

2021

Social Workers to the Rescue?: An Urgent Call for Emergency Response Reform

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Available at: <https://ir.lawnet.fordham.edu/ulj/vol48/iss4/7>

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SOCIAL WORKERS TO THE RESCUE?: AN URGENT CALL FOR EMERGENCY RESPONSE REFORM

*Celia Goble**

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INTRODUCTION

Alicia Garza, Patrisse Cullors, and Opal Tometi established the Black Lives Matter movement in 2013 in response to Trayvon Martin’s death and his killer’s subsequent acquittal.¹ Since then, their movement has gained traction around the world with the protests in response to the May 25, 2020, death of George Floyd.² During the Black Lives Matter protests in 2020, people across the United States joined in calls to defund the police and increase community investment. Advocates suggest that social workers could replace or supplement police officers, although some social workers passionately object to

1. See *Herstory*, BLACK LIVES MATTER, <https://blacklivesmatter.com/herstory/> [<https://perma.cc/3PLK-Q4WL>] (last visited Dec. 15, 2020).

2. See *Protesters Around the World Rally for George Floyd and Against Police Brutality*, FRANCE24 (June 7, 2020, 11:09 AM), <https://www.france24.com/en/20200607-protesters-on-four-continents-support-george-floyd-black-lives-matter> [<https://perma.cc/H5ZY-JNA6>]; see also Evan Hill et al., *How George Floyd Was Killed in Police Custody*, N.Y. TIMES (Nov. 5, 2020), <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html> [<https://perma.cc/9R69-GUAX>]. Minneapolis Police Officer Derek Chauvin fatally pinned Floyd to the ground using his knee for eight minutes and 15 seconds while taking him into custody, despite Floyd pleading “I can’t breathe.” See *id.* (showing a video of the incident).

their further incorporation into law enforcement.³ Social workers, as well as law enforcement members, fiercely debate whether an increase in collaborative work is the right policy move.

Those in favor of incorporating social workers into law enforcement and emergency response highlight the extensive training that social workers undergo for licensure.⁴ Social workers have experience in de-escalation and routinely work with people with mental illnesses or disabilities.⁵ Social workers also have experience with diagnosis, assessment, and intervention, among other crucial skills for emergency response work.⁶ Further, proponents point out that social workers are already integrated into police emergency response teams.⁷ Angelo McClain, the CEO of the National Association of Social Workers (NASW), argues that these social workers support the police in responding to emergency calls more compassionately and “help police excel in fulfilling their mission to protect and serve,”⁸ and further incorporation would support the progress already made.

On the other hand, there are various reasons why social workers should not be the sole responders to emergency calls. Law enforcement officers cannot be easily replaced when it comes to responding to violent situations.⁹ The dispatchers responsible for

3. See Laura S. Abrams & Alan Dettlaff, *An Open Letter to NASW and Allied Organizations on Social Work’s Relationship with Law Enforcement*, MEDIUM (June 18, 2020), <https://medium.com/@alandettlaff/an-open-letter-to-nasw-and-allied-organizations-on-social-works-relationship-with-law-enforcement-1a1926c71b28> [https://perma.cc/B46A-R8XQ]. See generally Mia Sato, *Social Workers Are Rejecting Calls for Them to Replace Police*, APPEAL (Aug. 20, 2020), <https://theappeal.org/social-workers-are-rejecting-calls-for-them-to-replace-police/> [https://perma.cc/VHX6-8ZLZ].

4. See *infra* Part I.

5. See Tonya Russell, *Social Workers Are Masters at De-escalation. Here’s What the Police Can Learn from Them*, WEEK (July 29, 2020), <https://theweek.com/articles/926513/social-workers-are-masters-deescalation-heres-what-police-learn-from> [https://perma.cc/RC8A-5SMH]; see also Emma Coleman, *When Cities Replace Police with Social Workers*, MS. (July 9, 2020), <https://msmagazine.com/2020/07/09/when-cities-replace-police-with-social-workers/> [https://perma.cc/WXY4-3X2H].

6. See Ashley Dunlap, *10 Skills Every Social Worker Needs*, SWHELPER (Aug. 6, 2013), <https://swhelper.org/2013/08/06/10-skills-every-social-worker-needs/> [https://perma.cc/8XNJ-CFN8].

7. See Angelo McClain, *Social Workers Cooperate with Police Forces*, WALL ST. J. (June 15, 2020, 5:11 PM), <https://www.wsj.com/articles/social-workers-cooperate-with-police-forces-11592255480> [https://perma.cc/F3WU-UAY9]; see also *infra* Part III.

8. See McClain, *supra* note 7.

9. See Scott Wilson & Holly Bailey, *Protestors Want to Defund Police. Homicides and Violence Are Spiking. In Oakland, Ideology and Practicality Collide*, WASH. POST

routing the calls to the correct response team may not recognize whether a call is mental health-related or potentially violent prior to dispatch.¹⁰ Social workers responding to a misidentified call are at an increased risk of injury or death; unlike law enforcement, social workers do not usually carry self-protection devices.¹¹ They also object to working within a system that they feel lacks accountability for harassment, brutality, and other forms of violence.¹² Social workers may also struggle with the fact that anti-Blackness and racism impact the social work field as well as law enforcement.¹³

While the debate continues among social workers, the federal executive branch has taken action, encouraging the integration of social workers into law enforcement. In response to the protests on June 16, 2020, President Trump issued an executive order, “Safe Policing for Safe Communities,” calling for independent oversight of law enforcement and setting out standards to improve community relations and policing more broadly.¹⁴ In pursuit of these goals, the order aimed to promote, increase, and expand the role of social workers in collaboration with the police on emergency response.¹⁵ The

(Oct. 7, 2020, 7:23 PM), https://www.washingtonpost.com/national/oakland-defund-police-debate/2020/10/07/105f9a28-dcb4-11ea-9887-4984a6f51eb7_story.html [<https://perma.cc/D7JT-ADA5>] (“Even as an abolitionist, I can say in this moment, and I get in trouble over this with my abolitionist friends, I don’t know how to deal with pedophiles or rapists or real killers. . . . If we disentangle police from being the answer to every single social ill, which they currently are, then they actually are freer to go deal with the things that scare us the most.” (quoting Cat Brooks, founder of the Anti Police-Terror Project)).

10. See Jonathon Foiles, *We Can’t Just Replace Cops with Social Workers*, SLATE (July 1, 2020, 11:46 AM), <https://slate.com/technology/2020/07/social-workers-cant-replace-cops.html> [<https://perma.cc/ZQX5-3KL3>].

11. See NASW CEO Angelo McClain Urges Congress Pass “Workplace Violence Prevention for Health Care and Social Service Workers Act,” NAT’L ASS’N SOC. WORKERS (Feb. 26, 2019), <https://www.socialworkers.org/News/News-Releases/ID/1949/NASW-CEO-Angelo-McClain-urges-Congress-pass-Workplace-Violence-Prevention-for-Health-Care-and-Social-Service-Workers-Act> [<https://perma.cc/Z4BB-89Q5>].

12. See Gilat Melamed, *Mental Health Workers Protest New Initiative Pairing Buffalo Police with Social Workers*, WKBW (Sept. 18, 2020, 12:01 AM), <https://www.wkbw.com/news/local-news/mental-health-workers-protest-new-initiative-pairing-buffalo-police-with-social-workers> [<https://perma.cc/5E6T-NZCJ>].

13. See generally Cynthia Edmonds-Cady & Tuwana T. Wingfield, *Social Workers: Agents of Change or Agents of Oppression?*, 36 SOC. WORK EDUC. 430 (2017).

14. See Exec. Order No. 13,929, 85 Fed. Reg. 37,325 (June 16, 2020).

15. See *id.* The Order’s stated purpose was to “increase the capacity of social workers working directly with law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together.” *Id.*

NASW responded to the executive order on June 18, 2020, emphasizing its inadequacy in the face of systemic racism, anti-Blackness, and public distrust of the police.¹⁶ Then-President-elect Biden supported a similar approach, calling for social workers and other mental health professionals to respond alongside the police to emergency calls to assist in de-escalation.¹⁷ However, Biden had also endorsed setting up a “national study group” with members of both professions and representatives from marginalized communities to facilitate discussion on future reform.¹⁸

The U.S. Congress has taken a different route. Shortly prior to Trump’s executive order, Representative Karen Bass introduced the George Floyd Justice in Policing Act of 2020 (the Floyd Justice Act) on June 8, 2020.¹⁹ The Floyd Justice Act, passed by the House on June 25, calls for more comprehensive police reforms and community oversight, but it does not explicitly mention social work.²⁰ The Act expands the provision of Byrne Grants, or federal justice funding,²¹ to include funding for “local task force[s] on public safety innovation” involving partnerships with community-based organizations and other “non-law enforcement strategies.”²² The NASW endorsed the Act in its press release criticizing the Executive Order, and noted that

16. See *NASW Says Trump Administration’s Police Reform Executive Order Is Inadequate*, NAT’L ASS’N SOC. WORKERS (June 18, 2020), <https://www.socialworkers.org/News/News-Releases/ID/2196/NASW-says-Trump-Administrations-police-reform-executive-order-is-inadequate> [<https://perma.cc/4DJ7-AKQE>].

17. See Erik Pederson, *Joe Biden & Trevor Noah Discuss Defunding Police, the Role of Social Workers & Community Policing*, DEADLINE (June 10, 2020, 7:30 PM), <https://deadline.com/2020/06/joe-biden-trevor-noah-defunding-police-drug-abuse-rehab-1202956308/> [<https://perma.cc/MPL2-A5UE>].

18. See *Read the Full Transcript of Joe Biden’s ABC News Town Hall*, ABC NEWS (Oct. 15, 2020, 10:53 PM), <https://abcnews.go.com/Politics/read-full-transcript-joe-bidens-abc-news-town/story?id=73643517> [<https://perma.cc/9XBP-8RLR>].

19. H.R. 7120, 116th Cong. (2d Sess. 2020).

20. See *id.*

21. See NATHAN JAMES, CONG. RSCH. SERV., R46431, POLICING REFORM LEGISLATION: CONDITIONS ON FUNDING AND NEW AUTHORIZATIONS 1 (2020), <https://fas.org/sgp/crs/misc/R46431.pdf> [<https://perma.cc/YVL4-UY9G>]. The Department of Justice grants conditional federal funding, including Byrne Grants, to local and state governments in order to influence policing practices. The Department of Justice may provide such grants if local governments comply with reforms or conditions set by Congress and may reduce such grants for lack of compliance. See *id.* at 1–2.

22. See H.R. 7120. The text also calls for funding tied to Crisis Intervention Teams to include a “report on best practices for crisis intervention.” *Id.*

Representative Bass is herself a social worker.²³ On a local level, municipal governments nationwide explore whether and how best to incorporate social workers into their emergency response teams.²⁴

The experience of other cities can help inform these debates. Several cities throughout the country have partnered with mental health professionals in their emergency response teams, including law enforcement, paramedics, or social workers, or a combination of two or three of these professions.²⁵ These cities include Eugene, Oregon; Dallas, Texas; and Denver, Colorado.²⁶ As these cities have recruited social workers and other non-law enforcement professionals, they have navigated several administrative, regulatory, and policy-related issues, such as whether social work professionals should be considered part of the police department or a distinct entity, whether law enforcement officers should respond alongside these professionals, and how to measure the success of these changes to their law enforcement systems by looking at a reduction in crime or other metrics.

As cities without these programs consider reform, there are important lessons to gain from existing programs. Each city's policymakers must tailor its program to meet their community's needs, but several points apply broadly. First, the social workers should respond separately from, rather than alongside, the police. Second, the currently available research on emergency response teams involving

23. See *NASW Says Trump Administration's Police Reform Executive Order Is Inadequate*, *supra* note 16; see also Michelle Dumas, *Activism and Effecting Policy Change: A Master Class with Rep. Karen Bass, MSW '15*, U. S. CAL. SUZANNE DWORAK-PECK SCH. SOC. WORK (Feb. 23, 2018), <https://dworakpeck.usc.edu/news/activism-and-effecting-policy-change-master-class-rep-karen-bass-msw-15> [<https://perma.cc/467R-7JZJ>]. Representative Karen Bass actually earned her Master of Social Work degree after becoming a member of Congress, explaining to a later class at USC that “[w]hen I went to D.C., I knew that I wanted to work on child welfare . . . I realized that I really needed to understand the child welfare system . . . I didn’t really know what social workers did as a profession overall, and how social workers interacted with child welfare.” *Id.*

24. See *infra* Part III.

25. See *infra* Part III.

26. See, e.g., Press Release, Denver Just. Project, Press Release: DJP Helps Launch Alternative Public Health Emergency Response Pilot in Denver (June 8, 2020) [hereinafter Press Release, Denver Just. Project], <http://www.denverjusticeproject.org/2020/06/08/press-release-alternative-public-health-emergency-response-pilot-launches-in-denver/> [<https://perma.cc/5S7E-76KW>]; Nic Garcia & Brooklynn Cooper, *Dallas to Expand Crisis Program Partnering Medics, Social Workers, Police, EMS1* (Sept. 20, 2020), <https://www.ems1.com/mental-health/articles/dallas-to-expand-crisis-program-partnering-medics-social-workers-police-fY0pqt42qZXdV02i/> [<https://perma.cc/N2LB-ML38>]; *What Is CAHOOTS?*, WHITE BIRD CLINIC (Oct. 29, 2020), <https://whitebirdclinic.org/what-is-cahoots/> [<https://perma.cc/BY3M-5TUX>].

social workers is limited, and policymakers should establish reporting requirements to begin developing best practices that other cities and programs may learn from in the future. Third, the program should be integrated into the existing 911 dispatch system to promote its use, and 911 dispatchers and responders should receive both mental health and anti-racist training. Fourth, a successful program incorporating social workers should not be linked to police funding, but should receive sufficient public funding to ensure round-the-clock availability. Finally, the program should operate with a holistic approach by providing follow-up and non-emergency services to the community.

Part I of this Note provides a brief overview of policing and social work in the United States and how the Black Lives Matter movement has fueled dialogue about incorporating more social workers into law enforcement. Particular focus is given to New York City, New York, and Eugene, Oregon, to highlight the differences in qualifications and regulations of the two professions. Part II examines the debate among social workers and advocates who support or oppose closer cooperation between social workers and the police. Part II also examines policy disagreements on the side in favor of cooperation. Part III provides examples from cities that have implemented different strategies. Part IV takes key features and lessons from other cities to suggest a policy proposal that may be implemented for New York City moving forward. It also proposes a solution influenced by the community responder program from Eugene, Oregon, and draws structural inspiration from the organization of New York City's public defenders.

I. PROTESTS, VIGILANTES, AND CHARITY: POLICING AND SOCIAL WORK REFORM AND THE QUEST FOR PROFESSIONALIZATION

The Black Lives Matter movement and its call to “defund the police” have caused people throughout the country to consider limiting the role of the police in their communities and increasing the role of social workers. Policymakers looking to reform the current emergency response system should consider the demands of the movement, as well as the history and professionalization of law enforcement and social work in the United States. They should also consider the development of and controversy surrounding the current 911 emergency response number. This Part provides a brief introduction to each of these topics.

A. Black Lives Matter

The Black Lives Matter movement started in 2013, and the movement has grown to its largest numbers with the protests over

George Floyd's death; it "[m]ay be the largest movement in U.S. history."²⁷ According to polling, between 15 and 26 million people participated in the protests across the country, numbers that eclipsed the 1960s civil rights marches.²⁸ Protestors demanded change to a system of policing that disproportionately criminalizes the actions of Black people in the United States with deadly consequences. Research shows that the risk of being killed by the police in the United States is elevated for marginalized people, particularly Black men; approximately 1 in 1,000 Black men will die from police force.²⁹ In response to this systemic injustice, the protestors had a clear rallying cry: "Defund the police."³⁰

Protestors agree on the wording, but not necessarily the meaning. Many supporters would like to see large police budgets reduced in favor of investing in community-based supports, while other supporters call for abolition of the police entirely.³¹ Mariame Kaba, activist and prison abolitionist, identified the United States' problematic history of the police threatening and brutalizing marginalized communities and highlighted examples of failed attempts at reform throughout that history.³² Abolitionists emphasize that systems of alternate responders, rather than the police, can provide "real alternatives" to improve community safety and change.³³

Even non-abolitionists and some law enforcement members support the call for social workers, rather than or in addition to the police, to

27. Larry Buchanan, Quoctrung 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/8UKN-RDUS>]; see also *About*, BLACK LIVES MATTER, <https://blacklivesmatter.com/about/> [<https://perma.cc/P8QP-FDRB>] (last visited Dec. 15, 2020).

28. Buchanan et al., *supra* note 27.

29. See Frank Edwards, Hedwig Lee & Michael Esposito, *Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex*, 116 PNAS 16793, 16793–95 (2019).

30. See *Defund the Police*, BLACK LIVES MATTER (May 30, 2020), <https://blacklivesmatter.com/defundthepolice/> [<https://perma.cc/8HH4-DVN8>]; see also Scottie Andrew, *There's a Growing Call to Defund the Police. Here's What It Means*, CNN (June 17, 2020, 10:32 AM), <https://www.cnn.com/2020/06/06/us/what-is-defund-police-trnd/index.html> [<https://perma.cc/C4NN-UQPZ>].

31. See Andrew, *supra* note 30.

32. See Mariame Kaba, *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/LWS7-82AB>].

33. See Allegra M. McLeod, *Envisioning Abolition Democracy*, 132 HARV. L. REV. 1613, 1628 (2019).

act as first responders in cases of mental health crises.³⁴ As social workers have expertise in mental health and de-escalation techniques, supporters of the idea have suggested that this could reduce violence against Black communities and people, particularly those with mental health disorders or illnesses, who are at higher risk of police violence.³⁵ Research shows that of the people killed by the police, at least one quarter of those individuals had a mental illness or disorder.³⁶ Victims of non-lethal police violence may also be at increased risk for developing mental illnesses, exacerbating the problem in their future encounters with law enforcement.³⁷

B. The Police in the United States

Throughout history, societies have sought out ways to keep order and punish crime. The United States is no exception. Although contested by some,³⁸ many people consider modern policing in the United States to have originated out of slave patrols, at least in part.³⁹ Southern states formed their first slave patrols beginning in 1704, composed of free, white individuals to whom the states entrusted broad authority and power, and who were known to engage in acts of

34. See, e.g., Helen Redmond, *Cops Morphing into Social Workers Is Not a Solution*, FILTER (Apr. 23, 2019), <https://filtermag.org/cops-morphing-into-social-workers-is-not-a-solution/> [<https://perma.cc/XEP2-8TL6>].

35. See Abigail Abrams, *Black, Disabled and at Risk: The Overlooked Problem of Police Violence Against Americans with Disabilities*, TIME (June 25, 2020, 8:56 AM), <https://time.com/5857438/police-violence-black-disabled/> [<https://perma.cc/UZ3L-QKCB>].

36. See Paras V. Shah, *A Use of Deadly Force: People with Mental Health Conditions and Encounters with Law Enforcement*, 32 HARV. HUM. RTS. J. 207, 209 (2019).

37. See Jordan E. DeVlyder et al., *Association of Exposure to Police Violence with Prevalence of Mental Health Symptoms Among Urban Residents in the United States*, JAMA NETWORK OPEN (Nov. 21, 2018), <https://jamanetwork.com/journals/jamanetworkopen/article-abstract/2715611> [<https://perma.cc/6ZW4-3VJK>]. In a 2017 study of 1,000 adults in Baltimore, Maryland, and New York City, New York, researchers found that participants who had experienced violence by police reported negative mental health outcomes. See *id.* The participants who experienced violence were mostly from marginalized communities, and suffered from increased rates of distress, psychotic experiences, and suicidal behavior and ideation. See *id.*

38. See, e.g., Jonah Goldberg, *The Problem with Claiming That Policing Evolved from Slave Patrols*, AM. ENTER. INST. (June 19, 2020), <https://www.aei.org/op-eds/the-problem-with-claiming-that-policing-evolved-from-slave-patrols/> [<https://perma.cc/4ZVB-3G8B>].

39. See Jill Lepore, *The Invention of the Police*, NEW YORKER (July 13, 2020), <https://www.newyorker.com/magazine/2020/07/20/the-invention-of-the-police> [<https://perma.cc/98GZ-TEU2>].

brutality against Black people.⁴⁰ These patrols existed until the Civil War and then served as the model for police organizations that developed in the South.⁴¹ Large cities outside of the South began establishing official police departments in the mid-nineteenth century: New York in 1844, and then Philadelphia, Chicago, Boston, and Baltimore in the 1850s.⁴² These newly established police departments often did not set qualifications or provide training for their officers, and corruption and brutality were major issues.⁴³ These police departments had officers carry guns from their inception, even before official service weapons were issued.⁴⁴ In cities and areas where police departments were not yet created in the nineteenth century, vigilante groups formed to carry out their own forms of justice.⁴⁵

Progressives intensified reform efforts against corrupt police forces in the early twentieth century, leading to the establishment of modern, professional policing.⁴⁶ August Vollmer, known as “the father of American policing,” became head of the Berkeley, California, police department in 1905.⁴⁷ In the following years, Vollmer established the first “police school” in the United States, emphasized the importance of education and training, and incorporated scientists into his criminal investigation team.⁴⁸ His ideas inspired police administrators across the country, and he was an early adopter of the idea of partnerships between police and social agencies.⁴⁹ Vollmer even presented a lecture

40. See K. B. Turner, David Giacompassi & Margaret Vandiver, *Ignoring the Past: Coverage of Slavery and Slave Patrols in Criminal Justice Texts*, 17 J. CRIM. JUST. EDUC. 181, 185–86 (2006).

41. See Gary Potter, *The History of Policing in the United States*, E. KY. U. POLICING STUD. ONLINE 3 (2013), <https://plsonline.eku.edu/sites/plsonline.eku.edu/files/the-history-of-policing-in-us.pdf> [<https://perma.cc/K5D2-875K>].

42. See Lepore, *supra* note 39.

43. See Potter, *supra* note 41, at 5.

44. See Lepore, *supra* note 39.

45. See *id.*

46. See Nathan Douthit, *August Vollmer, Berkeley's First Chief of Police, and the Emergence of Police Professionalism*, 54 CAL. HIST. Q. 101, 102 (1975).

47. See, e.g., WILLIAM M. OLIVER, *AUGUST VOLLMER: THE FATHER OF AMERICAN POLICING* (2017).

48. See Douthit, *supra* note 46, at 106.

49. See *id.* at 111; see also AUGUST VOLLMER, *POLICE AND MODERN SOCIETY* (1936). Vollmer believed that schools, welfare and health departments, recreation agencies, civic organizations and police departments should work together to help prevent crime, stating that “[i]n a movement which aims at the reduction of crime, there simply is no place for slums, malnutrition, physical want, or disease.” *Id.* at 214.

entitled “The Policeman as a Social Worker” to the International Association of Chiefs of Police in 1919.⁵⁰

By the 1970s, police throughout the United States had formed powerful unions, enabling them to gain greater authority⁵¹ as well as qualified immunity under *Pierson v. Ray*.⁵² Since then, cycles of reform and policy changes have altered the funding sources and discretionary authority of the police as politicians and society placed different demands upon them.⁵³ In the 1970s, citizens responded to increases in violent crime by advocating for increases in police forces, and the federal government increased its own funding to local police departments.⁵⁴ In the 1980s, when the federal government cut funding to urban police departments, the police organized community and financial sector support for the war on drugs to pressure the federal government to provide additional funding and military equipment to urban law enforcement officers.⁵⁵ States and municipalities are able to set their own qualifications and training hour requirements for police officers, which are often lower than the requirements to become licensed as a tradesman.⁵⁶ For example, in Louisiana, a police officer needs only 360 hours of training, while a manicurist needs 500 hours, and in North Carolina, a police officer needs 620 hours of training, while a barber requires 1,528 hours.⁵⁷

Prior to entering training, police candidates must meet the requirements set out by their local law enforcement agencies. In New

50. See Douthit, *supra* note 46, at 111. Despite these progressive views, Vollmer also insisted that criminal tendencies could be passed down genetically and was a member of the American Eugenics Society. See Mike Moffitt, *Weighing August Vollmer’s Tarnished Legacy: Should His Name Be Scrubbed from Peak?*, SFGATE (Sept. 28, 2020, 11:07 AM), <https://www.sfgate.com/bayarea/article/Berkeley-Vollmer-Peak-police-chief-eugenics-15597927.php> [<https://perma.cc/SST9-GE5Y>].

51. See Christopher Lowen Agee, *Crisis and Redemption: The History of American Police Reform Since World War II*, 46 J. URB. HIST. 951, 954 (2017).

52. 386 U.S. 547, 557 (1967).

53. See Lowen Agee, *supra* note 51, at 953–57.

54. See *id.* at 953–55.

55. See *id.* at 955.

56. See Kelly McLaughlin, *The Average US Police Department Requires Fewer Hours of Training Than What It Takes to Become a Barber or a Plumber*, INSIDER (June 12, 2020, 2:23 PM), <https://www.insider.com/some-police-academies-require-fewer-hours-of-training-plumbing-2020-6> [<https://perma.cc/K4TP-2KKD>] (stating that on average, police only require 672 hours of training, while barbers require 1,300 hours).

57. See Holly Yan, *States Require More Training Time to Become a Barber Than a Police Officer*, CNN (Sept. 28, 2016, 4:03 PM), <https://www.cnn.com/2016/09/28/us/jobs-training-police-trnd/index.html> [<https://perma.cc/DU2X-U4Y8>].

York City, the requirements to apply for a position as a police officer are an entrance exam taken between ages 17.5 and 35, 60 college credits with a 2.0 GPA or above (an exemption is provided for two years of military service), residency in New York City or the surrounding counties, a psychological exam, and a physical job standards test.⁵⁸ However, the New York Police Department (NYPD) does not require the college credits be in criminal justice or a related field. Once accepted, the NYPD requires newly hired officers to undergo six months of training at the Police Academy.⁵⁹

In Eugene, Oregon, the requirements to apply are similar, but more rigorous and require post-secondary education or experience related to the position's demands. Candidates must be at least 21 years old, pass a physical and psychological test, and have three years of post-secondary education and experience, including a minimum of one year of "police, social services, or public contact experience" and up to two years of college coursework in criminal justice, social work, or a related field.⁶⁰ The Eugene Police Department requires recruits to undergo 24 weeks, almost six months, of training.⁶¹ Although an observer reviewing these qualifications and training requirements in isolation may find them sufficient, these standards fall short compared to requirements for other licensed, public-facing roles.⁶² Social workers, who also act on behalf of the state to ensure public safety, must complete far more hours of education and training to be eligible for licensing, as discussed in the following section.

C. Social Workers in the United States

The International Federation of Social Workers defines social work as "a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are

58. See *Hiring Process*, NYPD, <https://www1.nyc.gov/site/nypd/careers/police-officers/po-hiring.page> [<https://perma.cc/5WWP-HL5L>] (last visited Dec. 15, 2020).

59. See Alyssa Paolicelli, *900 Recruits Sworn into the NYPD Police Academy*, NY1 (Nov. 2, 2020, 5:15 PM), <https://www.ny1.com/nyc/all-boroughs/news/2020/11/02/900-recruits-sworn-into-the-nypd-police-academy> [<https://perma.cc/6FWN-MHDJ>].

60. See *Qualifications*, EUGENE POLICE DEP'T, <https://www.eugene-or.gov/ArchiveCenter/ViewFile/Item/3921> [<https://perma.cc/RQ7J-MZ2N>] (last visited Dec. 15, 2020).

61. See *Recruit Training*, EUGENE POLICE DEP'T, <https://www.eugene-or.gov/1652/Recruit-Training> [<https://perma.cc/W6PC-25K8>] (last visited Dec. 15, 2020).

62. See Yan, *supra* note 57; see also *supra* Section I.C.

central to social work.”⁶³ In the United States, the social work profession is generally considered to have started with the settlement house and charity organization societies of the late nineteenth century.⁶⁴ At that time, the social work profession was predominantly a voluntary, philanthropy-based field rather than a paid occupation.⁶⁵ As public need grew, social workers sought to professionalize the field and justify paid positions by using education to develop specialized knowledge.⁶⁶ Columbia University and the New York College of Science were pioneers in creating formal social work coursework, and the first school of social work was established in 1904 in Boston.⁶⁷

In 1952, social workers pushed further towards recognition as a legitimate profession requiring expertise and extensive training with the founding of the Council on Social Work Education (CSWE).⁶⁸ The CSWE initially issued accreditation only to master’s degree programs, although that has now expanded to include bachelor’s degree programs as well.⁶⁹ As the social work field gained greater legitimacy, social workers expanded their representation in other public institutions, including state public welfare agencies, corrections, and federally funded programs such as Model Cities.⁷⁰ Until the 1970s, when the criminal justice system moved away from a rehabilitation model to a retribution or punishment model, social workers played a large role in

63. *Global Definition of Social Work*, INT’L FED’N SOC. WORKERS (July 2014), <https://www.ifsw.org/what-is-social-work/global-definition-of-social-work/> [<https://perma.cc/4S99-MTM4>].

64. See Nili Tannenbaum & Michael Reisch, *From Charitable Volunteers to Architects of Social Welfare: A Brief History of Social Work*, ONGOING MAG., Sept. 2001, at 6, 7.

65. See PHILIP R. POPPLE, *SOCIAL WORK PRACTICE AND SOCIAL WELFARE POLICY: A HISTORY* 169 (2018).

66. See *id.* at 174.

67. See *The Evolution of Social Work: Historical Milestones*, SIMMONS U. (Sept. 17, 2014), <https://online.simmons.edu/blog/evolution-social-work-historical-milestones/#:~:text=In%20the%20late%2019th%20century,the%20first%20social%20work%20class> [<https://perma.cc/PE3U-L6DL>].

68. See *About CSWE*, COUNCIL ON SOC. WORK EDUC., <https://www.cswe.org/About-CSWE> [<https://perma.cc/5WS6-HLS8>] (last visited Dec. 15, 2020).

69. See POPPLE, *supra* note 65, at 298; see also *About CSWE*, *supra* note 68.

70. See POPPLE, *supra* note 65, at 304, 313, 348. Model Cities was a federally funded program designed to reduce poverty in urban communities supported by President Johnson. See D. Bradford Hunt, *Model Cities*, ENCYCLOPEDIA CHI., <http://www.encyclopedia.chicagohistory.org/pages/832.html> [<https://perma.cc/Z6M8-9M42>] (last visited Jan. 30, 2021).

the justice system, especially in corrections.⁷¹ In the 1960s, social workers made up roughly half of probation and parole officers.⁷²

As part of the field's emphasis on professionalism and education, the licensing requirements are fairly similar, if not completely uniform, state to state, and full social work licensure typically begins at the master's degree level. In New York State, to become a Licensed Master Social Worker (LMSW), a candidate must have good moral character, be 21 years old or above, possess a master's degree in social work from a school accredited by the CSWE, and have successfully passed the Association of Social Work Boards (ASWB) "Masters" examination.⁷³ Social workers may then pursue licensure as a Licensed Clinical Social Worker (LCSW) after three years of "supervised experience in diagnosis, psychotherapy and assessment-based treatment planning" and passing the ASWB "Clinical" examination.⁷⁴ In Oregon, to become an LMSW, a candidate must have a master's degree in social work and have successfully passed the ASWB "Masters" examination.⁷⁵ Social workers may then qualify as LCSWs if they successfully pass the ASWB "Clinical" examination and have 3,500 hours of post-master's experience, of which 2,000 hours must be direct client work.⁷⁶

Licensed social workers already operate as part of the emergency response and criminal justice system; they respond alongside the police to mental health crises, work in the child welfare system, and counsel criminal defendants and victims of crimes.⁷⁷ Social workers may operate within police departments, prisons, public defender offices, and psychiatric hospitals.⁷⁸ Some cities hired professional social

71. See POPPLE, *supra* note 65, at 348.

72. See *id.*

73. See *LMSW License Requirements*, NYSED, <http://www.op.nysed.gov/prof/sw/lmsw.htm> [https://perma.cc/5B28-TERY] (last visited Dec. 15, 2020).

74. See *LCSW License Requirements*, NYSED, <http://www.op.nysed.gov/prof/sw/lcsw.htm> [https://perma.cc/3F7U-WDJF] (last visited Dec. 15, 2020).

75. See *Social Work Licenses*, OR. BD. LICENSED SOC. WORKERS, <https://www.oregon.gov/blsw/pages/licenseddescriptions.aspx> [https://perma.cc/K358-9H5Z] (last visited Dec. 15, 2020).

76. See *id.*

77. See *infra* Parts II, III.

78. See *infra* Parts II, III. Additionally, some cities do operate mental health initiatives not tied to police or 911, such as NYC Well, which acts as an alternative to 911 for individuals in mental or emotional distress. See *Mobile Crisis Team Referrals*, NYC WELL, <https://nycwell.cityofnewyork.us/en/providers/mct-referral/> [https://perma.cc/6NWX-HSLB] (last visited Dec. 15, 2020).

workers to work within their police departments using federal funding from the Federal Law Enforcement Assistance Administration in the 1970s.⁷⁹ However, when Congress discontinued funding in the early 1980s, many of these positions disappeared.⁸⁰

D. 911: The Current Emergency Response System

One flash point in the debate over incorporating social workers into law enforcement responses centers on the 911 emergency number. Some activists have called for an alternative to 911 for Black, Indigenous, and people of color (BIPOC) communities,⁸¹ while others have labeled the ability to safely call 911 a form of privilege.⁸² Officials who “support” the Black Lives Matter movement have been criticized for calling 911 themselves.⁸³ In at least one case, a sheriff told an organization that showing its support for the movement was equivalent to announcing an “obvious lack of support or trust” for local law enforcement, and therefore it should not bother calling 911 for emergency aid.⁸⁴ However, despite these tensions, 911 has the advantage of an existing infrastructure that took decades to build and

79. See Sylvester Amara Lamin & Consoler Teboh, *Police Social Work and Community Policing*, 2 COGENT SOC. SCIS. 1, 2 (2016), <https://www.cogentoa.com/article/10.1080/23311886.2016.1212636> [<https://perma.cc/2YTB-PC6M>].

80. See *id.*

81. See Zayda Rivera, *People of Color Want an Alternative Emergency Number to Call for Help*, BET (Oct. 15, 2019), <https://www.bet.com/news/national/2019/10/15/people-of-color-want-an-alternative-emergency-number-to-call-for.html> [<https://perma.cc/226L-YDK8>].

82. See Caitlin Dickerson, *A Minneapolis Neighborhood Vowed to Check Its Privilege. It's Already Being Tested*, N.Y. TIMES (July 24, 2020), <https://www.nytimes.com/2020/06/24/us/minneapolis-george-floyd-police.html> [<https://perma.cc/XS7Z-ZQ4A>]; see also Henry Grabar & Mark Joseph Stein, *The Privilege of 911*, SLATE (May 10, 2020, 7:10 PM), <https://slate.com/news-and-politics/2018/05/in-america-calling-911-is-still-a-privilege-of-being-white.html> [<https://perma.cc/7S3N-8L72>].

83. See Pat Dooris, *Portland Commissioner Hardesty Calls 911 over Tense Ride with Lyft Driver*, KGW8 (Nov. 11, 2020, 5:51 PM), <https://www.kgw.com/article/news/local/portland-commissioner-hardesty-lyft-driver/283-5dde0117-2258-42f2-b975-330ae089f5bf> [<https://perma.cc/X9VK-DH6M>]; see also Louis Casiano, *Seattle Politician Who Defunded the Police Called 911 to Protect Her from a Crime She Wants to Legalize*, FOX NEWS (Dec. 16, 2020), <https://www.foxnews.com/us/seattle-politician-who-defunded-the-police-called-911-to-protect-her-from-a-crime-she-wants-to-legalize> [<https://perma.cc/3JR2-3AJ3>].

84. See Wilson Wong, *Library's Proposal on Black Lives Matter Prompts Sheriff to Say Won't Respond to 911 Calls*, NBC NEWS (July 29, 2020, 9:47 AM), <https://www.nbcnews.com/news/us-news/library-s-proposal-black-lives-matter-prompts-sheriff-say-won-n1235166> [<https://perma.cc/PRZ6-BTPZ>].

nationwide recognition as the default number for emergency services.⁸⁵ Many existing mental health response teams receive calls from 911 dispatchers.⁸⁶

Although people in the United States began using 911 as the default emergency number in the 1960s, the federal government did not endorse it as a national system until the Wireless Communications and Public Safety Act of 1999.⁸⁷ As a result, research on 911 dispatch and statistics remains difficult, as over 6,000 911 call centers in the United States, known as public service answering points (PSAPs), were set up without centralized coordination and data sharing.⁸⁸ National organizations have suggested minimum standards for information gathered by 911 dispatchers, but PSAPs have no standard protocol.⁸⁹ As people increasingly call for emergency reform, jurisdictions must determine how to classify and track call types to PSAPs to assist in determining where non-law enforcement responses and resources may replace police officers.⁹⁰

II. SOCIAL WORKERS RECOGNIZE THE ISSUES IN POLICE EMERGENCY RESPONSE BUT DISAGREE ON WHETHER THEY ARE THE SOLUTION

Cities are considering, and rapidly implementing, policy changes as they respond to the ongoing Black Lives Matter protests by focusing on the nature of their emergency response teams and broader police reform. Policymakers are looking at strategies that would increase the number of mental health professionals within law enforcement, community-based policing, and civilian emergency and mental health response teams, including the possible involvement of social workers.⁹¹ Section II.A reviews social workers' reasons for not wanting to join law enforcement or participate in emergency response roles traditionally

85. See S. REBECCA NEUSTETER ET AL., VERA INST. OF JUST., *THE 911 CALL PROCESSING SYSTEM: A REVIEW OF THE LITERATURE AS IT RELATES TO POLICING* 3–5 (2019), <https://www.vera.org/downloads/publications/911-call-processing-system-review-of-policing-literature.pdf> [<https://perma.cc/XG9B-LMLJ>].

86. See *infra* Part III.

87. See NEUSTETER ET AL., *supra* note 85, at 3; see also Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106–81, 113 Stat. 1286 (1999).

88. See NEUSTETER ET AL., *supra* note 85, at 6.

89. See *id.* at 9.

90. See *id.* at 19.

91. See Kenny Lo, *Assessing the State of Police Reform*, CTR. FOR AM. PROGRESS (July 16, 2020, 9:00 AM), <https://www.americanprogress.org/issues/criminal-justice/news/2020/07/16/487721/assessing-state-police-reform/> [<https://perma.cc/QK2F-K5SR>].

assigned to law enforcement. Section II.B discusses social workers' arguments for wanting to play a greater role in emergency response teams by reviewing three ways social workers may take on this role: through direct employment with police departments, as part of co-responder teams, or separately from law enforcement as community responders.

A. No, Social Workers Should Not Be Involved in Law Enforcement

i. The Police Are Not Sufficiently Trained in Working with Mental Health Issues or Mental Health Workers

As the debate over police reform and an increased role for social workers in law enforcement strengthened into the summer of 2020, many social workers voiced strong objections.⁹² Social workers on this side of the debate favor reexamining the profession's existing relationship with law enforcement and emphasizing community-based supports.⁹³ Some social workers see their involvement in law enforcement as perpetuating a system of anti-Blackness and racism in the history of their profession that they are not immune from.⁹⁴ As research has shown, social workers in the United States are predominantly white professionals serving BIPOC communities.⁹⁵

Issues of racism are compounded by mental health issues, as Black communities have more difficulty accessing mental health care, and research shows that of those killed by police in the United States, many lived with mental health conditions.⁹⁶ In one recent study conducted in Portland, Oregon, researchers found that public support for police use of force against a white suspect decreased when the suspect was mentally ill, and thus the mental illness acted as a protective factor.⁹⁷ However, in the same study, public support for use of force against a Black suspect increased when the Black suspect was mentally ill, which

92. See Abrams & Dettlaff, *supra* note 3.

93. See *id.*

94. See Lori James-Townes, *Why Social Workers Cannot Work with Police*, SLATE (Aug. 11, 2020, 1:44 PM), <https://slate.com/news-and-politics/2020/08/social-workers-police-collaborate.html> [<https://perma.cc/7ZRK-FHHW>].

95. See generally Melody Loya, *Racial Attitudes in White Social Workers: Implications for Culturally Sensitive Practice*, 3 POL. BUREAUCRACY & JUST. 23, 24 (2012).

96. See Abrams, *supra* note 35.

97. See Kimberly Barsamian Kahn, Melissa Thompson & Jean M. McMahon, *Privileged Protection? Effects of Suspect Race and Mental Illness Status on Public Perceptions of Police Use of Force*, 13 J. EXPERIMENTAL CRIMINOLOGY 171, 185 (2017).

may lead to the police facing less accountability for using force against such individuals.⁹⁸ Jonathan Foiles, a lecturer at the University of Chicago School of Social Service Administration, underscored that while social workers may help in some situations, there are other problems in policing culture that the presence of social workers cannot resolve: “Social workers would not have prevented the deaths of George Floyd, Breonna Taylor, Elijah McClain, or countless others, because these situations are not the results of police not understanding mental health issues but of police not understanding policing.”⁹⁹

Social workers opposed to their involvement in policing can point to high-profile instances where the presence of a mental health professional did not impact an officer’s use of force. For example, in 2016, a mental health worker named Charles Kinsey was assisting a client with autism who had fled his group home in Florida.¹⁰⁰ The client was sitting in the middle of a street nearby, rocking back and forth while holding a toy train.¹⁰¹ A bystander, believing the toy was a gun, called 911 and reported the man as suicidal.¹⁰² After the police responded with guns drawn, Kinsey laid down on the ground and put his arms in the air to communicate to the police that he and his client were not a threat to them.¹⁰³ Rather than acknowledging Kinsey’s assessment of the scenario and attempts to de-escalate the situation, the officer present on the scene fired his gun at Kinsey’s client, missing him and shooting Kinsey in the leg instead.¹⁰⁴ The officer insisted that he “did what [he] had to do” given the situation.¹⁰⁵

As police emphasize the dangers of their work and their qualifications, social workers too face a high rate of injury and assault on the job. Alongside police work, it is rated in the top 20 deadliest jobs in the United States by the Bureau of Labor Statistics.¹⁰⁶ Social workers who currently respond to mental health crises may call police

98. *See id.*

99. Foiles, *supra* note 10.

100. *See* Complaint at 27, *Soto v. City of N. Mia.*, (No. 17-cv-22090) (S.D. Fla. June 5, 2017), 2017 WL 2417391.

101. *See id.* at 42.

102. *See id.* at 30–31.

103. *See* Erik Ortiz, *North Miami Cop Who Shot Unarmed Man Charles Kinsey: “I Did What I Had to Do,”* NBC NEWS (July 22, 2016, 2:37 PM), <https://www.nbcnews.com/news/us-news/north-miami-cop-who-shot-unarmed-man-charles-kinsey-i-n614766> [<https://perma.cc/S6GQ-3Q8B>].

104. *See id.*

105. *See id.*

106. *See The 20 Deadliest Jobs in America, Ranked*, CBS NEWS, <https://www.cbsnews.com/pictures/the-20-deadliest-jobs-in-america-ranked/> [<https://perma.cc/CLY2-L54Q>] (last visited Dec. 15, 2020).

and EMS if the person poses a threat to themselves or others and de-escalation strategies have failed.¹⁰⁷ Without proper communication, training, and planning for both 911 dispatchers and police officers, this can lead to increased risk for everyone involved. Particularly where law enforcement already has reason to believe that an individual suffers from a mental illness and is potentially dangerous, social workers on the scene with that individual should be able to call 911 for backup and receive priority response.

Unfortunately, law enforcement and 911 dispatchers do not always give social workers' concerns priority. In 2012, a social worker in Washington brought two young boys for a supervised visit with their father, Josh Powell.¹⁰⁸ Police suspected Powell was responsible for his wife's disappearance, and had recently requested an extensive psychological evaluation.¹⁰⁹ The psychologist on the case diagnosed Powell with narcissism and adjustment disorder.¹¹⁰ While the police ordered a further investigation into Powell's mental health, social workers continued to bring Powell's sons to the home for supervised visits.¹¹¹ On this occasion, Powell locked the social worker out of the home once the boys were inside, and she called 911 shortly afterward.¹¹² The 911 dispatcher did not take the social worker seriously, and a transcript of the call shows that the dispatcher told her that the police "have to respond to life threatening emergencies[,] . . . life threatening situations first."¹¹³ It took over 20 minutes for an officer to arrive at the home, where both boys and Powell were found

107. See AMOS IRWIN & BETSY PEARL, CTR. FOR AM. PROGRESS & LAW ENF'T ACTION P'SHIP, THE COMMUNITY RESPONDER MODEL: HOW CITIES CAN SEND THE RIGHT RESPONDER TO EVERY 911 CALL 17 (2020), https://cdn.americanprogress.org/content/uploads/2020/10/27134835/Alternatives911-report.pdf?_ga=2.265531850.439763666.1608074637-1753965343.1608074637 [https://perma.cc/E6FQ-V3ME].

108. See Kathryn Casey, *Josh Powell: Could His Sons' Deaths Have Been Prevented?*, FORBES (Feb. 10, 2012, 5:20 PM), <https://www.forbes.com/sites/crime/2012/02/10/josh-powell-could-his-sons-deaths-have-been-prevented/?sh=53ddce18d6c3> [https://perma.cc/JP2D-G7XY].

109. See Mark Oliver, *Cold Podcast Goes Inside the Psychological Evaluation of Josh Powell*, KSL NEWS RADIO (Feb. 6, 2019, 12:02 AM), <https://kslnewsradio.com/1898267/josh-powell-psychological-evaluation/#:~:text=Manley%20diagnosed%20him%20with%20adjustment,himself%20as%20having%20any%20flaws> [https://perma.cc/ZVR8-HGZN].

110. See *id.*

111. See Casey, *supra* note 108.

112. See *id.*

113. See *id.*

dead.¹¹⁴ The social worker had no way to do more without putting herself at risk of harm and no way to verify her credentials to the 911 dispatcher in order to be taken seriously.

Social workers often have to navigate legal and ethical concerns in the course of their work, which may conflict with law enforcement duties.¹¹⁵ Another legal obstacle for social workers as alternate responders is the question of who is permitted to request or evaluate people in crisis for involuntary mental health holds. The state may use short-term, emergency involuntary mental health holds for individuals who present a danger to themselves or others, as authorized by the Supreme Court in *O'Connor v. Donaldson*.¹¹⁶ Every state permits the police to detain individuals who present a danger to themselves or others, but the laws regarding initiation of mental health holds vary from state to state.¹¹⁷ Despite their lack of in-depth mental health training, the police are authorized to initiate emergency holds in 38 states, while mental health practitioners are only authorized to do so in 31 states.¹¹⁸ In Wisconsin and Kansas, *only* the police may request emergency mental health holds, excluding mental health professionals in the decision.¹¹⁹ While the rationale behind such policy differs from state to state, the police are often the sole emergency responders to mental health crises.¹²⁰ The police are also generally able to bypass petitioning the court for emergency evaluations, unlike other professionals or persons, if they feel the person is an imminent threat to themselves or others.¹²¹ If alternate response teams composed of social workers may encounter individuals with severe mental illness in need of such care, those social workers should be enabled to initiate

114. See Alan Duke, *911 Operator Reprimanded in Josh Powell Case*, CNN (Apr. 19, 2012, 12:47 PM), <https://www.cnn.com/2012/04/19/justice/washington-powell-case/index.html> [<https://perma.cc/B8R3-D69R>].

115. See generally Premela Deck, *Ethics — Law and Social Work: Reconciling Conflicting Ethical Obligations Between Two Seemingly Opposing Disciplines to Create a Collaborative Law Practice*, 38 W. NEW ENG. L. REV. 261 (2016) (addressing some of the ethical conflicts social workers face when working in the legal field, including the duty to warn and mandated reporting).

116. 422 U.S. 563 (1975); Leslie C. Hedman et al., *State Laws on Emergency Holds for Mental Health Stabilization*, 67 PSYCHIATRIC SERVS. 529, 530 (2016).

117. See Hedman et al., *supra* note 116, at 530.

118. See *id.* at 530–31.

119. See *id.*

120. See H. Richard Lamb, Linda E. Weinberger & Walter J. DeCuir, *The Police and Mental Health*, 53 PSYCHIATRIC SERVS. 1266, 1266 (2002).

121. See LISA DAILEY ET AL., TREATMENT ADVOC. CTR., GRADING THE STATES: AN ANALYSIS OF INVOLUNTARY PSYCHIATRIC TREATMENT LAWS 16–17 (2020), <https://www.treatmentadvocacycenter.org/storage/documents/grading-the-states.pdf> [<https://perma.cc/V7HC-WJXF>].

such a hold using the same initiation standard as the police in that jurisdiction.¹²²

ii. BIPOC and Other Marginalized Communities Already See Social Workers as Agents of State Control

Social workers opposed to more involvement with law enforcement also note that such a move may make the social work profession even more distrusted among the BIPOC communities they serve.¹²³ According to Gallup polling conducted in the summer of 2020, the number of people in the United States who reported having “a great deal” or “quite a lot” of confidence in the police is at 48%, its lowest recorded point and the first time that number fell below 50%.¹²⁴ Social workers also face public scrutiny in their current roles in areas such as the child welfare system, and criticism and community distrust may intensify as they become increasingly involved in emergency response.¹²⁵

In 2013, Gabriel Fernandez, a young boy in California, was tortured to death by his mother and her boyfriend.¹²⁶ Netflix made a documentary series about the abuse and subsequent trials of those

122. See Hedman et al., *supra* note 116, at 531. Many of these states explicitly exclude individuals living with substance use disorders from qualifying for mental health holds on that basis alone, although several states have laws in place allowing for involuntary commitment for such disorders. While both social workers and law enforcement may be involved in responding to and treating people with substance use disorders, that topic is beyond the scope of this Note. See *Many States Allow Involuntary Commitment for Addiction Treatment*, P'SHIP TO END ADDICTION (Sept. 2016), <https://drugfree.org/drug-and-alcohol-news/many-states-allow-involuntary-commitment-addiction-treatment/> [<https://perma.cc/RU6W-ETDR>].

123. See Abrams & Dettlaff, *supra* note 3.

124. See Megan Brenan, *Amid Pandemic, Confidence in Key U.S. Institutions Surges*, GALLUP (Aug. 12, 2020), <https://news.gallup.com/poll/317135/amid-pandemic-confidence-key-institutions-surges.aspx> [<https://perma.cc/87T9-L78Q>].

125. See Naomi Schaefer Riley, *Are Social Workers the Answer?*, WALL ST. J. (June 8, 2020, 7:06 PM), <https://www.wsj.com/articles/are-social-workers-the-answer-11591657596> [<https://perma.cc/7YER-GERE>]; see also Michelle Burrell, *What Can the Child Welfare System Learn in the Wake of the Floyd Decision?: A Comparison of Stop-and-Frisk Policing and Child Welfare Investigations*, 22 CUNY L. REV. 124 (2019); Stephanie Clifford & Jessica Silver-Greenberg, *Foster Care as Punishment: The New Reality of 'Jane Crow,'* N.Y. TIMES (July 21, 2017), <https://www.nytimes.com/2017/07/21/nyregion/foster-care-nyc-jane-crow.html> [<https://perma.cc/EEG8-GBED>].

126. See Minyvonne Burke, *Case Dismissed Against Social Workers Charged in Death of 8-Year-Old California Boy*, NBC NEWS (July 16, 2020, 4:23 PM), <https://www.nbcnews.com/news/us-news/case-dismissed-against-social-workers-charged-death-8-year-old-n1234089> [<https://perma.cc/TP6P-G98K>].

involved, bringing national attention to the case.¹²⁷ After his mother and her boyfriend were convicted for their roles in Gabriel's death, the state brought criminal charges against the social workers involved in Gabriel's Child and Family Services case for failing to protect him.¹²⁸ The media lambasted the social workers for not removing him from the home or obtaining a warrant for a medical evaluation.¹²⁹ As one of the social workers on his case noted, the "system is overtaxed," and "if there wasn't so much stress, then you may see those red flags."¹³⁰ A California appellate court dismissed the charges early in 2020.¹³¹ However, liability for social workers' failure to act is still an open question in many jurisdictions.¹³²

Although social workers in child services lose community trust when they fail to act, in other cases, communities may lose trust in them as a result of their initiation of child removal proceedings. Observers have long criticized the system for anti-Blackness and discrimination against BIPOC families, calling child protective services "the new Jane Crow."¹³³ In August of 2020, Bronx residents organized a "Black Families Matter" march, calling for the defunding and abolishment of New York's Administration for Children's Services, saying that it acted "as an arm of the police."¹³⁴ Social workers in opposition to working

127. *See id.*

128. *See* Mahita Gajanan, *The Heartbreaking Story Behind Netflix's Documentary Series The Trials of Gabriel Fernandez*, TIME (Mar. 3, 2020, 12:38 PM), <https://time.com/5790549/gabriel-fernandez-netflix-documentary/> [https://perma.cc/69SY-TEE6].

129. *See* Patrick Healy, *Authorities Repeatedly Investigated Mother of Boy, 8, Who Died of Beating*, NBC L.A. (Sept. 9, 2013, 5:11 PM), <https://www.nbclosangeles.com/news/local/case-workers-failed-to-act-on-evidence-of-abuse-to-palmdale-boy/1970747/> [https://perma.cc/HY56-B79W]; *see also* Garrett Therolf, *Signs of Boy's Abuse Missed by L.A. Social Workers*, L.A. TIMES (May 30, 2013, 12:00 AM), <https://www.latimes.com/local/la-xpm-2013-may-30-la-me-0531-child-death-20130530-story.html> [https://perma.cc/M63X-ARY3]. *See generally* *The Trials of Gabriel Fernandez* (Netflix 2020).

130. *The Trials of Gabriel Fernandez: Death Has Got Him by the Hand* (Netflix 2020).

131. *See* *Bom v. Superior Ct.*, 257 Cal. Rptr. 3d 276, 279 (Ct. App. 2020). The court focused on how a social worker's duty to the population he or she serves may be defined for legal liability. The opinion compares social workers to police officers when discussing legal duty to others, suggesting that some courts are unwilling to impose a duty on social workers to prevent third party actions. *See id.*

132. *See generally* *Tarasoff v. Regents of the Univ. of Cal.*, 551 P.2d 334 (Cal. 1976) (finding that social workers do have an affirmative duty to warn, although the issue of duty to prevent is unanswered in the case law).

133. *See* Clifford & Silver-Greenberg, *supra* note 125.

134. *See* "Black Families Matter" March Speaks Out Against Child Protective Services, NEWS12 (Oct. 5, 2020, 11:01 PM), <https://bronx.news12.com/black-families->

alongside the police emphasize that further integration into the State's law enforcement system may violate their code of ethics.¹³⁵ These social workers believe that the best method to support the communities they serve is by partnering with existing community programs and efforts and participating in labor organizing within the social work profession, rather than by taking on traditional law enforcement roles.¹³⁶ Other observers have called for additional reform, including community education and requiring caseworkers to provide "Miranda rights" for parents under investigation.¹³⁷ As social workers struggle with their role in monitoring BIPOC communities through the child welfare system, many do not believe they should take over additional work associated with the police.

B. Yes, Social Workers Should Be Involved in Law Enforcement

Social workers and other supporters of this side of the debate emphasize the profession's specialized knowledge in mental health and the inadequacy of routine police training to respond to people in mental health crises.¹³⁸ Advocates differ, however, in their opinions on the best approach to social workers' incorporation into the emergency response system. Cities across the United States have experimented with incorporating social workers into their teams in various ways, but only limited research exists on the success of each method. These approaches to incorporate mental health professionals in the emergency response system have involved social workers employed within police departments, those working in partnership with the police as co-responders, or those working within the emergency response system as alternate responders without the police present. Section II.B focuses on the normative arguments for social workers to be involved in emergency response. Part III examines how these approaches work in practice.

i. Social Workers Should Work Within Police Departments

Police officers respond to mental health crises as a regular part of their job, earning them titles such as "de facto mental health providers"

matter-march-speaks-out-against-child-protective-services-42532416 [https://perma.cc/WY8K-32T8].

135. See Sato, *supra* note 3.

136. See *id.*

137. See Burrell, *supra* note 125, at 144–46.

138. See *generally* Shah, *supra* note 36.

and “streetcorner psychiatrists.”¹³⁹ Although all police officers in U.S. police departments perform social service functions, the first policewomen, in particular, were considered to be and expected to serve primarily as social workers.¹⁴⁰ As policewomen took on more traditional roles within the force, some cities elected to hire non-officer social workers to assist the police with handling social problems and referrals to social service agencies.¹⁴¹ Research suggests that the police spend the majority of their time responding to social service needs,¹⁴² leading advocates to believe that assigning these functions to social workers helps reduce the strain on the police.¹⁴³ Despite this history, the term “police social work” was not clearly defined until the 1980s, when it was identified as “a new area of social work practice” in the eighteenth edition of the *Encyclopedia of Social Work*.¹⁴⁴

In 1998, mental health professionals and police in Memphis championed the incorporation of social workers and other mental health professionals into police training, a strategy called Crisis Intervention Training (CIT).¹⁴⁵ CIT is the most popular method of incorporating mental health professionals into the police system in the United States; currently, the police participate in over 2,700 CIT programs across the country.¹⁴⁶ Although not all CIT mental health trainers are employees of the police department, they serve an important operational role in the law enforcement community.¹⁴⁷

139. G. K. Shapiro et al., *Co-responding Police-Mental Health Programs: A Review*, 42 ADMIN. & POL’Y MENTAL HEALTH & MENTAL HEALTH SERVS. RSCH. 606, 606 (2015).

140. See GEORGE T. PATTERSON, SOCIAL WORK PRACTICE IN THE CRIMINAL JUSTICE SYSTEM 50 (1st ed. 2012) (describing the initial role of policewomen from the 1920s through the 1960s).

141. See *id.*

142. See *id.* at 40.

143. See Chief Mike Ward, *Everyone Benefits When Police Departments Hire Social Workers*, JUST SOLS. (July 23, 2019), <https://justsolutions.medium.com/everyone-benefits-when-police-departments-hire-social-workers-34d536f8802a> [<https://perma.cc/497V-ZNKL>].

144. See PATTERSON, *supra* note 140, at 51–53.

145. See ASHLEY KRIDER ET AL., POL’Y RSCH, INC. & NAT’L LEAGUE CITIES, RESPONDING TO INDIVIDUALS IN BEHAVIORAL HEALTH CRISIS VIA CO-RESPONDER MODELS: THE ROLES OF CITIES, COUNTIES, LAW ENFORCEMENT, AND PROVIDERS 1, 4 (2020); see also Katie Bailey et al., *Barriers and Facilitators to Implementing an Urban Co-responding Police-Mental Health Team*, 6 HEALTH & JUST. 1, 2 (2018).

146. See KRIDER ET AL., *supra* note 145, at 4.

147. See Randolph Dupont et al., *Crisis Intervention Team Core Elements*, U. MEMPHIS 12 (Sept. 2007), http://www.cit.memphis.edu/information_files/CoreElements.pdf [<https://perma.cc/L5S8-K32H>].

Given the existing CIT framework and history of collaboration, some law enforcement officials and social workers advocate for the police department's hiring of social workers.¹⁴⁸

Only a few municipalities have taken the step of incorporating social workers into their actual police departments, despite the overlap in skillsets required to respond to community needs.¹⁴⁹ Where social workers are incorporated, they and other mental health professionals may be employed as behavioral health navigators within police departments, providing follow-ups to people in need of mental health services.¹⁵⁰ Social workers may also provide mental health support to police officers themselves through employee assistance programs set up for law enforcement.¹⁵¹ Additionally, police social workers provide counseling and services to victims of crime and those facing criminal charges.¹⁵²

Social workers working within police departments as police social workers or supportive staff face a number of functional and structural challenges.¹⁵³ One of the main obstacles is distrust between the two professions, which is underscored by this debate over whether social workers should be involved in emergency response at all.¹⁵⁴ Social workers may also encounter power differentials and different perceptions of responsibility from police officers.¹⁵⁵ For employment within the police department, civil service regulations may lead to positions that are effectively social work roles but do not require social work licensure or education.¹⁵⁶ Only those with social work degrees and licensure are considered to be professional social workers, although as the Encyclopedia of Social Work indicates, "individuals

148. See Ward, *supra* note 143; see also George T. Patterson, *Police Social Work: A Unique Area of Practice Arising from Law Enforcement Functions*, NAT'L ASS'N SOC. WORKERS: N.Y.C. CHAPTER (July 2008), <https://www.naswnyc.org/page/77> [<https://perma.cc/QZT6-E6LQ>].

149. See *infra* Part III; see also PATTERSON, *supra* note 140.

150. See KRIDER ET AL., *supra* note 145, at 5.

151. See PATTERSON, *supra* note 140, at 136.

152. See *id.* at 51.

153. See *id.* at 53–54.

154. See *id.* at 53.

155. See *id.* at 53–54. For example, one study showed that when considering interpersonal violence, police were more likely to identify women as responsible for the violence, while social workers were more likely to identify men as responsible. Social workers and police may have difficulty working together when responding to such incidents. The two professions also face gender stereotypes and differences in ideology and objectives associated with their roles. See *id.* at 54.

156. See *Police Social Work*, in ENCYCLOPEDIA OF SOCIAL WORK (Terry Mizrahi & Larry E. Davis eds., 20th ed. 2008).

with related academic degrees” may qualify to be police social workers.¹⁵⁷

*ii. Social Workers Should Work in Partnership
with Police as Co-responders*¹⁵⁸

Several cities have advocated for and adopted the model of having social workers or other mental health professionals respond alongside police officers.¹⁵⁹ Although there is only limited research on the success and prevalence of this model, particularly in the United States, co-response teams have become the standard model for mental health emergency response in both Canada and the United Kingdom.¹⁶⁰ Researchers and policymakers have called this model of co-response by a variety of names, including “mobile crisis intervention teams,” “crisis outreach and support teams,” “ambulance and clinical early response teams,” and “co-response street triage.”¹⁶¹ This Note refers to this strategy of police-mental health collaboration as the “co-response model” and its participants as “co-responders.”

Advocates of this model emphasize that “the more police and mental health workers collaborate, the better the two systems can serve consumers.”¹⁶² Co-responders aim to link individuals in a mental health crisis to treatment and other needed services.¹⁶³ Co-responders also aim to decrease on-site handling time for officers and unnecessary arrests of people experiencing mental health crises.¹⁶⁴ Initial research suggests that this model works best when the co-responding team is readily available and can respond quickly; otherwise officers and dispatchers may avoid referring calls to the team.¹⁶⁵ Proponents

157. *See id.*

158. *See McClain, supra* note 7.

159. *See RIGHT Care Team Responds to Mental Health Crisis Calls*, PARKLAND (Feb. 18, 2019), <https://www.parklandhospital.com/news-and-updates/right-care-team-responds-to-mental-health-crisis-c-1488> [https://perma.cc/9RNE-TY3K]. *See generally* Shapiro et al., *supra* note 139.

160. *See* Bailey et al., *supra* note 145, at 3; *see also* Stephen Puntis et al., *A Systematic Review of Co-responder Models of Police Mental Health ‘Street’ Triage*, 18 BMC PSYCHIATRY 256, 257 (2018).

161. *See* Bailey et al., *supra* note 145, at 2; Puntis et al., *supra* note 160, at 9.

162. Bailey et al., *supra* note 145, at 2 (quoting Nils Rosenbaum, *Street-Level Psychiatry – A Psychiatrist’s Role with the Albuquerque Police Department’s Crisis Outreach and Support Team*, 10 J. POLICE CRISIS NEGOTS. 175, 176 (2010)).

163. *See* Shapiro et al., *supra* note 139, at 611.

164. *See id.* at 611–12.

165. *See id.* at 612.

suggest that coverage should be as close to 24/7 as possible to avoid a gap in services.¹⁶⁶

As the co-response model is frequently based on a partnership between police departments and outside agencies focusing on mental health, communication between partners and with the community is essential to the success of these programs.¹⁶⁷ Research suggests that when officers and social workers operate as co-responders with clear delineation of their roles on the scene and with open dialogue, officers may gain a better understanding of mental health issues from their city's participation in this model than from traditional CIT programs.¹⁶⁸ However, advocates of the co-responder model note that quality training in mental health and professional expectations for both police officers and social workers is an essential element of the co-response model.¹⁶⁹

*iii. Social Workers Should Work as Community Responders
(911-Routed)*

Advocates have also called for social workers or mental health professionals to respond to mental health emergencies without police presence. Although cities have employed alternate responders in various capacities, policy researchers have recently endorsed the "community responder model."¹⁷⁰ Community responders are civilian first responders who work outside of the police department and may respond to 911 calls without police.¹⁷¹ Social workers are a natural choice for this role as, unlike the police, they receive extensive training in mental health and substance use issues.¹⁷² The International Association of Chiefs of Police has indicated that identifiable law enforcement presence may make a crisis worse for those with mental

166. See KRIDER ET AL., *supra* note 145, at 9.

167. See Bailey et al., *supra* note 145, at 6.

168. See Shapiro et al., *supra* note 139, at 613.

169. See KRIDER ET AL., *supra* note 145, at 9 (discussing the example of Indianapolis, Indiana's co-response team training, which includes "training about CIT, mental illness, information sharing, special populations, the use of force, naloxone administration, and team building"). See also *infra* Section III.B for a discussion of the Dallas, Texas co-responder team's roles and boundaries.

170. See IRWIN & PEARL, *supra* note 107, at 1.

171. See *id.* at 1-3.

172. See *id.* at 3-4 ("We need to stop expecting police to do social work and start sending the right trained professionals to address low-level crimes and noncriminal calls for service." (quoting retired Major Neill Franklin, Executive Director, Law Enforcement Action Partnership)).

health disorders or illnesses.¹⁷³ To better include community responders and social workers in such crises, they should be routed through the existing 911 emergency number.¹⁷⁴

The Vera Institute of Justice recently completed an extensive review of 911 technology and data to analyze possible police response alternatives to promote efficiency and reduce community contacts with the justice system.¹⁷⁵ More research is essential to determine best practices for routing calls in cases of mental health crises, but some communities have already begun experimenting with routing a portion of their calls to alternate response teams.¹⁷⁶ As 911 PSAPs are already decentralized, each PSAP may set its own standards, training, and range of services in connection with its local jurisdiction.¹⁷⁷

A few PSAPs have recruited 911 dispatchers with mental health training, including social workers, to assist in routing calls or diffusing situations.¹⁷⁸ As with police social workers, civil service regulations may require different licensure and training for social workers and 911 dispatchers. In at least one case, social workers attempting to work within a PSAP to aid community responders have faced difficulty obtaining the required licensure, and other dispatchers treated them with suspicion.¹⁷⁹ For the community responder model to work most effectively, 911 dispatchers and the police should refer only calls involving non-lethal or non-emergency mental health crises to community responders to ensure the safety of both the responders and the community at large.¹⁸⁰ Mental health professionals or clinicians may work with or provide training to 911 dispatchers to identify key questions to ask in assessing the nature of a call.¹⁸¹ As they work for an outside agency, community responders may also establish and promote a direct phone number for community members who may distrust the police.¹⁸²

173. *See id.* at 5.

174. *See id.* at 14.

175. *See generally* NEUSTETER ET AL., *supra* note 85.

176. *See generally* IRWIN & PEARL, *supra* note 107.

177. *See* NEUSTETER ET AL., *supra* note 85, at 11.

178. *See* KRIDER ET AL., *supra* note 145, at 7.

179. Telephone Interview with Kurtis Young, Dir. of Soc. Work, Parkland Health & Hosp. Sys. (Nov. 13, 2020) [hereinafter Young Interview].

180. *See* IRWIN & PEARL, *supra* note 107, at 14.

181. *See Delivering Behavioral Health: Police-Mental Health Collaboration (PMHC) Toolkit*, U.S. DEP'T JUST., <https://bja.ojp.gov/program/pmhcb/behavioral-health> [https://perma.cc/A2YV-EY6L] (last visited Jan. 18, 2021).

182. *See* NEUSTETER ET AL., *supra* note 85, at 15 (outlining the call volume by jurisdiction and population).

Proponents of the community response model emphasize that alongside a reduction of violent encounters occurs when individuals with disabilities interact with the police, the model is cost-effective.¹⁸³ In Eugene, Oregon, one long-standing example of the model, “Crisis Assistance Helping Out On The Streets” (CAHOOTS), reports cost savings of over \$8 million a year for the city’s police department.¹⁸⁴ As cities face budget shortfalls due to the impact of COVID-19 on business closures and employment, the cost savings associated with the community response model could prove persuasive to policymakers.¹⁸⁵

Black Lives Matter protestors and advocates have rallied against police violence, and unarmed community responders can provide an alternative to the police.¹⁸⁶ Communities lose faith in the police after incidents of officer-involved fatalities.¹⁸⁷ In areas where these incidents occur, fewer people make calls to 911, reducing officers’ ability to perform their crime investigation and prevention roles.¹⁸⁸ Community responders may help build community trust in emergency response by responding to calls without the police and without using force, although they may call the police for backup if necessary in a violent or dangerous situation.¹⁸⁹ However, community responders should be proactive about “reputational separation” from the police to prevent a perception that they will report individuals to law enforcement.¹⁹⁰

Regarding the debate of their further incorporation into law enforcement and emergency response roles, social workers on both sides support their viewpoints by comparing and contrasting law enforcement and social work roles. Those opposed to further involvement in law enforcement and emergency response point out the racial disparities that exist in both social work and law enforcement,

183. See Zusha Elinson, *When Mental-Health Experts, Not Police, Are the First Responders*, WALL ST. J. (Nov. 24, 2018, 10:00 AM), <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600> [https://perma.cc/6KLF-8UWL].

184. See *Crisis Assistance Helping Out on the Streets: Media Guide 2020*, WHITE BIRD CLINIC 4 (2020), <https://whitebirdclinic.org/wp-content/uploads/2020/07/CAHOOTS-Media.pdf> [https://perma.cc/L7UU-4Y3F].

185. See Scott Cohn, *Cuts to Basic Services Loom as Coronavirus Ravages Local Economies and Sends States into Fiscal Crisis*, CNBC (July 7, 2020, 9:12 AM), <https://www.cnbc.com/2020/07/07/states-in-fiscal-crisis-cuts-to-basic-services-loom-due-to-pandemic.html> [https://perma.cc/D7HK-2BPL].

186. See *supra* Part I.

187. See IRWIN & PEARL, *supra* note 107, at 6.

188. See *id.*

189. See *id.* at 17.

190. See *id.* at 17–18.

the high level of risk that social workers face in the field, and the differences in legal standards for the two professions. Those who endorse further incorporation are able to emphasize the higher levels of mental health training and professional standards for social workers in comparison with law enforcement officers, and provide examples of policies that allow social workers to take on key emergency response roles where the police lack the training or capacity to meet community need. Part III discusses how these policies have worked in practice throughout the United States.

III. SOCIAL WORKERS AND POLICE: COLLABORATION IN PRACTICE

Policymakers can look to several existing programs for inspiration. This Part provides examples of social workers employed by police departments, social workers working with police on co-responder teams, and social workers working as community responders, as outlined in Section II.B. Section III.A discusses examples of social workers working within police departments. Section III.B examines the experiences of the Rapid Integrated Group Healthcare Team (RIGHT Care Team) in Dallas, Texas, a co-responder team involving social workers, police officers, and paramedics. Section III.C discusses emergency response teams involving mental health professionals who respond without law enforcement. Finally, Section III.D briefly discusses New York City's recently announced community responder pilot program.

A. Social Workers within Police Departments

The cities that incorporated social workers into their police departments have generally done so on a modest scale. A relatively small police department in Kentucky was the first in the state to hire a full-time social worker in 2016 and currently has two social workers on staff.¹⁹¹ The social workers in the department have led to a reduction in both 911 calls and incarceration rates but primarily act as secondary responders.¹⁹² They do not act until the police have cleared a scene as

191. See Sina Gebre-Ab, *Alexandria PD Has Two Social Workers on Staff, and Agencies Across the Country Are Taking Notice*, WCPO (Aug. 14, 2020, 5:53 PM), <https://www.wcpo.com/news/local-news/campbell-county/alexandria/alexandria-pd-has-two-social-workers-on-staff-and-agencies-across-the-country-are-taking-notice> [https://perma.cc/GX9S-7LM6].

192. See David Mattingly, *Kentucky Town Hires Social Workers Instead of More Officers — and the Results Are Surprising*, WAVE3 NEWS (July 29, 2020, 7:42 PM), <https://www.wave3.com/2020/07/28/kentucky-town-hires-social-workers-instead-more-officers-results-are-surprising/> [https://perma.cc/9Z23-3VLZ].

safe.¹⁹³ Using a different strategy, the Los Angeles Police Department (LAPD) and the School of Social Work at the University of Southern California (USC) formed a partnership to promote community trust and assist officers in responding holistically to the communities they serve.¹⁹⁴ Social work interns, under the supervision of USC professors and LCSWs, work within the police departments throughout Los Angeles County to focus on the needs of the community and the police.¹⁹⁵ Interns have assisted by providing support services to victims of crime through counseling domestic violence victims.¹⁹⁶ Others work with programs focused on at-risk youth, an important priority for both the police and USC.¹⁹⁷ These interns work with Operation Progress,¹⁹⁸ which encourages mentorship between LAPD officers and youths, as well as the LAPD's Hollenbeck Police Activities League.¹⁹⁹ Some graduates of USC's School of Social Work now work full-time with these police programs.²⁰⁰

B. Social Workers in Partnership with Police as Co-responders

Several cities have adopted the model of having social workers respond alongside police officers who respond to 911 calls. One prominent example is in Dallas, Texas, where the Parkland Hospital participated in a grant-funded pilot program of co-responders with Dallas beginning in 2017.²⁰¹ This team, known as the RIGHT Care

193. *See id.*

194. *See How Social Workers Improve Relationships Between Police and Communities*, U. S. CAL. SUZANNE DWORAK-PECK SCH. SOC. WORK (Aug. 14, 2018), <https://msw.usc.edu/mswusc-blog/police-community-relations-social-work/> [<https://perma.cc/BGF9-LXZ9>].

195. *See id.*; *see also LAPD, Hollenbeck Police Activities League Partner with USC*, L.A. POLICE DEP'T (Dec. 14, 2016), http://lapdonline.org/home/news_view/61549 [<https://perma.cc/8PDU-ESJD>]; Lynn Lipinski, *Unique Program Pairs Social Work Students with LAPD to Serve At-Risk Kids*, U. S. CAL. SUZANNE DWORAK-PECK SCH. SOC. WORK (Oct. 17, 2018), <https://dworakpeck.usc.edu/news/unique-program-pairs-social-work-students-lapd-to-serve-risk-kids> [<https://perma.cc/JJT6-KGXF>].

196. *See How Social Workers Improve Relationships Between Police and Communities*, *supra* note 194.

197. *See id.*

198. *See id.* Operation Progress is a private organization that works in partnership with LAPD officers, unlike the Hollenbeck Police Activities League. *See Our Model*, OPERATION PROGRESS L.A., <https://operationprogressla.org/about/> [<https://perma.cc/8YRS-BC49>] (last visited Jan. 18, 2021).

199. *See How Social Workers Improve Relationships Between Police and Communities*, *supra* note 194.

200. *See id.*

201. *See* Memorandum from Jon Fortune, Assistant City Manager, City of Dallas, to the Hon. Members of the Pub. Safety & Crim. Just. Comm. (Dec. 7, 2017),

Team, comprises a police officer, a paramedic, and a mental health professional.²⁰² Parkland is one of the country's busiest emergency rooms and was suffering from a shortage of psychiatric beds in the years prior to the pilot.²⁰³ Kurtis Young, the Director of Social Work for Behavioral Health Services at Parkland, helped coordinate the program in response to research done by the Meadows Mental Health and Policy Institute.²⁰⁴ Despite the lower standard the grant set to include mental health professionals, who may only have a bachelor's degree and some experience, Young insisted on hiring experienced social work clinicians to the team to ensure its effectiveness.²⁰⁵

At the onset of the program, officers shared that "they were encountering very sick people" who needed mental health care.²⁰⁶ Officers noted that if they brought these people to the hospital for care, they would frequently be released later in the same day.²⁰⁷ As a result, officers would default to arresting the individual during those initial encounters to ensure that they would be kept in a supervised environment for at least a few days.²⁰⁸ Although Young believes the officers were well intentioned, the grant provided an opportunity to try a different response.²⁰⁹

In contrast to the urgency and strong reactions about co-responders in the environment of the Black Lives Matter protests, the public did not have a strong reaction to the RIGHT Care Team in either direction at the outset.²¹⁰ The most resistance came from the police officers, who were skeptical of social workers' ability to improve the situation.²¹¹ Some officers explicitly indicated that they thought the program would never work.²¹² In turn, social workers on the teams had to confront a

https://dallascityhall.com/government/Council%20Meeting%20Documents/pscj_3_right-care-pilot-program_combined_121117.pdf [perma.cc/TB3L-VW97].

202. See *RIGHT Care Team Responds to Mental Health Crisis Calls*, *supra* note 159.

203. See Young Interview, *supra* note 179.

204. See Press Release, Meadows Mental Health Pol'y Inst. et al., Dallas Launches Coordinated Response Program for Behavioral Health Calls (Jan. 22, 2018), https://www.texasstateofmind.org/wp-content/uploads/2018/04/01.22-RIGHTCareTeam_PressRelease_FMT_FINAL2.pdf [https://perma.cc/2AMT-FQR3].

205. See Young Interview, *supra* note 179.

206. *Id.*

207. See *id.*

208. See *id.*

209. See *id.*

210. See *id.*

211. See *id.*

212. See *id.*

perception of their role as people who provide resources rather than capable professionals.²¹³ When confronted with the results, however, police began to buy in to the program.²¹⁴

The RIGHT Care Team's members had to set clear boundaries and expectations of their roles.²¹⁵ The police officer would respond to the scene first to ensure that it was safe for the other members of the team, and then would step back.²¹⁶ The officer would also have to step into the role fully and no longer respond to every call, only calls where a mental health element was present.²¹⁷ The paramedic would respond medically, measuring vital signs and questioning the person in crisis about any physical symptoms.²¹⁸ The social worker would then take over, responding to the mental health crisis and connecting the individual with appropriate resources as needed.²¹⁹

After learning to work together, the RIGHT Care Team faced several legal and structural issues. The key issue the program was not able to overcome was its treatment at 911 call centers.²²⁰ Texas requires Texas Commission on Law Enforcement (TCOLE) licensure for call center workers,²²¹ which the social workers on the team had difficulty obtaining.²²² When present at the call centers, the social workers were able to assist in assessing callers experiencing psychotic issues, but the internal conflict related to the TCOLE licensure ultimately led to the Mental Health Authority taking over.²²³ Despite this obstacle, the community and city have shown their support for the program by renewing their contract with a combination of private and public funding.²²⁴ One of the police officers involved was chosen as Dallas's officer of the year.²²⁵ The RIGHT Care Team will be

213. *See id.*

214. *See id.*

215. *See id.*

216. *See id.*

217. *See id.*

218. *See id.*

219. *See id.*

220. *See id.*

221. *See* 37 TEX. ADMIN. CODE § 217.1 (2020).

222. *See* Young Interview, *supra* note 179.

223. *See id.*

224. *See id.*

225. *See* Steve Pickett, *Dallas Police Department's Officer of the Year Aaron Rucker a 'Humble Servant' to Community*, CBS DFW (Nov. 12, 2020, 6:00 PM), <https://dfw.cbslocal.com/2020/11/12/dallas-police-department-officer-year-aaron-rucker-humble-servant-community/> [<https://perma.cc/VW22-FHZY>]. Officer Rucker, who won the award, participates on the RIGHT Care Team as an officer, but also has a Master of Social Work degree. *See id.*

expanding from its two current teams to five teams in the next year, and ten teams in the year afterward.²²⁶

C. Social Workers as Community Responders (911-Routed)

The City of Eugene, Oregon, was an early adopter of using 911 to route calls to alternate responders in mental health crises.²²⁷ Through a partnership with the White Bird Clinic, a local community health non-profit, Eugene established a community-based response team known as CAHOOTS in 1989.²²⁸ When a call comes into the 911 PSAP or to the police's non-emergency number in Eugene, the dispatcher identifies non-violent calls with mental or behavioral health elements and routes those calls to the CAHOOTS response team.²²⁹ Once contacted, CAHOOTS will respond with a team consisting of a trained medic and a mental health professional.²³⁰ Police may co-respond in certain instances, allowing flexibility to incorporate the police as co-responders as needed.²³¹

The City of Eugene provides funding for CAHOOTS directly through the police department budget.²³² The CAHOOTS program estimates its cost savings to the city and its residents at roughly \$8 million a year on safety, as indicated above, as well as \$14 million on emergency medical care and transport.²³³ CAHOOTS also estimates it diverted 17%–20% of 911 and non-emergency calls from the Eugene Police Department — a claim the Eugene Police Crime Analysis Unit recently disputed, estimating the actual number is closer to 5%–8%.²³⁴

226. See Young Interview, *supra* note 179.

227. See *What Is CAHOOTS?*, *supra* note 26.

228. See *id.*

229. See *Crisis Assistance Helping Out on the Streets: Media Guide 2020*, *supra* note 184, at 1.

230. See *id.*

231. See *What Is CAHOOTS?*, *supra* note 26.

232. See *CAHOOTS*, EUGENE POLICE DEP'T, <https://www.eugene-or.gov/4508/CAHOOTS> [<https://perma.cc/PEE5-RGSW>] (last visited Dec. 15, 2020).

233. See *Crisis Assistance Helping Out on the Streets: Media Guide 2020*, *supra* note 184, at 2.

234. See *CAHOOTS Program Analysis*, CRIME ANALYSIS UNIT, EUGENE POLICE DEP'T 8 (Aug. 21, 2020), <https://www.eugene-or.gov/DocumentCenter/View/56717/CAHOOTS-Program-Analysis> [<https://perma.cc/EN6C-9HRV>]. The Eugene Police Department investigated the program using criteria outside of sheer call volume:

- For a call to be considered a divert, ALL of the following criteria must be true: 1. The call is received by dispatch 2. Police are *normally* dispatched to the call nature 3. The call is dispatched to, and arrived at by, an outside agency 4. No EPD resources are dispatched to the call.

As an early adopter of a community-based emergency response system, CAHOOTS has been able to provide consulting services to other cities and extend its influence nationally.²³⁵ CAHOOTS has inspired a bill in Congress to use Medicaid funding to support community-based crisis intervention services.²³⁶ CAHOOTS staff members also provided consulting services to Denver, which began a limited pilot of its Support Team Assisted Response (STAR) program in 2020, providing a similar alternative response team for 911 mental health calls.²³⁷ They are also helping New York City explore its options for the future.²³⁸

D. An NYC Pilot Program in the Works

The NYPD has fielded a growing number of calls involving mental health in the past decade.²³⁹ ThriveNYC, a mental health initiative championed by Mayor Bill de Blasio and First Lady Chirlane McCray, has worked across city agencies to coordinate mental health services, including CIT training for the NYPD and co-responder teams consisting of two NYPD officers and one mental health professional.²⁴⁰ The NYPD stopped CIT trainings in September 2020, with no

Id.

235. See *Crisis Assistance Helping Out on the Streets: Media Guide 2020*, *supra* note 184, at 1.

236. See Crisis Assistance Helping Out the Streets (CAHOOTS) Act, H.R. 7961, 116th Cong. (2d Sess. 2020).

237. See Press Release, Denver Just. Project, *supra* note 26.

238. See *New York City Announces New Mental Health Teams to Respond to Mental Health Crises*, NYC.GOV (Nov. 10, 2020) [hereinafter *Mental Health*], <https://www1.nyc.gov/office-of-the-mayor/news/773-20/new-york-city-new-mental-health-teams-respond-mental-health-crises> [<https://perma.cc/C97E-T6HF>].

239. See JUSTIN D. LEVINSON & DAWN MILAM, DATA FOR PROGRESS & THE JUST. COLLABORATIVE INST., BUILDING COMMUNITY-BASED EMERGENCY RESPONSE SYSTEMS 2 (2020), https://tjcinstitute.com/wp-content/uploads/2020/06/20.06_Emergency-First-Responders-2.pdf [<https://perma.cc/R98E-N4XH>] (“From 2008 to 2018, the number of 9-1-1 calls to report ‘emotionally disturbed persons’ to the New York Police Department *doubled*, reaching *nearly 180,000* unique calls in a year.”).

240. See *The Mayor’s Office of ThriveNYC Promotes Mental Health for All New Yorkers*, MAYOR’S OFF. THRIVENYC, <https://thrive.nyc.cityofnewyork.us> [<https://perma.cc/M83C-YL8N>] (last visited Jan. 31, 2021); see also MAYOR’S OFF. OF THRIVENYC, MENTAL HEALTH DATA DASHBOARD, <https://thrive.nyc.cityofnewyork.us/dashboard/?q=34964534045> [<https://perma.cc/RX72-LNPE>] (last visited Feb. 27, 2021).

indication of when they would resume.²⁴¹ The co-responder teams continue to work within the NYPD, but do not respond to 911 calls.²⁴²

In November 2020, New York City announced its first 911-routed pilot program to incorporate mental health professionals as community responders, inspired by CAHOOTS, through the creation of 911 EMS Mental Health Teams, which were planned to enter service in February 2021.²⁴³ These teams will consist of Emergency Medical Technicians (EMTs) employed by the Fire Department of New York (FDNY), and mental health professionals from NYC Health + Hospitals.²⁴⁴ New York City has yet to publicly release additional details of the plan, which will include the formation of partnerships between providers and determination of what metrics will be used to measure success. Union representatives from both the FDNY's Emergency Medical Technicians and the NYPD have already voiced objections to the program, suggesting that the pilot will create dangerous situations for both their members and the community.²⁴⁵

Officials have indicated that the "FDNY will prioritize professionals with significant experience with mental health crises," but the agency has not yet defined precisely what qualifications or experience they are looking for in hiring for the responder teams.²⁴⁶ Clinicians with substantial experience may increase the price of implementing the

241. See Gwynne Hogan, *NYPD Abruptly Halts Training Program Meant to Help Police De-escalate Encounters with People in Mental Health Crisis*, GOTHAMIST (Sept. 25, 2020, 5:00 AM), <https://gothamist.com/news/nypd-abruptly-halts-training-program-meant-help-police-de-escalate-encounters-people-mental-health-crisis> [<https://perma.cc/6BYD-23Y6>]. The NYPD has also fallen far short of its goal to provide CIT training for all of its officers, despite the program only taking 36 hours. See *id.*

242. See Dean Meminger, *Exclusive: There Were 8,000 Fewer Calls Regarding People in a Mental Health Crisis Last Year*, SPECTRUM NEWS NY1 (Oct. 28, 2020, 9:29 PM), <https://www.ny1.com/nyc/all-boroughs/public-safety/2020/10/29/nypd--health-clinician-talk-about-working-with-mentally-ill#> [<https://perma.cc/DZ6C-WZQ3>].

243. See *Medical Experts, Not NYPD, Will Respond to 911 Mental Health Calls as Part of Pilot*, NBC N.Y. (Nov. 10, 2020, 1:44 PM), <https://www.nbcnewyork.com/news/local/medical-experts-not-nypd-will-respond-to-911-mental-health-calls-as-part-of-nyc-pilot/2715210/> [<https://perma.cc/8Y94-3TDG>].

244. See *New Pilot Program Has FDNY EMTs, Mental Health Crisis Workers Respond to 911 Calls Involving Mentally Ill Individuals Without NYPD*, CBS N.Y. (Nov. 10, 2020, 7:58 PM) [hereinafter *New Pilot Program*], <https://newyork.cbslocal.com/2020/11/10/nyc-mental-health-calls-fdny-nypd/> [<https://perma.cc/GA8B-5EN3>]; Allison Wilens, *NYC's New Non-police Mental Health Crisis Response Still Resembles Policing*, FILTER (Dec. 2, 2020), <https://filtermag.org/nyc-new-non-police-mental-health-crisis-response-policing/> [<https://perma.cc/TX2G-3PG8>].

245. See *New Pilot Program*, *supra* note 244.

246. See *Mental Health*, *supra* note 238.

program, but may also increase its efficacy in handling mental health crises. In order to meet programmatic goals, officials may look to social workers, who already have strict licensure requirements, extensive training, and diagnostic capability.²⁴⁷

IV. A PROPOSAL FOR NEW YORK AND OTHER CITIES CONTEMPLATING CHANGE

This Note explores the role social workers may play in the emergency response system, as well as their objections to and endorsements of proposed and existing reforms. Programs currently in existence can offer important lessons for cities beginning to reform their approach to emergency response. Section IV.A evaluates the arguments against and in favor of placing social workers into roles traditionally held by the police, including the potential impact on community trust and how such incorporation could take place, and endorses the community responder model. Section IV.B offers suggestions that policymakers in New York City, as well as other municipalities considering changes, should incorporate into their planning when implementing the community responder model.

A. The Community Responder Model: An Alternative to Traditional Police Reform

As social workers were drawn into the debate on law enforcement and emergency response reform, those who objected emphasized that social workers could not be the “magic ingredient” to police reform.²⁴⁸ These social workers are able to point to recent examples where social workers have been unable to de-escalate situations involving law enforcement or be taken seriously by emergency dispatchers.²⁴⁹ They are also wary of being seen as the solution to anti-Blackness and racism within the law enforcement profession when their own profession continues to address its problematic history.²⁵⁰ Those opposed want to

247. As of February 2021, ThriveNYC has indicated that the program will involve social workers and will start in Harlem this spring following reported hiring delays. See Andrea Grymes, *Thrive NYC Director: City's New Mental Health Response Pilot Program to Begin in Harlem*, CBS N.Y. (Feb. 24, 2021, 6:30 AM), <https://newyork.cbslocal.com/2021/02/24/new-york-city-mental-health-response-pilot-program-thrive-nyc-nypd-harlem/> [https://perma.cc/F34Y-BUMX]; Melissa Klein & Susan Edelman, *Hiring Delays Push Back NYC Program to Help the Mentally Ill*, N.Y. POST (Feb. 20, 2021, 5:08 PM), <https://nypost.com/2021/02/20/hiring-delays-push-back-nyc-program-to-help-the-mentally-ill/> [https://perma.cc/36KK-WH2D].

248. See Abrams & Dettlaff, *supra* note 3.

249. See *supra* Section II.A.

250. See Loya, *supra* note 95, at 30; see also Abrams & Dettlaff, *supra* note 3.

ensure that they are not seen as another part of the law enforcement system so that they can maintain the trust of the communities they work in.

Many social workers in favor of incorporation into law enforcement and emergency response roles have also emphasized that they want to maintain “reputational separation” from the police.²⁵¹ Although social workers within police departments and on co-responder teams work directly with and alongside police officers, they may maintain their separate professional identity by clearly defining their roles. Young indicated that a key element of the RIGHT Care Team’s success was establishing boundaries and expectations about each team member’s role from the beginning.²⁵² Community responders have a clear advantage in reputational separation, as they mainly respond to emergency calls without the police and only involve law enforcement when necessary. Community responders also have the advantage of being less expensive than traditional police or co-responder teams,²⁵³ which could allow for greater investment in other community-based mental health and social services. In consideration of the successes and limitations of other programs in the country, cities like New York City should incorporate social workers into their emergency response team based on the community responder model.²⁵⁴

Not all mental health professionals possess the experience or education level of social workers. As protestors criticize law enforcement’s insufficient training in mental health and de-escalation, those taking on the role of mental health emergency responders should have extensive training and experience. Social workers, particularly clinical social workers, have years of training and supervision and are subject to similar standards and qualifications throughout the United States.²⁵⁵ By utilizing members of a profession with relatively uniform standards, community responder programs incorporating social workers will be better able to compare their effectiveness across cities.

Although the profession as a whole must continue to work towards anti-racist practice, social workers have the advantage of education and training in the “person in environment” approach to mental health

251. See IRWIN & PEARL, *supra* note 107.

252. See Young Interview, *supra* note 179.

253. See *supra* Section III.C (addressing CAHOOTS’s cost savings to the City of Eugene).

254. These emergency response teams should also include paramedics, similar to CAHOOTS. See *What Is CAHOOTS?*, *supra* note 26.

255. See *supra* Section I.C.

care.²⁵⁶ Social workers trained with this perspective consider an individual's environment — including political, social, economic, and familial factors — in addition to that individual's mental health concerns.²⁵⁷ Through using this perspective and continuing to work towards an anti-racist framework, social workers can reclaim their role responding to mental health crises that has been taken over by the police in recent decades.²⁵⁸ Social workers have already begun this transition in other areas of society, such as schools. By replacing police officers in schools, anti-racist social workers have been shown to be effective in reducing punitive policies and promoting safety.²⁵⁹

B. A Path Forward: Public Data, 911 Reform, Direct Funding, and a Holistic Approach

While municipal reform allows for greater experimentation, cities should aim to determine best practices on a broader scale for long-term success. The 911 call system took decades to expand across the country and developed with different levels of technology and metrics used, which has presented problems for researchers seeking to study the system on a national level.²⁶⁰ Researchers have also noted the limited amount of information and studies on co-responder models and other alternative response teams.²⁶¹ Without clear expectations and public accountability, localized reform may lead to increases in the

256. See Mary Ellen Kondrat, *Person-in-Environment*, OXFORD BIBLIOGRAPHIES (Apr. 29, 2015), <https://www.oxfordbibliographies.com/view/document/obo-9780195389678/obo-9780195389678-0092.xml> [<https://perma.cc/4KUW-5XGV>].

257. See *id.*

258. See Roge Karma, *We Train Police to Be Warriors — and Then Send Them Out to Be Social Workers*, VOX (July 31, 2020, 7:30 AM), <https://www.vox.com/2020/7/31/21334190/what-police-do-defund-abolish-police-reform-training> [<https://perma.cc/R9U3-P7HH>]. Studies show that police officers spend the majority of their time serving social service functions, where they effectively act as social workers, without the benefit of social workers' training. See *id.*; see also *Why Police Officers Are Taking on Social Worker Responsibilities*, TUL. U. SCH. SOC. WORK BLOG (Jan. 19, 2019), <https://socialwork.tulane.edu/blog/why-police-officers-are-taking-on-social-worker-responsibilities> [<https://perma.cc/T2NK-ATHQ>].

259. See AMIR WHITAKER ET AL., ACLU, COPS AND NO COUNSELORS: HOW THE LACK OF SCHOOL MENTAL HEALTH STAFF IS HARMING STUDENTS 4–6 (2019), https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf [<https://perma.cc/HU6M-VR98>]; see also Leah A. Jacobs et al., *Defund the Police: Moving Towards an Anti-Carceral Social Work*, 32 J. PROGRESSIVE HUM. SERVS. 37, 50 (2021).

260. See NEUSTETER ET AL., *supra* note 85, at 11–12.

261. See Shapiro et al., *supra* note 139, at 607; see also NEUSTETER ET AL., *supra* note 85, at 35–36.

xenophobia and discrimination it seeks to prevent.²⁶² Policymakers must ensure that such programs operate with clarity about their missions and transparency regarding their successes and setbacks. Programs should measure community and participant attitudes prior to implementing the program and continue to measure attitudes and program outcomes at regular intervals.²⁶³ In doing so, policymakers are able to measure not only a program's efficacy, but also its key features that may be used to create an evidence-based policy for future use.²⁶⁴

Policymakers should also focus on training and reform within the 911 dispatch system, as people in the community are more likely to be familiar with 911 than other mental health response or emergency phone numbers due to its established and widespread use. Although several organizations have proposed the creation of a separate emergency line, the person placing the emergency call may not be familiar with the individual in crisis or their mental health history.²⁶⁵ Mental health crises do not always occur at home or in the company of family or friends and many members of the community may default to calling 911, with potentially deadly consequences if the system is not reformed.²⁶⁶ New York City's dispatch system is already facing staffing concerns, leading to overstressed workers and the NYPD's own officers becoming temporary dispatchers during the COVID-19

262. See Stephen Averill Sherman, *Many Cities Are Rethinking the Police, but What Are the Alternatives?*, RICE U. KINDER INST. URB. RSCH. (July 22, 2020), <https://kinder.rice.edu/urbanedge/2020/07/22/many-cities-are-rethinking-police-what-are-alternatives> [<https://perma.cc/4YVH-QS3K>].

263. See Shapiro et al., *supra* note 139, at 618 (stating that outcomes to be measured may include “program reach, adoption (i.e. the representativeness of the setting), implementation (i.e. the extent that a program is delivered as intended), and maintenance (i.e. of program-level measures and policies over time)”).

264. See *id.*

265. See *Piloting a Peer-Driven Mental Health Crisis Response Program*, CORRECT CRISIS INTERVENTION TODAY–NYC (Sept. 10, 2020) [hereinafter CCIT-NYC], <http://www.ccitnyc.org/wp-content/uploads/2013/08/9.10.2020-CCITNYC-Pilot-Final.pdf> CCIT [<https://perma.cc/72PF-XK4D>]; see also Greg B. Smith, *No More EDPs: NYPD's Emergency Plan to Deal with Mentally Ill New Yorkers*, CITY (Oct. 21, 2019, 4:10 AM), <https://www.thecity.nyc/health/2019/10/21/21210751/no-more-edps-nypd-s-emergency-plan-to-deal-with-mentally-ill-new-yorkers> [<https://perma.cc/X7V4-TQLG>].

266. See Smith, *supra* note 265 (discussing the failure of 911 dispatchers to identify and communicate that Saheed Vassell, a Brooklyn man, was mentally ill after receiving calls from strangers reporting that he was acting erratically. The dispatchers told the officers that Vassell had a gun despite the bystanders having told the dispatchers that they were unsure whether he was carrying a real gun).

pandemic.²⁶⁷ New York City must strengthen the existing emergency number infrastructure before adding onto it, in the interests of both mental health and other emergency response.²⁶⁸

With limited training and working in high-stress positions, 911 dispatchers may also not recognize whether a call is related to mental health without being on scene.²⁶⁹ By placing a trained mental health professional in the 911 PSAP or providing enhanced training to dispatchers, policymakers would contribute to dispatchers' ability to accurately assess callers' needs.²⁷⁰ When dispatchers assess those needs to be both related to mental health and non-dangerous, community responders can respond quickly and with confidence in their own colleagues and their community's safety.

Further, all members of the community response team, including dispatchers, must participate in anti-racist training. In 2020, the American Psychological Association labeled racism as a pandemic, drawing attention to its negative impact on the mental health of BIPOC communities.²⁷¹ A recent study highlighted the increase of poor mental health in Black communities in response to each police killing of an unarmed Black person.²⁷² Although a response involving unarmed personnel such as social workers and paramedics is less likely to end in death for the person in crisis, cities and members of the community response teams must do more to restore community trust. Jude Mary Cénat, an Assistant Professor at the University of Ottawa's School of Psychology, recently published a list of anti-racist training guidelines for mental health professions based on available research on the experience of racism and effective treatments for mental health

267. See Naeisha Rose, *911 Operators Continue to Fight for a Safe Workplace During the COVID-19 Pandemic*, LABORPRESS (June 3, 2020), <https://www.laborpress.org/911-operators-continue-to-fight-for-a-safe-workplace-during-the-covid-19-pandemic/> [<https://perma.cc/Y3DR-G5XU>]. In 2020, over 400 NYPD officers were placed in PSAP dispatch roles, some of whom “were upset and didn’t want to do the job.” *Id.* (quoting Eddie Rodriguez, President of Local 1549; the union which represents NYC government’s clerical staff including 911 dispatchers).

268. Programs such as NYC Well may continue to offer non-emergency mental health response.

269. See NEUSTETER ET AL., *supra* note 85, at 10.

270. See generally Jim Marshall et al., *Measuring the Impact of Training on Emergency Medical Dispatcher Management of General Mental Crisis Calls and Suicide Calls*, 8 ANNALS EMERGENCY DISPATCH & RESPONSE 16, 16–19 (2020), https://aedrjournal.org/wp-content/uploads/2020/05/Marshall_Emergency-Mental-Health-Training.pdf [<https://perma.cc/JNU7-FB5V>].

271. See Jude Mary Cénat, Comment, *How to Provide Anti-racist Mental Health Care*, 7 LANCET PSYCHIATRY 929, 929 (2020).

272. See *id.*

concerns in Black communities.²⁷³ New York City may incorporate these or similar guidelines into its training program to facilitate rebuilding that trust. New York City's community responder program will, and should, operate independently from the police, similar to CAHOOTS. However, CAHOOTS contracts directly with the Eugene Police Department rather than with the municipal government itself.²⁷⁴ New York City has the benefit of familiarity with a preexisting contractual funding and management structure in place for its public defenders, who operate out of independent non-profits rather than as direct city employees.²⁷⁵ Using New York City's public defender contract structure as a template,²⁷⁶ different mental health organizations may contract with the city government in order to fund community responder programs.

Although some advocates have emphasized that the funding for such a program should be taken from the police budget,²⁷⁷ separating the funding from the police department is essential. Otherwise, growing calls to "defund the police" may inadvertently lead to cuts to alternate response programs as well. In 2020, Mayor Bill de Blasio's budget cut from the NYPD included an estimated cost savings of \$3.6 million that was supposed to be used to expand the city's existing mental health and police co-responder teams.²⁷⁸ By ensuring that the budget is directly allocated to the organizations providing the mental health response teams, cities will be less able to cut funding to such programs without the public taking notice. Additionally, when funding is too closely linked to the police, the community responders may have difficulty maintaining reputational separation from the police. The New York Lawyers for the Public Interest has already raised concerns about the pilot program because the initial point of contact for any 911 call in New York City is an NYPD dispatcher.²⁷⁹

273. *See id.* at 930–31.

274. *See CAHOOTS, supra* note 232.

275. *See* N.Y. CITY COUNCIL, REPORT OF THE FINANCE DIVISION ON THE FISCAL 2019 PRELIMINARY BUDGET (2018), <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2018/03/FY19-The-Legal-Aid-Society-and-Indigent-Defense.pdf> [<https://perma.cc/S6EQ-JTRE>].

276. *See id.*

277. *See* LEVINSON & MILAM, *supra* note 239, at 3–4.

278. *See* Caroline Lewis, *The NYPD Currently Responds to Mental Health Crisis 911 Calls. Advocates Have Another Approach*, *GOTHAMIST* (June 14, 2020, 12:55 PM), <https://gothamist.com/news/nypd-currently-responds-mental-health-crisis-calls-advocates-have-another-approach> [<https://perma.cc/2ENN-SVB5>].

279. *See* Cailin Crowe, *NYPD to Pilot Mental Health Teams as "Default Response" to Related 911 Calls*, *SMART CITIES DIVE* (Nov. 17, 2020), <https://www.smartcitiesdive.com/news/nyc-to-pilot-mental-health-teams-as-default->

As non-governmental community responder organizations, these programs would be able to operate without the restrictions they would experience as part of the government bureaucracy and thus adapt to the needs of their communities more efficiently.²⁸⁰ The organizations could implement more radical changes without needing governmental approval on every issue. The organizations could rely on a combination of government and private funding, allowing them to expand their teams and services to serve the mental health needs of the population. This approach would also allow community responder agencies to tailor their approach to the needs of their immediate communities. Particularly when these organizations are located in BIPOC communities, they could prioritize hiring local paramedics and social workers. They could then build a network of support services based on the communities' strengths and existing resources.

One community-based support effort could be the inclusion of peers, or those with lived experience of mental illness, who could provide non-emergency intervention and follow-up services to the communities the organizations serve.²⁸¹ Peers are an important support for those going through mental distress and should be utilized, although research suggests that they may be less effective in traditionally clinical roles.²⁸² Peer mental health training is not standardized, and there is limited information available about peers' effectiveness as primary service providers.²⁸³ However, when used in

response-to-related-911-calls/589143/ [https://perma.cc/98RE-8XZB]; see also *Anatomy of a 911 Call*, NYC 911 REPORTING, <https://www1.nyc.gov/site/911reporting/reports/reports.page> [https://perma.cc/6F2Y-27J9] (last visited Jan. 18, 2021).

280. See CCIT-NYC, *supra* note 265, at 2 (arguing for a pilot program consisting of an EMT and a peer mentor with crisis counseling training based out of a non-governmental agency).

281. See Alicia Jean King & Magenta Bender Simmons, *A Systematic Review of the Attributes and Outcomes of Peer Work and Guidelines for Reporting Studies of Peer Interventions*, 69 PSYCHIATRIC SERVS. 961, 961 (2018).

282. See Reham A Hameed Shalaby & Vincent I O Agyapong, *Peer Support in Mental Health: Literature Review*, 7 JMIR MENTAL HEALTH 1, 2 (2020); see also *MHW: NYC Pilot to Respond to MH Crises Needs Peer Deescalators*, *Advocates Say*, N.Y. ASS'N PSYCHIATRIC REHAB. SERVS., INC. (Nov. 25, 2020), <https://www.nyaprs.org/e-news-bulletins/2020/11/25/mhw-nyc-pilot-to-respond-to-mh-crises-needs-peer-deescalators-advocates-say> [https://perma.cc/J7DT-2J7T] (“Some models of nonpolice responses include those with lived experience or ‘peers’ [W]e just don’t know if a mental health clinician paired with a peer is better or equal to two mental health clinicians — or better or equal to a mental health clinician and an EMT” (quoting Don Kamin, Ph.D., Director of the Institute for Police, Mental Health and Community Collaboration)).

283. See King & Simmons, *supra* note 281, at 961 (suggesting that peers may deliver services in the same way as non-peers when working on case management, and

addition to typical care, such as that provided by clinical social workers, peers are able to reduce rehospitalization rates and increase quality of life satisfaction when working with people with mental illness.²⁸⁴ In addition to peer support, the organizations may provide other traditional supports such as medication management, counseling, legal help, or disability advocacy according to the needs of the communities. The organizations should have an open-door policy and regularly solicit community feedback to facilitate a holistic model of mental health care.

The Bronx Defenders, which has contracted with New York City since the 1990s, has always operated with a four-pillar model of holistic defense, providing clients with “1. seamless access to legal and nonlegal services that meet client needs; 2. dynamic, interdisciplinary communication; 3. advocates with an interdisciplinary skill set; and 4. a robust understanding of, and connection to, the community served.”²⁸⁵ Social workers have been integrated within the Bronx Defenders’ holistic practice from the beginning, and in larger numbers than in organizations using traditional criminal defense practice models.²⁸⁶ As government contractors, New York City public defenders have been able to explore what combination of interdisciplinary teams works best for their client base. Community responders should be able to explore their options in an equally dynamic way.

By experimenting with different approaches and measuring their impact, community responders throughout the city will be able to establish best practices for future work. As the speed of responder teams has been shown to be a crucial factor in the likelihood of the police and dispatchers using them,²⁸⁷ policymakers should aim to expand the program rapidly once initial teams are in place. Setting up multiple offices for the community responders will allow them to

underscoring the need to clarify the role of peers from the role of “traditional ‘helping’ relationships”); *see also* *New York Certified Peer Specialist NYCPS Application*, N.Y. PEER SPECIALISTS, <http://nypeerspecialist.org/files/PDFs/NYCPS%20Application%20Feb%2002-14-2020.pdf> [<https://perma.cc/8NJY-2KH3>] (last visited Jan 31, 2021). Peers within New York may become Certified Peer Specialists after completing 60 hours of coursework and 2,000 hours of supervised work experience, but not all peers have this certification. *See id.*

284. *See generally* Shalaby & Agyapong, *supra* note 282.

285. *See* James M. Anderson, Maya Buenaventura & Paul Heaton, *The Effects of Holistic Defense on Criminal Justice Outcomes*, 132 HARV. L. REV. 819, 835 (2019).

286. *See id.* at 839.

287. *See* Shapiro et al., *supra* note 139, at 613.

respond to local emergencies quickly and provide follow-up services that are easily accessible to the communities they serve.

CONCLUSION

Policymakers searching for the best way to include social workers within existing emergency response will find vast differences in receptiveness, licensing requirements, and ethics between social work and law enforcement professionals. Many policymakers and law enforcement officers are unfamiliar with what social workers do or what social work ethical codes and training look like in practice. Including social workers in the dialogue about police reform will promote a greater understanding of the issues involved in incorporating them into law enforcement as primary responders, particularly when responding to people experiencing mental health crises.

As New York City prepares to launch the pilot of its own community responder teams, the experience of other cities can instruct policymakers on essential elements to incorporate. The community responder model has operated successfully in several cities and ensures that the police and social workers maintain clearly delineated roles within the community. By funding community responders as a separate entity, policymakers can help underscore the difference between the responders and the police. By allowing community responders to operate as independent non-profit agencies rather than state employees, policymakers will also ensure that they are able to adapt to the needs of their communities more easily. As New York City continues to review its policies and restructure its emergency response system, policymakers should base future action on evaluations of their programs' successes and limitations, as well as open communication with all stakeholders.