

Arrests for Low-Level Crimes Are Plummeting, and the Experts Are Flummoxed

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Data collected from U.S. cities revealed declines in driving and alcohol-related violations, disorderly conduct, loitering and prostitution



Researchers were surprised by the deep decline in misdemeanor arrests; 'the enforcement powers of the police are being used far less often,' an expert said. PHOTO: BRENDAN SMIALOWSKI/AGENCE FRANCE-PRESSE/GETTY IMAGES

By

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Major police departments around the country are arresting fewer people for minor crimes, according to a growing body of criminal justice data.

New statistical studies show a deep, years long decline in misdemeanor cases across New York and California and in cities throughout other regions, with arrests of young black men falling dramatically.

New York City's misdemeanor arrest totals have fallen by half since peaking in 2010, with rates of African-American arrests sinking to their lowest point since 1990. The arrest rate for black men in St. Louis fell by 80% from 2005 to 2017, a period that

saw steep declines in simple assault and drug-related offenses. In Durham, N.C., arrest rates for African-Americans fell by nearly 50% between 2006 and 2016.

While racial disparities in enforcement persist, researchers say they are surprised by the downward misdemeanor trend, which pushes against ingrained assumptions about overpolicing in urban areas.

Some say the falling arrest rates signal a fundamental shift in crime prevention. The shrinking misdemeanor system, they say, is evidence that police departments are pulling back on sweeping quality-of-life enforcement and focusing instead on “hot spots,” neighborhood strips and streets with clusters of gun violence and gang activity.

The decline, some experts say, could also be driven by technologies like the internet and mobile phones that help to keep social interaction off the streets and inside homes. The growing decriminalization and legalization of marijuana has also contributed, they say.

“The enforcement powers of the police are being used far less often,” said Jeremy Travis, a former president of John Jay College of Criminal Justice in Manhattan. It is a “very deep reset of the fundamental relationship between police and public.”

Millions of Americans are swept into the misdemeanor system every year, but only recently have scholars sought to dig into the numbers of low-level crime. Criminal data and research have focused on violent felonies like rape and murder and more serious drug-dealing offenses, while statistics on misdemeanors have been notoriously inconsistent and spotty.

Historically, few jurisdictions made it possible to track how many people were arrested for crimes like turnstile jumping, disorderly conduct, marijuana possession, shoplifting, trespassing, drunken-driving and fist fight assaults.

Federal investigations into policing practices in Ferguson, Mo., and Baltimore, and scrutiny of aggressive policing tactics like “stop-and-frisk,” helped to raise the visibility of misdemeanor justice and its impact on poor minority communities.

Most defendants charged with petty offenses serve little or no time behind bars but pay court fines and fees or get their cases conditionally dismissed.

Researchers saw misdemeanors as another unchecked, racially unbalanced police power creating barriers to housing, employment and education. With millions of dollars in grants, a network of scholars led by John Jay collected data from several cities and released reports over the past year.

Other studies revealed similar patterns. A [December report by the Public Policy Institute of California](#) found that misdemeanor rates in California declined by close to 60% between 1989 and 2016.

Los Angeles police made 112,570 misdemeanor arrests in 2008 and 60,063 by 2017, largely driven by declines in driving and alcohol-related offenses, according to John Jay’s Data Collaborative for Justice.

A [forthcoming paper by law professors at George Mason University and the University of Georgia](#) also found sizable arrest declines in rural Virginia, San Antonio and other jurisdictions.

Other indications include shrinking caseloads reported by the National Center for State Courts and [arrest tallies by the Federal Bureau of Investigation](#) showing steady declines in disorderly conduct, drunkenness, prostitution and loitering violations.

In [Durham](#), the arrest rate for 18- to 20-year-old black men dropped by more than 70% from 2008 to 2016, according to John Jay’s research collaborative. Durham’s arrest rate started sinking after Jose L. Lopez took over as police chief in 2007, the study noted. In an interview, Mr. Lopez said he encouraged his department to avoid making a misdemeanor arrest if they can issue a summons or warning.

“We weren’t looking to make arrests,” said Mr. Lopez, who retired as chief at the end of 2015. “The job of a police officer is to guard and make the community safe. The job isn’t to put people in jail.”

In [St. Louis](#), misdemeanor arrests fell while felony crime rose and dipped. The numbers started declining years before racial tension exploded in nearby Ferguson after Michael Brown’s fatal shooting.

“We didn’t anticipate that,” said Richard Rosenfeld, a criminologist at the University of Missouri–St. Louis who helped compile the St. Louis data. “Very few of us expected to see these substantial declines.”

New York City misdemeanor arrests jumped during Rudy Giuliani’s mayoralty—when an embrace of criminologists George Kelling and James Q. Wilson’s “broken windows” policing theory ushered in crackdowns on graffiti vandals, subway panhandlers, public urination and loitering.

Arrests soared even higher under Mayor Michael Bloomberg but started declining during his last term—and haven’t stopped.

Charges for trespassing, resisting arrest and marijuana offenses started falling in 2011, as the Bloomberg administration’s stop-and-frisk tactics and housing project gang sweeps came under fire from civil-liberties advocates. Under Bill de Blasio and Manhattan District Attorney Cy Vance, the decline extended to other crimes like simple assault, petty larceny and turnstile jumping.

Compared with the felony system, misdemeanor enforcement is much less sensitive to actual crime rates and more influenced by changing political and cultural winds, says Alexandra Natapoff, a University of California-Irvine law professor.

Former New York City police commissioner William Bratton likened the “broken windows” policing of misdemeanors to cancer chemotherapy. It was tough medicine the city needed when crime, fear and disorder were rampant.

He said the “aggressive treatment...really helped the patient to get better” and allowed New York to “experiment with lower doses.”

In some cities, like Seattle, progressive prosecutors have helped steepen the decline. City Attorney Peter Holmes has sought to curb law-enforcement actions against lower-level street crimes, declining to prosecute homeless and mentally ill people for loitering, public urination or open drug use, and trying to steer them into social-counseling services.

Like New York, Seattle’s policing practices also faced civil-rights litigation. Seattle is still subject to a 2012 consent decree with the Justice Department that required new policies and antidiscrimination training.

“We were locking people up for minors things,” said Christopher Fisher, chief strategy officer at the Seattle Police Department. “There started to be a realization that you were often exacerbating the problem.”