This piece is based on a lecture that was to be delivered in person in March of 2020. That lecture was cancelled as a result of the initial ravages of the COVID19 pandemic. Across the United States people were urged to shelter in place and leave their homes as little as possible in an attempt to slow the spread of the deadly coronavirus. Even with these extraordinary measures, Connecticut, the state in which I reside has lost almost 4500 people to the coronavirus since the end of March, and there are now over 59,000 confirmed cases here. While the situation in Connecticut has calmed considerably, today in Florida, the virus rages. At the end of July there were over 360,000 people with confirmed diagnosis of coronavirus. Today there are over 700,000. Since the beginning of the pandemic, health care institutions have learned how to respond in ways that make the virus much less deadly than it was in April; however, Florida has seen about 14,000 COVID19 deaths compared to Connecticut’s 4500. The situation remains extremely dire. Despite higher survival rates, we know today that the road to recovery from a COVID19 infection often is long, and doctors suspect that some complications may last for years.

I begin with a recounting of the pandemic to explain not only the unconventional circumstances of the 2020 Dunwody Lecture, but also to set up the problem I would like to discuss here in this essay. It might seem odd to some readers to begin a discussion of policing with what may well turn out to be the most significant public health crisis of this decade, if not the century, but it is important to recognize that the two are intimately related. Sociologists and others have long noted that crime and especially violence is concentrated in places. Research is also clear that the state’s primary response to concentrated violence in communities has been to send police and other apparatus of the criminal legal system rather than state supports and resources better aimed at preventing the neighborhood structures that render them susceptible to violence. This is where the COVID19 crisis intersects with policing and violence. Criminal legal system exposure is fundamentally linked to underlying inequalities in distributions of wealth and power, and those inequalities are concentrated geographically. Police contact, imprisonment and other aspects of system exposure burdens the same neighborhoods that have been weighed down by lack of affordable housing, inadequate schools, food insecurity, lead poisoning, poor water quality and so on — often for generations.

---

In this way, one can see that the current calls for police abolition and defunding are simply an extension of this point. When participants in uprisings across the country call for defunding armed first responders and more investment in community organizations and government services better targeted at supporting communities in need, another way of understanding their call is simply for a reimagining of how the state responds to project of public safety. In the pages below we would like to demonstrate the ways that ordinary people discuss a reconceptualization of policing in ways that respond to the current moment. The data comprise a set of over 800 recorded between 2015 and 2017 and transcribed conversations recorded between dyads of people located across twelve neighborhoods among six cities: Baltimore, Chicago, Los Angeles, Milwaukee, Mexico City and Newark. As we detail below, these conversations were collected through an innovative technology, “Portals,” which allowed the conversationalists to speak to one another as if they were in the same room even though they were actually hundreds or even thousands of miles away from one another. Each conversation, initiated by a prompt, encouraged the speakers to discuss their experiences with police and with violence. These conversations yield rich insight regarding how people who regularly have contact with what Joe Soss and Vesla Weaver call the “second face of the state.”

A critical aspect of people’s experience with this second face has to do with how and when police use force during encounters with members of the public and whether that force is excessive either in the eyes of the person with whom an officer is dealing or in the eyes of the law or both. How people reconcile their treatment by police, particularly important state agents, and how people understand of their place and status in society is the central problem here. Research supports the conclusion that opinions of, and ideas about, the police provide people with information relevant to the formation of their social identity. Further, we can hypothesize what actions people will take based on how they identify themselves. Much social science literature has predicted that people will disengage from the state as a result of negative police treatment. For example, legal scholars argue that excessive police force can lead to distrust in the law and police as legal actors. Sociologists have demonstrated a version of retreat by documenting a phenomenon of legal cynicism which could explain lower rates of calling police even in situations of serious need. Political scientists similarly predict

---

3 For more about the Portals and the project see https://www.portalspolicingproject.com/the-research.
4 “There’s a lot in the media about how police interact with the communities in which they work. How do you feel about police in your community?”
5 See Soss and Weaver, supra note 2.
disengagement from politics resulting from interaction with the criminal justice system typically measured by voting patterns.\textsuperscript{9}

The idea of disengagement from the state reflects the notion of “police abolition,” which is currently very prominent in academic and popular media. The idea of prison abolition has an increasingly robust presence in academic and mainstream literature, and police abolition has become more of a catchphrase along with its close cousin, “defunding.” One complication around terms is that the phrases mean different things to different people – even within the movement itself. In the specific context of police excess, one obvious goal of abolition discourse is simply less of too much violent harm as well as too much stopping, frisking, surveillance and so on, but especially in the context of policing there is a question of the alternative. No serious person believes that police abolitionists are arguing that people should be able to commit crime against one another with impunity.\textsuperscript{10} The question is what are the alternatives. For example, do police abolitionists mean to propose that communities police themselves without any kind of state intervention?\textsuperscript{11} If so, note that this proposal would be a version of disengagement from the state. A different alternative would be to determine whether critics propose different vision of policing itself in the very context in which the critique is most pointed.

Relying on an analysis of hundreds of conversations concerning police, policing and violence concerning a key phrase “Protect and Serve,” (and its variants) we argue that even though the characterization of police and policing in unrelentingly negative, people are more likely to argue for an aspirational vision of policing rather than disengagement and self-policing. The argument here is that this analysis is very relevant to the current discussion regarding police abolition where a key question is how people who regularly experience the strong hand of the state think about what role the state should play in their lives.

\textbf{Setting the stage: The problem of excessive force as a jumping off point for dialogues}

Last year marked the 30\textsuperscript{th} anniversary of \textit{Graham v. Connor}.\textsuperscript{12} This case sets the legal standard for civil rights lawsuits in which plaintiffs allege that police officers have engaged in excessive force. \textit{Graham} was notable when it was decided because the Supreme Court held, unanimously, that courts should evaluate a plaintiff’s claim that a police officer utilized

\begin{flushend}


\textsuperscript{11} See Dorothy E. Roberts, \textit{Abolition Constitutionalism Foreword}, 133 \textit{Harv. Law Rev.} 3, 47 (2019) (“Some abolitionists are implementing local social-change projects, based on principles of mutual aid rather than competition and profit, to foreshadow and move toward a society that has no need to cage people”).

\end{flushend}
excessive force when making a seizure of their person according to an objective reasonableness standard under the Fourth Amendment rather than a more generalized substantive Due Process standard which, as interpreted by courts at that time, required that a plaintiff demonstrate that an officer utilized force “maliciously or sadistically.” Because proving an officer’s subjective intent retrospectively was usually exceedingly difficult, the Graham decision was considered a victory for the plaintiff. It was thought that an objective reasonableness test would be more friendly to plaintiffs. But, in the thirty years since the decision came down, both scholars and public commentators perceive Graham limited medicine to treat the very serious problem of police force against members of the public generally and people of color specifically.

Graham’s limitations are important to the argument presented here. The Supreme Court’s shaping of liability standards affects officer training, and therefore is a factor that potentially shape the everyday experiences that people have with police, of course, and those encounters in turn shape how people understand not only their relationship with police but also how they understand themselves as members of a political community.

A nationally representative Gallup poll published three years after Graham was decided documented the best estimates of the prevalence of police use of force at that time. Describing the results of that poll, University of South Carolina criminology professor and use of force expert, Geoff Alpert, noted that 5% of whites and 9% of nonwhite reported that they had in their lifetime’ been “physically or psychologically mistreated or abused but not violently attacked.” Alpert noted further that observational studies, likely applying a more stringent definition of excessive force, largely supported the polling data. Since 1999, every three years the Bureau of Justice Statistics has administered the Police-Public Contact Survey (“PPCS”) as a supplement to the National Crime Victimization Survey. The PPCS collects data from people aged 16 or over. A BJS report summarizing these data note that during the first decade of the second millennium, the rate of people nationally who experienced threat or use of nonfatal force remained largely flat, but, importantly, Blacks were much more likely to experience

13 See id. at ___.
17 See id at 482.
force at all, especially during traffic stops. This same BJS report indicates that conditional upon experiencing force, most people perceived that the force used was excessive.

When examining BJS reports of police use of force it is important to remember that most people in any given year never have any contact with police at all. So, while national rates of force experience hover between 2 and 5% it may be more helpful to recall that those rates involve millions of individuals and even more incidents as some individuals have multiple experiences. Moreover, because Blacks and other people of color experience police force at rates disproportionate to whites, when combined with the reality of geographical concentrations of violence, one begins to see that national-level surveys, while valuable for some purposes, likely are of limited utility when trying to understand how people who regularly experience force in police encounters, or who are connected with people who do, understand the authorities who use this force.

Qualitative data can help to provide a fuller picture of the nature of concentrated police experiences, and, therefore, provide a better sense of how such experiences inform the dynamics of identity formation discussed above. Work by policing scholars who have assessed the quality of the relationships among the police and the police among populations of people who have a great deal of contact with authorities indicates, unsurprisingly, that distrust in police was particularly high among younger men, and their work suggest that distrust is associated with the amount of police contact and recency of contact. One of the questions in a brief survey administered to Portals participants addressed levels of trust in police. Just over half of Milwaukee participants who were under 30 said they never trusted the police. And just under half of those stopped more than 7 times in their lifetime never trusted police.

Some of the qualitative research goes back quite some time. For example, Elijah Anderson’s 1990 study, “Police and the Black Male” details a world of almost constant police surveillance for young Black men. Twenty years later, sociologist Victor Rios detailing the lifeworlds of young Black and Latinx men in Oakland recounted the following account of a typical interaction between a friend of one of Rios research subjects and an Oakland police officer who “patrolled” the grounds near to the high school the kids attended:

The officer stared us down. He drove down the street, made a U-turn, and drove slowly right behind us. “Shit! That’s the mothafucker that beat down Marquill the other day in front of McDonald’s, remember?” I remembered: two weeks before, a Black male student walked into the school at the end of the lunch period, his extra-long white T-shirt soiled with black tar and his lip busted open, with red flesh showing. One of his

---

19 See Id at p. 4 (14% of Blacks compared to 5.9% of Hispanics and 6.9% of whites experienced nonfatal force during street stops.
friends asked him, “What happened?” “The Narcs, they beat my ass.” He replied in monotone, with little emotion as he walked, head bowed, to the boys’ bathroom.  

My colleagues and I utilized Portals as a way to gain proximity to the experiences of people who experience both interpersonal violence in their place where they live on a regular basis as well as the state’s dictated response to that violence, which in turn is often objectively violent and or perceived as such. Thinking about the facets of violence is important. Security is one of the most important goods that the state can provides its citizens, but of course feeling safe and unthreatened as a general matter cannot pertain merely to private predation, but should also include government overreach.

About Portals

Portals are immersive, connected environments providing essentially full-body “Skype” experiences that give people in distant locations the sense of sharing the same room with one another. Artist and innovator, Amar Bakshi, began Portals as a law student in New Haven by hooking up the technology to connect people thousands of miles apart to standard intermodal shipping containers painted dark gold. He and a partner, John Farrace, made other modifications to ensure that the spaces were uniform, secure and intimate, and finally, Amar and a third partner, Michelle Moghtader, paired Portals in Tehran and the lower east Side in New York City. Shared Studios was born. While Shared Studios began as an art project designed to connect people in wildly farflung places across the globe, we have used Portals domestically to connect people in neighborhoods in cities where we expected experience with both police and with interpersonal violence to be higher than one would typically find when measuring rates of such experiences nationally. For example, one of the Portals was located in Milwaukee, specifically in the 53206 Zip Code, which has been reported to be the highest incarceration rate in the country.

Starting in April of 2016, we launched the Criminal Justice Dialogues by pairing two Portals: one in Moody Park in Milwaukee, WI, and the other in Military Park in Newark, NJ. Later that year, we added another Portal in the Bronzeville/Grand Boulevard area of Chicago, IL, and by mid-2017, a Portal was operating in Lexington Market in Baltimore, MD, in downtown Los Angeles, CA, and Mexico City, Mexico. In all we recorded approximately 866 conversations (approximately 430 hours of deliberation) in 13 neighborhoods within six cities, the most extensive collection of first-hand accounts of the police—by those who are policed—to date.

These conversations provide deeper and broader understanding of the experiences with police of a segment of the population often missed in the data captured in nationally representative surveys. Portals dialogues are not a random sample. The conversations we collected differ

---

22 See BRYAN STEVENSON, JUST MERCY: A STORY OF JUSTICE AND REDEMPTION (First edition ed. 2014) (discussing the concept of "getting proximate.")
from survey data in other ways, too. In a survey, a respondent essentially is in conversation, if one could call it that, with the researcher herself. The respondent answers questions posed for the researcher, that the researcher has validated, so that the researcher might compare the respondents’ answers to other respondents. This kind of uniformity is critical for hypothesis testing. But, our question, understanding how people are understand and make connections in their own minds and with each other about their place and role in society requires a different kind of analysis. For this work, an approach that Katherine Cramer calls “deep listening” is more appropriate.  

Theoretical frameworks for analyzing the dialogues

Scholars of educational studies have argued that through public school curricula the state teaches individuals about their status. We can understand what the state teaches by examining what the state says explicitly to citizens as well as by observing the state’s behavior and orientation towards individuals. If, for example, we posit that an important role of the state is to provide security to individuals, then we can deduce lessons about that security both by examining with authorities say they are doing in to carry out this task and by observing how the state carries out the task of providing that security – including the ways in which the state objectively fails to do so. Typically, educational scholars of curriculum have discussed the ways in which the state makes citizens, by training their attention on the key institution the state claims to provide such education – schools. More recently, however, scholars from other disciplines outside of education have looked outside of schools to other state institutions such as prisons, welfare agencies and the military to examine how people learn through experiences with social policy. Similarly, in the education literature critical scholars have looked to some of these locations to discuss how institutions outside of schools create “public pedagogy” that could be said to educate citizens. Relying on curriculum theory here allows us to better identify a clear structure regarding the lessons of citizenship by pointing to three types of curricula: (1) the explicit or overt curriculum, which is the intended body of learning; (2) the implicit curriculum, which includes lesson inherent in the experience of following an lesson plan and which includes a hidden curriculum that is antithetical to the state aims of the overt; and finally (3) and null curriculum, which includes conspicuously absent lessons.

---

28 See Donald P. Moynihan & Joe Soss, Policy Feedback and the Politics of Administration, 74 PUBLIC ADM. REV. 320–332 (2014) (surveying literature of "policy feedback" in which people through their participation in various social policy participate in political relations and therefore gain understandings about rights and obligations of citizenship).
29 See Benjamin Justice, Curriculum Theory and the Welfare State, 4 ESPAC. TIEMPO EDUC. 19–42 (2017) (describing recent work on "public pedagogy").
30 See Id at 23-24 (explaining three different types of curricula).
Portals dialogues offer an especially rich dataset for thinking about the application of curriculum theory as a frame for understanding how Portals participants make sense of their relationship with police as legal authorities and with engage with policing as social policy as specific instantiations of their more general relationship with the state and then in turn understanding how people do or do not take action based on the lessons they learn. Relying in part on the curriculum theory frame, Weaver, Piston and Prowse recently analyzed Portals dialogues among only Black participants – 233 out of the 800 plus conversations. Among other ideas, Weaver, Piston and Prowse explored how this subset of participants discussed the notion of “Protect and Serve” to their actual experiences with police and policing, noting the frequent reference of participants to some variant of the term “Protect and Serve” as an example of the overt curriculum that they do not experience.31

The term “Protect and Serve” has come to signify a way to characterize a policing ideal – how police should operate vis a vis the public, and therefore the motto is an important signifier of the formal or overt curriculum of policing.32 According to their internally produced magazine, Beat, in 1955 the Los Angeles Police Department conducted a contest for the motto of their police academy. The winning motto submitted by Officer Joseph S. Dorobek was the phrase, “To Protect and to Serve,” became the motto of the academy and then, in 1963, The Los Angeles City Council passed an ordinance to make the motto applicable to the department as a whole.33 The shortened phrase “Protect and Serve” has proliferated as a motto for other agencies – including outside of the United States.34

As my colleagues and I explain in a recent issue of the journal Urban Affairs, the experience that many Portals participants have had with police and policing in the neighborhoods and converse with one another about too often is hardly consistent with what many might think the phrase “Protect and Serve” connotes. If we think “Protect and Serve” is consistent with regular provision of safety and security, then an overarching theme of the dialogues is that police neither responded regularly or swiftly when called upon for serious crises, nor did they protect on the many occasions that they interacted with members of the public. Instead, they hounded

32 Compare Benjamin Justice & Tracey L. Meares, How the Criminal Justice System Educates Citizens, 651 ANN. AM. ACAD. POL. SOC. SCI. 159–177 (2014) (discussing the way in which the 4th and 5th Amendments to the Constitution could be considered part of the formal or overt curriculum of policing in that the text of these Amendments "convey important lessons regarding state concern for protections of individual autonomy, privacy, and bodily integrity against the unconstrained discretion of legal authorities.")
people for non-serious matters and were overly aggressive in their interactions for petty transgressions.35

While the policy feedback literature explains that this kind of interaction will shape a person’s perception of herself as a political actor regardless of whether a state actor purports to act as a pedagogue in claiming to teach that person a different lesson, that literature is quite inductive in orientation. A curriculum approach encourages us to consider what the state as pedagogue intends, just as we might interrogate a teacher’s syllabus. In doing so we can identify the lesson was written, the lesson as delivered, and finally the lesson learned. So far, this essay has addressed the juxtaposition between the stated lesson (police are state agents ready to serve and protect all citizens) and the lesson as delivered (police are rarely around when needed most, and when they are present, they are meddlesome, petty and even brutal). In concluding that everyday policing on the streets of Chicago, Baltimore, Milwaukee, Los Angeles and Newark too often is incongruent with its stated ideal, Portals’ participants observations line up with decades of qualitative police scholarship referenced above.36 Much of that work, however, does not hone in on the topic of interest here—how these interactions shape conclusions about citizenship and identity and how such conclusions predict whether and how individuals will want to engage with the state. When people experience the clash between the overt and hidden curricula, how does that disharmony impact their expectations from of the state?

One common refrain noted across social science and legal literatures is the idea of a wide prevalence of withdrawal of people of color from race class subjugated communities from engagement with the state, state authorities and law. In the legal literature that idea is encapsulated by the notion of legal estrangement, and in the sociological literature the research discusses legal cynicism and its connection to criminal activity or behaviors such as willingness to call on authorities in cases of emergency. The social psychological literature focuses in ideas about the link between public legitimacy and the extent to which people comply with law, cooperate with authorities and otherwise engage with them. Recently, addressing the political science literature, Weaver, Prowse and Piston in the Journal of Race Ethnicity and Politics conclude, relying upon both historical examples and Portals data, that some in political science have been too quick to conclude that negative interactions work only in a destructive direction.37 They suggest that negative interactions motivate people to turn to one another as a form of power building as a foundation for future collective struggle.

---

35 See Gwen Prowse, Vesla M. Weaver & Tracey L. Meares, The State from Below: Distorted Responsiveness in Policed Communities, URBAN AFF. REV. 1078087419844831 (2019) (Describing this kind of "janus-faced" interaction "distorted responsiveness").
37 Vesla Weaver, Spencer Piston & Gwen Prowse, Withdrawing or Drawing In? Political Discourse in Policed Communities, forthcoming J. RACE ETHN. POLIT. (forthcoming).
Here an examination of the many invocations of “Protect and Serve” demonstrates a similar phenomenon.\textsuperscript{38} Although there are sparse instances in which Portals participants discuss policing that they found protective or represented the police doing what they could, the characterization of policing experiences in the context of the “Protect and Serve” trope was overwhelmingly negative across discussions. Our question was how and whether the discussants response reflected current ideas about police abolition that are increasingly prominent in the media. Specifically, we wanted to know whether discussants views reflected a desire for a more privatized vision of community control, or whether they argued for a different vision of abolition — one that could be argued was more consistent with the historical grounding of abolition grounded in Reconstruction.

**Alternative visions of policing**

**Policing ourselves: “privatized policing”**

While many people think of private policing as the kind of policing in which individuals, groups or organizations hire nonsworn private agents to provide security services, one might also characterize the idea of communities providing their own policing as a form of “private” policing.\textsuperscript{39} In the Portals dialogues pertaining to “Protect and Serve,” we see the promotion of self-policing as one reaction to the state’s failure of its formal and implicit curricular to align. That is, one reaction by some conversationalists to the hidden curriculum of “Protect and Serve” is to advocate for policing themselves. The following excerpts are representative:

**Milwaukee/Chicago Jan 2017**

M96 . . . . So police officers, and the fire fighters and the doctors, they pay for aldermen. Then they kids go to college, they pay for the governors, the congressman. Now we pay for the police, the firefighters. They don’t understand that. SO, if we have to keep giving y’all our money and y’all gunning us down, guess what? I don’t have to deal with that. I’m gonna be an entrepreneur where my money don’t even go to the force.

C27: Yeah we gonna have to do something else. And that’s the thing is that . . .

M96: And I can get my own black brothers and sisters to protect me.

C27: Yes.

\textsuperscript{38} Across all 833 Portals conversations, the phrase “Protect and Serve” was mentioned in 122 conversations in the entire group. There was at least one mention of the term in every kind of city pairing, although there was variation in the rate of the mentions of the term from a low (excluding the single mention in a Mexico City and Los Angeles dialogue) of 8% among conversations among participants from Baltimore and Chicago to a high of 35% among Chicago and Milwaukee dialogues.

M96: And police my own community

And later in the same conversation

M96: Don’t call them, and don’t say nothing to them, and handle our own

C27: Handle our own

This Baltimore/Los Angeles from Jan 2018 also reflects this idea and is particularly interesting because it is focused on an often problematic tool of policing, the consensual search.40

B370 And you say, Listen, I’m not gonna consent to a search. You know. I know what my rights are and I don’t have to do that. . . You only have as much power as I give you. They are supposed to work for us. They are supposed to protect us and serve us and be there to help us when we need help.

Bystander L: Cops don’t do that

B370: They don’t do that

Bystander L: This is why a fear away from them. Like I’d rather call someone else to help us than have a cop help us. You get me? We’d rather have like a neighbor come and help us with something that we need help with.

Finally, consider this dialogue between Milwaukee and Los Angeles

L23: Are you talking about protect and serve their own? I don’t think they, they protecting us, you know what I’m saying?

M104: Mm-hmm. But shit, they like, protecting each other.

L23: Yeah.

M104: And they serve (inaudible)

L23: I mean, I think every, every neighborhood don’t need no police, though. We, you know what I’m saying? We can protect our own, you know what I’m saying? We get up in the morning, You go to school,

40 The term “consent search” is a misnomer in that it is extraordinarily difficult to determine whether or not a person has truly consented to a search voluntarily. This is especially true given that the Supreme Court has determined that officers are not required to inform a person that they have a right to refuse a search. See Schneckloth v. Bustamonte. In Schneckloth, the Court determined that the assessment of whether consent to a search was given voluntarily should be determined through balancing the state’s need for the search against the individual’s desire to be free from state intrusion. See Tracey L. Meares & Bernard E. Harcourt, Foreword: Transparent Adjudication and Social Science Research in Constitutional Criminal Procedure, 90 J. CRIM. LAW CRIMINOL. 733–798 (2000). Some policing agencies have adopted policy requiring police to inform individuals that they have a right to refuse their request to search. For example, the Department of Justice found that the Baltimore Police Department violated individual’s constitutional rights when conducting these searches and has required BPD to adopt policy to inform individuals they have a right to refuse. See U.S. v. Baltimore Police Consent Decree 2017, Paragraphs 55-57.
you go to work, don’t hustle, do what we want to do, you know what I’m saying? They come back no problem. The only problem you got is, is the police, you know what I’m saying?

Each of these examples is a fairly clear description of what it might look like for community members to police more privately. That is, attempt to police themselves without direct involvement from the state. To be clear, those in dialogue are not proposing vigilantism, but, rather, a form of community reliance. It is this kind of dialogue that supports efforts by some right leaning organizations to claim that police overreach has motivated those who regularly experience the second face of the state to argue for a smaller state footprint. To the extent that this characterization is correct, the next section provides some evidence that demanding less of the state is a less prevalent attitude than simply demanding something different from the state.

**Policing aspirations: a role for the state**

As noted above there are many clear instances of dialogues in which people propose what I have characterized as a more privatized vision of policing. This is an admittedly tricky idea. Of course, when it comes to promoting safety and making living spaces secure, there ought to be mechanisms of social norm circulation such that communities police themselves in a sense. Contemporary progressive law enforcement executives refer to “co-producing safety in neighborhoods.” A noted proponent of police abolition herself imagines a very large role for the state in the production of safety. The distinction between the conversations highlighted below and those above is fundamentally about engagement with the state. When conversationalists argue that police too often do not protect and serve and then move to exposition about what police are supposed to do, a better characterization of their conversations is an aspiration for a different relationship with the state rather than a smaller footprint for it. This respondent from Baltimore in conversation with a person from Milwaukee encapsulates the idea: “There’s a few people on the force that would go well beyond police duty. The majority of the task force, they just aren’t all that . . . they just aren’t good, you know, like they don’t care . . . . They, they should work to protect us. They have a Hippocratic oath. To protect us.”

But conversationalists did not simply argue that police should protect people. They offered specific visions of what that kind of policing would look like. For example, consider this dialogue between Milwaukee and Chicago in 2017:

---

42 Citations to co-production – maybe Wes Skogan and National Initiative
43 Mariame Kaba, *Opinion / Yes, We Mean Literally Abolish the Police*, THE NEW YORK TIMES, June 12, 2020, https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html (last visited Aug 20, 2020). “People like me who want to abolish prisons and police, however, have a vision of a different society, built on cooperation instead of individualism, on mutual aid instead of self-preservation. What would the country look like if it had billions of extra dollars to spend on housing, food and education for all?”
M26 I don’t think that the police protect the people like they supposed to be and I don’t think that the police do they job as well as they supposed to. The police don’t work to protect you, they work to kill you so, if you call the police and have an incident, I feel like they coming to kill you not to come help you

C35 That’s deep, that’s real deep. That’s incredibly deep

M26 I feel like

C35 . . . cops shouldn’t be allowed to police neighborhoods that they don’t live in.

M26 Or I just feel like they should do they job

In another Chicago-Milwaukee conversation, those in dialogue offered additional characteristics of what it means to Protect and Serve

PC-C120 What is they job though?

M26 To Protect and Serve the people, not kill ‘em

PC-C120 What does serving the people really look like? How can they serve us?

M26 If I was a officer and I was called to, uh, a domestic violence situation or, I don’t know, a robbery . . . Me, personally, I guess I would try to figure out what’s going on, try to make it right, whatever. If somebody needs to be tooken to jail, take them to jail. If not, you know, try to de-escalate the situation. But they don’t do that. When they come, the first thing they do is pull out they guns

Others offered that police should have psychological testing in order to better deal with the stress on the job as a general matter but also to deal with individuals facing mental challenges; that police should not be subject to pressure “to get up they numbers and get they money;” be “properly trained;” “pay attention to the real crime that’s occurring;” “stop yelling;” and simply “treat people better.”

The suggestions were often granular and interestingly reflect the much of the latest learning on 21st Century policing and ideas and policies that one could rip from today’s headlines. But more interesting than the specific suggestions to my mind is the clear indication that Portals participants are making arguments that the state ought to offer specific services and products in order to provide them with security, and they can clearly articulate those things. A small state footprint is not necessarily what they appear to be looking for even while they clearly desire a smaller second face of the state. In this way, the Portals dialogues are congenial to my colleague Monica Bell’s recent analysis of 73 interviews with parents in Cuyahoga County. Operating from a sociological frame in which she analyzed how people understand the geographic communities in which they live through what she calls “located institutions” such as

---

the police, Bell found that many respondents discussed “police trust as an aspiration” for the neighborhoods in which they desired to live.\textsuperscript{45} Bell notes:

Many people may experience the police as harsh, but they may nonetheless still believe in the ideal of police as protectors and guardians of their security where they live. . . . Being able to call the police and have them respond is part of American social citizenship; thus, the master narrative that police should protect the public and ensure their security retains power.

\textit{The curriculum reconciled}

A close reading of the voices of people who are deeply impacted by policing and by the problems that the state has argued required the kind of policing they live with demonstrates that these folks have a vision of an interaction with the state to provide safety that they believe works for them. The Portals participants articulate a number of ideas that policy makers would do well to listen to, but the argument here is not a technocratic one. Decades of research on procedural justice-based legitimacy indicates that listening to people is a factor that generates public trust not only because authorities learn good ideas and should be involved in the co-production of safety but also because listening is a key factor of treating someone with dignity and respect.\textsuperscript{46}

Curriculum theory, however perhaps points in a different direction. A concern is that tinkering with policy in way may simply cause one to inch toward reform with no real change. If that is true then those who seek security aspirationally will always be doing just that. This concern may motivate the most vocal abolitionists, some of whom have argued that many of the newer technocratic solutions represent reform when transformation is what is needed.

History is instructive as a response. The Thirteenth Amendment is the legal mechanism that abolished slavery, but the passage of the 13\textsuperscript{th} Amendment to the Constitution of the United States did not magically create a world in which formerly enslaved African Americans suddenly enjoyed the benefits of citizens they were denied for over 150 years. The tragically short twelve-year Reconstruction Period following the passage of the 13\textsuperscript{th} Amendment was designed to do some of that work. For decades after the turn of the century, Reconstruction was often considered a “failure” due to the now-discredited Dunning School of the history of Reconstruction.\textsuperscript{47} The many successes of Reconstruction were denied. This was true for decades even following the publication of W.E.B. DuBois’ magisterial 1935 book documenting the efforts of at least 4 million formerly enslaved to create space for themselves as citizens in the new social order by re-establishing families, creating schools and churches, purchasing property, defending their newfound legal rights in court, and electing hundreds of magistrates, county commissioners, sheriffs, legislators, and congressmen. In other words, much of the

\textsuperscript{45} Monica Bell, Located Institutions, \textit{Am. J. Soc.} (forthcoming)

\textsuperscript{46} Tom R. Tyler & Jonathan Jackson, \textit{Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation, and engagement}, 20 \textit{Psychol. Public Policy Law} 78–95 (2014). Also cite Tyler and Huo

\textsuperscript{47} See W. E. B. (WILLIAM EDWARD BURGHARDT) DU BOIS, BLACK RECONSTRUCTION (1976).
progressive work of Reconstruction was done by formerly enslaved individuals doing the granular work of citizenship by making demands upon the state.\textsuperscript{48}

One way to understand the Portals dialogues is to view the aspirational relationships that individuals desire with police as demands upon that state. Paying attention to these demands channels the idea that Bonnie Honig offered in her recent article, “\textit{Public Things}.”\textsuperscript{49} She argued there, that while many democratic theorists spend a great deal of time discussing who is in or out of the \textit{demos}, the subjects of democracy, left out of the discussion are democracy’s objects – public goods. Thus, the presentation here of how Portals participants discuss what we might call private and public visions of security track Honig’s idea that strong democracies require robust discussions of the provision of public goods. Linking this idea to the history of Reconstruction provides a through-line to advance the contemporary arguments regarding abolition.

When it comes to changing policing, there must a serious dialogue concerning what policing is for.\textsuperscript{50} Without a deliberative process to determine the shape of public goods as critical to citizenship as safety, we will be stuck with the ad hoc production of a state service organized around force and centered in a history of legalized racial segregation in which problem are never solved but addressed by isolating and separating groups.\textsuperscript{51} This dialogue must center on a deliberative process that produces clarity about what first responders are both required and allowed to do but also the state’s obligation to produce safety and security for all citizens, which will necessarily mean rethinking state institutions devoted to the support of education, health and housing. With respect to the last point, a serious reconsideration and perhaps recovery of the notion of the very notion of the “police power” is important. At its core is at its core the police power is a means of regulating behavior and enforcing order for the sake of the public health, safety, and general welfare of a state’s inhabitants. The requirements that people achieve a certain level of education, are vaccinated against disease or wear masks to prevent the transmission of coronavirus all are manifestations of the police power. Thinking about the police power in this fulsome way is, to us, a promising way forward.

The Portals dialogues make clear that those who have most at stake in this moment of reconsideration of the police power have a great deal to offer to the conversation. To defund police, to abolish police, to transform police we need the kind of commitment from the state that we needed after the last great abolition in this country. Reconstruction. And that history

\textsuperscript{48} Foner, Masur and others.
makes clear that both an embrace of the formerly disenfranchised and serious state resources – not merely private ones – are necessary to achieve the change we seek.