

Behind the D.C. Numbers



BILLIONS OF DOLLARS WASTED ON RACIALLY DISPARATE ARRESTS

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Behind the D.C. Numbers: The War on Marijuana in Black and White


June 2013



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This report is a project of the ACLU of the Nation's Capital. The primary authors of the report are Seema Sadanandan and Jennifer Wedekind, with the support of Arthur Spitzer. Special thanks to web designer Andrew Michael of Lucky Proof Web Designs, who created the interactive map that accompanies this report, and Robert Routh.

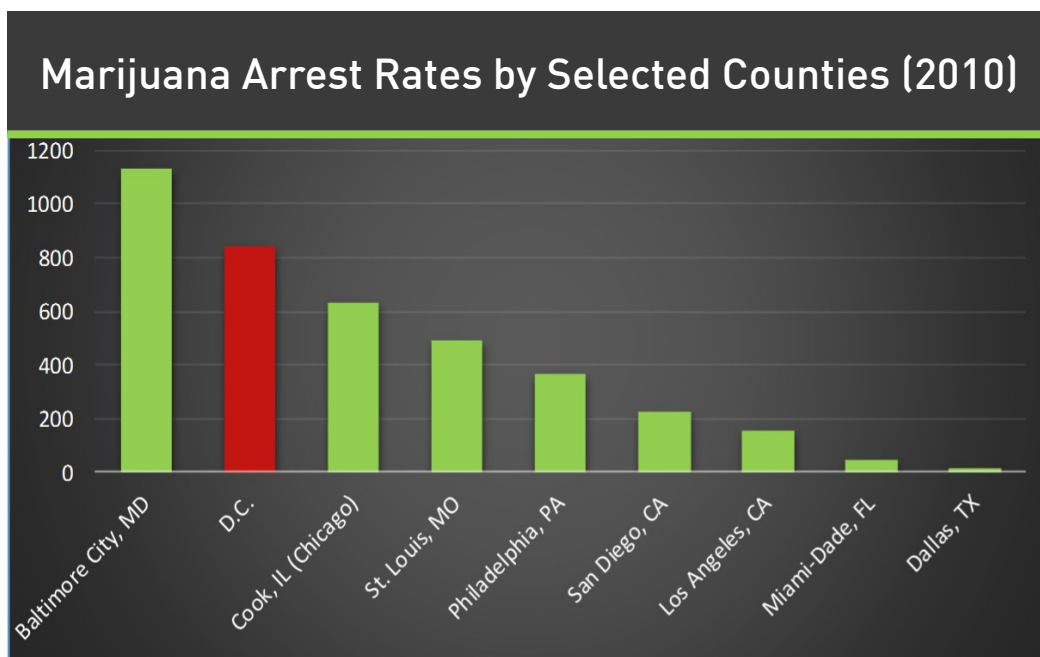
Behind the D.C. Numbers

Nationwide, police departments are making arrests for possession of marijuana at a startling rate, according to a new report by the American Civil Liberties Union. Data obtained by the ACLU show glaring racial disparities in marijuana arrests during the past decade as well as an inordinate amount of public funds spent on over-policing. These data are highly suggestive of racial bias, and they affirm the collective experience of Black communities, which have long known that there is a selective application of the War on Drugs in the United States.

Sadly, the District of Columbia is among the worst offenders in these national trends. The District has a higher per capita arrest rate, greater racial disparity in marijuana possession arrests, and spends more money in marijuana

enforcement than almost any other state or county in the country.

Our analysis of arrest data provided by the Metropolitan Police Department (MPD) raises several red flags: Because almost all of people arrested for possession of marijuana are not charged with any other crime, how do police officers obtain probable cause or reasonable suspicion to stop and search these people? Why are arrest rates highest in “gentrifying” neighborhoods? Are there financial incentives, in the form of federal funding, which reward high volumes of arrests for minor crimes? This report represents the start of a renewed inquiry by the ACLU of the Nation’s Capital into the impact of the War on Marijuana on both Black and white communities in the District of Columbia.



HIGH RATES OF ARRESTS

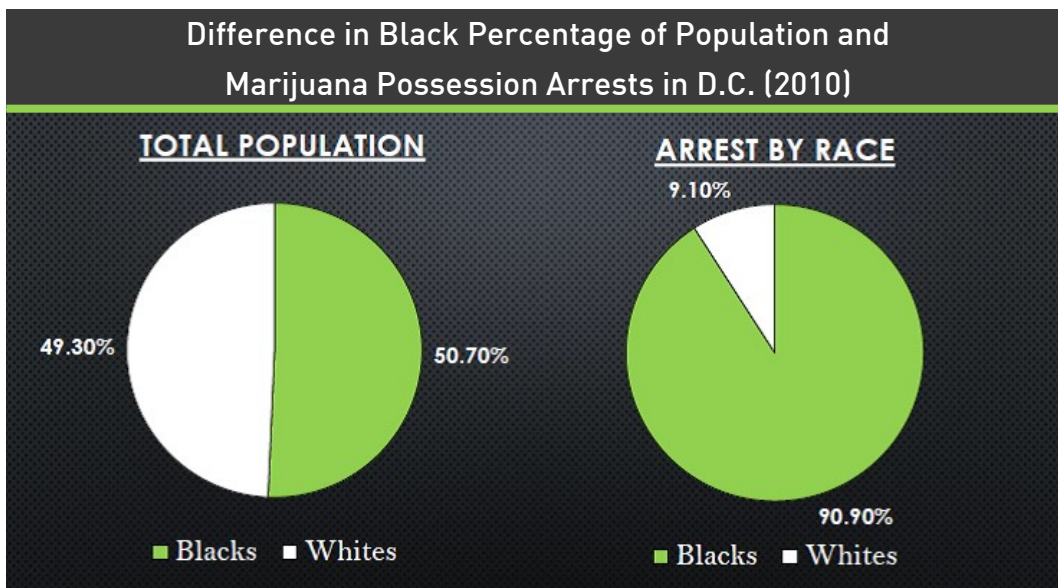
Nationally, while overall drug arrests have dropped, marijuana arrests have risen by 18 percent since 2001. In the District marijuana arrests have risen by 61.5 percent between 2001 and 2010. According to data produced by the Metropolitan Police Department, **law enforcement officers in the District of Columbia made a total of 5,393 marijuana arrests in 2010 —**

nearly 15 arrests a day. In 2010, D.C. had a higher marijuana arrest rate than any state, at 846 arrests per 100,000 people. On a county level, D.C. ranked as number seven out of 3,143 counties or county-equivalents in the country — far outranking counties such as Los Angeles, Miami-Dade and Philadelphia. Overall, marijuana arrests account for nearly half, 46.9 percent, of all drug arrests in the District.

HIGH RACIAL DISPARITY

As the number of marijuana arrests has increased, so have racial disparities. While the white arrest rate nationwide has remained fairly constant between 2001 and 2010, at about 192 arrests per 100,000 people, the Black arrest rate has jumped from 521 per 100,000 in 2002 to 716 per 100,000 in 2010. Thus, despite roughly equal marijuana usage rates, nationally Blacks are 3.73 times more likely than whites to be arrested for marijuana possession. In the District, Black people are a full eight times more likely than non

-Blacks to be arrested for marijuana possession. Indeed, in D.C. slightly more than half the population is Black, yet **in 2010 a staggering 91 percent of all marijuana arrests were of Black people.** The Black marijuana arrest rate in the District is 1,489 per 100,000, more than twice the national Black arrest rate of 716 per 100,000. This rate is an increase from 2001, when the rate of Black marijuana arrests in D.C. was 770 per 100,000. By comparison, the white marijuana arrest rate in the District is 185 per 100,000, which is below the national rate of 192 per 100,000.



SELECTIVE ENFORCEMENT

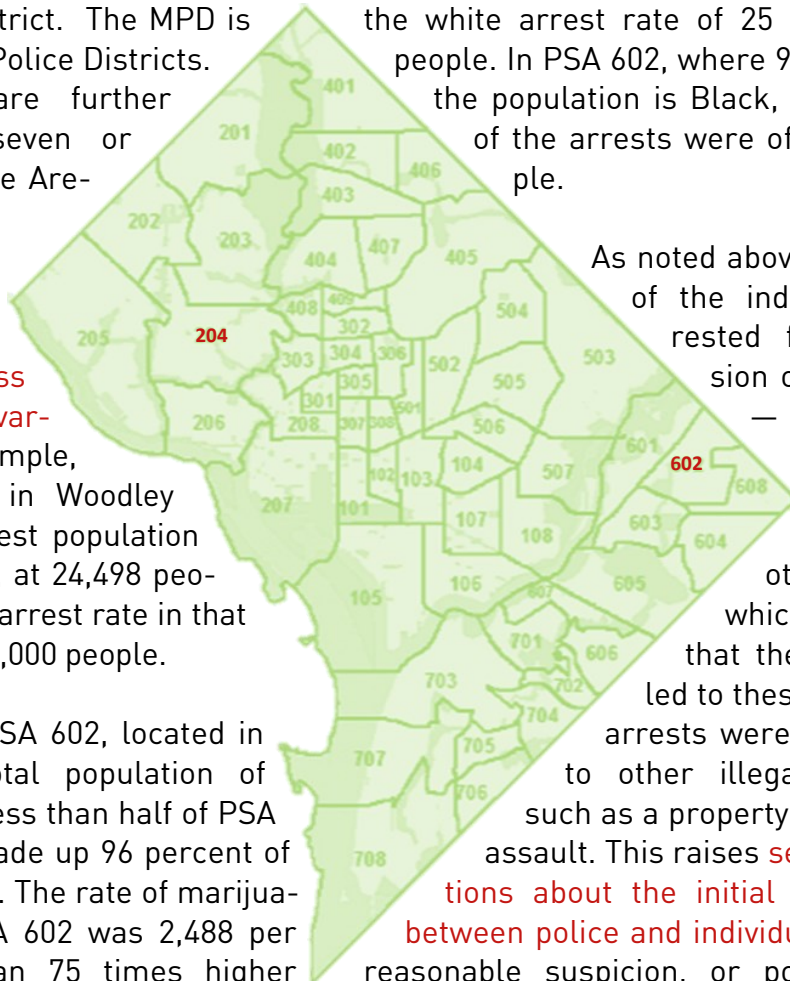
These arrests are not distributed evenly throughout the District. The MPD is divided into seven Police Districts. Those Districts are further subdivided into seven or more Police Service Areas (PSAs).

The ACLU's analysis found that **arrest rates across Districts and PSAs varied greatly**. For example, PSA 204, located in Woodley Park, had the largest population of any PSA in 2010, at 24,498 people. The marijuana arrest rate in that PSA was 33 per 100,000 people.

Compare that to PSA 602, located in Anacostia. The total population of PSA 602 is 9,647, less than half of PSA 204, and Blacks made up 96 percent of the PSA population. The rate of marijuana arrests for PSA 602 was 2,488 per 100,000, more than 75 times higher than PSA 204. When broken down by race, though Black people accounted for only

4.5 percent of the total population in PSA 204, the Black arrest rate in 2010 was 181 per 100,000 people, compared to the white arrest rate of 25 per 100,000 people. In PSA 602, where 96 percent of the population is Black, 100 percent of the arrests were of Black people.

As noted above, nearly all of the individuals arrested for possession of marijuana — 87 percent — were not charged with any other crime, which indicates that the stops that led to these marijuana arrests were not related to other illegal behavior, such as a property crime or an assault. This raises **serious questions about the initial interactions between police and individuals** and the reasonable suspicion, or possible lack thereof, that led to the initial stop and subsequent searches.



WASTED RESOURCES

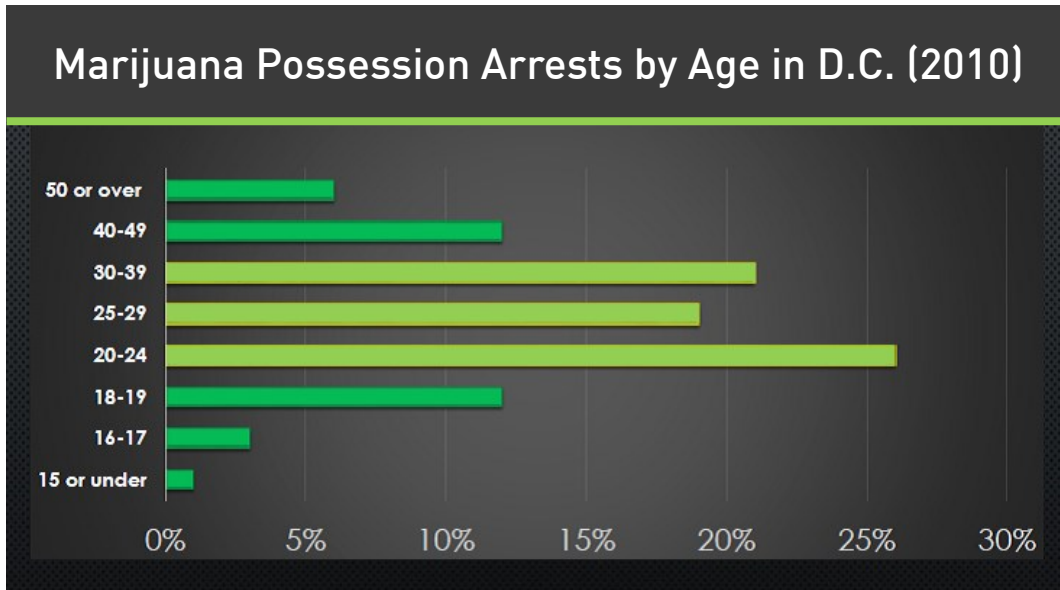
D.C.'s high arrest rates, and the enforcement practices that lead to those arrests, don't come without a cost. The ACLU estimates that **the District in 2010 spent between \$9 million and \$43 million on marijuana possession enforcement** — more per capita on marijuana enforcement than any state. Using mid-range figures, the ACLU estimates that D.C. spent in 2010

nearly \$18 million on police enforcement of marijuana laws, more than \$6 million in judicial and legal costs related to marijuana arrests and more than \$2 million incarcerating individuals convicted of violating marijuana-related laws. This money could otherwise be invested in our community to enhance public health and safety, for drug treatment programs and police-community relations, or for many other purposes.

NOT JUST YOUTH

Finally, contrary to popular perception, marijuana arrests in D.C. aren't just focused on teenagers and young people.

Unlike national trends, in 2010 there were more people arrested for marijuana aged 30-39 than aged 25-29 or aged 16-19.



TIME FOR A CHANGE

D.C.'s drug laws and polices need to be drastically revised to make them fairer, more compassionate, and better designed to reduce drug dependency and

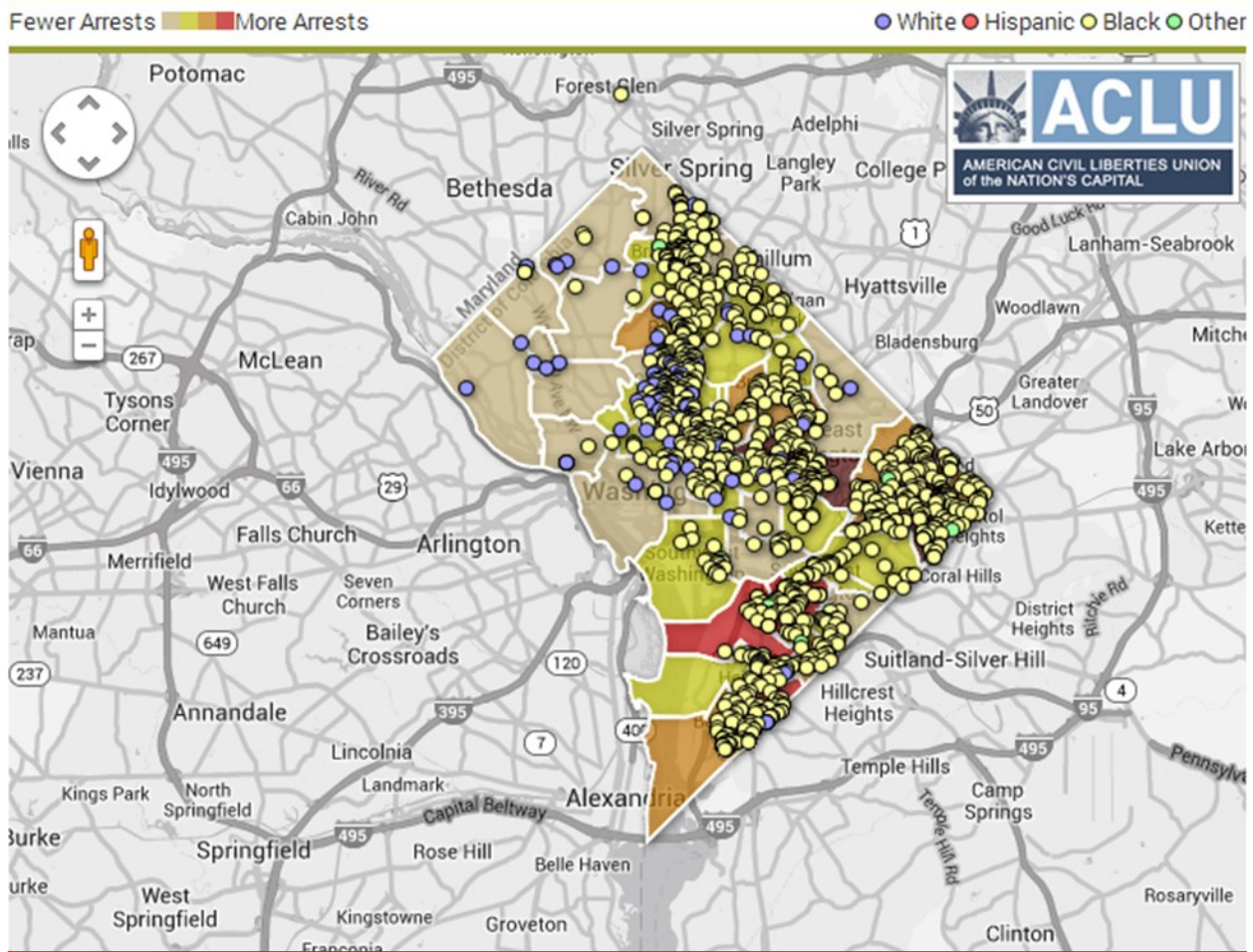
improve public health and safety. The ACLU of the Nation's Capital recommends that D.C. eliminate criminal penalties for low-level possession and use of marijuana. **This is the only way to eliminate the extreme racial disparity in the enforcement of marijuana laws.**



NOTES:

Population data is based on 2010 Census data. Though D.C. is not a state or a county, comparisons of arrest *rates*, meaning the number of arrests per 100,000 people, are illustrative and take into account differences in overall population. For example, Los Angeles county has a marijuana possession arrest rate of 159 per 100,000 people. Though the county made many more overall arrests due to its significantly larger population, D.C.'s arrest rate, at 846 per 100,000, is much higher than the arrest rate in Los Angeles county because a larger proportion of the D.C. population has been arrested for marijuana. Financial calculations and arrest data from other jurisdictions come from the National ACLU report, *The War on Marijuana in Black and White: Billions of Dollars Wasted on Racially Biased Arrests*, available at www.aclu.org/marijuana.

MAPPING THE DATA



Web design by Andrew Michael; www.luckyproof.com

Each dot on the map above represents a marijuana-related arrest in 2010. Yellow dots indicate the arrestee was identified in arrest data provided by MPD as Black. Blue dots indicate the arrestee was identified as white. The map is divided into PSAs. The PSA boundaries in this map reflect boundaries as revised in January 2012. The data provided by MPD retroactively changed the PSA of each 2010 ar-

rest to reflect these new boundaries. Each PSA is assigned a color based on the absolute number of arrests. This map is available in interactive form on our website, at <http://aclu-nca.org>. The website map allows viewers to zoom in to street level, to sort the data by race, PSA, District, police department and number of charges, and to see data on each individual arrest.



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