reformism created “the conditions that nonetheless allowed for the public execution of George Floyd.”); cf. McDowell & Fernandez, *supra* note 29, at 374 (discussing how the failure of police reformism allowed for police abolitionism to reenter public debate).

treats reform as a tool toward fundamental reconstruction, rather than as the end goal; and (2) it aims to reconstruct society and the state rather than the police.²²⁴ By itself, “reform [is] a necessary but insufficient tool.”²²⁵ Although this Article describes police abolitionism as a policy framework, another way to conceptualize police abolitionism is as a “horizon for reform.”²²⁶ Where police reformist policy preserves the police, police abolitionist policy either disarms or disempowers the police.²²⁷ Disarmament is a form of harm reduction and is simply the effort to demilitarize the police.²²⁸

Although there is tension between such short-term harm reduction and the long-term goal of police abolition, they are not always mutually exclusive.²²⁹ Disempowerment often includes the following four tactics: (1) opposing laws and policies that empower the police; (2) direct action; (3) divestment; and (4) building alternatives to the police.²³⁰ These are an “often mutually reinforcing set of tactics to confront and erode police power, catalyze (or deepen) a legitimacy crisis for the police, and build a world where the function of policing itself [is] rendered obsolete.”²³¹

Where police reformists virtually accept “state-backed violence as a one-size-fits-all solution,” police abolitionists directly address the underlying material conditions of inequality that all but predetermine criminality.²³² In 2020, the American Psychological Association—the largest scientific and professional organization of psychologists in both the United States and the world²³³—published the book *Criminality in Context: The Psychological Foundations of Criminal Justice Reform* by sociologist Craig Haney.²³⁴ Haney was one of the graduate student researchers involved with the Stanford Prison

²²⁴ Akbar, *supra* note 6, at 1842.

²²⁵ *Id.* at 1844.

²²⁶ *Cf.* McLeod, *supra* note 2, at 1161 (discussing the same idea in the context of prison abolition); *see also* Akbar, *supra* note 6, at 1787 (“The horizon metaphor grounds today’s efforts in our imaginations for the world we want to live in tomorrow.”); Davis et al., *supra* note 29 (referring to the “horizon of abolition”).

²²⁷ *See* McDowell & Fernandez, *supra* note 29, at 379.

²²⁸ *Id.* at 380–81.

²²⁹ *Id.* at 383.

²³⁰ *Id.* at 382.

²³¹ *Id.* at 381.

²³² Akbar, *supra* note 6, at 1816 (listing “unemployment, substandard wages, inadequate health care, evictions, addiction, mental health, and intimate violence”).

²³³ Diane Willis, *American Psychological Association*, ENCYC. BRITANNICA (Dec. 20, 2018), <https://www.britannica.com/topic/American-Psychological-Association> [https://perma.cc/EC8N-GHKN].

²³⁴ *See generally* CRAIG HANEY, *CRIMINALITY IN CONTEXT: THE PSYCHOLOGICAL FOUNDATIONS OF CRIMINAL JUSTICE REFORM* (2020).

Experiment²³⁵ and is an expert on United States criminal justice policy.²³⁶ In this book, Haney investigates the intersection of modern criminal justice reformism and psychology.²³⁷ Haney criticizes foundational assumptions of the United States criminal justice system from a sociological viewpoint: “The criminal justice system operates to mask and obscure structural dysfunction in society at large. It does so by translating societal-level problems and the real costs of ignoring them into messages about personal failure and deficit.”²³⁸ Experiences during childhood—above all, those involving poverty and other trauma—set many people on the path toward a pernicious cycle of inter-generational predisposition for criminality.²³⁹

Haney concludes that such pernicious cycles can only be broken by directly addressing the economic inequality that contributes to criminality.²⁴⁰ For instance, robbery, one of the most common violent crimes in the United States,²⁴¹ and other property-related crimes are mostly committed out of desperation to satisfy material needs.²⁴² In his final recommendation on criminal justice reform, Haney argues that “reactive criminal justice policymaking must give way to proactive policies of social reconstruction that focus on economic development and making stable employment available to residents of communities where crime is concentrated.”²⁴³

As discussed earlier, the police abolitionist policy framework requires proactively shifting resources to social services and community welfare as a preventive justice measure.²⁴⁴ Correspondingly, this is reinforced by what a Third Reconstruction of the United States requires.²⁴⁵ The implication is that the vast majority of those who might otherwise commit violent acts, but for an

²³⁵ See generally PHILLIP ZIMBARDO, CRAIG HANEY, W. CURTIS BANKS & DAVID JAFFE, *THE STANFORD PRISON EXPERIMENT: A SIMULATION OF THE PSYCHOLOGY OF IMPRISONMENT* (1971). Although the Stanford Prison Experiment became notorious because of its largely unethical treatment of its human subjects, the study did capture the violence inherent in the prison system. See Cecelia Klingele, *Labeling Violence*, 103 MARQ. L. REV. 847, 866 (2020). But see David M. Shapiro & Charles Hogle, *The Horror Chamber: Unqualified Impunity in Prison*, 93 NOTRE DAME L. REV. 2021, 2025 n.19 (2018) (discussing modern scientific criticisms of the Stanford Prison Experiment’s methodology).

²³⁶ COMM. ON REVISION OF THE PENAL CODE, 2020 ANNUAL REPORT AND RECOMMENDATIONS 5 (2021), http://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2020.pdf [https://perma.cc/V4UX-PZQV].

²³⁷ See generally HANEY, *supra* note 234.

²³⁸ HANEY, *supra* note 234, at 381; see also Akbar, *supra* note 6, at 1816 (remarking that the criminal justice system displaces “responsibility from the collective onto the individual.”).

²³⁹ HANEY, *supra* note 234, *passim*.

²⁴⁰ *Id.* at 383.

²⁴¹ *Id.* at 382.

²⁴² *Id.*

²⁴³ *Id.* at 385.

²⁴⁴ Cf. McLeod, *supra* note 2, at 1218–26 (discussing the same idea in the context of prison abolition).

²⁴⁵ See Zietlow, *supra* note 155 (“The Third Reconstruction must address the economic and social roots of racial inequality in our society”); HANEY, *supra* note 234, at 388 (“Social reconstruction in the name of crime control must include a vigorous plan to right the wrongs of the nation’s racist past and remedy race-based inequities.”).

improvement in the material conditions of society, would not be a threat to themselves or others in a society reconstructed through abolition.²⁴⁶ Although there may very well be a minority of people who will still commit violent acts, “the question of the danger these few may pose can be deferred for some time” because abolition occurs gradually through partial abolition projects.²⁴⁷

Despite the previous arguments weighing in favor of the police abolitionist policy framework, many people understandably struggle to imagine a viable path forward for police abolition. Angela Davis answers those hesitant to embrace police abolition by reflecting upon United States history:

For those who recognize that racism feeds the proliferation of police violence . . . but who still insist that these institutions are simply in need of deliberate reform, it might be helpful to reflect on the fact that similar logic was used about slavery. Just as there are those who want change today but fear that these institutions are so necessary to human society that social organization would collapse without them, there were those who believed that the cruelty of the “peculiar institution” was not inherent to slavery and could indeed be eradicated with reform. Just as we hear calls today for a more humane policing, people then called for a more humane slavery.²⁴⁸

In a recent newspaper article co-authored by Davis advocating for college campus police abolition, this historical reflection is further emphasized: “With the clarity of hindsight, we can see the absurdity, indeed the cruelty, of convening a task force to reform chattel slavery, or a public safety commission to imagine a kinder, gentler apartheid.”²⁴⁹ As in the case of slavery, abolitionism rejects the presupposed inevitability of the police as an institution of the United States.²⁵⁰

Police abolitionism is the preferable policy framework to adopt because police reformism disregards the extensive historical connection between the police and oppression in the United States. In the United States, “[m]odern policing . . . emerged through the [systemic] violence of anti-Black apartheid and the long genocidal legacies of chattel slavery and [anti-Indigenous] warfare.”²⁵¹ This extensive history, and continuing legacies, of the United States’ enslavement of Black people and genocide of Indigenous people, make the institution of policing in this nation far less receptive to reformist criminal

²⁴⁶ McLeod, *supra* note 2, at 1170.

²⁴⁷ *Id.* at 1171; *see also* discussion *supra* Part III.B.

²⁴⁸ Davis, *supra* note 134, at 21–22.

²⁴⁹ Davis et al., *supra* note 29.

²⁵⁰ McDowell & Fernandez, *supra* note 29, at 374.

²⁵¹ Dylan Rodriguez, *Police Reform as Counterinsurgency: How Reformist Approaches to Police Violence Expand Police Power and Legitimate the Next Phase of Domestic Warfare*, in ABOLITION FOR THE PEOPLE, *supra* note 134, at 155.

justice policies that succeeded in other countries.²⁵² Although police reformism maintains that the police as an institution of the United States can somehow overcome this historical inheritance, policing continues to actualize the oppressive inclinations of the United States.²⁵³

IV. POLICE ABOLITIONIST POLICY

A. Current Policy Implementation Efforts

Although police abolitionism is traditionally “an avant-garde movement in both academia and reform activism,”²⁵⁴ the policy framework is moving closer toward the mainstream.²⁵⁵ On February 25, 2021, Representative Katie Porter introduced the Mental Health Justice Act of 2021.²⁵⁶ This Act would direct the Secretary of the Department of Health and Human Services to award grants to states and their subdivisions “to hire, employ, train, and dispatch mental health professionals to respond in lieu of law enforcement officers in emergencies” involving people with mental illnesses, intellectual disabilities, or developmental disabilities.²⁵⁷ Many municipalities are already considering the creation of specialized mental health services, including Lawrence, Kansas.²⁵⁸ In Lawrence, former mayor Jennifer Ananda called for the redirection of law enforcement funding to create a new mental health and addiction crisis response team.²⁵⁹ Former mayor Ananda said: “This is the first step of many in defunding the police, to direct funds to the appropriate professions and community organizations that are equipped to address the issues that we have unfairly laid at the feet of law enforcement, expecting them to be social workers and crisis response workers.”²⁶⁰ The Lawrence City Commission is also considering the decriminalization of certain non-violent crimes.²⁶¹ With growing mainstream appeal, college campus police abolitionists should advocate for gradually shifting resources to social services and community welfare.

Recently, the University of Kansas was one of the few colleges in the nation

²⁵² McLeod, *supra* note 2, at 1184 (discussing prison reform in the Scandinavian countries).

²⁵³ Akbar, *supra* note 6, at 1799 (“Police [operate] as a conduit to broader structures of race, class, and gender: white supremacy, capitalism, colonialism, and patriarchy.”).

²⁵⁴ Duran & Simon, *supra* note 179, at 85.

²⁵⁵ Akbar, *supra* note 6, at 1783.

²⁵⁶ H.R. 1368, 117th Cong. (2021).

²⁵⁷ *Id.* § (3)(a)(1). Nonetheless, police abolitionists must remain vigilante that these initiatives do not recreate the police by empowering “special teams of mental health cops.” Herzing, *supra* note 195, at 117.

²⁵⁸ Sophia Belshe, *Lawrence Mayor Proposes Reallocating Police Funds for Mental Health Initiatives*, U. DAILY KANSAN (June 12, 2020), https://www.kansan.com/news/lawrence-mayor-proposes-reallocating-police-funds-for-mental-health-initiatives/article_7088f562-acc5-11ea-bca9-6b05d71b3f20.html [<https://perma.cc/95YL-5MET>]; *see also* Rochelle Valverde, *Lawrence Mayor Calls for City to Reallocate Some Police Funding for Social Services*, LAWRENCE J.-WORLD (June 9, 2020), <https://www2.ljworld.com/news/city-government/2020/jun/09/lawrence-mayor-calls-for-city-to-reallocate-some-police-funding-for-social-services/> [<https://perma.cc/T5UU-S2GF>].

²⁵⁹ Valverde, *supra* note 258.

²⁶⁰ *Id.*

²⁶¹ *Id.*

to consider the abolition of its campus police.²⁶² University of Kansas Chancellor Douglas Girod convened a task force to review the University of Kansas Public Safety Office (“KU PSO”).²⁶³ This task force heard from undergraduate members of Abolition KU, considered abolishing KU PSO, and explicitly expressed sympathy toward the concerns raised by Abolition KU.²⁶⁴

This task force recommended that health professionals be more involved in behavioral mental health crises and that campus police should gather data on the race and ethnicity of those stopped by campus police.²⁶⁵ By themselves, and under the correct policy framework,²⁶⁶ these could have been examples of police abolitionist policies. These policies disempower the college campus police by opposing their power to respond to mental health crises, creating an alternative institution to respond to mental health crises, and deepening their legitimacy crisis.²⁶⁷

However, the task force recommended an even greater number of police reformist policies. The task force recommended increasing the democratization of their college campus police by creating a campus police oversight board.²⁶⁸ In addition, the task force recommended increasing procedural justice by publishing a campus police officer code of conduct detailing policies on use of force.²⁶⁹ The task force also recommended increasing bureaucratic experts’ control over its college campus police. The task force recommended rewriting department policies to be consistent with the expert suggestions of the Department of Justice and other bureaucratic entities.²⁷⁰ Finally, the task force recommended a combined increase in procedural justice and bureaucratic experts’ control over campus police. The task force recommended that their college campus police department adhere to the suggestions of the *President’s Task Force on 21st Century Policing* and the *Police Executive Research Forum’s Guiding Principles on Use of Force*.²⁷¹

Rather than recommend policies that aspire to make college campus police obsolete and challenge the legitimacy of the institution, this task force recommended policies to preserve college campus police as an institution and promote illusions of its legitimacy. Even when considering the recommendations that could have been examples of police abolitionist policies,

²⁶² See UNIV. OF KAN. CHANCELLOR’S TASK-FORCE ON CMTY.-RESPONSIVE PUB. SAFETY, UNIV. OF KAN., FINAL REPORT 31–33 (Nov. 10, 2020) [hereinafter FINAL REPORT], <https://chancellor.ku.edu/sites/chancellor.ku.edu/files/docs/Task%20Force%20Final%20Report.11.10.2020.pdf> [https://perma.cc/Y2AH-PPCW].

²⁶³ Peterson, *supra* note 10.

²⁶⁴ FINAL REPORT, *supra* note 262, at 31–33.

²⁶⁵ *Id.* at 16–17, 22–23.

²⁶⁶ See *supra* notes 224–25 and accompanying text.

²⁶⁷ See *supra* notes 230–31 and accompanying text.

²⁶⁸ FINAL REPORT, *supra* note 262, at 27–30.

²⁶⁹ *Id.* at 27.

²⁷⁰ *Id.* at 23–27.

²⁷¹ *Id.* at 21; see also Akbar, *supra* note 6, at 1806 n.106 (“The Obama era President’s Task Force on 21st Century Policing, for example, centered procedural justice as its normative framework in its Final Report.”).

a majority of the task force rejected adopting a police abolitionist framework.²⁷² Unsurprisingly, other colleges convened such task forces which also rejected adopting a police abolitionist framework.²⁷³

B. College Campus Police Abolition and Long-Term Planning

The University of Kansas task force's final recommendations illustrate why long-term planning is necessary for the abolition of college campus police. The task force stated that "advocates of defunding and abolition offer somewhat different meanings for these terms."²⁷⁴ Predictably, this task force misconceived abolition as an immediate elimination of its college campus police force.²⁷⁵ As discussed previously, this is a commonly-held misconception of police abolitionism as a policy framework.²⁷⁶

The abolition of college campus police will not be quick and easy. Many obstacles lay on the path toward abolition. Financially, "[j]ustice costs more than police departments are worth."²⁷⁷ Even completely defunding the police would not provide nearly enough funding to create the alternative institutions that could make police obsolete.²⁷⁸ Paradoxically, the same police who oppress non-white people sometimes are those who protect them²⁷⁹:

Poor neighborhoods, even the same poor Black and Brown neighborhoods with the most complaints about police abuse, are often the heaviest users of police services since they have few other resources. Talk of abolition inevitably brings up fears of a complete abandonment and thus loss of services even though abolition movements have always played out in partial abolition over time.²⁸⁰

As Angela Davis explains, for many people, police abolitionism invokes "images of chaotic, crime-ridden (Black and Brown) communities, with no force in place to guarantee order."²⁸¹ Likewise, police abolitionism may inspire violent

²⁷² FINAL REPORT, *supra* note 262, at 32 ("The majority of the Task Force has concluded that public safety at KU is likely to be better served at this time with continuation of the KU Public Safety Office, as modified by our recommendations, than by its abolition.").

²⁷³ See Davis et al., *supra* note 29.

²⁷⁴ FINAL REPORT, *supra* note 262, at 32.

²⁷⁵ See *supra* note 29 and accompanying text.

²⁷⁶ See discussion *supra* Section III.B.

²⁷⁷ Eric Levitz, *Defunding the Police is Not Nearly Enough*, N.Y. MAG.: INTELLIGENCER (June 12, 2020), <https://nymag.com/intelligencer/2020/06/defund-the-police-not-enough-black-lives-matter.html> [<https://perma.cc/CUK4-FCGK>].

²⁷⁸ *Id.*

²⁷⁹ See Jefferson Cowie, *Is Freedom White?*, BOST. REV. (Sept. 23, 2020), <http://bostonreview.net/race/jefferson-cowie-is-freedom-white> [<https://perma.cc/SS3K-DMXV>]. (discussing "the federal government's checkered—perhaps 'occasional' might be the better term—history of protecting minority populations from white people's dominion . . .").

²⁸⁰ Duran & Simon, *supra* note 179, at 93.

²⁸¹ Davis, *supra* note 134, at 20.

resistance because “it involves taking power and privilege from people who have it solely because of policing.”²⁸²

Recently, the scope of college campus police forces’ policing and surveillance powers increased because of the COVID-19 pandemic.²⁸³ Many colleges across the nation used their college campus police to enforce social distancing and quarantine policies.²⁸⁴ Because of this, college campus police increasingly patrol both on and off campuses.²⁸⁵

College campus police have distinctive attributes—distinct from those of municipal police—that college campus police abolitionists should consider when creating long-term plans. As previously reviewed, there is a wide variety of laws that authorize the employment of sworn college campus police and define the territorial jurisdiction of their university precincts.²⁸⁶ This lack of uniformity in the law will complicate any efforts of college campus police abolitionists to cooperate across state lines. Because of court-imposed negligence liability and the Clery Act’s requirements,²⁸⁷ it is practically certain that colleges will resist adopting a police abolitionist policy framework for fear of lawsuits. Abolitionists require long-term plans to address each of these concerns.²⁸⁸ Abolitionists must expect long-term planning because, rather than finding “a single substitute,” college campus police abolition requires creating a collection of alternative institutions that work together.²⁸⁹

V. CONCLUSION

College campus police abolitionists should support gradually shifting resources to social services and community welfare. Shifting resources to social services and community welfare would be an important first step toward making college campus police obsolete. To make college campus police obsolete, abolitionists must create long-term plans that contemplate and confront the distinctive attributes of college campus police and crime. Today, there is new hope for a Third Reconstruction to preserve and expand multiracial democracy in the United States. The abolition of college campus police is a necessary step toward this goal and fulfilling the shared national responsibility of ensuring that George Floyd did not die in vain.

²⁸² Duran & Simon, *supra* note 179, at 93.

²⁸³ Grace Watkins, *The Dark Side of Campus Efforts to Stop COVID-19*, WASH. POST. (Sept. 14, 2020), <https://www.washingtonpost.com/outlook/2020/09/14/dark-side-campus-efforts-stop-covid-19/> [<https://perma.cc/Z45E-6AGE>].

²⁸⁴ *Id.*

²⁸⁵ *Id.*

²⁸⁶ See discussion *supra* Section II.B.

²⁸⁷ See discussion *supra* Sections II.C., II.D.

²⁸⁸ Akbar, *supra* note 6, at 1840 (noting that police abolition “will require deep and sustained work over time.”); see Etienne C. Toussaint, *Blackness as Fighting Words*, 106 VA. L. REV. ONLINE 125, 162 (2020) (“To be sure, police abolition will likely occur as a gradual process of reform within the context of rethinking the entire criminal justice system.”).

²⁸⁹ *Cf.* ANGELA Y. DAVIS, ARE PRISONS OBSOLETE? 106 (2003) (discussing the same idea in the context of prison abolition).

APPENDIX

Table A1. Examples of College Campus Police Abolitionist Movements

University	Student Movement(s)
Yale University	Black Students for Disarmament of Yale ¹ Undergraduate Prison Project ²
Stanford University	Step Up or Step Down ³
Harvard University	Harvard Alliance Against Campus Cops ⁴
University of Chicago	UChicago United ⁵ Care not Cops ⁶
University of Pennsylvania	Police Free Penn ⁷
Northwestern University	NU Community Not Cops ⁸
University of California	UC Cops Off Campus ⁹
California State University	Abolish Campus Police-CSU ¹⁰

¹ Meera Shoaib, *Students Call to Defund, Dismantle YPD*, YALE DAILY NEWS (June 13, 2020, 8:05 PM), <https://yaledailynews.com/blog/2020/06/13/students-call-to-defund-dismantle-ypd/> [https://perma.cc/ZU59-99XQ].

² *Id.*

³ Alysa Suleiman, *A Day in the Step Up or Step Down Protest Week to Abolish Campus Police Presence*, STAN. DAILY (AUG. 4, 2020), <https://www.stanforddaily.com/2020/08/04/a-day-in-the-step-up-or-step-down-protest-week-to-abolish-campus-police-presence/> [https://perma.cc/WZ7H-PCC7].

⁴ Ellen M. Burstein & Michelle G. Kurilla, *Students and Alumni Rally Outside University President's House to Call for the Abolition of Campus Police*, HARV. CRIMSON (July 30, 2020), <https://www.thecrimson.com/article/2020/7/30/abolish-hupd-elmwood-protest/> [https://perma.cc/RYK2-NZAM].

⁵ Alice Yin, *University of Chicago Students Call for Defunding, Abolishing School Police During Rally Outside University President's House*, CHI. TRIBUNE (Aug. 30, 2020), <https://www.chicagotribune.com/news/breaking/ct-university-of-chicago-police-defund-abolish-protest-20200830-vrfsxflwjhbdoynu7ns5bmw2e-story.html> [https://perma.cc/SYK6-6PJW].

⁶ *Id.*

⁷ Ece Yildirim, *Police Free Penn Advocates for Campus Police Abolition in New Lecture Series*, DAILY PENNSYLVANIAN (Sept. 7, 2020, 1:24 AM), <https://www.thedp.com/article/2020/09/police-penn-free-teach-in-prison> [https://perma.cc/XF3X-G46Q].

⁸ Isabelle Sarraf & Binah Schatsky, *Disarm, Defund, Disband: Students are Marching Every Day Until Northwestern Abolishes NUPD*, DAILY NW. (Oct. 18, 2020), <https://dailynorthwestern.com/2020/10/19/campus/disarm-defund-disband-students-are-marching-every-day-until-northwestern-abolishes-nupd/> [https://perma.cc/7KM3-LENQ].

⁹ Julianna Domingo, *Students and Staff Protest to Remove Cops from Campus*, TRITON (Oct. 28, 2020), <https://triton.news/2020/10/students-and-staff-protest-to-remove-police-from-campus/> [https://perma.cc/MK8A-T2E7].

¹⁰ Samantha Bravo, *Abolish Campus Police-CSU Leads Protest Against Campus Police*, DAILY SUNDIAL (Oct. 2, 2020), <https://sundial.csun.edu/160927/news/abolish-campus-police-csu-leads-protest-against-campus-police/> [https://perma.cc/7GGT-B63U].

Table A2. Jurisdiction Limited to University-Owned Property

State	Statute
Alaska	ALASKA STAT. § 14.40.043 (West, Westlaw through ch. 34 of the 2021 1st Reg. Sess. of the 32d Leg.).
Colorado	COLO. REV. STAT. § 24-7-103 (West, Westlaw through signed legislation effective Jan. 31, 2022 of the 2d Reg. Sess., 73d Gen. Assemb. (2022)).
Maine	ME. REV. STAT. ANN. tit. 20-A, § 12712(7) (Westlaw through ch. 492 of the 2021 Reg. Sess. of the 130th Leg.).
Massachusetts	MASS. GEN. LAWS ANN. ch. 22C, § 63 (West, Westlaw through ch. 116 of the 2021 1st Reg. Sess.).
Missouri	MO. ANN. STAT. § 174.700 (West, Westlaw through the end of the 2021 Reg. Sess. & Extraordinary Sess. of the 101st Gen. Assemb.).
Rhode Island	16 R.I. GEN. LAWS ANN. § 52-2 (West, Westlaw through ch. 429 of the 2021 Reg. Sess. of the R.I. Leg.).

Table A3. Jurisdiction Extends to Contiguous or Adjacent Property

State	Statute
California	CAL. EDUC. CODE §§ 89560, 92600 (West, Westlaw through ch. 2 of 2021 Reg. Sess.).
Delaware	DEL. CODE ANN. tit. 14, § 5104(b) (West, Westlaw through ch. 267 of the 151st Gen. Assemb. (2021-2022)).
Georgia	GA. CODE ANN. § 20-3-72 (West, Westlaw through legislation passed at the 2021 Reg. & 1st Spec. Sess. of the Ga. Gen. Assemb.).
Michigan	MICH. COMP. LAWS ANN. § 390.1512 (West, Westlaw through Pub. Act 2022, No. 4, of the 2022 Reg. Sess., 101st Leg.).
Mississippi	MISS. CODE ANN. §§ 37-29-275 (West, Westlaw through laws from the 2022 Reg. Sess. through Jan. 24, 2022).
New Mexico	N.M. STAT. ANN. § 29-5-2(b) (West, Westlaw through ch. 5 of the 2d Spec. Sess. of the 55th Leg. (2021)).
South Carolina	S.C. CODE ANN. § 59-116-20 (Westlaw through 2021 Act No. 117).
Tennessee	TENN. CODE ANN. § 49-7-118(d) (West, Westlaw through laws from the 2021 3d Extraordinary Sess. of the 112th Tenn. Gen. Assemb.).
West Virginia	W. VA. CODE ANN. § 18B-4-5(c) (West, Westlaw through legislation of the 2021 3d Spec. Sess.).
Wisconsin	WIS. STAT. ANN. § 36.11(2)(a) (West, Westlaw through 2021 Act 118).

Table A4. Jurisdiction Extends Through Agreement, Resolution, or Request

State	Statute
Connecticut	CONN. GEN. STAT. ANN. §§ 7-277a(b), 10a-156b(a) (West, Westlaw through the 2021 Reg. Sess. & 2021 June Spec. Sess.).
Indiana	IND. CODE ANN. § 21-39-4-6 (West, Westlaw through all legislation of the 2021 1st Reg. Sess. of the 122d Gen. Assemb. effective through July 1, 2021).
Kentucky	KY. REV. STAT. ANN. § 164.955 (West, Westlaw through laws effective Jan. 21, 2022 and the Nov. 3, 2020 election).
Maryland	<i>See, e.g.</i> , MD. CODE ANN., EDUC. § 13-601(b)(2) (West, Westlaw through 2020 Reg. Sess. of the Gen. Assemb.) (the Maryland college campus police jurisdiction statutes are separated by university institution).
Nevada	NEV. REV. STAT. ANN. § 289.350 (West, Westlaw through ch. 2 (end) of the 33d Spec. Sess. (2021)).
New York	N.Y. EDUC. LAW § 355(2)(l) (McKinney, Westlaw through L.2021, chs. 1-833 & L.2022, chs. 1-12).
North Carolina	N.C. GEN. STAT. ANN. § 74E-6(d) (West, Westlaw through Sess. L. 2021-161, of the 2021 Reg. Sess. of the Gen. Assemb.).
Montana	MONT. CODE ANN. § 20-25-321 (West, Westlaw through the 2021 Sess. of the Mont. Leg.).
Ohio	OHIO REV. CODE ANN. § 3345.041 (West, Westlaw through File 71 of the 134th Gen. Assemb. (2021-2022)).
Oklahoma	OKLA. STAT. ANN. tit. 74, § 360.17(A) (West, Westlaw through legislation of the 1st Reg. Sess. of the 58th Leg. (2021), & chs. 2, 4, 5, & 6 of the 1st Extraordinary Sess.).
Oregon	OR. REV. STAT. ANN. § 352.121(4)(a) (West, Westlaw through laws of the 2021 Reg. Sess. of the 81st Legis. Assemb., which convened on Jan. 19, 2021 and adjourned sine die on June 26, 2021, laws of the 2021 1st Spec. Sess. of the 81st Legis. Assemb., which convened on Sept. 20, 2021 and adjourned sine die on Sept. 27, 2021, and laws of the 2021 2d Spec. Sess. of the 81st Legis. Assemb., which convened on Dec. 13, 2021 and adjourned sine die on Dec. 13, 2021).
Pennsylvania	71 PA. Stat. and Cons. Stat. §§ 646, 646.1 (West, Westlaw through 2022 Reg. Sess. Act 3).
Virginia	VA. CODE ANN. §§ 23.1-815 to -816 (West, Westlaw through end of the 2021 Reg. Sess. & 2021 Spec. Sess. I & includes Spec. Sess. II, ch. 1).

Table A5. Jurisdiction Extends During Hot or Fresh Pursuit

State	Statute
Alabama	ALA. CODE § 16-22-2 (Westlaw through the end of the 2021 Reg. Sess., the end of the 2021 1st Spec. Sess., & the end of the 2021 2d Spec. Sess.).
Florida	FLA. STAT. ANN. § 1012.97(2) (West, Westlaw through ch. 184 of the 2020 2d Reg. Sess. of the 26th Leg.).
Kansas	KAN. STAT. ANN. § 22-2401a(4) (West, Westlaw through laws enacted during the 2022 Reg. Sess. of the Kan. Leg. effective on Mar. 10, 2022).
Louisiana	LA. STAT. ANN. §§ 17:1805(A), (D) (Westlaw through the 2021 Reg. Sess. & Veto Sess.).
Nebraska	Nebraska's sworn college campus police are appointed as sheriff's deputies. <i>See</i> NEB. REV. STAT. ANN. §§ 23-1704.01, 29-215 (West, Westlaw through the end of the 1st Reg. Sess. & the end of the 1st Spec. Sess. of the 107th Leg. (2021)).
North Dakota	N.D. CENT. CODE ANN. § 15-10-17(2) (West, Westlaw through 2021 Reg. Sess. & Spec. Sess. of the 67th Legis. Assemb.).
South Dakota	South Dakota's sworn college campus police are appointed by municipalities. <i>See</i> S.D. CODIFIED LAWS §§ 9-29-2, 9-29-19 (Westlaw through 2021 1st Spec. Sess., Exec. Order 2021-05 & Sup. Ct. R. 22-06).
Utah	UTAH CODE ANN. §§ 53-13-103(1)(b)(iv), (3)(a) (West, Westlaw through the 2021 2d Spec. Sess.).
Washington	WASH. REV. CODE ANN. § 28B.10.555 (West, Westlaw through ch. 1 of the 2022 Reg. Sess. of the Wash. Leg.).

Table A6. Countywide or Statewide Jurisdiction

State	Statute
Arizona	The power of Arizona colleges to employ sworn college campus police is implied by various statutory authority. <i>Goode v. Alfred</i> , 828 P.2d 1235, 1236 (Ariz. Ct. App. 1991); <i>see also</i> ARIZ. REV. STAT. ANN. §§ 1-215(28), 13-3871, 15-1444(A)(10), 15-1897 (Westlaw through the 1st Spec. Sess. of the 55th Leg. & the 1st Reg. Sess. of the 55th Leg. (2021)).
Arkansas	ARK. CODE ANN. §§ 25-17-305(c)(3) (West, Westlaw through all acts passed by the 2021 Reg. Sess., the 2021 1st Extraordinary Sess., and the 2d 2021 Extraordinary Sess. of the 93d Ark. Gen. Assemb.).
Illinois	Illinois' sworn college campus police have countywide jurisdiction. <i>See, e.g.</i> , 110 ILL. COMP. STAT. ANN. § 305/7a(a) (West, Westlaw through Pub. Act 102-695 of the 2021 Reg. Sess.) (the Illinois college campus police jurisdiction statutes are separated by university institution).
Iowa	IOWA CODE ANN. §§ 80.9A, 262.13 (West, Westlaw through the legislation of the 2021 2d Extraordinary Sess.).
Minnesota	MINN. STAT. ANN. § 137.12 (West, Westlaw through legislation from the 2021 Reg. Sess. & 1st. Spec. Sess.).
New Hampshire	New Hampshire's sworn college campus police are appointed by municipalities. <i>New Hampshire v. Diamond</i> , 785 A.2d 691, 693-95 (N.H. 2001); <i>see also</i> N.H. REV. STAT. ANN. §§ 105:1, 105:13 (Westlaw through ch. 2 of the 2022 Reg. Sess.).
New Jersey	N.J. STAT. ANN. § 18A:6-4.5 (West, Westlaw through L.2021, ch. 308 & J. Res. No. 8).
Texas	TEX. EDUC. CODE ANN. § 51.203(a)-(c) (West, Westlaw through the end of the 2021 Reg. Sess. & Called Sess. of the 87th Leg.).
Vermont	VT. STAT. ANN. tit. 16, § 2283(a) (West, Westlaw through Acts 77 through 79, of the Reg. Sess. of the 2021-2022 Vt. Gen. Assemb. (2022)) (cross-referencing VT. STAT. ANN. tit. 24, § 1935).