

THE METROPOLITAN POLICE DEPARTMENT'S RESPONSE TO THE REPORT ON RACIAL DISPARITIES IN ARRESTS IN THE DISTRICT OF COLUMBIA RELEASED BY THE WASHINGTON LAWYERS' COMMITTEE (WLC)

The Washington Lawyers' Committee has looked at an important issue, and drawn some thoughtful preliminary conclusions. The criminal justice system and academia have long examined the complex relationship between arrest rates and certain variables such as race, poverty, education, and/or employment.

I believe that the most important factor in our success in decreasing violence in the District has been strengthening the relationship between police and the community. With that said, MPD agrees with the Committee's conclusion that more research needs to be done to examine these trends. MPD also agrees and welcomes the recommendation for further in depth discussion on these important issues to determine their impact on public safety in the District. I am committed to maintaining the strong community trust that we have developed over the past seven years of my tenure.

"The traditional mentality that success is measured by a high number of arrests does not work in D.C. Officers have developed new approaches to situations, rather than being arrest oriented. This approach began to build trust among all segments of the community. [T]he department's philosophy to reduce violent crime has paid off tremendously. The officers have garnered trust within the community." Chief Cathy L. Lanier, *Police Chief Magazine*, March 2012.

"[T]he goal isn't to make arrests; it's to make connections. [In the past], instead of engaging community members, the force emphasized 'zero tolerance' and 'hot spot' policing. [However], zero tolerance-hot spot policing wasn't driving crime down; it was making it harder to solve crimes. When you're doing zero-tolerance policing, who are you picking up and who are you alienating? Your residents, your victims, and your witnesses." Chief Cathy L. Lanier, *Governing Magazine*, July 2012.

SOME ADDITIONAL THINGS TO CONSIDER...

- 1. According to the report, "The Committee seeks to be part of a city that can embrace the safest, healthiest and most effective ways to solve public safety and social policy challenges."**

We wholeheartedly agree. The issues raised in WLC's report are extremely important, and equally complex, with researchers and criminal justice professionals often citing other socioeconomic variables as well, such as employment, income, and education. Thoughtful examination of these issues should include a review and discussion of all the salient factors.

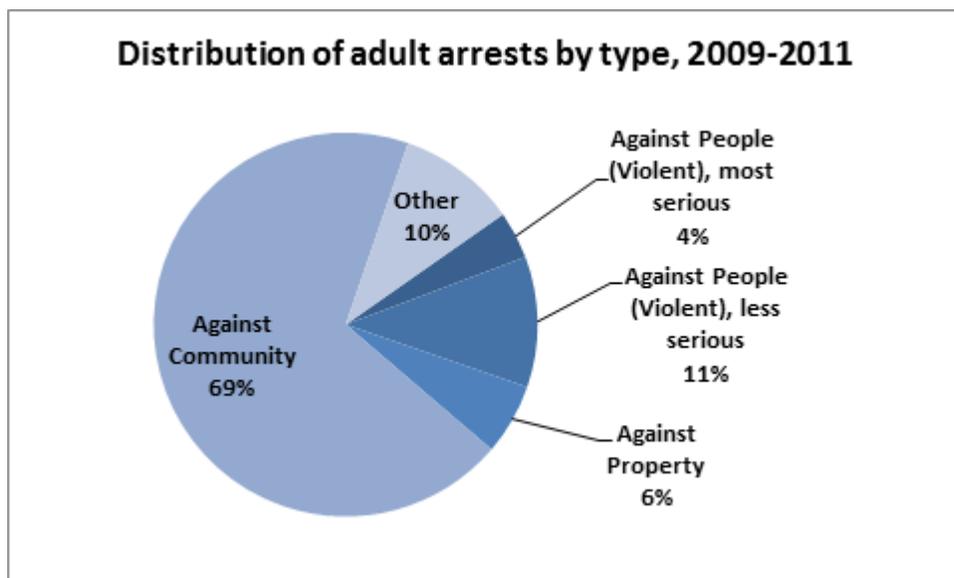
- 2. According to the report, "While there are about as many African Americans aged 18 or older (47.6%) as there are adult whites (42%) living in this city, eight of 10 adults arrested for crime in Washington are African American."**

These numbers can certainly serve as starting point for constructive discussions among concerned members of the community, law enforcement, and other city leaders. But again, those discussions should include further examination of the many different factors that influence crime and arrest, prior to drawing firm conclusions as to the reasons why one group is not proportionate to the other.

Comparison of racial proportions alone is not sufficient for examining this important issue. We are not aware of any agreement among community members, criminal justice professionals, or academics that says that arrest rates should match the racial proportion of residents of a city. The idea that the demographics of arrests should match the resident population only seems to apply to race, as police are rarely questioned about why we don't arrest more women or senior citizens. It's also important to remember that nearly two out of every 10 people arrested in DC are residents of other states and do not live within the city and the majority of arrestees do not live in the police district in which they are arrested.

3. According to the report, "More than 19 out of 20 arrests in Washington, D.C. were for nonviolent offenses."

The WLC report downplays the seriousness of the arrests in the analysis and incorrectly calls the arrests studied "non-violent" arrests. WLC removed the arrests for crimes for the most serious violent offenses: homicide, rape, robbery, and aggravated assault, but the remaining categories of arrests include some violent and many serious charges.



- **15% of all the arrests were violent crimes against people** – 4% were the most serious charges that were omitted from the analysis (homicide, rape, robbery & aggravated assault), and 11% were less serious crimes against people, including other assaults and sex offenses.
- 6% were crimes against property – ranging from the most serious (like burglary, arson, theft, unauthorized use of a vehicle) to less serious (vandalism, destruction of property).
- The majority of arrests (69%) are crimes against the community. This includes serious charges, such as **weapons possession, prostitution and commercialized vice, drugs (20%), and fugitives,**

as well disorderly conduct, traffic, vending, liquor laws, etc. This is not surprising as the majority of police workload relates to addressing community concerns.

4. *In a footnote on page 7 of their report, the authors mention that the arrest data included other agencies, but that the report chose to refer to all arrests as “MPD arrests.”*

It is important to note that for all arrests, 13 percent are made by other law enforcement agencies. This is higher for **traffic violations** (19% are other agencies) and **disorderly conduct/alcohol offenses** (18%). However, it is lower for some other offenses, such as Other Assaults (8%) and Drugs (6%).

5. *The report suggests that the police are targeting African-American members of the community for minor offenses.*

In no way has the department prioritized minor arrests over serious crime. Our officers are called upon to deal with many types of circumstances and scenarios. Of our sworn members, 77 percent are assigned to the Police Districts. These members deal primarily with the crimes that we see happening on the street and many of their interactions and arrests are driven by calls for service made by members of the community.

6. *The report states that the equivalent of “17% of DC African American adult residents were arrested” in DC during the period of their study.*

As stated earlier, many of those arrested in the city are not residents of DC. Nearly two out of every 10 people arrested in the city do not live in DC, and the majority are not arrested in the police district in which they live. Additionally, the authors of the report reached their conclusion by comparing the population of African American adult residents in DC to the total number of arrests. It is important, however, to remember that many of those arrested are repeat arrestees and would be included multiple times in the total arrest numbers; therefore, it would not be a one-for-one comparison.

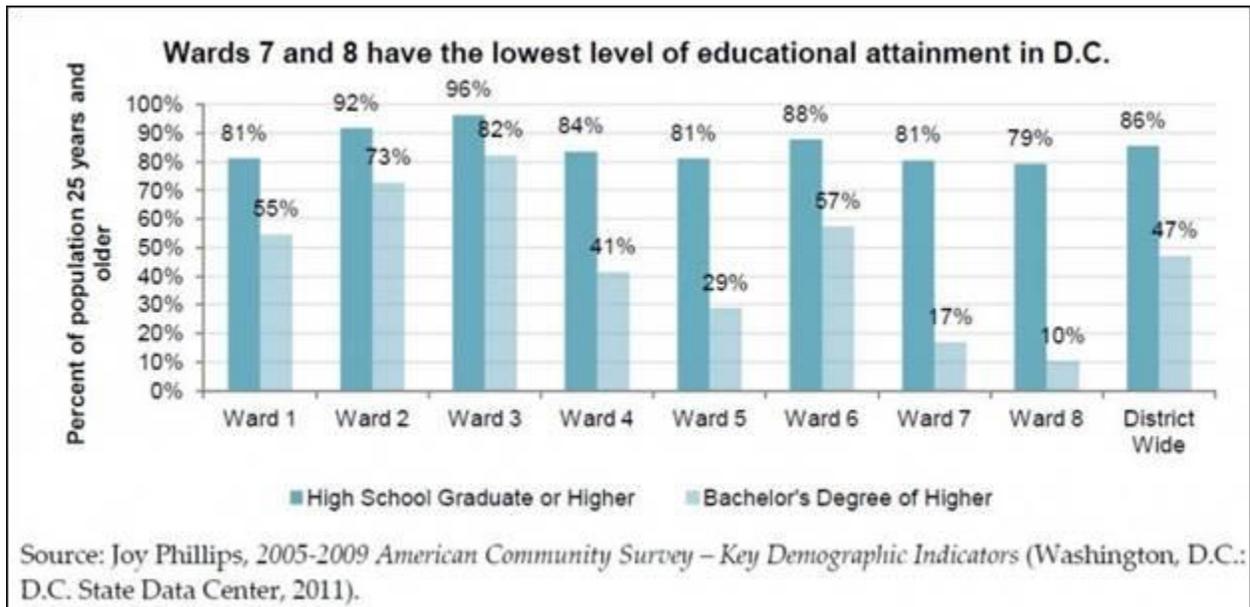
7. *According to the report, “While there were significant disparities in drug arrests between the two groups, national drug use survey data shows little disparity in drug use between whites and African Americans.”*

The WLC cites findings from the National Survey on Drug Use and Health as a benchmark for the racial analysis of drug arrests in Washington, D.C. But again, while the numbers cited by WLC can certainly serve as starting point for constructive dialogue, those discussions should include further examination of the many other factors that influence drug use, abuse, and addiction. For example, in addition to race, the National Survey also looked at respondents’ education level and employment status. Based on the survey’s findings, both education and employment are more closely correlated with illicit drug use than race. Unemployed individuals are almost twice as likely to use drugs as those with jobs, and individuals without a high school degree were twice as likely to report using drugs as someone with a college degree. Information on education and unemployment by Ward are included below. While the WLC report does not mention this information, we hope that future discussions will include these and the other important factors.

Table 1: 2012 District of Columbia Unemployment Rate by Ward. Source: DC Department of Employment Services, Office of Labor Market Research and Information.

January 2012				
Ward	Labor Force	Employment	Unemployment	Unemployment Rate
1	49,252	44,952	4,300	8.7
2	49,361	46,906	2,455	5.0
3	54,034	52,614	1,420	2.6
4	44,310	40,644	3,666	8.3
5	37,016	31,934	5,082	13.7
6	43,685	39,239	4,446	10.2
7	35,979	29,948	6,031	16.8
8	31,325	23,528	7,797	24.9

Table 2: Educational Attainment by Ward. Source: *The Education of D.C.: How Washington D.C.'s investments in education can help increase public safety;* Justice Policy Institute.



8. The report states that there are negative impacts of an arrest and that it can have “lasting impacts on an individual’s ability to return to school, get and keep a job, find housing, and maintain his or her social and economic standing.”

As I have stated previously, as the police chief, I am as interested in vibrant, healthy communities as I am in safe neighborhoods. And having large portions of the population hindered in finding gainful employment because of minor arrests weakens the fabric of our communities. Nevertheless, minor offenses such as vandalism, vending violations, and marijuana possession are crimes under the D.C.

Code, and MPD officers are sworn to uphold the law. While we do not make the laws, we do our best to enforce them fairly and impartially.

It should be noted that for lower-level arrests such as marijuana possession, MPD focuses on diversion opportunities for juveniles without criminal records. The department is strongly committed to supporting D.C. youth so that they do not end up in the criminal justice system for a minor transgression.

Additionally, pursuant to DC Regulations, if an employer comes to us seeking information about a specific individual, we will only release information with the permission of the individual, for arrests in the past 10 years leading to convictions or those for which collateral was forfeited.

9. WLC concludes their report by making several recommendations, including additional examination and research, policy reforms, and community review.

We agree that further research is needed. This should include an examination of the many different factors that are known to impact crime and arrest, including education, employment, income, and access to services, to name a few. It is also important to understand some good public safety policies may have a significant impact on the rates of arrest and prosecution. Two examples include:

- Many years ago, law enforcement did not take domestic violence seriously enough, so laws and policies were put into place to ensure that police make an arrest at domestic violence calls. This is a factor in arrests for assault, most of which do not qualify as the aggravated assault that the report excluded from its analysis (see section 3, above).
- The report noted that prosecutors dropped 22 percent of traffic cases. Like MPD, the Office of the Attorney General (OAG), which prosecutes most traffic offenses, can divert a case out of the criminal justice system. For instance, the OAG will usually drop the charge against a person arrested for driving without a license if his or her license has been reinstated by the Department of Motor Vehicles. Prosecutors have the discretion to make common sense diversions all the time; it does not necessarily reflect the merits of the case.

We are committed to working with advocacy organizations and our community partners on this important issue. We look forward to being a part of discussions with the community. MPD prides itself on providing high quality police services to all members of the community, and we will continue to carry out that important mission.