Misdemeanor Enforcement Trends Across Seven U.S. Jurisdictions

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Becca Cadoff, M.P.A., Preeti Chauhan, PhD, Erica Bond, J.D.

DATA COLLABORATIVE FOR JUSTICE AT JOHN JAY COLLEGE

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The Data Collaborative for Justice (DCJ) at John Jay College of Criminal Justice houses a group of research initiatives that raise important questions and share critical research about the criminal legal system and its role in creating safe, just, and equitable communities. DCJ conducts data analysis and research on enforcement in the community, the adjudication of cases in the courts, and the use of confinement in jails and prisons. DCJ's work has informed policy reforms, facilitated partnerships between researchers and government agencies across the country, spurred new scholarly research on lower-level enforcement, and has been cited extensively in the press. For more information about the Data Collaborative for Justice please visit: https://datacollaborativeforjustice.org/

The Research Network on Misdemeanor Justice

In 2016, the Data Collaborative for Justice (DCJ) at John Jay College launched the Research Network on Misdemeanor Justice ("the Research Network") with the goal of analyzing data and producing research to inform policy conversations and reforms related to lower-level enforcement, particularly misdemeanor arrests. After receiving applications from almost 40 jurisdictions, DCJ selected eight jurisdictions to join the Research Network: Durham, NC; Los Angeles, CA; Louisville, KY; New York City, NY; Prince George's County; MD; Seattle, WA; and St. Louis, MO.[1] In each jurisdiction, local researchers partnered with criminal justice practitioners and policymakers to produce reports on long-term trends in lower-level enforcement modeled on DCJ's prior reports, Trends in Misdemeanor Arrests in New York and Tracking Enforcement Rates in New York City.[2]

Figure 1. Map of Research Network Sites

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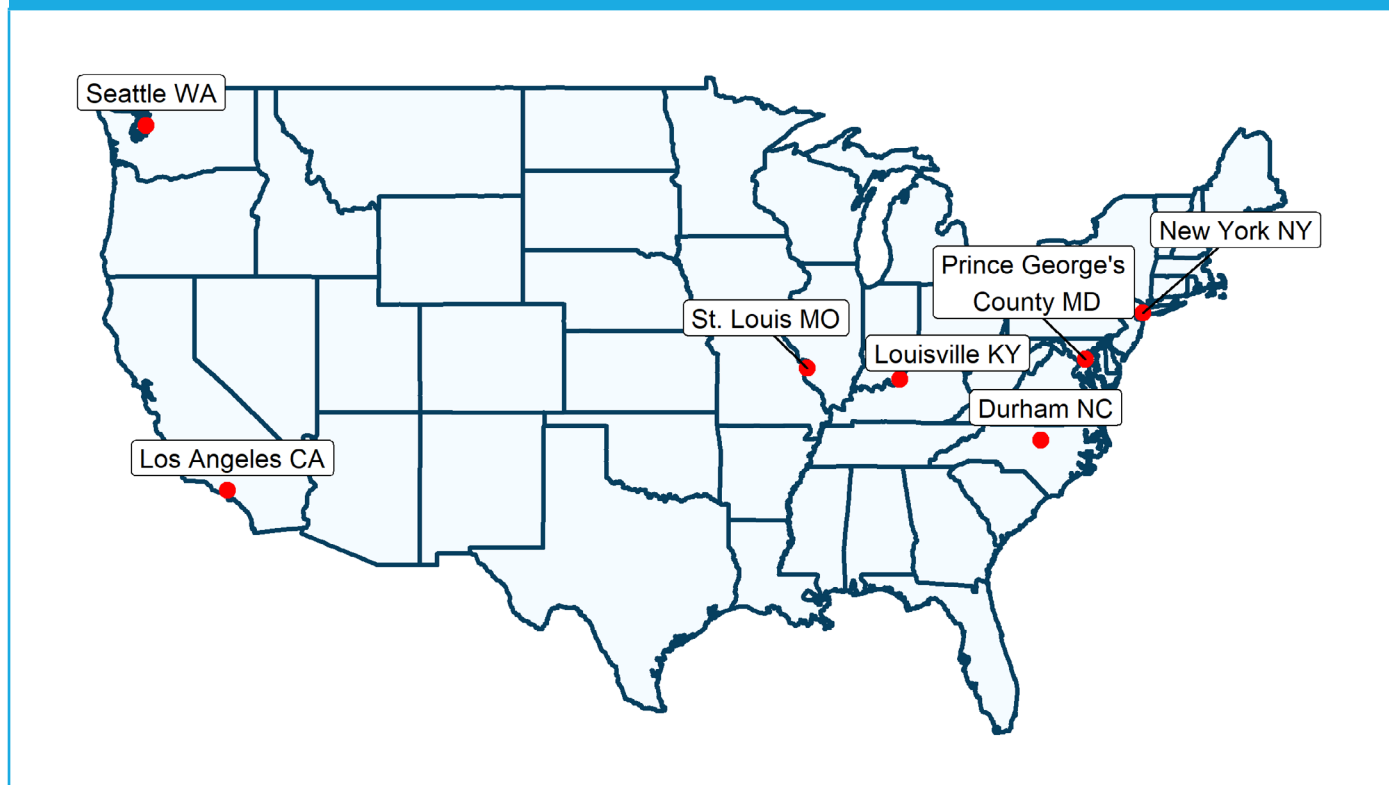
[1] Meridian, MS is also a Research Network partner site. However, this site was unable to produce a report due to data collection challenges and instead utilized their Research Network resources to improve the jurisdiction's data infrastructure.

[2] Researchers in each jurisdiction were encouraged to modify their analytic approaches based on data availability, and to conduct analyses relevant to local concerns around criminal justice policy. A list of the reports can be found in Appendix A, List of Research Network Reports.

Since the Research Network's creation, much has changed in the larger world. In the months since the individual jurisdictions published their localized research, two factors have radically shifted misdemeanor enforcement practices and the national dialogue regarding the purpose and impact of misdemeanor enforcement. First, a global pandemic hit – COVID-19 – forcing jurisdictions across the U.S. to rethink existing law enforcement practices as the virus spread rapidly across the country, with jails and prisons hit particularly hard. Second, in the wake of high-profile police killings, including the deaths of George Floyd and Breonna Taylor, the criminal legal system has faced a moment of reckoning at a scale not seen in decades. Nationwide protests called out a system marred by racial disparities and at odds with the desires of many in the communities most impacted by it.

This project started almost five years ago to provide insights into how police have been interacting with communities around misdemeanor crimes – insights that have even greater meaning and consequence given the current moment. Historically, little effort had been made to gather data on misdemeanors even though they represent the vast majority of enforcement interactions between police and communities. Misdemeanors can also result in significant jail time and a permanent criminal record — both of which have a ripple effect on individuals' lives and their communities. **While the Research Network has found that enforcement of misdemeanors has decreased in recent years, in all of the years covered by this research, the people behind the data are disproportionately people of color**. Thus, these data tell a story about the communities of color, particularly Black communities, whose relationships with police have been shaped by years of high levels of misdemeanor enforcement.

As policymakers look to reform the criminal legal system, misdemeanors are an area ripe for continued discussion. This report, which combines and analyzes findings across seven jurisdictions, can be used as a basis for evidence-based policy that impacts individuals' lives and the well-being of whole communities. It can also point to the areas where further research is critically needed if we are to achieve the healthy and safe communities that we all want and deserve.

This report highlights cross-jurisdictional trends in misdemeanor arrests, drawing both from analyses published in the original Research Network reports and from updated data provided by the jurisdictions to DCJ for use in an interactive online dashboard. Despite certain data limitations (see Appendix B, Data Definitions & Limitations), several patterns emerged across the jurisdictions that provide important insights into law enforcement practices more broadly. These patterns include: (1) a general decline in misdemeanor enforcement from the late-2000s to the most recent year of reported data; (2) consistency with regards to the demographic groups experiencing the highest rates of enforcement (i.e., Black people, younger age groups, and males relative to White people, oldest age groups, and females); and (3) similar trends in the types of crimes being enforced – "person-related" charges (those with an identifiable victim) increased as a proportion of arrests while drug-related charges decreased over time. Notably, fluctuating rates of misdemeanor enforcement in each of the Network Sites did not appear to influence crime rates, particularly violent crime rates, which either remained stable (St. Louis, Seattle), increased slightly (Louisville), or decreased substantially (New York, Prince George's County, Los Angeles). This is consistent with other research that indicates there is a not a direct relationship between misdemeanor enforcement and the prevention of more serious crime (Piza, 2018; Sullivan & O'Keeffe, 2017).

- Misdemeanor Arrest Rates: The misdemeanor arrest rates in all Research Network jurisdictions decreased in recent years. These declines often followed a period of significant increases in misdemeanor enforcement.

- Misdemeanor Arrests by Race: Black people were arrested at the highest rates of any racial/ethnic group for all jurisdictions across the entire study period. **Racial disparities between Black people and White people existed in all jurisdictions**, and these disparities persisted despite the recent overall declines in arrest rates. However, the magnitude of the disparities varied by jurisdiction and over time -- ranging from approximately three to seven arrests of Black people for one arrest of a White person.

- Misdemeanor Arrests by Age: Arrest rates were highest for younger age groups (i.e., 18-20-year-olds and 21-24-year-olds) at the beginning of the study period. At the same time, arrest rates were generally much lower for the oldest age group (i.e., 35-65-year-olds). Over time, **arrest rates for the younger age groups fell the most, sometimes to rates lower than 25-34-year-olds.**

- Misdemeanor Arrests by Sex: **Males were arrested at higher rates than females** in all jurisdictions across the study period. Although the arrest rates for males fell more than for females, this gender gap in arrest rates persisted over the study period.

- Misdemeanor Arrests by Charge: Within the context of fluctuating misdemeanor arrests, the composition of misdemeanor charges changed over time across most sites. **Cross-jurisdiction trends indicate a move away from more discretionary, drug-related charges and an increase in the share of charges where there is an identifiable complainant or victim ("person-related" offenses)**.

- Additional Research on Misdemeanor Arrests: The extensive analyses presented in this report provide critical insights into misdemeanor enforcement across seven geographically diverse jurisdictions but also raise many more questions. **Future research should examine the impact of misdemeanor arrests on individuals and communities, including how changing rates of enforcement impact community safety, trust and confidence in the police, jail populations, and the work of prosecutors, defense attorneys, and the courts**. Further, additional research is needed to understand trends in misdemeanor enforcement in non-urban areas (the Research Network jurisdictions are generally in or close to large, urban areas). Finally, **research should also focus on the relationship between misdemeanor arrests and issues of public health, community safety, and racial equity that have been highlighted by the COVID-19 pandemic and recent nationwide protests against police brutality**.

Why Do Misdemeanor Arrests Matter?

Misdemeanor offenses make up the majority of criminal cases nationwide, with estimates ranging from 75% to 80% each year (Natapoff, 2018; Stevenson & Mayson, 2018). Although misdemeanor arrests are considered to be less serious than felony offenses (e.g., homicide, grand larceny), they can still result in significant jail time and a permanent criminal record – both of which have been shown to negatively impact individuals' lives (Kohler-Hausmann, 2018; Natapoff, 2018). Further, enforcement of state misdemeanor statutes does not reflect the full spectrum of lower-level contacts that police have with community members[3] – local police may also enforce local, ordinance, or municipal violations through arrests, citations, and summonses, as well as conduct other kinds of stops (traffic and pedestrian).

What drives misdemeanor enforcement?

Although misdemeanor enforcement may be driven by crime (Hughes et al., 2020) and community calls for service (Glazener et al., 2020), research has also shown that this activity may be the result of other influences. Changes in lower-level enforcement may be driven by factors that include:

- Police department policies and priorities (Lum & Vovak, 2017),
- Local government reliance on the fines and fees generated by a large number of convictions of misdemeanor arrests (Martin, 2018; United States Department of Justice, 2015),
- Individual officer actions in areas of concentrated economic disadvantage (Smith, 1986; Sun et al., 2008),
- Budgetary allocations and grants (Slocum et al., 2018).

What impact does misdemeanor and other lower-level enforcement have on individuals and communities?

There is evidence that suggests misdemeanor arrests and other lower-level enforcement activities do not always maximize public safety[4] and, in some cases, can undermine trust and confidence in the police (Schuck, 2020). Contact with the criminal legal system can also harm an individual's health and well-being (Sundaresh et al., 2020; Vergano, 2019). Lower-level arrests, and even police stops, can negatively impact individuals and the communities they come from in a variety of ways, by:

- Decreasing the likelihood of cooperation with law enforcement in the future (Schuck, 2010; Tankebe, 2013),
- Reducing opportunities related to education, employment, and housing (Roberts, 2011),
- Increasing the likelihood that an individual is stopped or arrested again as a consequence of reduced access to education, employment, and housing (Malcolm & Siebler, 2017).

Ultimately, understanding trends in misdemeanor enforcement is vital for a number of reasons. First, it can help communities and policymakers determine whether the types of misdemeanor crimes that police are enforcing are a priority for those communities and/or whether other resources are needed to address persistent social problems (e.g., related to substance misuse). Second, it can help communities assess whether disparities in enforcement by race, age, gender, or neighborhood require reforms to ensure that the criminal legal process is not reinforcing or exacerbating inequities in society. Finally, with information about local trends in misdemeanor enforcement, the public, government leaders, and advocates are better positioned to weigh community safety concerns against the potential harms of misdemeanor arrests.

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[3] For instance, in New York City, in 2014, there were 256,754 misdemeanor arrests, an additional 43,495 pedestrian stops, and 369,058 criminal summonses issued (Chauhan et al., 2015). In St Louis, in 2017, there were 2,103 misdemeanor arrests, 19,921 traffic stops, 5,102 criminal summonses and 2,437 arrests for ordinance violations (Slocum et al., 2018).

[4] Guardian actions, such as citizen contacts and business checks, may have more public safety benefits than enforcement actions such as arrests and field interrogations (Piza, 2018). Further, at least two New York City-based studies that investigated the relationship between low-level enforcement and major crime found that there is no direct relationship between the two (Sullivan & O'Keeffe, 2017; Rosenfeld et al., 2007).

Misdemeanor Arrests and COVID-19

While this report was being finalized, the COVID-19 pandemic rippled around the globe and continues to infect large numbers of people around the nation. In many parts of the country, the pandemic has forced changes to the operations of the criminal legal system, which in turn have impacted the health and safety of people who come into contact with the system. COVID-19 has altered law enforcement policies and practices, forced courts to pause or limit the processing of cases and/or establish remote operations, and required jails and prisons to respond to large scale outbreaks (Equal Justice Initiative, 2020). The pandemic has also raised concerns about whether and how police should respond to the social and economic fallout from COVID-19 at a time when many are calling for a reduced law enforcement footprint in communities.

Law enforcement practices have changed in direct response to COVID-19 in at least two ways. First, police have been called upon to enforce "stay-at-home orders" and orders from government officials to wear masks in public. Initial reports documented racial disparities in arrests for COVID-19 related violations. In some places, this type of enforcement has been directed disproportionately at people of color (Bates, 2020; Jabali, 2020). Second, arrests for lower-level offenses appear to have fallen dramatically. This is likely the result of fewer people being out in public due to "stay-at-home orders", which in turn decreases opportunities for crime, victimization, and enforcement (Elinson & Chapman, 2020; Kamana, 2020). Further, some police departments have directed officers to avoid making lower-level arrests in order to contain the spread of the virus (Elinson & Chapman, 2020). It remains to be seen whether misdemeanor enforcement will increase as people become more active outside their homes again.

The pandemic has not only directly impacted law enforcement practices but has also produced social crises that police may be called on to address. The economic and mental health distress created by COVID-19 may result in more calls for service related to persons in a mental health crisis, poverty-related offenses (e.g., trespassing and shoplifting due to housing and food insecurity), and/or quality of life offenses. It remains to be seen whether calls for service will increase, whether enforcement will increase in tandem, or if jurisdictions will expand social services such as mental health programs, affordable housing, and job programs that can prevent and address engagement with the criminal legal system.

Future research on misdemeanor arrests should rigorously examine the intersections between the criminal legal system and COVID-19. Researchers should explore ways that the pandemic has affected arrest practices, incarceration policies, and public safety.[5] Particularly, as gun crimes and homicides have increased in some places (DeBruyn, 2020), which could prompt greater police enforcement across the board. Ultimately, COVID-19 raises critical questions about whether and what kinds of lower-level enforcement make sense in a world in which a deadly disease is spreading rapidly. These questions are particularly important for Black and Latinx communities, many of which are already burdened by the economic and social costs imposed by higher rates of lower-level enforcement and are now contending with higher rates of COVID-19 infections (Artiga et al., 2020; Oppel et al., 2020; The New York Times, 2020).

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[5] Organizations like the the Prison Policy Institute, the Marshall Project, and the Brennan Center publish crucial, frequently-updated information and resources regarding COVID-19 and its impact on both law enforcement responses and communities.

Overall Trends In Misdemeanor Enforcement Rates

Key Finding: **The misdemeanor arrest rates in all Research Network jurisdictions decreased in recent years, often following a period of significant increases in misdemeanor enforcement.**

Figure 2 presents the rate of misdemeanor arrests per 100,000 residents in each jurisdiction during the study period.

Figure 2. Cross-Site Trends in Misdemeanor Arrest Rates
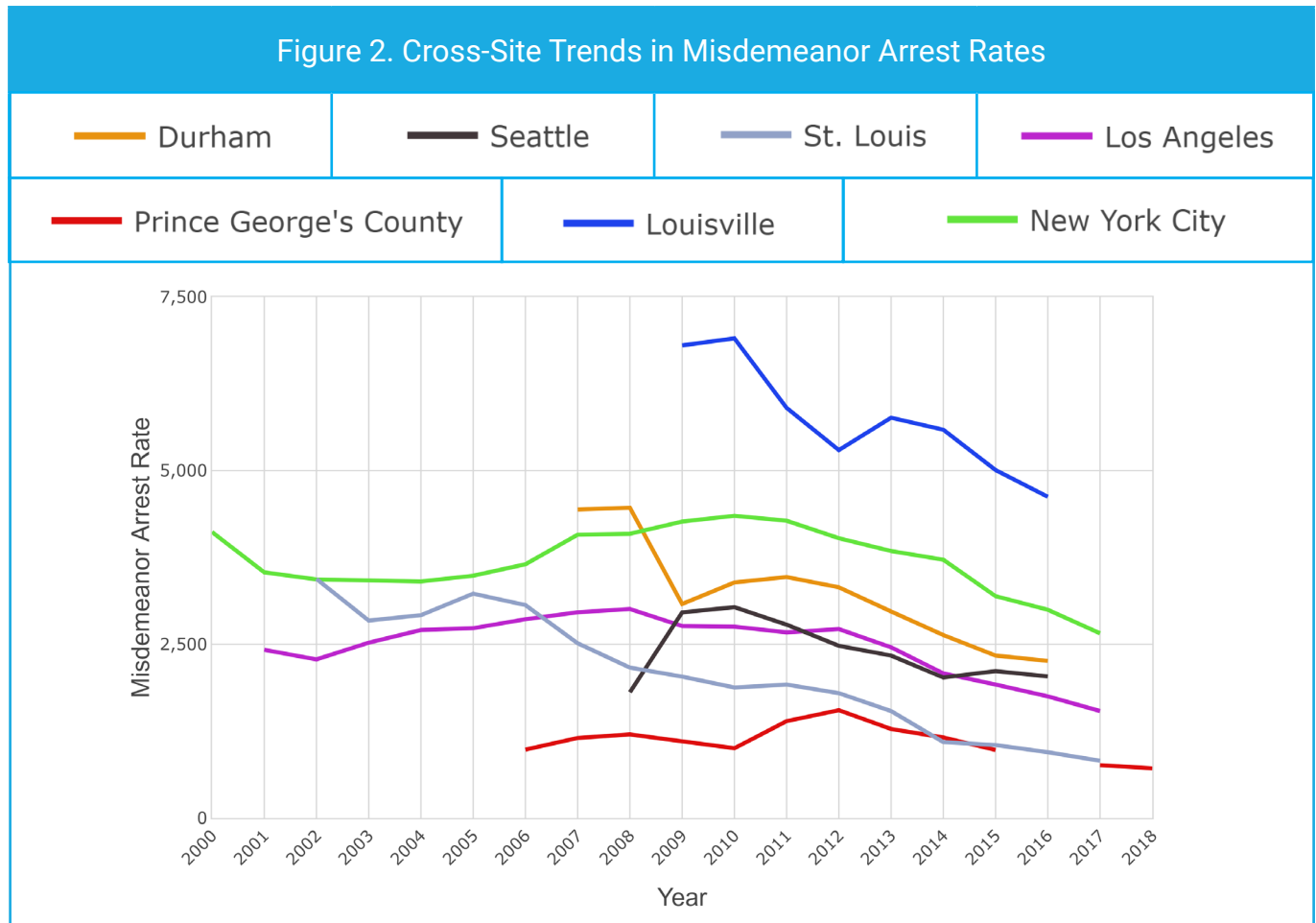
Although the rates varied significantly from site-to-site and over time, several cross-site trends emerged.[6]

Across the Research Network sites, with only one exception,[7] misdemeanor arrest rates peaked between 2008 and 2012. In Durham and Los Angeles, the highest arrest rates occurred in 2008; 2010 in Louisville, New York City, and Seattle; and 2012 in Prince George's County. These peak arrest rates varied widely, from 6,905 arrests per 100,000 people in Louisville to 1,552 arrests per 100,000 people in Prince George's County – some of this variation can be explained by differences in how misdemeanor arrest data are aggregated.[8]

[6]This cross-site report analyzes trends based on the "beginning" and "end" year of each jurisdiction's study period, with the understanding that each milestone may be represented by a different year for each site. We also examined the "peak" year in each jurisdiction, meaning the year during which the arrest rate was highest over the study period in that locality. This milestone may also have occured in different years for different jurisdictions.

[7]In St. Louis, the year with the highest misdemeanor arrest rate was the first year reported, 2002. Therefore, it is possible the peak year for misdemeanor arrests occurred earlier than the beginning of the study period for St. Louis.

[8]In Louisville, researchers produced misdemeanor enforcement data and rates that reflect all charges associated with a single arrest, including the many vehicle- and driving-related offenses that often co-occur with other charges. In all the other jurisdictions, researchers produced enforcement data and rates based on the number of misdemeanor arrests rather than the total number of charges associated with an individual arrest. This difference helps to explain the much higher rates of enforcement for Louisville reflected in Figure 2.

The recent trend in all of the Research Network jurisdictions was a decline in misdemeanor arrests from peak to end. The magnitude of these recent declines ranged from 33% in Louisville and Seattle to 76% in St. Louis.

Table 1. Misdemeanor Arrest Rates and Percent Change						
Jurisdiction	Misdemeanor Arrest Rate			Percent Change		
	Beginning (Year)	Peak (Year)	End (Year)	Beginning to End	Beginning to Peak	Peak to End
New York City[9]	4,117 (2000)	4,351 (2010)	2,658 (2017)	35% Decline	6% Increase	39% Decline
Los Angeles	2,421 (2001)	3,008 (2008)	1,540 (2017)	36% Decline	24% Increase	49% Decline
St. Louis	3,441 (2002)	3,441 (2002)	824 (2017)	76% Decline	0% Change	76% Decline
Prince George's County[10]	984 (2006)	1,552 (2012)	716 (2018)	27% Decline	58% Increase	54% Decline
Durham	4,440 (2007)	4,466 (2008)	2,262 (2016)	49% Decline	1% Increase	49% Decline
Seattle	1,810 (2008)	3,035 (2010)	2,038 (2016)	13% Increase	68% Increase	33% Decline
Louisville	6,803 (2009)	6,905 (2010)	4,624 (2016)	32% Decline	1% Increase	33% Decline

In many jurisdictions **the recent decreases in misdemeanor arrest rates from their peaks were smaller when the full study period was considered**. For example, in Prince George's County, the misdemeanor arrest rate declined by 54% from the peak in 2012. However, the arrest rate had increased by 58% from the beginning of the study period to the peak, resulting in an overall decline of 27% from beginning to end of the study period. In Seattle, the misdemeanor arrest rates actually increased by 13% over the full study period, despite a recent decline from the peak enforcement rate.

Further, declines from recent peaks may actually mask longer-term increases in enforcement rates. For example, in New York City, where data are available as far back as 1980, misdemeanor arrest rates declined by 39% between 2010 and 2017 (the study period for this report), but actually increased by 91% between 1980 and 2017. Therefore, it is possible that, with more data and longer study periods, we might learn that misdemeanor enforcement in other jurisdictions is also well above historical lows, despite recent decreases in enforcement.

[9]The original New York City report documented trends in misdemeanor arrests from 1980 to 2017. However, this cross-site report examines New York City data starting in 2000 for better comparability to other jurisdictions since all other jurisdictions begin their study period after 2000.

[10]Due to a change in the Prince George's County Police Department's record management system, data for 2016 were not complete and therefore could not be used in this study.

Understanding Arrest Rates and Rate Ratios

An arrest rate is a way to standardize the number of arrests in a given jurisdiction to the population size of that jurisdiction. For example, 1,000 arrests in a place like Los Angeles – home to about four million people – is much different than 1,000 arrests in St. Louis, which has just over 300,000 people. A rate can account for this difference in population.

An arrest rate per 100,000 people is calculated by dividing the number of arrests that occurred by the population over the age of responsibility in that jurisdiction, and then multiplying that result (which is how many arrests you would expect for every person) by 100,000. For example:

Calculation for the Rate of Misdemeanor Arrests in St. Louis in 2017. Note that 17 was the age of criminal responsibility in St. Louis in 2017.

$$\frac{\text{St. Louis Arrests}}{\text{St. Louis 17+ Population}} = \frac{2{,}103}{255{,}220} = 0.00824 \times 100{,}000 = 824$$

An arrest rate ratio is one way to compare two groups using a single number. Here, the arrest rate for Black people is divided by the arrest rate for White people. For example:

Rate Ratio Calculation for the 2017 St. Louis Black-White Racial Disparity

$$\frac{\dfrac{\text{St. Louis Arrests for Black Individuals}}{\text{St. Louis 17+ Black Population}} = \dfrac{1{,}515}{115{,}920} \times 100{,}000 = 1{,}307}{\dfrac{\text{St. Louis Arrests for White Individuals}}{\text{St. Louis 17+ White Population}} = \dfrac{580}{127{,}750} \times 100{,}000 = 454} = 3.0$$

This calculation can also be interpreted as the relative likelihood that someone will be arrested in one group compared to a person from another group. For example, a rate ratio of three means that a Black person is three times more likely to be arrested than a White person, even when taking into account differences in the size of the population for each group.

Misdemeanor Trends By Demographics

Trends by Race and Ethnicity

Key Finding: **Black people were arrested at the highest rates of any racial/ethnic group for all jurisdictions across the entire study period**. Racial disparities between Black people and White people existed in all jurisdictions, and these disparities persisted despite the recent overall declines in arrest rates. However, the magnitude of the disparities varied by jurisdiction and over time – ranging from approximately three to seven arrests of Black people for one arrest of a White person.

In all jurisdictions, **the arrest rate for Black people was the highest of any racial/ethnic category at the study start.** Further, in nearly all sites, **the arrest rate for Black people saw the steepest decline**. Despite these large proportional declines, **the arrest rate for Black people was still the highest of any racial/ethnic group at study end, with only one exception**.[11] Conversely, in most jurisdictions at study start, the arrest rate was lowest for White individuals and remained low throughout the study period.

Across the Research Network sites, **the Black-White disparity in misdemeanor arrest rates varied widely**. In some jurisdictions, this racial disparity was much starker than in others. For example, the Black-White racial disparities in Prince George's County and Louisville ranged from 2.2 to 3.4 and 2.9 to 3.4, respectively, over the study period (see Table 2 and see *Understanding Arrest Rates and Rate Ratios* on page 8). Other jurisdictions had much higher levels of racial disparity: racial disparities in Durham ranged from 5.8 to 6.2 and in Seattle these disparities ranged from 5.9 to 7.1 over the study period.[12]

Despite declines in overall arrest rates and in arrest rates for Black people in particular, racial disparities in arrest rates did not necessarily improve. In many jurisdictions, **racial disparities increased from study beginning to peak** -- meaning that Black people accounted for a larger share of the increase in arrests for misdemeanors (New York City, Los Angeles, Prince George's County, and Durham). Some sites also experienced increases in racial disparities in misdemeanor enforcement from beginning to end of the study period (New York City, Los Angeles, and Prince George's County). Thus, even though arrest rates declined in all jurisdictions, **in some jurisdictions racial disparities have, in fact, increased over time**.

However, as with the overall arrest rates, examination of the **more recent trends (from peak to end) show some reductions in racial disparities**. For instance, in no jurisdiction did the Black-White racial disparity increase from study peak to study end; in two jurisdictions the disparity stayed the same (Los Angeles and Prince George's County), and in the remaining six, the disparity decreased somewhat.

In jurisdictions where researchers were able to examine arrest rates for Latinx people,[13] **the arrest rate for Latinx people was generally the second-highest and almost always between the rates of Black people and White people** (data on arrests of Latinx individuals was not available for St. Louis or Seattle). This reflects a broader failure to consistently collect information about Latinx people and their contacts with the criminal legal system across the country (Urban Institute, 2016).

Finally, some jurisdictions analyzed arrest patterns for additional racial/ethnic categories that were important to their local communities. For example, Seattle has large Indigenous and Asian communities and therefore local researchers examined arrest rates for these populations. A number of sites include "other" as a racial/ethnic group to include individuals who did not fit into the more common categories. Arrest rates for these additional racial/ethnic breakdowns can be found in the original Research Network reports or the online data dashboard.

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[11]In Seattle, the arrest rate for Indigenous people was higher, at times, than the arrest rate for Black people.

[12]DCJ cautions against direct comparisons of racial disparities between jurisdictions because of differences in data collection practices and methodologies across the Research Network sites (see Appendix B, Data Definitions & Limitations). For instance, Seattle and St. Louis include Latinx people in the categories for White and Black people, whereas other sites have separate categories for non-Latinx Black people and non-Latinx White people.

[13]The original Research Network reports used the term "Hispanic." This may be because that is the terminology used in the original data sources. However, in this report we use Latinx, which is intended to encompass the diversity of cultures, languages, and countries in Latin America (Salinas & Lozano, 2019).

Figure 3. Cross-Site Trends in Misdemeanor Arrest Rates by Race/Ethnicity

Black   Other   White

Los Angeles, 2001 - 2017

St. Louis, 2002 - 2017

Prince George's County, 2006 - 2018

Durham, 2007 - 2016

Seattle, 2008 - 2016

Louisville, 2009 - 2016

New York City, 2000 - 2017

Policing and the Black Lives Matter Movement

Recent, high-profile incidents of police violence, including the deaths of Breonna Taylor in Louisville, KY, Rayshard Brooks in Atlanta, GA, and Elijah McClain in Aurora, CO have spurred a broad conversation about the role of police in communities, and especially in Black communities (Associated Press, 2019; Oppel & Taylor, 2020; Ortiz, 2020; Prentzel, 2020; Raice, 2020). By some estimates, the Black Lives Matter movement may be the largest social movement in U.S. history, with millions of people expressing their pain and unhappiness with the state of American policing (Buchanan et al., 2020). Recent demonstrations have been directed both at police violence captured on video and overpolicing in communities of color (Brunson, 2007; Gau & Brunson, 2010).

The Black Lives Matter movement has elevated a number of important issues with respect to misdemeanor enforcement and policing. It has called attention to the fact that many high profile civilian deaths at the hands of police escalated from what initially began as misdemeanor encounters — these include the deaths of George Floyd in Minneapolis, MN, Crystalline Barnes in Jackson, MS, and Eric Garner in New York City. These deaths, which reflect just a small subset of the cases where police use force during a misdemeanor encounter, call into question whether misdemeanor interactions can be characterized as "low-level" given their potential to cause significant harm to individuals and communities. Further, the Black Lives Matter movement raises important questions, not just about whether and how police should be enforcing misdemeanors and other lower-level crimes, but also about whether other kinds of resources, such as mental health clinicians or housing, should be deployed as the first-line response to significant social challenges including mental health crises, homelessness, and school safety (Neborsky, 2020).

The Black Lives Matter movement has also brought attention to how police respond to such demonstrations and social unrest. In some cities, including New York City, Los Angeles, Dallas and Philadelphia, the police arrested large numbers of protestors, many for low-level crimes related to violations of local curfews, failure to disperse, or disorderly conduct (Snow, 2020). Some departments have also been criticized for using violence in response to the protests, including as a means of crowd control and to make arrests (McCann et al., 2020). Further, there is speculation that, in some jurisdictions, police may be engaging in a "slow-down" in response to calls for policing reform (Southall, 2020; Tobin & Kachmar, 2020). Sometimes termed "the Ferguson Effect" (Byers, 2014), the full implications of these "slow-downs" in response to demonstrations have yet to be understood (Rosenfeld, 2015; Rosenfeld & Wallman, 2019).

The Black Lives Matter protests, and the police responses to them, have driven a sharp dialogue about the role that racism has played in police enforcement against Black people and the resulting harms to generations of Black people. This dialogue will benefit from continued research on misdemeanors, which constitute the majority of police enforcement activities. Researchers should contribute to the dialogue by examining the role of race in enforcement, particularly lower-level enforcement, assessing the police response to current protests demanding reforms, and measuring the impacts of reforms on racial disparities in enforcement.

Table 2. Racial Disparities in Misdemeanor Enforcement: Number of Arrests for Black People for One Arrest of a White Person			
Jurisdiction	Rate Ratio at Beginning (Year)	Rate Ratio at Peak (Year)	Rate Ratio at End (Year)
New York City	4.4 (2000)	5.9 (2010)	5.2 (2017)
Los Angeles	3.8 (2001)	4.5 (2008)	4.5 (2017)
St Louis	5.4 (2002)	5.5 (2002)	3.0 (2017)
Prince George's County	2.2 (2006)	3.4 (2012)	3.4 (2018)
Durham	5.8 (2007)	6.2 (2008)	5.2 (2016)
Seattle	7.1 (2008)	7.1 (2010)	5.7 (2016)
Louisville	3.4 (2009)	3.4 (2010)	2.9 (2016)

Note: For a detailed explanation of rate ratios, please see *Understanding Arrest Rates and Rate Ratios* on page 8.

Enforcement and Racial Disparities

It is important to note that the higher arrest rates for Black people compared to other racial/ethnic categories **do not mean that Black people are more likely to engage in misdemeanor criminal activity than other groups**. Indeed, there is evidence that is not the case. For example, one study found that although Black people are arrested for use of illicit substances more than White people, actual rates of use are similar for both groups (Lum & Isaac, 2016).

Unfortunately, due to limitations in data collection and analysis, empirical research has yet to definitively quantify the extent to which racial disparities in lower-level enforcement may be explained by racial bias in policing versus biases that pervade U.S. institutions and policies and leave people of color at greater risk of poverty (National Academy of Sciences, Engineering, and Medicine, 2018). Some studies have demonstrated that racism plays a role in racial disparities in traffic enforcement (Chanin et al., 2018; Pierson et al., 2020). Other studies have pointed to the fact that majority Black communities tend to have higher rates of poverty, lower economic mobility, and higher rates of violent crime – and therefore a greater police presence (Braga et al., 2019; Fagan & Davies, 2000; Fagan et al., 2016; Gaston, 2019). This greater police presence increases the likelihood that police will observe criminal conduct and use their discretion to enforce lower-level crimes. Finally, a jurisdiction's demographic characteristics may play a role in racial disparities in enforcement. One study by the California Public Policy Institute showed that the California counties with the largest racial disparities in arrest tended to be wealthier, better-educated, and have lower numbers of Black residents than counties with less racial disparities (Lofstrom et al., 2019). Ultimately, racial disparities in misdemeanor enforcement are likely driven by a number of factors. Researchers should identify the biggest drivers of these disparities, including racial bias on the part of individual officers, policing policies and deployment, and broader government policies and programs, to identify promising methods of eliminating them.

Trends by Age

Key Finding: Arrest rates were highest for younger age groups (i.e., 18-20-year-olds and 21-24-year-olds) at the beginning of the study period. At the same time, arrest rates were generally much lower for the oldest age group (i.e., 35-65-year-olds).[14] **Over time, arrest rates for the younger age groups fell the most, sometimes to rates lower than 25-34-year-olds**.

Over the study period, the arrest rates for the two youngest age groups had the steepest declines. In nearly all jurisdictions, these declines brought the arrest rates for 18-20-year-olds and 21-24-year-olds down to roughly the rate for 25-34-year-olds.[15]

For example, in Louisville, the arrest rate for 18-20-year-olds was as high as 17,500 per 100,000 people while the arrest rate for 35-65-year-olds was closer to 2,500 per 100,000 people. The arrest rate for the younger age group dropped by 36% from study beginning to study end. Similarly, in St. Louis, the arrest rate for 18-20-year-olds fell by 85% over the study period, from nearly 9,000 per 100,000 people to about 1,300 per 100,000 people; the arrest rate for 35-65-year-olds also fell, but started much lower at about 1,500 per 100,000 people to about 450 per 10,000 people, a decline of about 75%.

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[14]There are a few notable exceptions. First, in New York City, the arrest rate for both young adult groups, 18-20 and 21-24, were much lower at study end than at start or peak, but both were still higher than the 25-34 group. Second, in Louisville and Durham, the rate for 21-24 was higher than 25-34 at study end.

[15]In an exception to these trends, for some years in Los Angeles, the arrest rate for 25-34-year-olds was almost as low as the rate for 35-65-year-olds. Additionally, by study end, the arrest rate in Los Angeles for 18-20-year-olds was almost as low as the rate for 35-65-year-olds.

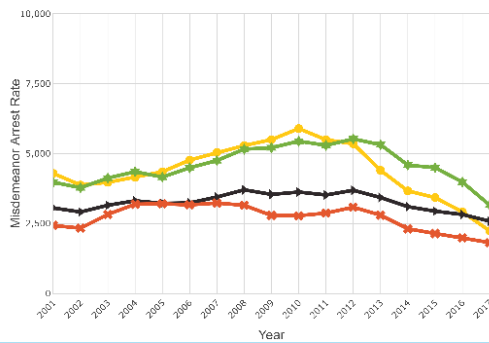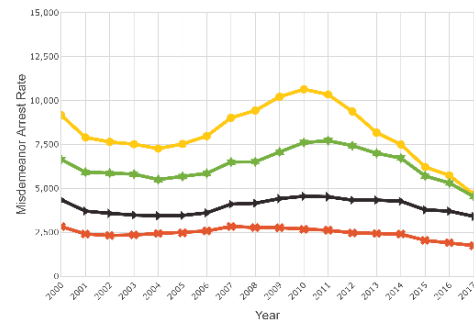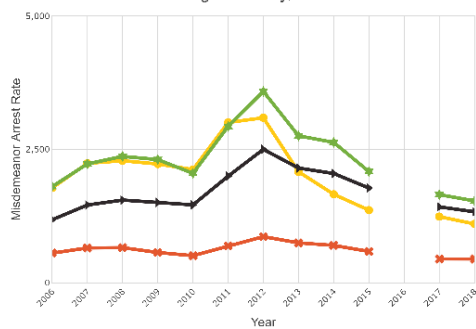Figure 4. Cross-Site Trends in Misdemeanor Arrest Rates by Age
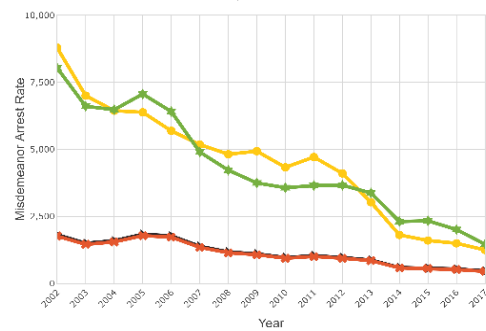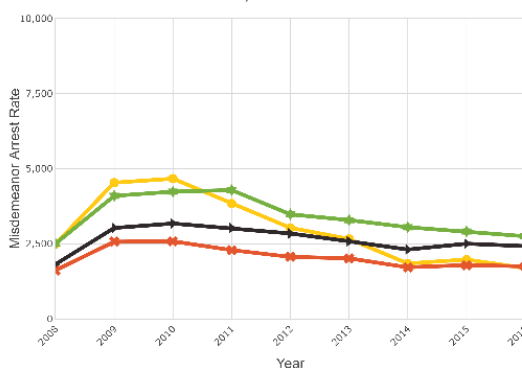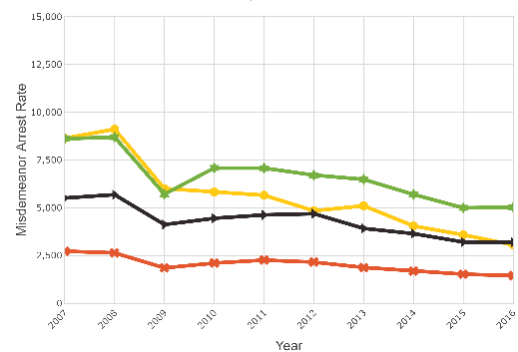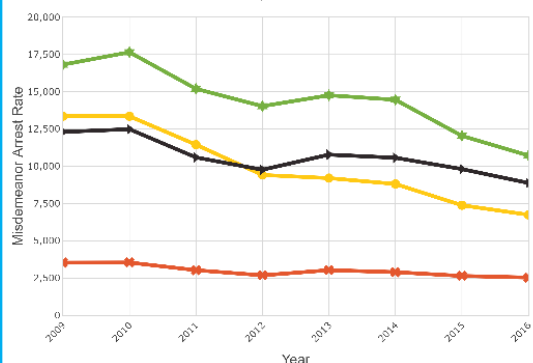
A CLOSER LOOK AT 16-17-YEAR-OLDS

In most U.S. states, the age of criminal responsibility is 18 (Justice Policy Institute, n.d.). This generally means that individuals who are younger than 18 at the time of arrest have their cases handled by a court system separate from "adult" criminal court, often referred to as juvenile court or family court. Typically, these specialized court systems have procedures that are designed to respond to the developmental considerations and other unique factors that young individuals' cases require (Office of Juvenile Justice and Delinquency Prevention, 1999).

However, in New York and North Carolina (which include the Research Network jurisdictions of New York City and Durham), the age of criminal responsibility was younger than 18 until very recently.[16] Therefore, in their reports, research partners in New York City and Durham included arrest rates for 16-17-year-olds because those arrests were processed in the criminal rather than juvenile systems. Further, although criminal courts in California and Maryland do not process arrests of 16-17-year-olds (which include the Research Network jurisdictions of Los Angeles and Prince George's County), these two jurisdictions had access to data on this younger age category and included them in their analyses. Therefore, DCJ was able to conduct some cross-site analyses on arrests of 16-17-year-olds.[17]

Figure 5. Cross-Site Trends in Misdemeanor Arrest Rates for 16-17-Year-Olds

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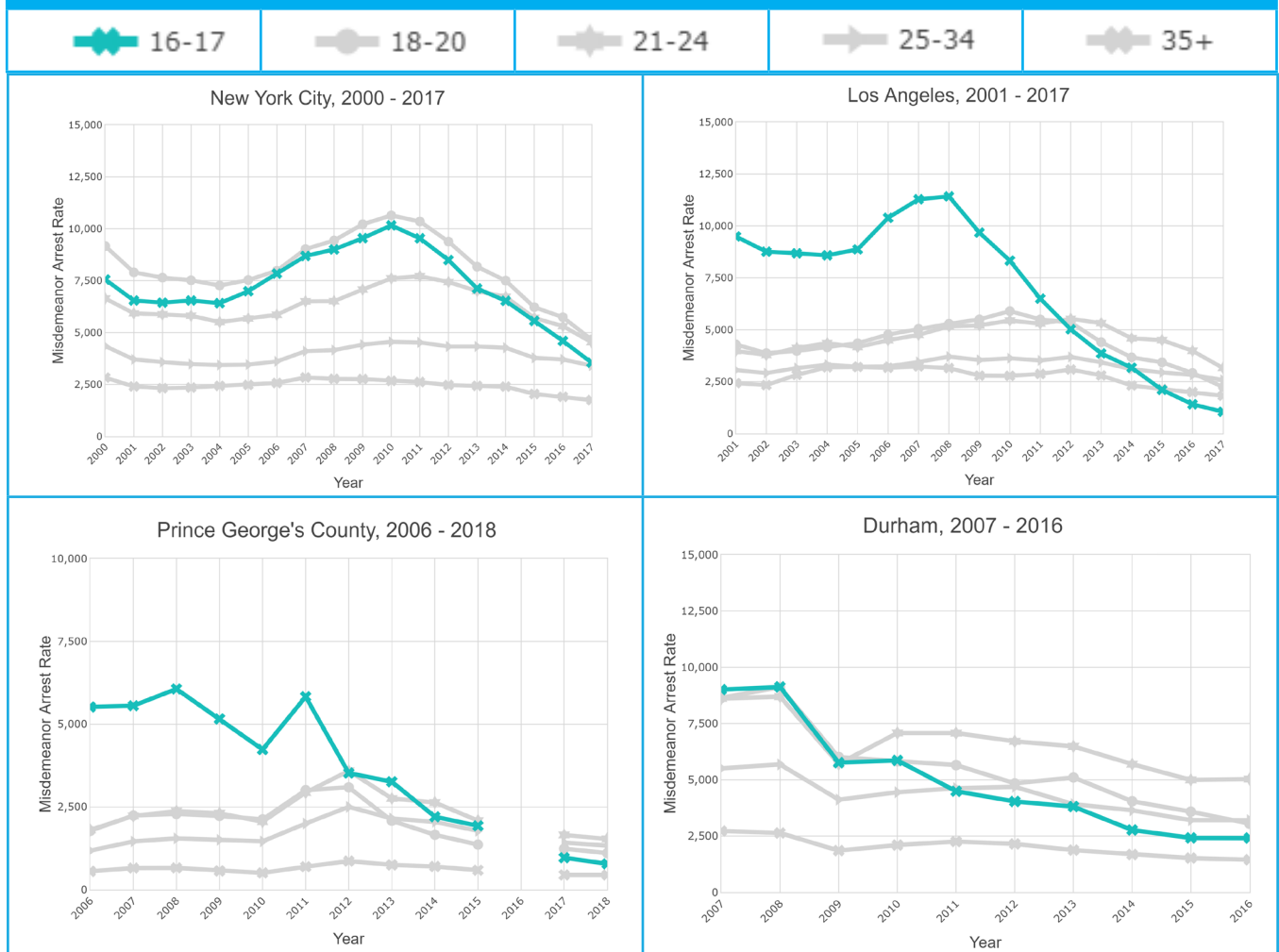
[16]In New York State, the age of criminal responsibility was raised incrementally from 16 to 18: as of October 1, 2018, the age of criminal responsibility was raised to 17, and as of October 1, 2019, to 18 (Green, 2018). In North Carolina, the age of criminal responsibility was raised to 18 as of December 1, 2019 (North Carolina Department of Public Safety, n.d.).

[17]In Missouri, 17-year-olds are processed through the adult criminal court system. However, the St. Louis researchers were only able to incorporate data on arrests of individuals 18 and older into their Research Network report, so St. Louis is not included in this analysis of 16-17-year-olds. A new law that goes into effect in 2021 will raise the age of criminal responsibility in Missouri to 18 (Raise the Age Missouri, 2017).

At study start, **16-17-year-olds were often arrested at very high rates, sometimes even higher than 18-20-year-olds or 21-24-year-olds**. For example, for a majority of the study period, the arrest rate for 16-17-year-olds was significantly higher than any other age group in Prince George's County and Los Angeles. In New York City and Durham, the arrest rate for 16-17-year-olds was similar to that of 18-20 and 21-24-year-olds.

Like the other younger age groups, **the arrest rate for 16-17-year olds fell dramatically over the study period**. For example, in New York City, the arrest rate for 16-17-year-olds was on par with that of the 25-34-year-olds by study end. In Prince George's County, the rate was almost as low as that for 35-65-year-olds. In Durham, the rate was second lowest, and in Los Angeles, the rate for this age group was lower than for any other age group.
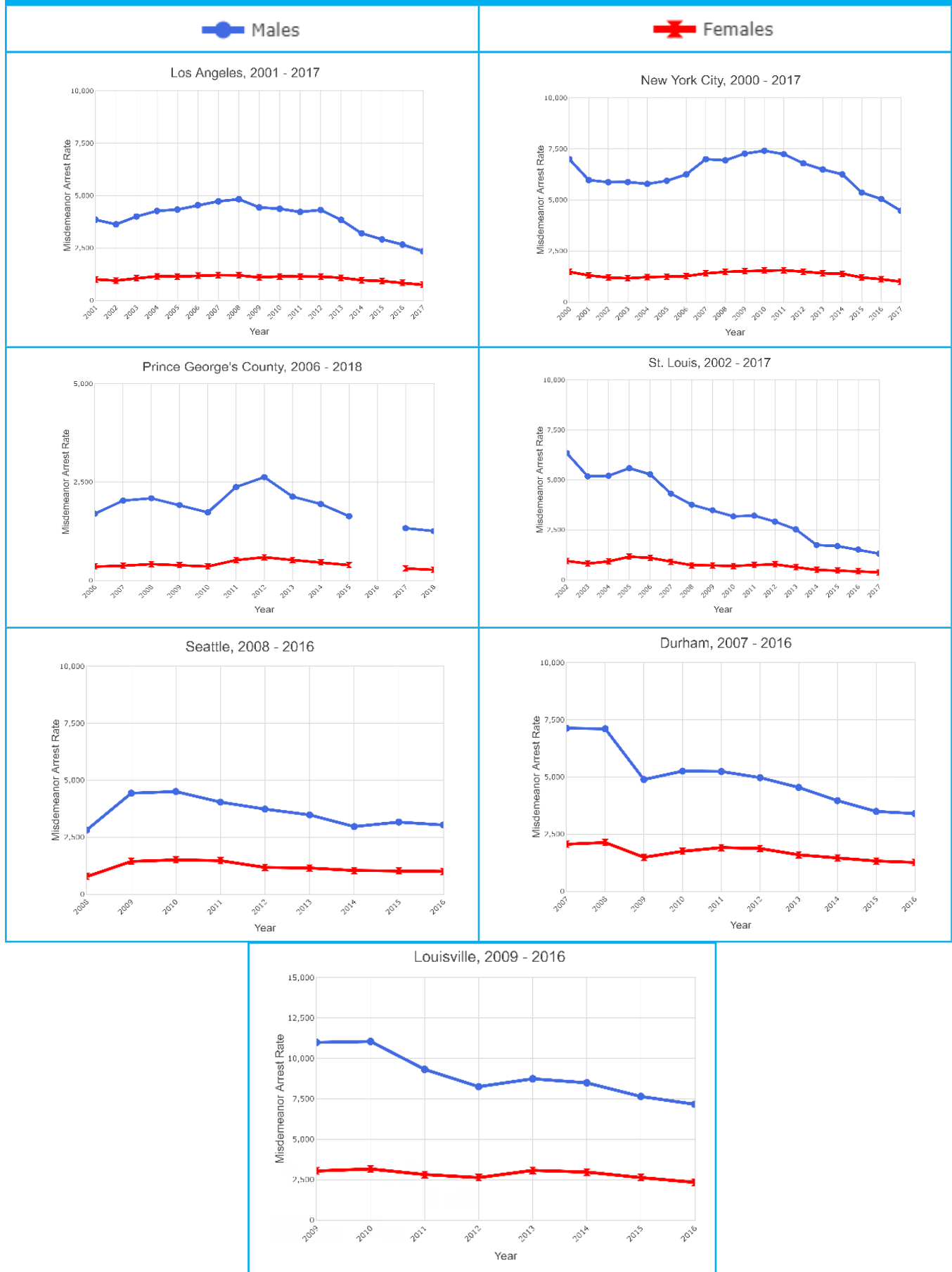
Trends by Sex

Key Finding: **Males were arrested at higher rates than females** in all jurisdictions across the study period. Although the arrest rates for males fell more than for females, this gender gap in arrest rates persisted over the study period.

As with racial trends, **the differences in arrest rates between males and females varied substantially across jurisdictions**. For example, in St. Louis at study start, males were arrested at a rate of about 6,000 per 100,000 people while females were arrested at a rate of about 1,000 per 100,000 people. However, in Seattle and Prince George's County, the arrest rates for both males and females were much lower overall, with males arrested at rates of about 2,500 per 100,000 people and females under 1,000 per 10,000 people.

Males generally saw greater declines in misdemeanor arrest rates than females. For example, in St. Louis, where the misdemeanor arrest rate declined by the largest percentage overall, the arrest rate for females declined by 60% while the arrest rate for males declined by 79% from peak to end. This indicates that **the overall reduction in the misdemeanor arrest rate impacted males more than females**. Even in jurisdictions with less dramatic declines, like Durham, the overall reduction was greater for males (52% decline) compared to females (41% decline).

Figure 6. Cross-Site Trends in Misdemeanor Arrest Rates by Sex

Misdemeanor Trends By Charge

Key Findings: Within the context of fluctuating misdemeanor arrests, the composition of misdemeanor charges changed over time across most sites. **Cross-jurisdiction trends indicate a move away from more discretionary, drug-related charges and an increase in the share of charges where there is an identifiable complainant or victim** ("person-related" offenses).

Despite the challenges of aggregating charge-related findings across jurisdictions that may have varying penal codes and thus categorize types of criminal conduct differently (see Appendix B, Data Definitions & Limitations), the Research Network reports reveal some offense-specific trends in misdemeanor arrests.[18] The jurisdictions reported on a wide variety of charges, but some of the clearest patterns emerged with respect to the proportions of arrests that were comprised of drug-related, person-related, and property-related offenses. **Drug-related offenses**, which include possession of marijuana and other controlled substances, may be considered a more discretionary law enforcement activity, particularly in the context of misdemeanor arrests (Alexander, 2010). Conversely, person-related offenses and property-related offenses include an identifiable victim or complainant and are therefore less discretionary. **Person-related offenses** include assault, harassment, and stalking, which often resulting in direct harm to known victims. **Property-related offenses** include larceny, graffiti, and forgery, which are typically related to unlawful possession or destruction of property.

The analyses presented in Table 3 focus on the proportion of arrests for a particular charge category, rather than the rate of arrest for that charge category. This provides a sense of how misdemeanor arrests are distributed across different charge categories, even as arrest rates fluctuate over time. For example, a jurisdiction might find that even while misdemeanor arrest rates have declined substantially over time, the composition of arrests may change to reflect changing patterns of crime and policing strategies (e.g., enforcement of drug crimes may represent a smaller proportion of crimes).

In **four of the six jurisdictions that examined charges, the proportion of drug-related charges decreased over time** (see Table 3). This was the case in Durham, New York City, St. Louis, and Seattle.[19] For example, drug arrests in New York City fell from 46% of all misdemeanor arrests to about a quarter of arrests at study end. In St. Louis, the proportion of drug arrests fell from 16% to 8%. However, the proportion of drug arrests in Los Angeles started and ended at roughly the same proportion (10% to 12%), and the proportion in Prince George's County increased slightly from 17% to 20%.

In nearly all jurisdictions except Prince George's County, **the proportion of arrests for person-related offenses stayed the same or increased from study beginning to study end** (see Table 3). For example, in New York City, the proportion of person-related charges increased from 17% to 28%, and in Durham, these charges increased from 20% to 32%. In Prince George's County, the proportion of person-related charges started and ended at 21% but declined from 26% at study peak. However, these beginning to end trends hide some sizeable fluctuations over the study period. In many sites, there were periods of increased proportions of person-related charges and other periods of sharp declines. For instance, in Los Angeles, person-related offenses decreased from study beginning to peak (10% to 6%) before increasing again to 10%.

[18]Louisville did not report on charge type.

[19]In some Research Network jurisdictions there were statutory changes that may have contributed to trends over time, particularly for drug-related charges. For example, in Seattle, as early as 2003, voters and law enforcement moved to deprioritize and then decriminalize marijuana possession for personal use among adults. As a result, the drug arrest rate in Seattle was much lower than in other sites. In 2014, California passed Proposition 47 which shifted certain felony drug offenses, including marijuana offenses, to misdemeanors (Judicial Branch of California, 2020a). In 2016, California passed Proposition 64 which allowed individuals over the age of 21 to use and cultivate marijuana (Judicial Branch of California, 2020b). In Missouri, Senate Bill 491 was enacted in 2014 and took effect in 2017. Further, in 2013, St. Louis passed a local ordinance (Board Bill 275) which reduced possession of small amounts of marijuana from a misdemeanor offense to an ordinance violation.

Table 3. Percentage of Misdemeanor Enforcement by Charge[20]			
Jurisdiction	(Year) Charge Types at Start	(Year) Charge Types at Peak	(Year) Charge Types at End
New York City	(2000) Drug: 46% Person: 17% Property: 10%	(2010) Drug: 34% Person: 19% Property: 15%	(2017) Drug: 24% Person: 28% Property: 19%
Los Angeles	(2001) Drug: 10% Person: 10% Property: 10%	(2008) Drug: 10% Person: 6% Property: 7%	(2017) Drug: 12% Person: 12% Property: 11%
St Louis	(2002) Drug: 16% Person: 34% Property: 10%	(2002) Drug: 16% Person: 34% Property: 10%	(2017) Drug: 8% Person: 40% Property: 7%
Prince George's County	(2006) Drug: 17% Person: 21% Property: 26%	(2012) Drug: 26% Person: 26% Property: 21%	(2018) Drug: 20% Person: 21% Property: 26%
Durham	(2007) Drug: 8% Person: 20% Property: 21%	(2008) Drug: 10% Person: 20% Property: 24%	(2016) Drug: 6% Person: 32% Property: 21%
Seattle	(2008) Drug: 3% Person: 31% Property: 29%	(2010) Drug: 2% Person: 29% Property: 34%	(2016) Drug: <1% Person: 31% Property: 25%

Trends for property-related offenses were less consistent across jurisdictions. In some places like Los Angeles, Prince George's County, and Durham, property-related offenses were about the same at study beginning and study end although for the peak year the proportion fluctuated. For example, in Prince George's County, property charges began at 26% of misdemeanor arrests, declined to 21%, and then increased back to 26%. In New York City, property charges roughly doubled as a proportion from study beginning to end: 10% to 19%. In St. Louis, property charges declined slightly from study beginning to end starting at 10% and decreasing to 7%.

Finally, while these cross-site trends emerged, **the overall composition of arrests varied significantly across sites**. For example, although drug arrests decreased in both New York City and Seattle, drug arrests in general make up a much larger share of arrests in New York City than they do in Seattle. In New York City, at the beginning of the study period, drug arrests comprised 46% of all misdemeanor arrests while drug arrests in Seattle comprised 3% of misdemeanor arrests. Similarly, arrests for person-related offenses in St. Louis comprised between 34% to 40% of misdemeanor arrests while only comprising between 6% to 12% of misdemeanor arrests in Los Angeles. These variations serve as reminders that local contexts, practices, policies, and priorities play important roles in law enforcement. As jurisdictions take up reforms, they may be starting from very different places.

[20]Other charges such as vehicle and taffic-related charges and weapons charges are not included. Therefore, these proportions do not add up to 100%.

Supplementary Analyses

In addition to analyzing trends in misdemeanor arrest rates over time, by demographic groups, and by charge, researchers in some jurisdictions were able to conduct additional analyses, including analyses of intersectional trends (e.g., 21-24-year-old Black males) and trends in prosecution, resolution, and sentencing for misdemeanor arrests.

Intersectional Demographic and Charge Trends

Most jurisdictions were able to examine misdemeanor arrest rates at the intersection of demographic categories. For example, almost all sites analyzed the arrest rates of Black males as compared to other race-sex subcategories. **Across jurisdictions, Black males were arrested at the highest rates of any group, and White females generally the lowest**. Between these extremes were Black females and White males, who were often arrested at similar rates.

Five jurisdictions (Durham, Los Angeles, New York City, Prince George's County, and Seattle) broke down demographic groups even further, adding age to their race-sex analyses. When results were available, **young, Black males were overwhelmingly the group with the highest arrest rate**. While the definitions of "young" varied from jurisdiction to jurisdiction, these were generally males aged 18-20 or 21-24.

Further, some jurisdictions highlighted **distinctive local intersectional trends**. Although these analyses do not necessarily lend themselves to cross-site interpretation, they draw attention to ways that jurisdictions might conduct future analyses. **In Los Angeles, the arrest rate for Black females increased from study beginning to end, a trend counter to the overall pattern of declining arrest rates that was realized by nearly all other groups in other jurisdictions**. The increase for Black females was particularly stark for ages 21-24, and 25-34. For the 21-24-year-old group, this was associated with an increase in arrests for prostitution-related offenses, and for the 25-34-year old group, this was associated with an increase in loitering, trespassing, and disorder-related offenses.

Trends in Case System Processing and Outcomes Following Arrest

Some jurisdictions examined outcomes following misdemeanor arrests. Although an arrest is often the first point of contact with the criminal legal system for a given case, there are multiple decision points that occur following the arrest and that impact both criminal legal system trends and people's lives. Prosecutors decide which cases get filed, and judges and juries make decisions with regard to case resolution and sentencing. Los Angeles, Seattle, and New York City were able to explore trends in prosecution (charging), case resolution (disposition), and/or sentencing.

Researchers in Los Angeles and Seattle were able to examine **trends in the prosecution of misdemeanor arrests** (i.e., the decision by prosecutors to actually bring a case to court, following an arrest by police). **In both jurisdictions, roughly six out of ten misdemeanor arrests were prosecuted**. In Los Angeles, if cases were not filed, between 7% to 19% were diverted prior to filing and another 6% to 24% were rejected for other reasons. In Seattle, between 23% to 27% of cases were declined for prosecution.

In Los Angeles, New York City, and Seattle, researchers examined **case resolution, also referred to as disposition**. In Seattle and Los Angeles, the proportions of disposition outcomes were relatively stable over time. **Specifically, in Seattle the most common outcome for misdemeanor arrests over the study period was a dismissal**, which occurred between 32% to 50% of misdemeanor cases, and the second most common outcome was a conviction which occurred between 34% to 44% of misdemeanor cases. **In Los Angeles, the most common disposition for misdemeanor arrests was a guilty verdict or plea**, which together represented roughly half of all dispositions for misdemeanor arrests. Due to the structure of reporting, however, the proportion of dismissals cannot easily be understood.

In New York City, the most common case outcome changed from study start to study end. Misdemeanor convictions declined by about half from 27% to about 15%. Adjournment in contemplation of dismissal[21] was roughly the same proportion of misdemeanor case outcomes at study beginning and end (about 27%). Dismissals increased from about 10% to a little more than 15%. The remaining outcomes include infraction convictions[22] (ranging from 30% to 27%) and declined to prosecute (5% to 8%).

Finally, New York City and Los Angeles analyzed trends in **misdemeanor sentencing**, though researchers used slightly different analytic techniques. In New York City, the most common sentences following a misdemeanor arrest were a conditional discharge (the case is considered resolved upon completion of a court-mandated program) or time served (the court sentenced the individual to the amount of time already spent in custody during the pre-disposition period). However, over the study period, the relative proportion of these case outcomes changed. The proportion of cases sentenced to a conditional discharge decreased from about 50% to just over 40%, and the proportion sentenced to time served increased from about 20% to just under 30%. The proportion of misdemeanors resulting in jail sentences, a much less common sentence, also decreased from about 20% to about 14%. The Los Angeles researchers took a different approach and analyzed the severity of sentences for various types of sentencing outcomes. In Los Angeles, those sentenced for misdemeanor arrests were often sentenced to the least severe sentencing option – more than half of fines were for $0 and 50-60% of jail sentences were zero days. **In both jurisdictions, jail sentences were not given in over 50% of cases**.

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[21]In New York State, a judge may dispose of a case as an adjournment in contemplation of dismissal or an "ACD" (CPL § 160.50). In such situations, the case can be dismissed after six or twelve months (the length of time is determined based on the charge and parameters set by the judge), as long as the individual is not arrested for a new offense during that time (New York Courts, 2018a).

[22]Under New York State criminal procedure law, violation or infraction convictions are not considered part of a person's criminal record and are sealed upon completion of a case. (New York Courts, 2018b).

Future Research On Misdemeanor Enforcement

This report presents a picture of how misdemeanor enforcement has been operating across a geographically diverse set of jurisdictions in recent years. However, this analysis marks only the beginning of understanding trends in misdemeanor arrests and raises many important questions going forward. **Future research should examine the causes, correlates, and consequences of misdemeanor enforcement on individuals and communities.** Research should also continue to examine how these trends as well as more nuanced trends have evolved over time and across more jurisdictions.

Research should examine the relationship between lower-level enforcement and public safety, individual and community well-being, and racial equity. Inquiry into whether enforcement of misdemeanor offenses and related arrests bears some relationship to crime rates can provide insights into effective and efficient ways to promote safe communities. Research should also explore the impacts that misdemeanor enforcement has on other indicators of community well-being, such as health outcomes, educational attainment, employment opportunities, and housing stability.

Future research should examine the impact of misdemeanor arrests and criminal legal system involvement on people's lives. For example, studies have shown that contact with the criminal legal system is negatively associated with a person's career, education, family, housing, health, mental health, and more (Comfort, 2016; Csete, 2010; Human Rights Watch, 2010; Open Society Foundations, 2011a; 2011b; Ortiz, 2015). Further, research also suggests that frequent interactions with the police may reduce the legitimacy of the criminal legal system in the eyes of those interacting with the police and thereby decrease the likelihood of reporting crimes or cooperating with the police (Tankebe, 2013). More expansive research will enable the public and policymakers to appropriately weigh perceived public safety benefits of misdemeanor arrests against the potential harms that criminal justice involvement inflicts on individuals and their communities.

While this report documents cross-site trends in misdemeanor enforcement, DCJ does not attempt to explain *why* misdemeanor arrests rates have changed. There are a range of possible explanations for these trends, including local events (e.g., high profile cases of police brutality, news reports, etc.), departmental policy changes, changes in levels of offending, decreases in crime reporting, changes in officer use of discretion, and legislative policy changes. Research has associated changes in law enforcement with changes in the availability of local community resources,[23] and variation in rates of drug use (Gaston, 2019; Petrocelli et al., 2014), poverty (Smith, 1986; Sun et al., 2008), and homelessness (Kleinig, 1993; McNamara et al., 2013). Further, local pre-arrest diversion programs and decriminalization policies often have the impact of reducing reported misdemeanor volume (Collins et al., 2017). Likely, the trends highlighted here can be explained by many of these factors—and by others not yet validated by empirical research. **Future research should attempt to understand causal mechanisms that contribute to trends and changes in misdemeanor arrests, including those that vary from jurisdiction to jurisdiction and those that are more consistent across the nation**.

Further, the most recent data from the Research Network jurisdictions is, at minimum, two years old. Policies change quickly, and the public needs access to up-to-date information. **Analyses of misdemeanor arrest trends must continue, and jurisdictions should strive to release their most recent data at regular intervals** to allow the public and policymakers to understand misdemeanor enforcement in near real-time. These analyses should be done in concert with historical analyses, to situate current rates within a longer-term context.

Even though this report and the Research Network reports begin to fill a critical gap regarding trends in misdemeanor arrests, the variation in definitions and available data raises another important point related to misdemeanor justice: a lack of consistent publicly available data. If more data on misdemeanor arrests was publicly available, it would be possible to understand misdemeanor arrest patterns in smaller cities, as well as in suburban and rural areas. For example, the New York report documents misdemeanor arrest trends throughout New York State, not just in New York City. The patterns in New York City and other cities through-

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[23]Existing research suggests that enforcement levels may be related to budgetary allocations, personnel changes, and grant awards. For example, in their original report, St. Louis provides local political context for the years included in the study, which may have impacted enforcement activities (Slocum et al., 2018).

out the state are similar, but the patterns in the rural areas of the state differ. Thus, trends in different geographic areas may be moving in different directions based on jurisdiction size and type, **and more research is needed to assess enforcement trends in suburban and rural areas**. Further, regardless of the size or type of jurisdiction, adding more data to the public sphere will shed light on overall trends in misdemeanor arrests.

Even within a jurisdiction there is heterogeneity in misdemeanor enforcement practices. For example, although not discussed in this report, within-city analyses in the Research Network jurisdictions of Los Angeles, Seattle, and Durham revealed that arrest rates varied by intra-city regions, such as police districts or other community boundaries.[24] These analyses may illustrate meaningful variation in local norms or policing practices that merit further investigation.

Jurisdictions should continue to strive to analyze intersectional data. **Future research should investigate how arrest rates vary by combinations of race, sex, age, and charge categories.** As evidenced by some of the intersectional findings that the Research Network jurisdictions have already conducted, such analyses can lead to a more nuanced understanding of arrest practices and how law enforcement resources are allocated.

Jurisdictions should seek to analyze trends in criminal justice practices following arrest, such as trends in prosecution, case disposition, sentencing, and incarceration. Beyond providing critical information about outcomes of misdemeanor arrests themselves, understanding these trends may provide additional important insights into incarceration trends. Although significant investments have been made to reduce jail populations,[25] little empirical research has been conducted on the link between arrests and trends in incarceration. Where possible, linking misdemeanor arrest records to incarceration data will provide the fullest picture of the relationship between the two.

Finally, misdemeanor arrest charges and ordinance violations, such as moving violations or municipal offenses, can result in bench warrants, which are typically issued by courts when individuals do not adhere to mandates such as appearing in court related to the original arrest charge. Although warrants are more commonly issued for local law violations rather than for misdemeanor arrests, the fact remains that warrants can lead to future adverse criminal justice outcomes, such as jail time or future arrests for the existing warrant. Therefore, **future research should explore the relationship between bench warrants and misdemeanor arrest trends**. Moreover, local court context likely also has a strong upstream influence on bench warrant arrests, making it vital to understand the manner in which court practices and policies have an impact on arrests for bench warrants.

Conclusion

In this report, DCJ has documented that local misdemeanor enforcement patterns follow similar trajectories across jurisdictions – suggesting that state laws, local police decision-making, and local crime patterns are not the sole drivers of misdemeanor enforcement. Indeed, national trends with respect to the economy, housing, health care, and racial equity may also play a significant role in the trends discussed in this report. However, additional research is needed to further unpack the misdemeanor enforcement trends presented here. For its part, DCJ will continue to work with the Research Network on Misdemeanor Justice to expand the public's understanding of the role that misdemeanor enforcement plays in community safety, health, and well-being.

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[24]Although not included in their original report, researchers in St. Louis also analyzed variability across Census block groups (Slocum et al., 2020).

[25]For example, the John D. and Catherine T. MacArthur Foundation has funded over $200 million nationwide to reduce jail populations. See http://www.safetyandjusticechallenge.org/.

References

Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness.* The New Press: New York, NY.

Artiga, S., Garfield, R., & Orgera, K. (2020, April 7). Communities of color at higher risk for health and economic challenges due to COVID-19. *Kaiser Family Foundation*. https://www.kff.org/coronavirus-covid-19/issue-brief/communities-of-color-at-higher-risk-for-health-and-economic-challenges-due-to-covid-19/

Associated Press. (2019, August 20). From Eric Garner's death to firing of NYPD officer: A timeline of key events. *USA Today*. https://www.usatoday.com/story/news/2019/08/20/eric-garner-timeline-chokehold-death-daniel-pantaleo-fired/2059708001/

Barnes, C. (2020, June 25). #SayHerName campaign of the African American policy forum. https://aapf.org/shn-blog/dmag8g2thwa8hkj-h2tne-3xb7s-r7nd2-gb7z7-k76al-6bt9h-bc4ry-dxxeg-whfd2.

Bates, J., (2020, May 8). Police data reveals a stark racial discrepancies in social distancing enforcement across New York City. *Time*. https://time.com/5834414/nypd-social-distancing-arrest-data/.

Braga, A. A., Brunson, R. K., & Drakulich, K. M. (2019). Race, place, and effective policing. *Annual Review of Sociology, 45,* 535–555. https://doi-org.ez.lib.jjay.cuny.edu/10.1146/annurev-soc-073018-022541.

Brunson, R.K. (2007). Police don't like black people: African American young men's accumulated police experiences. *Criminology & Public Policy, 6,* 71-101. DOI:10.1111/j.1745-9133.2007.00423.

Buchanan, L., Bui, Q., & Patel, J. (2020, July 3). Black Lives Matter may be the largest movement in U.S. history. *The New York Times*. https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html

Byers, C. (2014, Nov. 15). Crime up after Ferguson and more police needed, top St. Louis area chiefs say. *St. Louis Today*. https://www.stltoday.com/news/local/crime-and-courts/crime-up-after-ferguson-and-more-police-needed-top-st/article_04d9f99f-9a9a-51be-a231-1707a57b50d6.html.

Chanin, J., Welsh, M., & Nurge, D. (2018). Traffic enforcement through the lens of race: A sequential analysis of post-stop outcomes in San Diego, California. *Criminal Justice Policy Review, 29(6-7), 561 – 583*. https://doi.org/10.1177/0887403417740188.

Chauhan, P., Warner, T.C., Fera, A.G., Balazon, E., Lu, O., & Welsh, M. with an Introduction by Jeremy Travis. (2015). *Tracking enforcement rates in New York City, 2003-2014.* Report Presented to the Citizens Crime Commission. New York: New York.

Collins, S. E., Lonczak, H. S., & Clifasefi, S. L. (2017). Seattle's Law Enforcement Assisted Diversion (LEAD): Program effects on recidivism outcomes. *Evaluation and Program Planning, 64,* 49–56. DOI: 10.1016/j.evalprogplan.2017.05.008

Comfort, M. (2016). "A twenty-hour a day job": The impact of frequent low-level criminal justice involvement in family life. *The Annals of the American Academy of Political and Social Science, 665*(1), 63-79. DOI:10.1177/0002716215625038.

Csete, J. (2010). Consequences of injustice: Pre-trial detention and health. *International Journal of Prison Health, 6*(1), 3-14. DOI: 10.1080/17449200802692086.

DeBryun, J. (2020, July 8). Research tentatively links Covid-19 gun sales spike to increased violence. *OPB News*. https://www.opb.org/news/article/gun-sales-coronavirus-increase-violence/

Elinson, Z. & Chapman, B. (2020, March 27). Coronavirus pandemic changes policing, including fewer arrests. *The Wall Street Journal*. https://www.wsj.com/articles/coronavirus-pandemic-changes-policing-including-fewer-arrests-11585301402.

Equal Justice Initiatives. (2020, May 11). COVID-19's impact on people in prison. https://eji.org/news/covid-19s-impact-on-people-in-prison/

Fagan J., Braga, A. A., Brunson, R. K., & Pattavina, A. (2016). Stops and stares: street stops, surveillance, and race in the new policing. *Fordham Urban Law Journal, 43*(3), 539–614.

Fagan, J., & Davies, G. (2000). Street stops and broken windows: Terry, race, and disorder in New York City. *Fordham Urban Law Journal, 28*(2), 457–504.

Gaston, S. (2019). Producing race disparities: A study of drug arrests across place and race. *Criminology: An Interdisciplinary Journal*. https://doi-org.ez.lib.jjay.cuny.edu/10.1111/1745-9125.12207.

Gau, J.M. & Brunson, R.K. (2010) Procedural justice and order maintenance policing: A study of inner-city young men's perceptions of police legitimacy. *Justice Quarterly, 27:2, 255-279*. DOI:10.1080/07418820902763889.

Glazener, E. M., Kozlowski, M. M., Lynch, J. P., & Smith, J. S. (2020). Understanding misdemeanor enforcement: The roles of calls for service and community characteristics. *Journal of Community Psychology, 48*(1), 13-35. DOI:10.1002/jcop.22285.

Green, M. (2018). Raise the age legislation [Memorandum]. https://www.ny.gov/sites/ny.gov/files/atoms/files/9618_FINAL_RTA_Memo_and_Chart.pdf).

Human Rights Watch. (2010). *The price of freedom: Bail and pretrial detention of low income nonfelony defendants in New York City*. New York, NY.

Hughes, T. W., Campbell, B. A., & Schaefer, B. P. (2020). The influence of body-worn cameras, minority threat, and place on police activity. *Journal of Community Psychology, 48*(1), 68-85. DOI:10.1002/jcop.22299

Jabali, M. (2020, April 15). Coronavirus policing leads to harsher repercussions for Black Americans. *The Guardian*. https://www.theguardian.com/commentisfree/2020/apr/15/coronavirus-policing-surveillance-black-americans.

Judicial Branch of California. (2020a). *Proposition 47: The Safe Neighborhoods and Schools Act*. Judicial Council of California. https://www.courts.ca.gov/prop47.htm

Judicial Branch of California. (2020b). *Proposition 64: The Adult Use of Marijuana Act*. Judicial Council of California. https://www.courts.ca.gov/prop64.htm

Justice Policy Institute. (N.d.). Raise the age: Shifting to a safe and more effecive juvenile justice system. *Justice Policy Institute: Washington, DC*. http://www.justicepolicy. org/research/11239.

Kang-Brown, J., & Subramanian, R. (2017). Out of sight: The growth of jails in rural America. *Vera Institute of Justice*. New York, NY. https://www.vera.org/downloads/publications/out-of-sight-growth-of-jails-rural-america.pdf.

Kamana, L. (2020, April 21). Decrease in local crime rates due to 'Stay at Home' orders. *NBC25NEWS*. https://nbc25news.com/news/coronavirus/decrease-in-local-crime-rates-due-to-stay-at-home-orders.

Kleinig, J. (1993). Policing the homeless: An ethical dilemma. *Journal of Social Distress & the Homeless, 2*(4), 289–303. https://doi-org.ez.lib.jjay.cuny.edu/10.1007/BF01065524.

Kohler-Hausmann, I. (2018). Misdemeanorland: Criminal courts and social control in an age of broken windows policing. *Princeton, NJ: Princeton University Press*.

Lofstrom, M., Goss, J., Hayes, J., & Martin, B. (2019). Racial Disparities in California Arrests. *Public Policy Institute of California*. https://www.ppic.org/publication/racial-disparities-in-california-arrests/.

Lum, K., & Isaac, W. (2016). To predict and serve? *Significance, 13*(5), 14-19. https://rss.onlinelibrary.wiley.com/doi/epdf/10.1111/j.1740-9713.2016.00960.

Lum, C., & Vovak, H. (2017). Variability in the use of misdemeanor arrests by police agencies from 1990 to 2013: An application of group-based trajectory modeling. *Criminal Justice Policy Review, 29(6-7), 536-560*. doi:10.1177/0887403417731598.

Malcolm, J.G. & Siebler, J-M. (2017). *Collateral Consequences: Protecting Public Safety or Encouraging Recidivism?* The Heritage Foundation: Washington, D.C.

Martin, K. D. (2018). Monetary myopia: An examination of institutional response to revenue from monetary sanctions for misdemeanors. *Criminal Justice Policy Review, 29(6-7), 630-662*. DOI:10.1177/0887403418761099.

McCann, A., Migliozzi, B., Newman, A., Buchanan, L., & Byrd, A. (2020, July 14). N.Y.P.D. says it used restraint during protests. Here's what the videos show. *The New York Times*. https://www.nytimes.com/interactive/2020/07/14/nyregion/nypd-george-floyd-protests.html.

McNamara, R., Crawford, C., & Burns, R. (2013). Policing the homeless: Policy, practice, and perceptions. *Policing: An International Journal, 36(2), 357-374*. https://doi.org/10.1108/13639511311329741.

Natapoff, A. (2018). *Crime without punishment: How our massive misdemeanor system traps the innocent and makes America more unequal.* New York, NY: Basic Books.

National Academies of Sciences, Engineering, and Medicine. (2018). *Proactive Policing: Effects on Crime and Communities*. Washington, DC: The National Academies Press. https://doi.org/10.17226/24928.

Neborsky, J. (2020, June 11). What would it mean to 'defund the police'? These cities offer ideas. *NBC News*. https://www.nbcnews.com/news/us-news/what-would-it-mean-defund-police-these-cities-offer-ideas-n1229266.

New York Courts. (2018b). Sealed records: Good result. http://nycourts.gov/courthelp/criminal/sealedGoodResult.shtml.

New York Courts. (2018a). Sealed violations and traffic infractions. http://nycourts.gov/courthelp/criminal/sealedViolationsInfractions.shtml.

North Carolina Department of Public Safety (n.d.). Raise the Age – NC. https://www.ncdps.gov/our-organization/juvenile-justice/key-initiatives/raise-age-nc.

Office of Juvenile Justice and Delinquency Prevention. (1999). *Juvenile justice: A century of change*. Washington DC: Office of Juvenile Justice. https://www.ncjrs.gov/pdffiles1/ojjdp/178995.pdf.

Open Society Foundations. (2011b). *The socioeconomic impact of pretrial detention (A Global campaign for pretrial justice report)*. New York, NY: Authors.

Open Society Foundations (2011a). *Pretrial detention and health: Unintended consequences, deadly results (A Global campaign for pretrial justice report)*. New York, NY: Authors.

Oppel, Jr., R. A., Gebeloff, R., Lai, K. K. R. (2020, July 5). The fullest look yet at the racial inequity of coronavirus. *The New York Times*. https://www.nytimes.com/interactive/2020/07/05/us/coronavirus-latinos-african-americans-cdc-data.html

Oppel Jr., R., & Taylor, D. (2020 July 9). Here's What You Need to Know About Breonna Taylor's Death. The *New York Times*. https://www.nytimes.com/article/breonna-taylor-police.html

Ortiz, A. (2020, September 10). What We Know About the Death of Rayshard Brooks. *The New York Times*. https://www.nytimes.com/article/rayshard-brooks-what-we-know.html.

Ortiz, N. R. (2015). *County jails at a crossroads: An examination of the jail population and pretrial release*. Washington, DC: National Association of Counties.

Petrocelli, M., Oberweis, T., Smith, M. R., & Petrocelli, J. (2014). Assessing police attitudes toward drugs and drug enforcement. *American Journal of Criminal Justice, 39*(1), 22–40. https://doi-org.ez.lib.jjay.cuny.edu/10.1007/s12103-013-9200-z

Pierson, E., Simoiu, C., Overgoor, J., Corbett-Davies, S., Jenson, D., Shoemaker, A., Ramachandran, V., Barghouty, P., Phillips, C., Shroff, R., & Goel, S. (2020). A large-scale analysis of racial disparities in police stops across the United States. *Nature Human Behaviour, 4*, 736–745. https://doi.org/10.1038/s41562-020-0858-1.

Prentzel, O. (2020, September 17). Demonstrators arrested following Elijah McClain protests in Aurora. *The Gazette*. https://gazette.com/colorado_politics/demonstrators-arrested-following-elijah-mcclain-protests-in-aurora/article_c8adaa06-6296-5c16-9549-5c6313a6604f.html.

Piza, E. L. (2018). The effect of various police enforcement actions on violent crime: Evidence from a saturation foot-patrol intervention. *Criminal Justice Policy Review, 29(6-7), 611-629*. doi:10.1177/0887403417725370

Raice, S. (2020, August 28). Jacob Blake shooting: What happened in Kenosha, Wis.? *The Wall Street Journal*. https://www.wsj.com/articles/jacob-blake-shooting-what-happened-in-kenosha-wisconsin-11598368824

Raise the Age Missouri. (2017). https://raisetheagemo.squarespace.com/.

Roberts, J. M. (2011). Why Misdemeanors Matter: Defining Effective Advocacy in the Lower Criminal Courts. *Articles in Law Reviews & Other Academic Journals. 289*. https://digitalcommons.wcl.american.edu/facsch_lawrev/289.

Rosenfeld, R. (2015). *Was there a "Ferguson Effect" on crime in St. Louis?* The Sentencing Project. https://sentencingproject.org/wp-content/uploads/2015/09/Ferguson-Effect.pdf.

Rosenfeld, R. & Wallman, J. (2019). Did de-policing cause the increase in homicide rates? *Criminology, 18,* 51-75.

Rosenfeld, R., Fornango, R., & Rengifo, A. F. (2007). The impact of order maintenance policing on New York City homicide and robbery rates: 1988 to 2001. *Criminology, 45,* 355-384.

Salinas, Jr., C., & Lozano, A. (2019). Mapping and recontextualizing the evolution of the term Latinx: An environmental scanning in higher education. *Journal of Latinos and Education, 18*(4), 302-315.

Schuck, A. M. (2020). Examining the community consequences of arrests for low-level criminal activity. *Journal of Community Psychology, 48*(1), 86-103. DOI:10.1002/jcop.22238.

Slocum, L. A., Huebner, B. M., Greene, C., & Rosenfeld, R. (2020). Enforcement trends in the city of   St. Louis from 2007 to 2017: Exploring variability in arrests and criminal summonses over time and across communities. *Journal of Community Psychology, 48(1), 36-67*. https://doi.org/10.1002/jcop.22265.

Slocum, L.A., Huebner, B.M., Rosenfeld, R., & Greene, C. (2018). *Tracking enforcement rates in the City of St. Louis, 2002-2017.* Report Prepared for the Research Network on Misdemeanor Justice. St. Louis, Missouri: University of Missouri – St. Louis.

Smith, D. A. (1986). The neighborhood context of police behavior. *Crime and Justice, 8,* 313–341.

Snow, A. (2020, June 4). TAP tally: Arrests at widespread US protests hit 10,000. *Associated Press News*. https://apnews.com/bb2404f9b13c8b53b94c73f818f6a0b7

Southall, A. (2020, July 16). Shootings have soared. Is the N.Y.P.D. pulling back? *The New York Times*. https://www.nytimes.com/2020/07/16/nyregion/nyc-shootings-nypd.html

St. Louis Board Bill 275, Marijuana Decriminalization. 2012-2013 Session, City of St. Louis. https://www.stlouis-mo.gov/government/city-laws/board-bills/boardbill.cfm?bbDetail=true&BBId=8315

Stevenson, M., & Mayson, S. (2018). The scale of misdemeanor justice. *Boston University Law Review, 98,* 731-777.

Stolberg, S., & Babcock. S. (2015, April 25). Scenes of chaos in Baltimore as thousands protest Freddie Gray's death. *The New York Times*. https://www.nytimes.com/2015/04/26/us/baltimore-crowd-swells-in-protest-of-freddie-grays-death.html.

Sullivan, C. M., & O'Keeffe, Z. P. (2017). Evidence that curtailing proactive policing can reduce major crime. *Nature Human Behaviour, Oct*(10), 730-737.

Sun, I. Y., Payne, B. K., & Wu, Y. (2008). The impact of situational factors, officer characteristics, and neighborhood context on police behavior: A multilevel analysis. *Journal of Criminal Justice, 36*(1), 22–32.

Sundaresh, R., Yi, Y., Roy, B., Riley, C., Wildeman, C., & Wang, E. (2020). Exposure to the US criminal legal system and well-being: A 2018 cross-sectional study. *American Journal of Public Health, 110(*Suppl 1), S116-122.

Tankebe, J. (2013). Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology, 51(1), 103-136*. DOI:10.1111/j.1745-9125.2012.00291.x.

The New York Times. (2020, July 8). New York City Coronavirus Map and Case Count. https://www.nytimes.com/interactive/2020/nyregion/new-york-city-coronavirus-cases.html.

Tobin, B., & Kachmar, K. (2020, July 01). Blue flu? More than 2 dozen Louisville police officers 'called in sick' as protests continue. *Courier Journal.* https://www.courier-journal.com/story/news/2020/07/01/27-louisville-police-officers-called-sick-wednesday-morning/5355184002/.

Tyler, T. (1990). *"Why People Obey The Law"*. Yale University Press: New Haven, CT.

United States Department of Justice. (2015, March 4). I*nvestigation of the Ferguson police department*. https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

Urban Institute. (2016). *The alarming lack of data on Latinos in the criminal justice system*. https://apps.urban.org/features/latino-criminal-justice-data/.

Washington State Liquor and Cannabis Board. (2020). Know the law. https://lcb.wa.gov/mj-education/know-the-law.

Willetts, M. (2020, March 25). How will the coronavirus affect crime rates? It's complicated, experts say. *The State*. https://www.thestate.com/news/coronavirus/article241494801.html

Vergano, D. (2019, August 5). The criminal justice system is bad for your health, warns New York City's health department. *BuzzFeed News*. https://www.buzzfeednews.com/article/danvergano/new-york-health-risk-criminal-justice.

Appendix A: Research Network on Misdemeanor Justice Reports List

Throughout this report, we reference the original reports produced by the partner jurisdictions of the Research Network on Misdemeanor Justice. Please refer to these original reports for more details regarding trends in each site.

Helfgott, J. B., Parkin, W., Fisher, C., Morgan, L., & Kaur, S. (2018). Trends in misdemeanor arrests, referrals, & charges in Seattle, WA.

Kozlowski-Serra, M., Smith, J., Glazener, E., Mitchell, J. & Lynch, J. (2019). Tracking enforcement rates in Prince George's County, MD, 2006-2018. College Park, MD.

Lens, M., Stoll, M., & Kuai, Y. (2019). Trends in misdemeanor arrests in Los Angeles: 2001-2017. Los Angeles, CA.

Patten, M., Hood, Q.O., Low-Weiner, C., Lu, O., Bond, E., Hatten, D., & Chauhan, P. (2018). Trends in misdemeanor arrests in New York, 1980 to 2017. New York, NY.

Schaefer, B. P., Hughes, T. W., & Jude, D. (2018). Tracking enforcement rates in Louisville 2009 - 2016. Louisville, KY.

Slocum, L. A., Huebner, B. M., Rosenfeld, R., & Greene, C. (2018). Tracking enforcement rates in the City of St. Louis, 2002-2017. St. Louis, MO.

Taylor, L. C., Moore, K. L., Brown, R. A., Troy, B. N., & Schiess, J. (2019). Misdemeanor arrest trends in the City of Durham, North Carolina, 2007-2016. Durham, NC.

Appendix B: Data Definitions & Limitations

From all corners of the country, the Research Network jurisdictions provide geographic diversity that allows for an understanding of misdemeanor arrest practices beyond a single jurisdiction or area of the nation. Despite an attempt to represent a variety of localities, the Research Network jurisdictions are mostly urban, and therefore this analysis is limited in its generalizability to non-urban areas.

Due to heterogeneity in data composition and availability, DCJ was unable to apply the same inclusion criteria to each jurisdiction's data in this cross-site analysis. Therefore, when grappling with how to synthesize the existing findings of the Research Network reports, DCJ made decisions about how to make the most accurate and valid comparisons. Below are descriptions of decisions and approaches used to standardize categories and improve comparability across sites.

Misdemeanor arrests: Based on available data, local laws, and enforcement practices, there was variety with respect to the types of enforcement activities that each jurisdiction categorized as a misdemeanor arrest. For example, the New York City report counts both custodial arrests and cite-and-release arrests (known locally as Desk Appearance Tickets), while other sites disaggregate cite-and-release arrests into a category separate from misdemeanor arrests. Further, Louisville counted all charges while others used an incident-level approach. In addition, misdemeanor arrests do not include local law violations or ordinance violations for all jurisdictions.

Time periods: Each jurisdiction used the most reliable data available for their reports. For example, New York City researchers were able to draw on data as early as the 1980s, whereas partners in Seattle had access to reliable data beginning in 2008. Additionally, some jurisdictions were able to analyze trends that included more recent years, as late as 2018, whereas other partners either released their reports earlier and showed the most recent year or were only able to access reliable data through 2015. However, the study period for each report is at least eight years.

Charges: Penal law definitions vary widely from state to state. A misdemeanor charge in one jurisdiction may be a felony charge in a second and a violation in a third. This is particularly true for drug offenses, but applies to all categories of offenses. Notably, all of these offense categories can also include charges of attempted unlawful actions.

For example, the specific dollar amounts that are considered to be misdemeanor "larceny" may vary from one jurisdiction to another (e.g., less than $750 in Seattle compared to less than $1,000 in New York City). Therefore, local researchers used local penal law codes when analyzing their data and the actual behaviors categorized as misdemeanors vary across jurisdictions.

Additionally, within a jurisdiction, statutes — and particularly drug offenses — changed over time. In some jurisdictions, as in St. Louis (Bott, 2017) and Los Angeles (Judicial Branch of California, 2020a), certain drug offenses were downgraded from felony to misdemeanor charges. In other instances, as in Seattle (Washington State Liquor and Cannabis Board, 2020) and Los Angeles (Proposition 64), statutes decriminalized certain uses of recreational marijuana. Therefore, counts and rates are as-of the year they occurred and correspond with criminal law as it existed at that time. This further complicates interpretation of changes in charge types over time.

Further, each jurisdiction conducted their charge-based analyses with varying degrees of specificity. For example, Prince George's County and Durham grouped specific penal law codes into broad categories like "person" and "property" charges, while St. Louis focused on specific charges like "assault" and "trespassing." The cross-site analysis of charges relies on the most closely related categories reported in the original reports (e.g., St. Louis's "assault" compared with Durham's "person").

This cross-site report analyzes trends based on the "beginning" and "end" year of each jurisdiction's study period, with the understanding that each milestone may be represented by a different year for each site. We also examine the "peak" year in each jurisdiction, meaning the year during which the arrest rate was highest

over the study period in that locality. This milestone also may have occurred in different years for different jurisdictions.

Race/ethnicity: Some jurisdictions were able to disaggregate race from ethnicity while others were not. Further, in some jurisdictions, researchers were able to access more nuanced race and/or ethnicity categories than in others. For instance, categories for Los Angeles were Non-Hispanic Black, Hispanic, Non-Hispanic White, and Other, while categories for Seattle were Black, White, Asian, and Indigenous.

Age: Age categories varied based on data availability and age of criminal responsibility. In New York City and Durham, the age of criminal responsibility for the study period was 16 and therefore their reports included 16- and 17-year-olds. Further, the various jurisdictions defined age categories slightly differently. For example, in their report, St. Louis's age categories were 17-20, 21-24, 25-34, 35+ while New York City's were 16-17, 18-20, 21-24, 25-34, 35-65.

For age comparisons in this report, we use the online dashboard data, rather than the original reports, because this data allows us to standardize age categories to 18-20, 21-24, 25-34, and 35+ or 35-65.