

RACIAL DISPARITIES IN STOPS BY THE D.C. METROPOLITAN POLICE DEPARTMENT: REVIEW OF FIVE MONTHS OF DATA

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ACLU-DC & ACLU Analytics

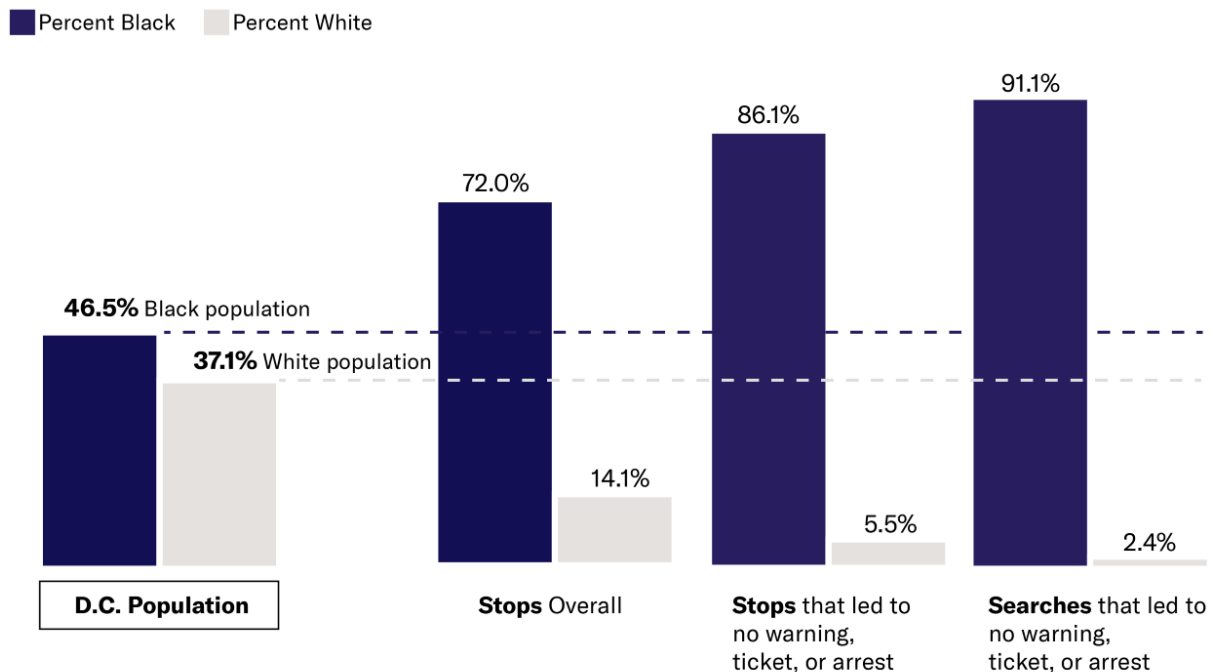
INTRODUCTION

American policing is in desperate need not just of reform but of reimagining. That point was underscored by the murders of George Floyd and Breonna Taylor in the spring of 2020—and also, in recent years here in the District of Columbia, by the killings of D’Quan Young, Marquese Alston, and Jeffery Price.

The findings in this report further document the need for structural change. Based on an analysis of data collected by D.C.’s Metropolitan Police Department (MPD), we found that Black people, who make up 46.5% of the D.C. population, composed 72% of the people stopped. We also found that 88.6% of the youth under 18 who were stopped were Black. The data reveal concerning trends suggesting that these disparities may arise from racial bias. For example, 86.1% of the stops, and 91.1% of the searches, that resulted in no warning, ticket, or arrest were of Black people. That almost certainly means that Black people composed the vast majority of individuals subjected to stops or searches despite not violating the law. Moreover, despite claims by MPD that stops are crucial to removing guns from the streets, only 0.8% of stops led to the seizure of a weapon of any kind. The graph below illustrates some of these findings.

BLACK PEOPLE WERE DISPROPORTIONATELY STOPPED AND SEARCHED BY MPD

Stops and searches that led to no warning, ticket, or arrest showed the greatest racial disparities



The conclusions in this report support previous assertions that MPD’s stop practices unfairly overpolice the Black community, and that these practices require serious scrutiny and structural change.

BACKGROUND

In March 2016, the D.C. Council passed the Neighborhood Engagement Achieves Results (NEAR) Act, a statute requiring MPD to keep extensive records on every stop its officers complete. For over three years, MPD refused to implement this statute. Finally, in a lawsuit initiated by ACLU-DC on behalf of itself, Stop Police Terror Project D.C., and Black Lives Matter D.C., a court ordered compliance.

MPD began collecting the NEAR Act data on July 22, 2019 and has published data through December 31, 2019. This report analyzes those records—62,611 total stops made in less than 6 months, a number that works out to, on average, one stop every 3 minutes and 45 seconds.

At the outset, we note that we removed all 231 “harbor” stops from this analysis. This category, which refers to stops made in D.C. waterways,¹ composed less than half of a percent of the total stops (0.36%) and were not directly comparable with other stops. All of the harbor stops had, as their justification, “boating violation” or “safety inspection,” categories not cited as the reasons for any other category of stop. Moreover, harbor stops did not generate any tickets, warnings, or arrests. Nor did they lead to any searches of individual’s persons or property or to seizures of any items. The unique nature of these stops led us to exclude them.

DISCUSSION

I. MPD Disproportionately Stops Black People, Raising Concerns About Racial Bias.

During the five-month period, Black people composed 72% of the individuals stopped in D.C. despite making up just 46.5% of the District’s population.² Non-Hispanic white people, despite composing 37.1% of D.C.’s population, made up only 14.1% of the stops. According to MPD’s report on this data, many traffic stops were of individuals who reside outside of the District.³ We could not confirm that conclusion because the information on which it was based, the state in which the stopped driver’s vehicle was registered, was not included in the

¹ See METROPOLITAN POLICE DEPARTMENT, STOP DATA REPORT (February, 2020) 14 (hereinafter MPD Fully Report),

<https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Stop%20Data%20Report.pdf>.

² CENSUS, QUICK FACTS DISTRICT OF COLUMBIA <https://www.census.gov/quickfacts/DC> (July 1, 2019).

³ See MPD Full Report, *supra* note 1 at 18.

publicly available NEAR Act data.⁴ In any event, disparities for non-traffic stops were even greater than those for traffic stops, suggesting that racial differences are not attributable to stops of commuters. (A full explanation of how traffic and non-traffic stops were distinguished is available in the Appendix.)

Although more research is needed to determine if the disparities identified in this report arise from racial bias, three points suggest that these trends are more than correlational. First, the vast majority of people who experienced the least justifiable stops were Black. Second, racial disparities exist even in parts of the District where Black people make up a very small share of the residential population. Third, Black people are searched at higher rates than white people, even though searches of Black people and white people result in weapons seizures at nearly equal rates. Taken together, these findings suggest that Black people in D.C. are not being policed fairly.

A. Black People Make up the Vast Majority of Those Who Experienced the Subset of Stops That Are Most Likely To Have Been Unjustified.

Scholars have long argued that implicit racial biases can lead officers to interpret ambiguous behavior as criminal when performed by Black people but innocuous when performed by white people,⁵ causing disproportionate stops of Black people who have not violated the law. Although more analysis is needed, the data suggest that this type of conduct may be occurring in the District. During the five-month period, MPD stopped 11,045 people without issuing a warning or ticket or making an arrest.⁶ This category of stops would include incidents where officers initially had some legitimate reason to suspect that an individual was involved in a crime, but further investigation dispelled their concerns. Additionally, stops not leading to a warning, ticket, or arrest could include more concerning incidents where officers acted in the absence of reasonable suspicion. Either way, it is disturbing that Black people constituted 86% of the individuals subjected to these stops—a total that means that when police stop innocent people, those people are generally Black.

Race	Stops that led to no ticket, warning, or arrest	Percentage
Black	9514	86.1%
Hispanic	632	5.7%
White	604	5.5%

⁴ See METROPOLITAN POLICE DEPARTMENT, STOP DATA REPORT: 2020 (March 4, 2020), <https://mpdc.dc.gov/stopdata> (hereinafter MPD Summary Report) (click <Stop Data Dictionary> to see a list of categories included in the data; state of vehicle registration is not among them)

⁵ See Rachel D. Godsil and L. Song Richardson, Racial Anxiety, 102 IOWA L. REV. 2235, 2248 (2017), <https://escholarship.org/content/qt5dm8r131/qt5dm8r131.pdf>.

⁶ For purposes of this analysis, we excluded 51 stops arising in whole or in part from a response to a crash.

Asian	51	0.5%
Other/Unknown	226	2.0%
Multiple	18	0.2%
Total	11,045	100%

Equally concerning is the fact that, in the context these stops, 91% of the 4,315 people subjected to a search or pat down of their property or person were Black. This figure suggests that Black people are not only more likely than white people to be detained when they aren't violating the law, but also undergo closer scrutiny in those situations.

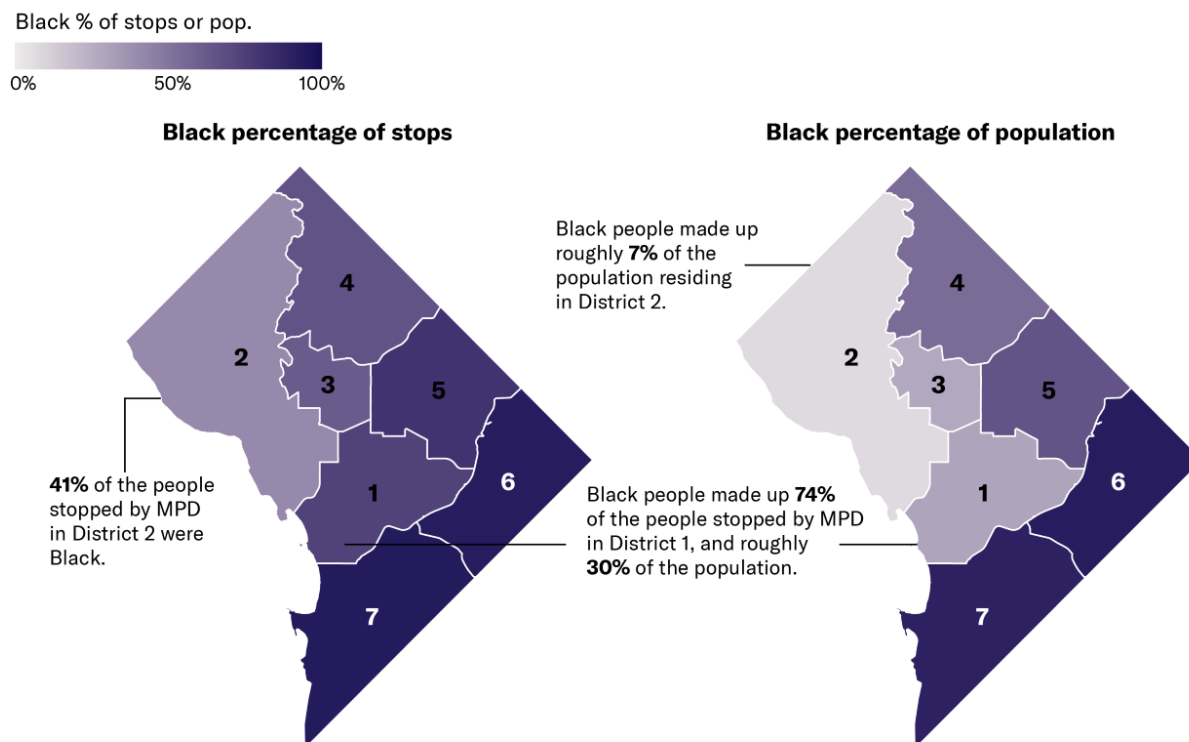
Race	Stops that led to no ticket, warning, or arrest, in which the stopped individual was searched	Percentage
Black	3933	91.1%
Hispanic	196	4.5%
White	105	2.4%
Other	63	1.5%
Asian	11	0.3%
Multiple	7	0.2%
Total	4315	100%

Based on MPD's data on the length of stops, detentions that failed to result in a warning, ticket, or arrest cost taxpayers a collective 3860 hours of officer time between July 22 and December 31. That means, on average, nearly every minute of the day, an officer was paid to make a stop that led to no action. The vast majority of people subjected to these unjustified stops were Black.

B. Black People Are More Likely To Be Stopped Even in Predominately White Parts Of D.C.

Black people are disproportionately likely to be stopped in almost every police district in D.C. The only exception is the Sixth District, where Black people were 93% of the people stopped, but also 93% of the population. Everywhere else, Black people were stopped at a higher rate than their share of population. For example, in the First District, which, is an area of D.C. in which the people present are likely to be a racially diverse mix of visitors and workers, 74% of the people stopped were Black. In the Second District, which includes Georgetown, Chevy Chase, and Cleveland Park, Black people made up 41% of the people stopped despite composing only approximately 7% of the residents. These results demonstrate that the disparities in stops do not simply arise from the greater police presence east of the Anacostia River (a reality that is troubling in and of itself).

BLACK PEOPLE MADE UP MAJORITY OF STOPS IN MOST D.C. POLICE DISTRICTS



The disparities are even more pronounced when stops initiated based wholly or partially on suspicion of a traffic offense are excluded from the data. The remaining stops roughly correspond with street stops. Stops falling into this category are more susceptible to racial bias because officers can more easily discern an individual's race from the street than through a car's window. Additionally, traffic stops generally occur after an officer has *personally observed* a violation of the traffic code. Street stops, by contrast, often arise based on an officer's *suspicion* that an individual is going to commit a crime or matches the description of someone who did. If officers are biased in their beliefs about who commits crimes, those assumptions are most likely to appear in the context of street stops, rather than traffic offenses.

These considerations make it particularly disturbing that 86% of the people stopped outside the traffic context were Black, while only 5.6% were white. These disparities persisted throughout the city. The table below shows the racial breakdown of non-traffic stops in each police district compared with the racial breakdown of the population in each district. Even in the Second District, which, as noted, includes predominately white neighborhoods such as Georgetown, non-traffic stops of Black people are 3 times more numerous than non-traffic stops of white people, despite the fact that there are 10 times more white residents in this district than Black residents.

NON-TRAFFIC STOPS BY RACE AND POLICE DISTRICT

District	Percentage of non-traffic stops that were of Black people	Percentage of residents who are Black	Percentage of non-traffic stops that were of white people	Percentage of residents who are white
1D (includes downtown, Gallery Place, White House)	85.8%	29.6%	8.4%	56.8%
2D (includes Chevy Chase, Cleveland Park, Georgetown)	65.0%	7.0%	21.0%	70.9%
3D (includes Columbia Heights, Adams Morgan, Shaw)	77.2%	28.0%	8.1%	47.9%
4D (includes Takoma Park, Fort Totten, Petworth)	72.7%	54.1%	4.1%	20.5%
5D (includes Brookland, Ivy City, Trinidad)	90.3%	65.4%	3.5%	23.5%
6D (includes Deanwood, Benning Park, Fort Dupont)	96.6%	93.2%	0.8%	2.2%
7D (includes Anacostia, Barry Farm, Naylor Gardens)	96.3%	90.3%	1.3%	4.7%

C. Black People Are More Likely To Be Searched Than White People.

Not only are Black people stopped more frequently than white people, they also endure more intrusive stops. Overall, Black people made up over 90% of those who experienced a search or pat down of their person or property. As compared to white people who were stopped, Black people who were stopped were more than 6 times as likely to undergo a pat-down or search of their person and 5 times as likely to undergo a pat-down or search of their property. Despite these disparities, the difference between weapons recovered after searches of Black people, as compared to white people, was negligible and not statistically significant—4.6% of white people searched had weapons seized, compared with only 6.4% of Black people who were searched.

The disparity in searches is particularly concerning given MPD’s search practices. In the past several years, the ACLU-DC has filed four lawsuits involving officers who needlessly probed an individual’s groin and/or buttocks during a search. Two of these cases resulted in settlements for the plaintiffs; the other two, one of which has already survived a summary judgment motion, remain pending. These cases are part of a larger pattern of sexually

invasive searches that NBC4 Washington documented in March 2020.⁷ They reflect the training that newer officers receive on the streets from more senior officers—a context where one former sergeant said he instructed officers “Don’t be afraid to go up in the crotch.”⁸

The data did not reveal whether Black people are more likely to experience sexually invasive searches. However, the prevalence of this practice shows the harm that can come from a police search and makes the disparity in their occurrence all the more concerning.

In sum, although we cannot say conclusively that the racial disparities in stops arise from racial bias, the data show that: Black people make up the majority of people subjected to the most questionable stops, the disparities persist throughout the District, the disparities are larger in a setting, non-traffic stops, where an individual’s race is more observable, and Black people are more likely to be searched than white people are. These findings suggest that the disparities in the data have troubling origins.

II. Black Youth Face a Vastly Greater Risk of Experiencing Police Stops Than White Youth.

Police stops can be traumatic for anyone, but they carry particular risks for youth, as they can shape the way young people understand themselves and their place in their communities.⁹ Between July 22 and December 31, 2019, the vast majority of people under

⁷ Jodie Fleischer et al., *Police Searches of Suspects under Scrutiny Amid Complaints of ‘Sexual’ Assault*, NBC4 (Mar. 5, 2020 7:00 pm), <https://www.nbcwashington.com/investigations/police-searches-of-suspects-under-scrutiny-amid-complaints-of-sexual-assault/2230381/>.

⁸ Natalie Delgadillo, *Police Supervisor Says He Was Terminated after Defending a Controversial Stop-and-Frisk Incident*, DCist (Mar. 27, 2019 4:45 pm), <https://dcist.com/story/19/03/27/police-supervisor-says-he-was-terminated-after-defending-a-controversial-stop-and-frisk-incident/>.

⁹ See, e.g., Carla Shedd, *What about the Other 99%: The Broader Impact of Street Stops in Minority Communities*, in KEY ISSUES IN THE POLICE USE OF PEDESTRIAN STOPS AND SEARCHES: DISCUSSION PAPERS FROM AN URBAN INSTITUTE ROUNDTABLE (Nancy La Vigne et al. Eds.) 27 (Aug. 2012) (“The consequence [of unlawful policing of youth] is greater numbers of young people who, shaped by their low expectations that police will fulfil their duties fairly, view society as fundamentally unjust.”); Juan Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, 116 *Proceedings of the National Academy of Sciences of the United States of America* 8261, 8266 (2019) (concluding, based on quantitative analysis, that “the frequency of police stops [of youth] predicted more frequent engagement in delinquent behavior 6, 12, and 18 mo [sic] later”); see also Susan A. Bandes et al., *The Mismeasure of Terry Stops: Assessing the Psychological and Emotional Harms of Stop and Frisk to Individuals and Communities*, 37 *Behavioral Sciences & The Law*

18 subjected to this indignity were Black. During that time frame, nearly 89% of minors stopped, or 7 out of 8, were Black. Black youth were stopped at approximately 10 times the rate of their white peers, based on their respective percentages in the DC population.¹⁰ The numbers are even more jarring for Black boys, who were stopped at 12.5 the rate of white boys.

Stops of Individuals Younger than 18

Race	Number of Stops	Percentage of Stops	Percentage of the Under-18 Population
Black	2213	88.6%	61.3%
Hispanic	195	7.8%	15.8%
White	61	2.4%	18.0%
Other/unknown	17	0.70%	NA
Asian	12	0.50%	1.6%
Total	2498	100%	

Black youth under 18 also experienced more searches as compared to white youth. For example, whereas only four white youth underwent a search of their person during the relevant period, 738 Black youth endured such an experience. Like searches of adults, only a small share of searches of Black youth (6%) uncovered weapons.

In sum, in the District of Columbia, the potentially terrifying and traumatizing experience of a police stop or search is a hardship that Black children experience at far higher rates than children of other races.

III. MPD’s Stop and Frisk Tactics Are Not an Effective Method of Removing Weapons from the Streets.

A prime justification for MPD’s use of stop and frisk is that the practice takes illegal weapons off the streets.¹¹ The data show that stopping individuals is not an effective way to achieve this goal. Only 0.8% all of stops, and only 2% of non-traffic stops, led to the seizure of any weapon. With respect to guns, the numbers are even lower: Only 0.6% of all stops and 1.6% of all non-traffic stops led to the recovery of a firearm. Moreover, only 1.1% of stops and 3%

1, 10 (2019), <https://escholarship.org/content/qt53x5d2jz/qt53x5d2jz.pdf> (“Pervasive, ongoing suspicious inquiry sends the unmistakable message that the targets of this inquiry look like criminals: they are second-class citizens.” (quoting Charles R. Epp et al., *PULLED OVER: HOW POLICE STOPS DEFINE RACE AND CITIZENSHIP* 242 (2014))).

¹⁰ American Community Survey 5-year data estimates, 2014-2018, Sex by Age and Race Tables. Obtained via the Census API and the “tidycensus” R package. <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>

¹¹ See MPD Full Report, *supra* note 1 at 4.

of non-traffic stops led to the seizure of drugs. Some of stops didn't lead to a search, or the officer neglected to record a search, but even among stops that led to a search, only 5% led to the seizure of a gun, 6.4% led to the seizure of a weapon, and 9% led to the seizure of drugs.

MPD asserted that its stops resulted in the recovery of 700 guns.¹² When we reviewed the data, we found that officers only reported recovering 595 weapons of any type. Even if officers had recovered 700 guns, that total would not alter the fact that, in the vast majority of stops, no weapon was found.

Conclusion

During the five-month period, almost three quarters of the people stopped in D.C. were Black. This disparity held throughout the District and grew when we examined the stops most likely to be unlawful. These results are consistent with a host of other studies demonstrating that American law enforcement officials police Black people far more aggressively than they police other groups.¹³ Moreover, the racial disparities here are particularly troubling in light of the decision by the Metropolitan Police Department to violate D.C. law for three years by failing to collect the data necessary to analyze this issue.

The District must act now to address the causes of these disparities. As a first step, D.C. should cease wasting funds on stop and frisk practices that rarely recover weapons but which routinely degrade Black individuals, cause them to suffer physical and psychological harm,¹⁴ and alienate them from civic institutions.¹⁵ At a more basic level, ending racism in policing requires a fundamental reimagining of the role of the police in our public safety system. The ACLU-DC calls on the District to join it and grassroots communities in engaging in this crucial work.

¹² *See id.*

¹³ Radley Balko, *There's Overwhelming Evidence that the Criminal Justice System is Racist. Here's the Proof.* THE WASHINGTON POST (Jun. 10, 2020) (compiling studies), https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/?utm_campaign=wp_opinions&utm_medium=social&utm_source=twitter.

¹⁴ *See* Ashley N. Hurst et al., *The Psychological Impact of Policing on African American Students*, in LAW ENFORCEMENT IN THE AGE OF BLACK LIVES MATTER: POLICING BLACK AND BROWN BODIES (Sandra E. Weissinger and Dwayne A. Mack Eds.) 57 (2018) (“A review of the literature indicates that just having contact with the police has negative mental health impacts. . . . [S]tudies have found that individuals who report having a negative experience with the police endorse higher levels of psychological distress and physical illness.”)

¹⁵ Bandes et al., *supra* note 9 at 9–10.

Appendix: Defining non-traffic stops

The dataset that we received from MPD did not stipulate which stops were traffic-related and which stops were not. In order to make this distinction, our team made some assumptions based on the available data.

The dataset bracketed stops into four distinct types: "Harbor" (which we omitted), "Ticket Only," "Non-Ticket," and "Ticket and Non-Ticket." Given that nearly all of the stop reasons associated with "Ticket Only" stops in the dataset were related to traffic violations or infractions, we labeled all such stops as "traffic stops."

We also labeled as "traffic stops" all "Non-Ticket" stops where the "stop reason" made reference to the word "traffic" and did not lead to a search or arrest. If a traffic stop led to a search, seizure, or arrest, we labeled this stop a "traffic stop that escalated," since the original stop was at least in part made ostensibly for traffic-related infractions. Additionally, all "Ticket and Non-Ticket" stops were labeled as traffic stops that escalated. All "Non-Ticket" stops where traffic was not mentioned were labeled as "non-traffic."