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BATON ROUGE

UNEQUAL ENFORCEMENT:
How policing of drug possession differs by neighborhood in Baton Rouge

INTRODUCTION

In this report, we analyze neighborhood disparities in the enforcement of drug possession laws by the Baton Rouge Police Department between January 1st, 2011 and January 12th, 2017.

The report examines the proportionality of drug possession enforcement by comparing, for every zip code in the City of Baton Rouge, the per capita arrest rate for drug possession to the prevalence of drug usage in that zip code.

We identify the location and scale of enforcement disparities and analyze the extent to which those disparities correlate with neighborhood demographics, including racial composition, poverty level, median income, home values, education level and crime rates.

We have organized the report into ten distinct observations about the extent, character and likely consequences of drug possession enforcement disparities in Baton Rouge.
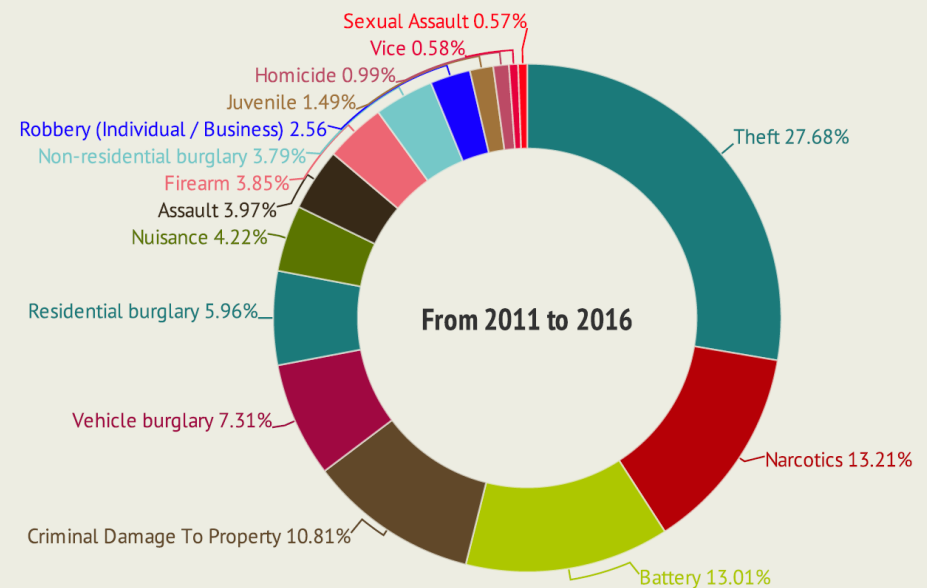
#1: Narcotics crimes constitute the 2nd highest category of BRPD enforcement

Between January 1, 2011 and January 12th, 2017, BRPD filed reports on a total of 309,751 criminal incidents or arrests.

Narcotics-related crimes accounted for 13 per cent of those incidents, the second largest category of police enforcement, behind theft.

Breakdown of overall BRPD enforcement

% of incidents by category of crime

- Sexual Assault 0.57%
- Vice 0.58%
- Homicide 0.99%
- Juvenile 1.49%
- Robbery (Individual / Business) 2.56%
- Non-residential burglary 3.79%
- Firearm 3.85%
- Assault 3.97%
- Nuisance 4.22%
- Residential burglary 5.96%
- Vehicle burglary 7.31%
- Criminal Damage To Property 10.81%
- Theft 27.68%
- Narcotics 13.21%
- Battery 13.01%

From 2011 to 2016

Source: BRPD "Baton Rouge Crime Incidents," 1/2011 to 1/2017, Open Data BR, pulled on 1/14/2017.

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#2: The majority of narcotics enforcement deals with drug possession, not distribution

BRPD's narcotics enforcement can be divided into three categories: a) drug possession, b) drug distribution or manufacturing and c) other drug-related crimes (most of which relate to facilitating the abuse of pharmaceuticals).

BRPD's narcotics enforcement has focused most heavily on drug possession, rather than dealing or manufacturing.

Between 2011 and early 2017, crimes related to the distribution or manufacturing of drugs accounted for only 23 per cent of narcotics enforcement.

Arrests for drug possession accounted for 76 per cent of all narcotics-related enforcement.

BRPD narcotics enforcement

Distribution / manufacturing 23.15%

Other drug crimes 1.33%

Possession 75.51%

Source: BRPD "Baton Rouge Crime Incidents," 1/2011 to 1/2017, Open Data BR, pulled on 1/14/2017.

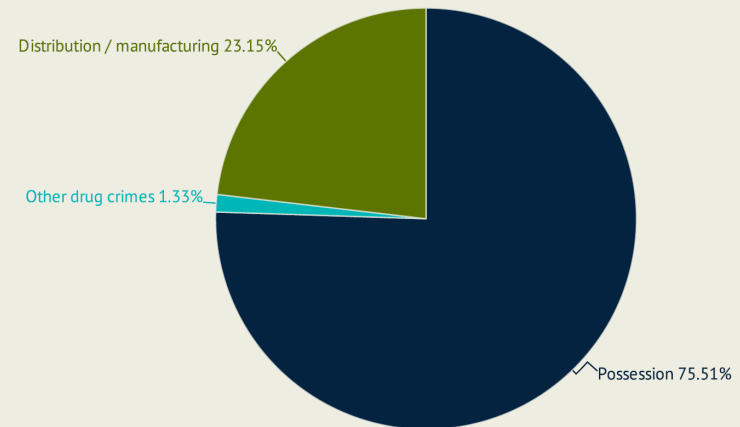## #3: Most drug possession arrests are for marijuana

Among drug possession charges, the most common crime BRPD enforces, by far, is the prohibition on the possession of marijuana.

Between 2011 and early 2017, incidents of marijuana possession accounted for more than 58 per cent of the total 21,739 possession incidents. Possession of drug paraphernalia (bongs, pipes, etc.) accounted for another 21 per cent of possession incidents.

Arrests for the possession of schedule 1 drugs *other* than marijuana — heroine or LSD, for example — accounted for about 5 per cent of BRPD's drug possession enforcement.

Taken together, marijuana possession and drug paraphernalia accounted for four out of five drug possession-related crimes over the last six years.

BRPD drug possession enforcement

Schedule 1 drugs (e.g. heroin, LSD) 5.33%
Schedule 2 drugs (e.g. oxycodone, opium) 10.06%
Schedule 3 drugs (e.g. vicodin, steroids) 1.84%

Other possession 3.28%

Possession of marijuana 58.18%

Possession of drug paraphernalia 21.32%

Source: BRPD "Baton Rouge Crime Incidents," 1/2011 to 1/2017, Open Data BR, pulled on 1/14/2017.

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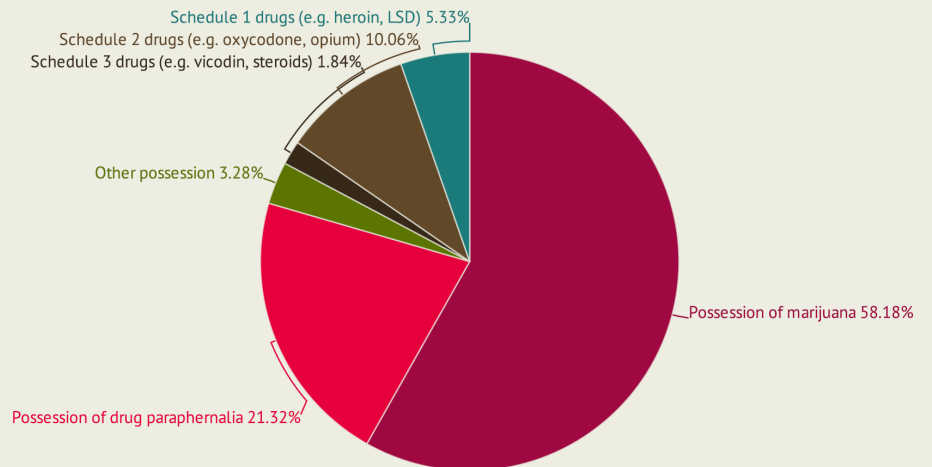
#4: Rates of drug usage vary little across most zip codes in Baton Rouge

The estimates provided below of drug usage rates by zip code are drawn from survey data from the Substance Abuse and Mental Health Services Administration's (SAMHSA's) National Survey on Drug Use and Health (NSDUH), the national benchmark for data on substance use. SAMHSA data provides rates of illicit drug use by racial group, age and region, including for the Baton Rouge area. The figures below refer to the estimated per cent of residents in each zip code who have used illegal drugs within the last month (i.e. "current users.")
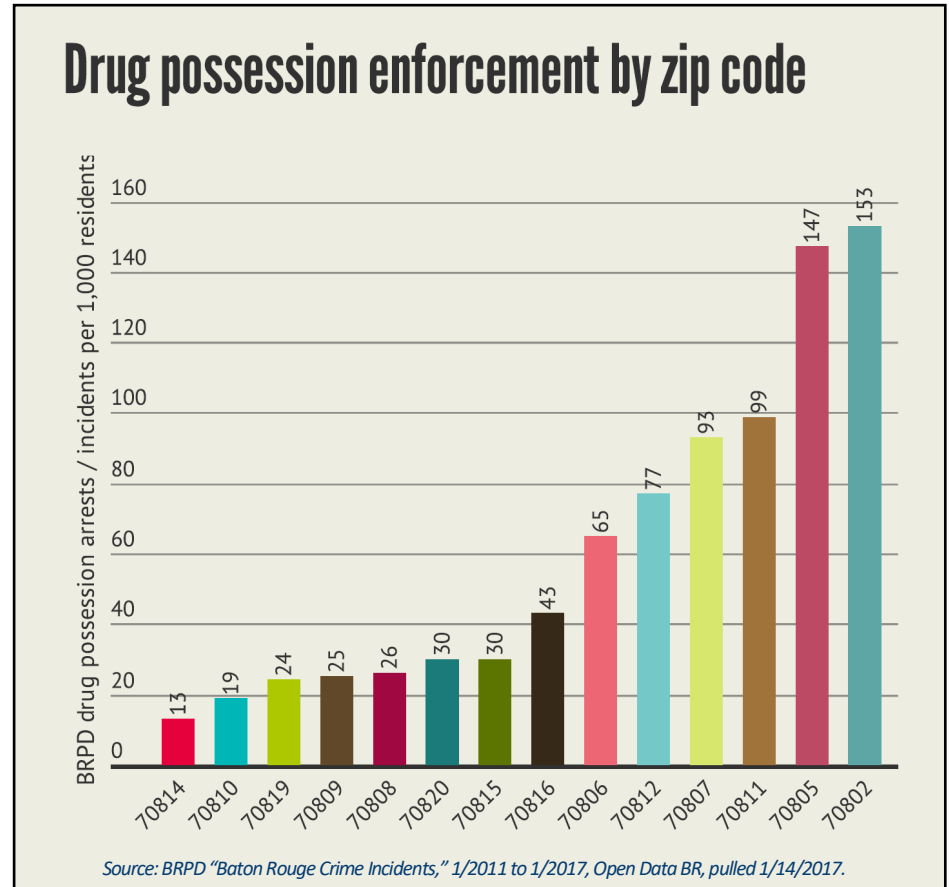
Drug usage rates vary little across most zip codes in Baton Rouge. The exception is 70820, home to LSU, where a large student population drives usage rates up to 13.3%, the city-parish high. **Usage rates in the other zip codes occur within a relatively narrow band from 6.5% to 8.3% of residents.**
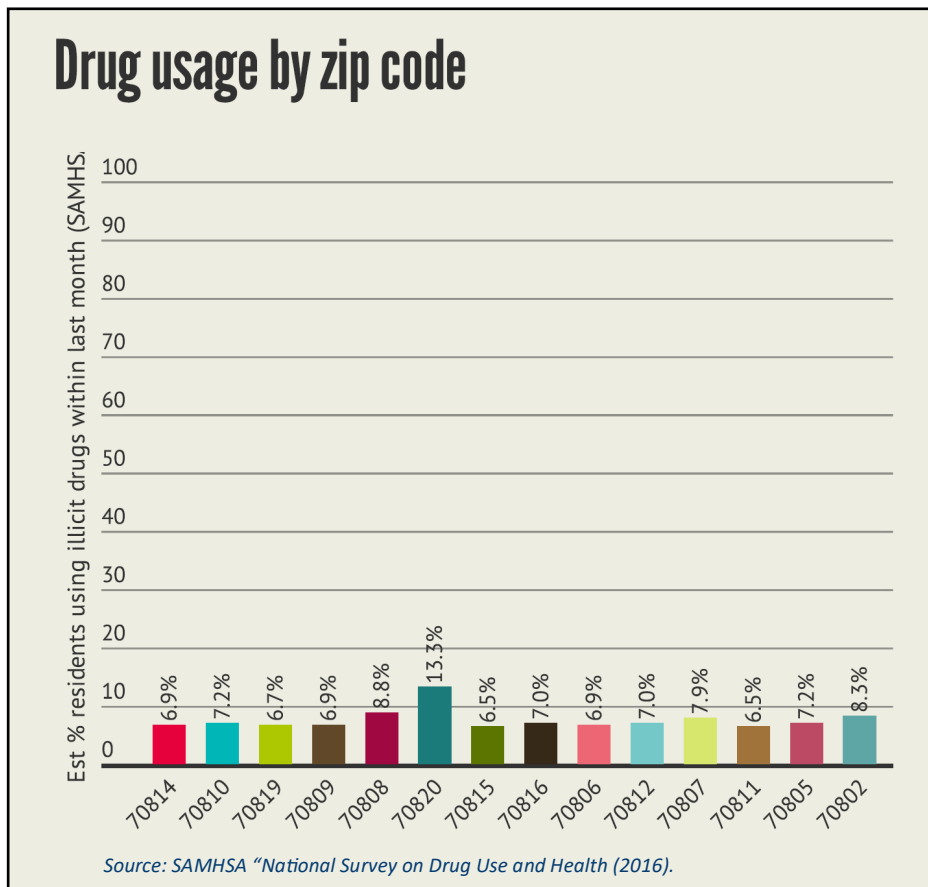
#5: Rates of police enforcement for drug possession vary dramatically across zip codes

We calculated BRPD's enforcement rate for drug possession, expressed as the number of arrests or incidents per 1000 residents. When one breaks drug enforcement levels down by zip code, striking disparities emerge.

Possession enforcement levels vary from a low of 13 per 1000 in 70814 to a high of 153 per 1000 residents in 70802, a twelve-fold difference. These enforcement disparities are greater, by orders of magnitude, than the variety in drug usage rates between zip codes

Drug usage by zip code

Est % residents using illicit drugs within last month (SAMHS,

zip code	value
70814	6.9%
70810	7.2%
70819	6.7%
70809	6.9%
70808	8.8%
70820	13.3%
70815	6.5%
70816	7.0%
70806	6.9%
70812	7.0%
70807	7.9%
70811	6.5%
70805	7.2%
70802	8.3%

Source: SAMHSA "National Survey on Drug Use and Health (2016).

Drug possession enforcement by zip code

BRPD drug possession arrests / incidents per 1,000 residents

zip code	value
70814	13
70810	19
70819	24
70809	25
70808	26
70820	30
70815	30
70816	43
70806	65
70812	77
70807	93
70811	99
70805	147
70802	153

Source: BRPD "Baton Rouge Crime Incidents," 1/2011 to 1/2017, Open Data BR, pulled 1/14/2017.
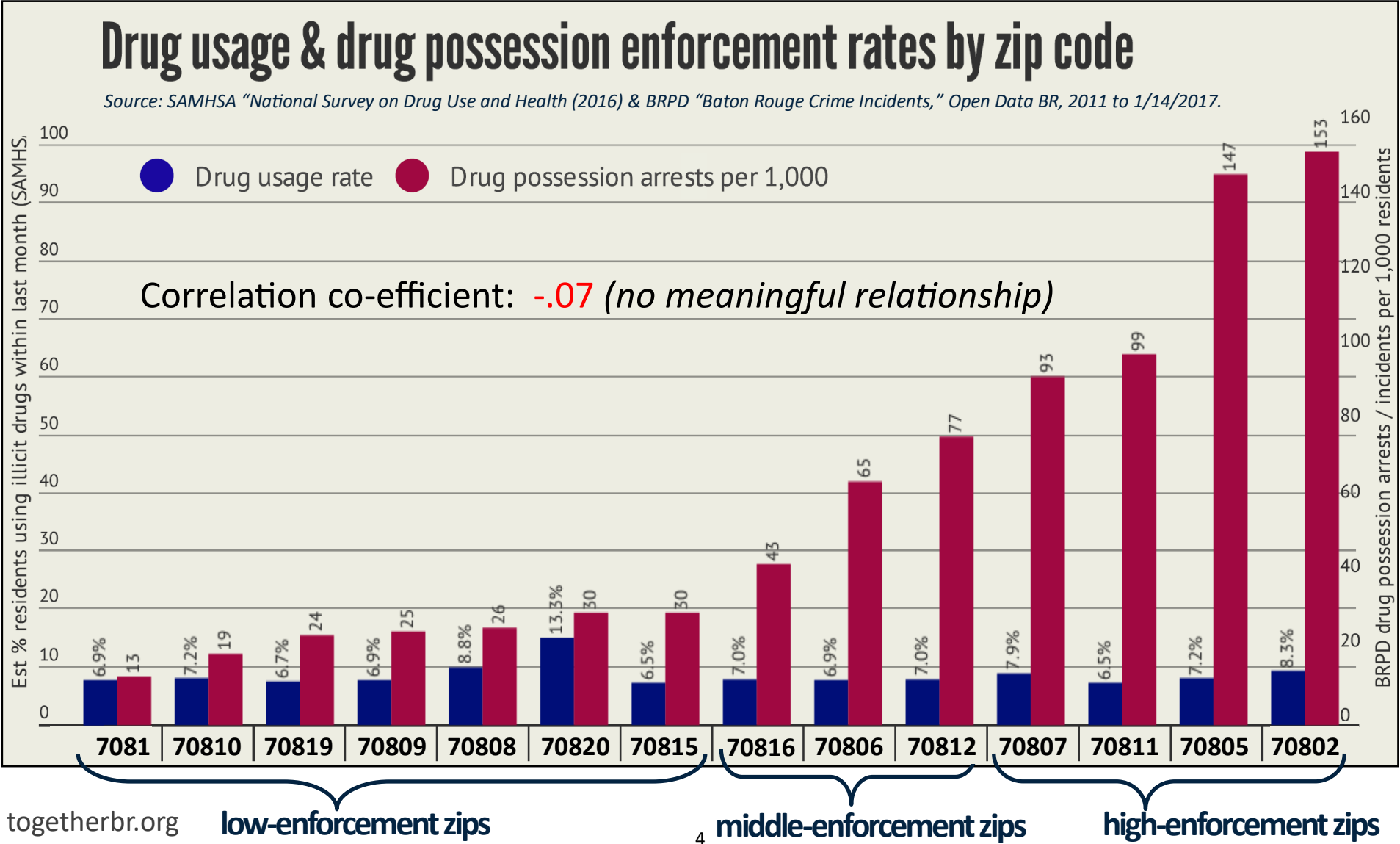
#6: Enforcement of drug possession has no statistical relationship to the prevalence of drug usage in that area

Correlation analysis quantifies the strength of a relationship between two data sets on a scale from +1.0 (a perfect positive relationship) to - 1.0 (a perfect inverse relationship), with 0 indicating no relationship at all.

The relationship between BRPD's arrest rates for drug possession and drug usage rates by zip code yields a correlation score of - .07.
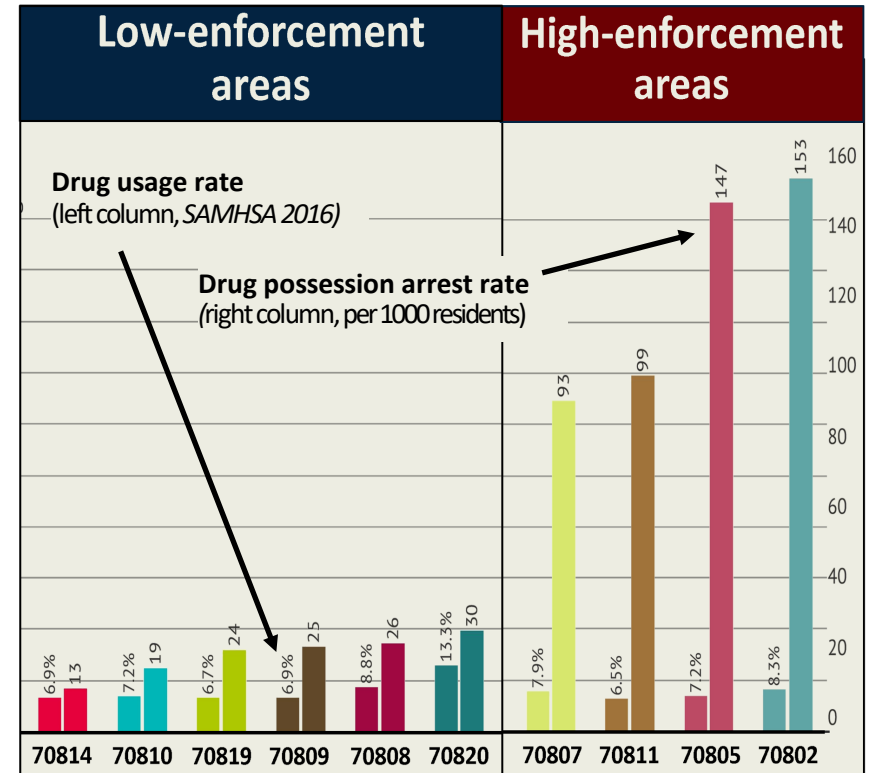
A correlation score so close to zero — slightly negative, even — indicates no apparent relationship between the prevalence of drug consumption in an area and the frequency of BRPD's drug possession arrests in that area.

At the bottom of the chart below, we've grouped Baton Rouge's zip codes into the categories of "low-enforcement," "middle enforcement" and "highest-enforcement," according to their respective per capita enforcement levels. We turn now to examining the demographic profiles of these areas with such different approaches to enforcement.

Drug usage & drug possession enforcement rates by zip code

Source: SAMHSA "National Survey on Drug Use and Health (2016) & BRPD "Baton Rouge Crime Incidents," Open Data BR, 2011 to 1/14/2017.

● Drug usage rate   ● Drug possession arrests per 1,000

Correlation co-efficient: -.07 *(no meaningful relationship)*

Est % residents using illicit drugs within last month (SAMHS.

BRPD drug possession arrests / incidents per 1,000 residents

zip code	Drug usage rate	Drug possession arrests per 1,000
7081	6.9%	13
70810	7.2%	19
70819	6.7%	24
70809	6.9%	25
70808	8.8%	26
70820	13.3%	30
70815	6.5%	30
70816	7.0%	43
70806	6.9%	65
70812	7.0%	77
70807	7.9%	93
70811	6.5%	99
70805	7.2%	147
70802	8.3%	153

low-enforcement zips   middle-enforcement zips   high-enforcement zips

#7: High-enforcement areas are 90% black, twice as poor, use drugs slightly <u>less</u> frequently and have <u>five times</u> as many arrests for drug possession

"Low-enforcement areas"	"High-enforcement areas"
63% white, 31% black	7% white, 90% black
17% of residents living in poverty	36% of residents living in poverty
92% of residents are high-school graduates	74% of residents are high-school graduates
$53,636 median household income	$26,762 median household income
$166,111 median home value	$71,521 median home value
8.3% drug usage rate	7.6% drug usage rate
Drug possession arrest / <u>enforcement rate</u>:	Drug possession arrest / <u>enforcement rate</u>:
26 per 1,000 residents	**134 per 1,000 residents**

Low-enforcement areas: 70814, 70810, 70819, 70809, 70808, 70820

High-enforcement areas: 70807, 70811, 70805, 70802

Drug usage rate (left column, *SAMHSA 2016*)

Drug possession arrest rate (right column, per 1000 residents)

Low-enforcement values: 6.9% / 13, 7.2% / 19, 6.7% / 24, 6.9% / 25, 8.8% / 26, 13.3% / 30

High-enforcement values: 7.9% / 93, 6.5% / 99, 7.2% / 147, 8.3% / 153

Difference in drug usage: -.6%

Difference in drug enforcement: +513%

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#8: The roles of race, class and crime rates

In appendix A we present a series of graphs to illustrate potential relationships between drug enforcement and a range of demographic indicators, including household income, education, poverty, race, home values, homeownership rates and other area crime.

Most of what emerges from this analysis may appear obvious by now — that drug enforcement disparities tend to be greatest in low-income black neighborhoods with lower education levels, higher poverty rates, lower home values and higher overall crime rates. But several graphs shed new light on the enforcement disparities question.

The graph below on race, for instance, shows on the one hand what one might expect — that higher drug enforcement correlates with higher percentages of black residents in a neighborhood. The chart also shows, however, that the three zip codes with the very lowest drug possession arrest rates are majority black, zip codes 70814, 70810 and 70819.

The graphs on economic indicators reveal that these are mostly middle-class black neighborhoods, with higher levels of homeownership and education, which could affect the way in which they are policed.

Drug possession enforcement (by zip code)
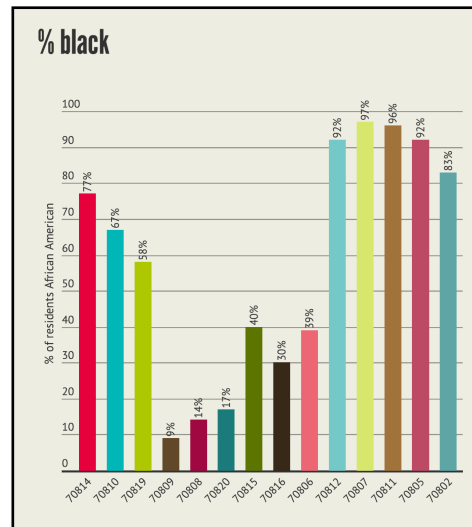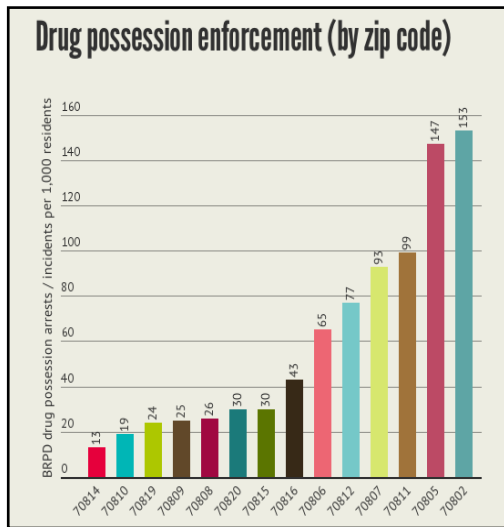
% black

Correlation = + .64 (moderately strong)

There is evidence, too, that the culture of different police districts within BRPD could play a role in arrest rates. Each of these predominantly black, low-enforcement zip codes is in either police district 2 or 3, which predominantly police white, middle-class neighborhoods.

There is another zip code, 70811, which also is predominantly black, fairly economically stable and has relatively high education levels. But that zip code nevertheless has among the highest possession arrest rates in the city. In that case, the zip code in question is in police district 4, which predominantly polices poor, black neighborhoods.

The graphs on the relationship between drug enforcement rates and other, non-narcotics crime are perhaps the most revealing. BRPD has shared on several occasions that higher possession arrests are justified in areas in high crime, because they can help lessen those overall crime rates. But does it in fact lessen more serious crime in a neighborhood to arrest people at high levels for drug possession? Our analysis suggests not.

Drug possession arrests per 1,000 residents

below 30	
31 to 50	
51 to 70	
71 to 90	
91 to 110	
111 to 160	
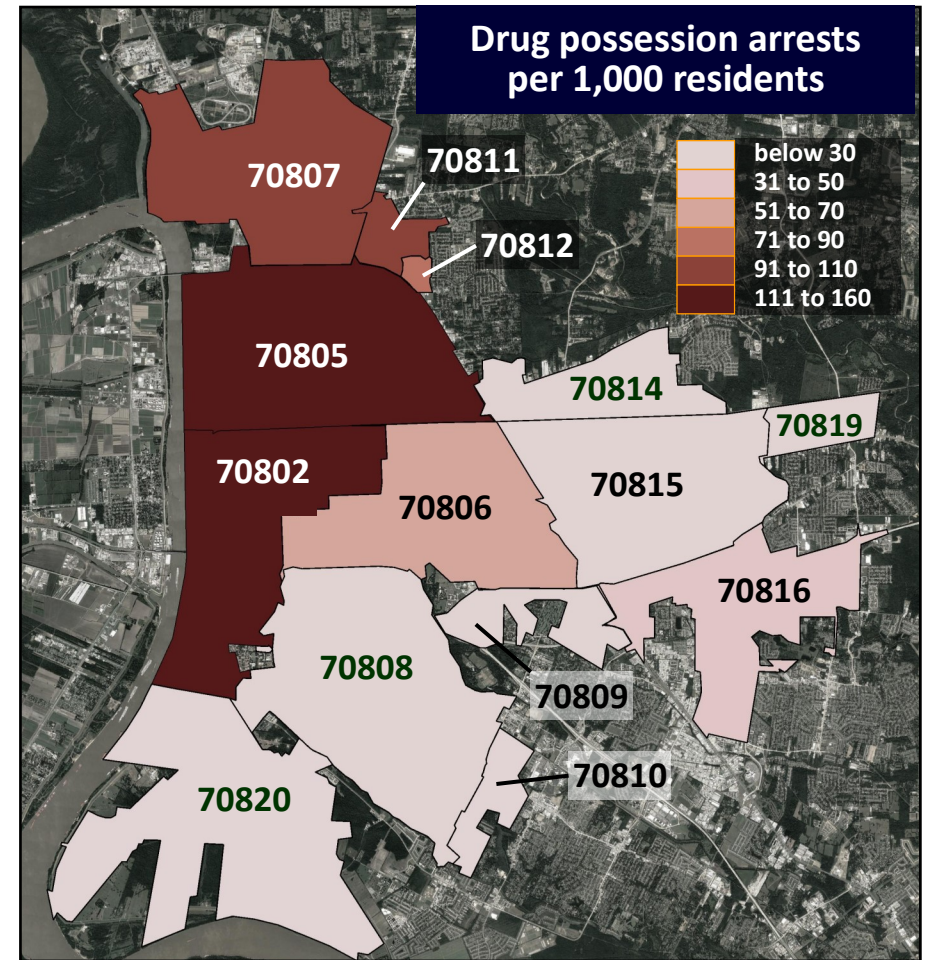
For each zip code, we analyzed the percent of drug possession arrests in which the person being arrested was charged at the same time with at least one other crime, in addition to possession, for drug distribution or a violent crime.

If it were true that possession arrests were effective as a means to collar more serious criminals in high-crime neighborhoods, one would expect that high-enforcement zip codes would have a *higher* percentage of possession arrests that coincided with more serious charges during the same arrest.

In fact, the opposite turns out to be true. Possession arrests in the high-enforcement zip codes were *less* likely than the low-enforcement zip codes to include other charges for distribution or violent crime.

	% possession arrests with other charge for distribution	% possession arrests with other charge for violent crime
High-enforcement zips:	3.8%	2.6%
Low-enforcement zips:	7.2%	3.0%

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#9: There can be discriminatory practice without discriminatory intent. It's the <u>impact</u> that matters.

When we presented our analysis to the Baton Rouge Police Department, their response was to contend that their enforcement policies simply "follows the crime data," meaning BRPD allocates a larger police presence to higher-crime areas because those areas need the help and receive more calls for service. If that greater police presence results in higher-than-average arrests, BRPD maintains, it is not the result of discriminatory intent or practices, but simply a by-product of allocating higher enforcement levels to higher crime areas.

On one level, BRPD's account of the mechanism driving their enforcement practices is entirely consistent with our findings. Our analysis confirmed that high rates of violent crime and overall crime correlate strongly with the areas that have disproportionately high arrest rates for drug possession. So it is credible that BRPD's enforcement practices are driven by good intentions.

Intentions, however, are not what matters most here.

If BRPD's current enforcement practices are resulting in a disparate, negative impact for low-income communities, those practices should be changed to address that impact, regardless of whether the impact came about through intentional discrimination or as a by-product of policing guided entirely by sound motives and good intentions.

The stubborn fact remains that low-income neighborhoods and black neighborhoods in Baton Rouge are far more likely to experience high levels of arrest for drug possession, despite not committing the crime of drug possession at higher rates.
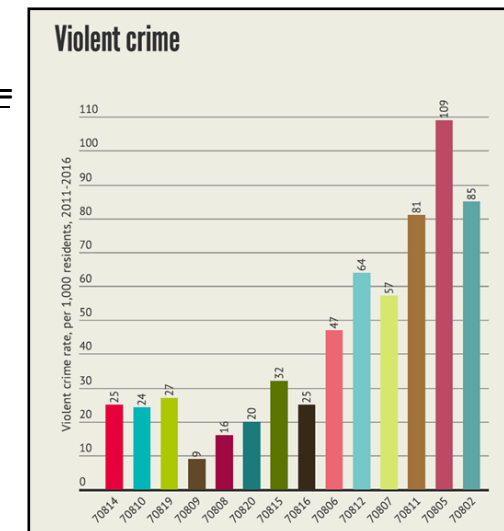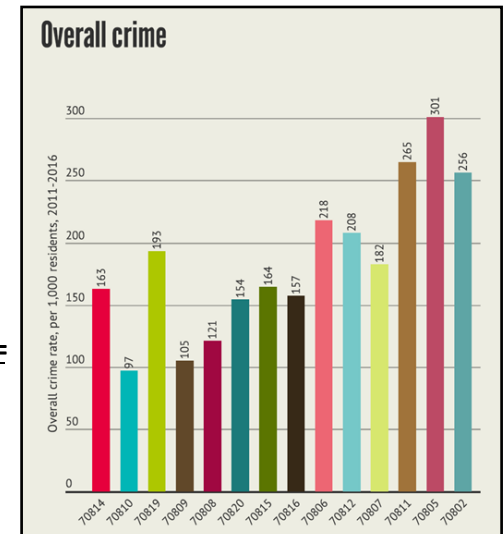
If drug enforcement disparities were simply a matter of fairness, without significant social and economic implications, the need to address those disparities would be less urgent. However, the costs and consequences of the enforcement disparities we have analyzed
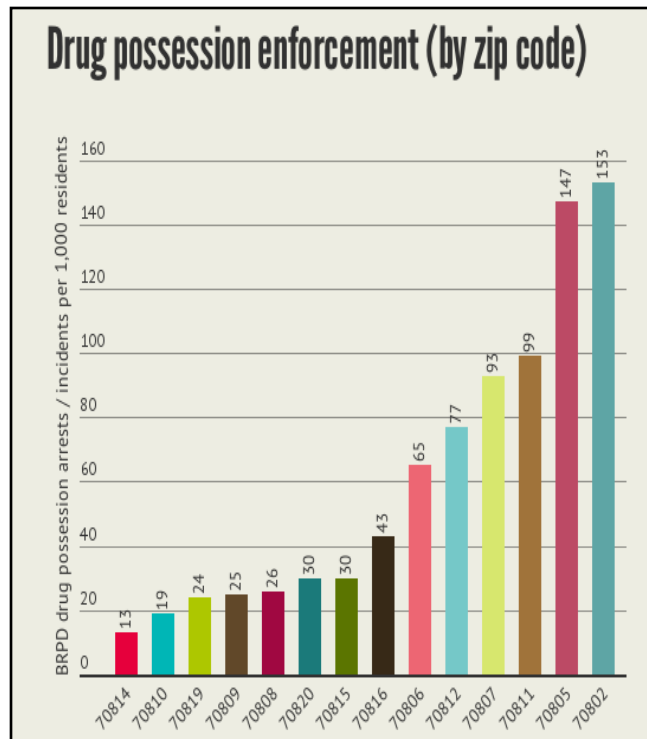
Correlation coefficient = + .85 (strong)

Correlation coefficient = + .95 (very strong)

are likely very significant indeed, including increased prison sentences, lost work, reduced employability, family breakup, the social stigma of a conviction — in short, the full range of costs and consequences of mass incarceration.

There is no rationale that can justify the fact that poor communities face exponentially higher levels of arrest for crimes committed at the same or lower rates.

Together Baton Rouge maintains, in conclusion, that addressing BRPD's enforcement disparities should be a high priority for our community and for the effort to improve and reform our police department.

#10: Progress on decreasing disparities has been made over the last six years, showing what is possible. But there is a long way still to go.

The graph below shows changes in the arrest rates for drug possession between 2011 and 2016 for the aggregate of the high-enforcement and low-enforcement zip codes identified earlier in this study (see page 5).
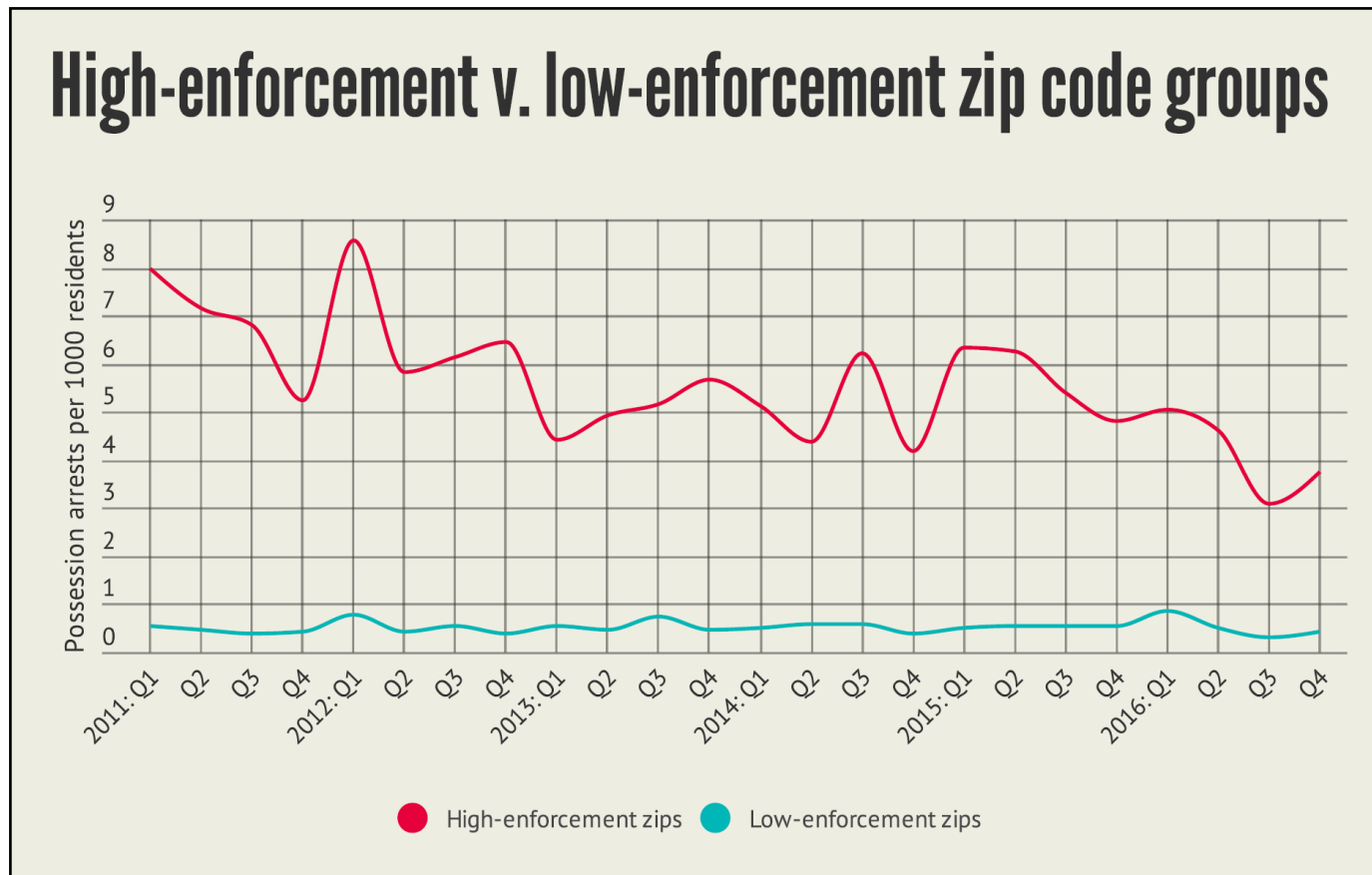
As the graph illustrates, there has been a sustained trend toward improvement in BRPD drug enforcement disparities over the last six years.

In 2011, the arrest rate for drug possession in high-enforcement zip codes was about six times higher than the possession arrest rate in the low-enforcement zip codes. In the last quarter of 2016, that disparity had dropped to about four times higher in the high-enforcement zip codes.
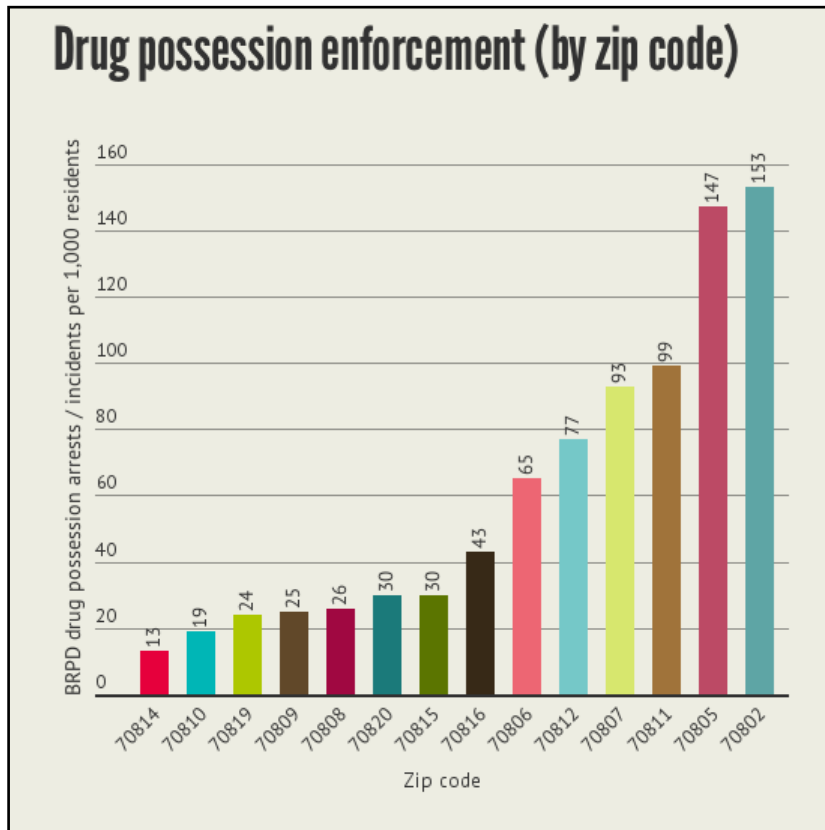
That is significant progress, to be sure. It shows what is possible. And the fact that the decrease in drug enforcement disparities took place during a time of declining crime rates in Baton Rouge should help to demonstrate that arrest disparities are not, somehow, integral to overall community safety.

But with four times as many drug arrests in low-income communities that are not taking more drugs, there is still much work to be done.
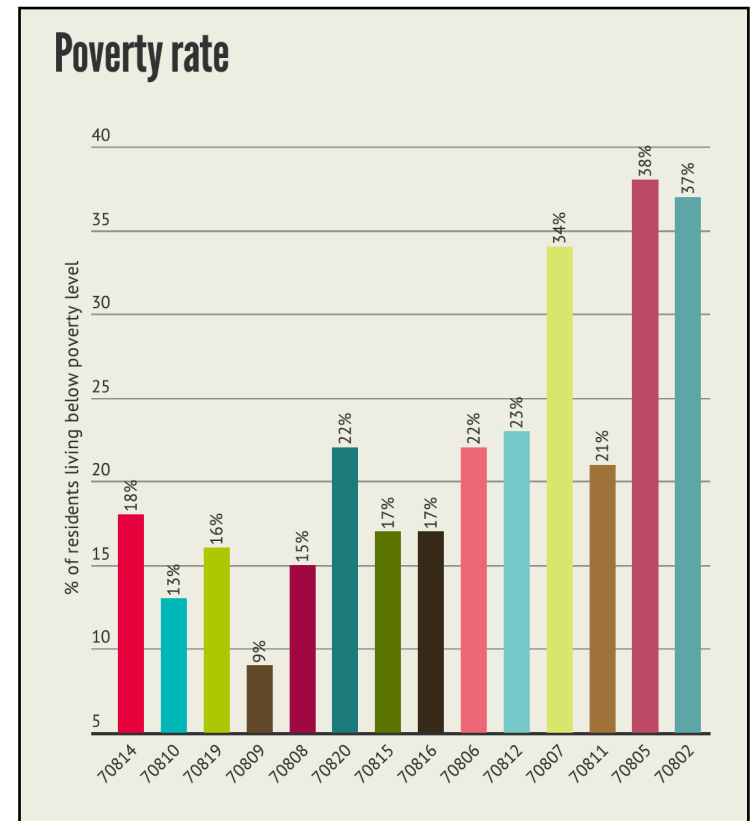
High-enforcement v. low-enforcement zip code groups

Possession arrests per 1000 residents

● High-enforcement zips ● Low-enforcement zips

Appendix A:

Zip code demographics and strength of correlations to drug possession enforcement rates.

Drug possession enforcement (by zip code)

BRPD drug possession arrests / incidents per 1,000 residents

Zip code	Value
70814	13
70810	19
70819	24
70809	25
70808	26
70820	30
70815	30
70816	43
70806	65
70812	77
70807	93
70811	99
70805	147
70802	153

Correlation coefficient = + .90 (strong)

Poverty rate

% of residents living below poverty level

Zip code	Value
70814	18%
70810	13%
70819	16%
70809	9%
70808	15%
70820	22%
70815	17%
70816	17%
70806	22%
70812	23%
70807	34%
70811	21%
70805	38%
70802	37%

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Zip code demographics and strength of correlations to drug possession enforcement rates.

Drug possession enforcement (by zip code)

BRPD drug possession arrests / incidents per 1,000 residents by Zip code:
70814: 13, 70810: 19, 70819: 24, 70809: 25, 70808: 26, 70820: 30, 70815: 30, 70816: 43, 70806: 65, 70812: 77, 70807: 93, 70811: 99, 70805: 147, 70802: 153
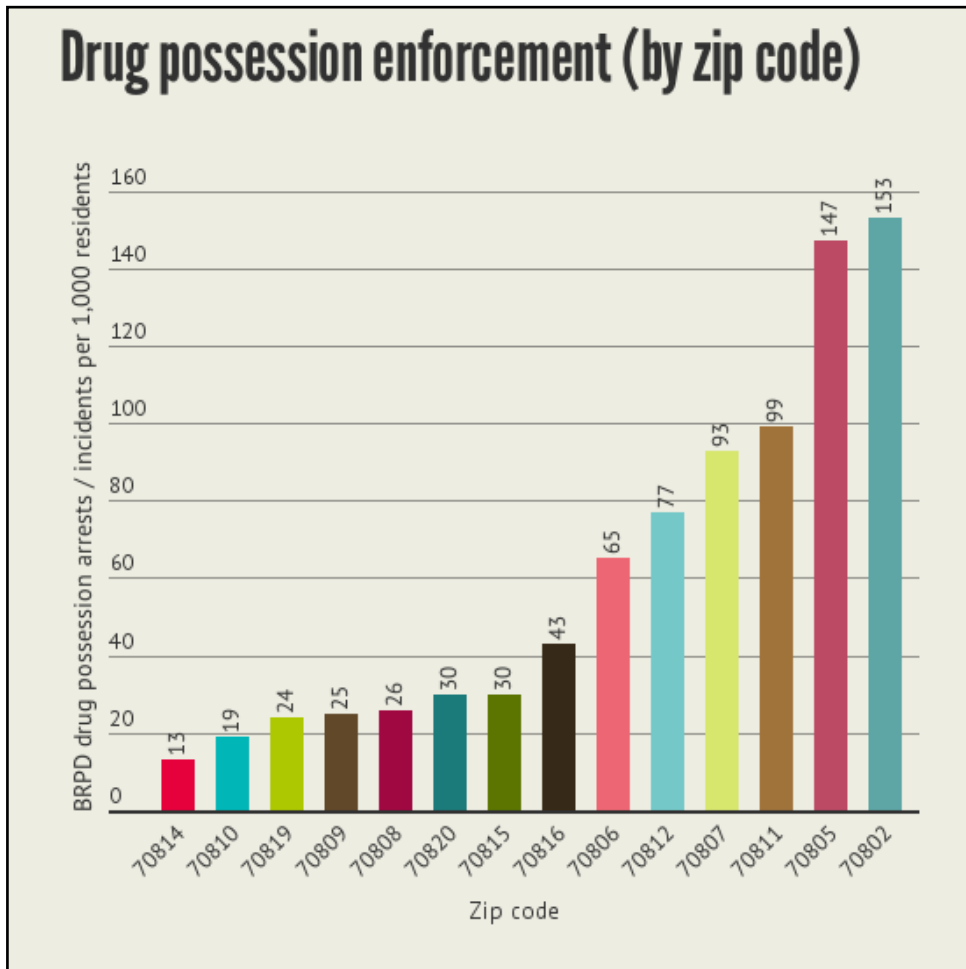
Correlation coefficient = – .86 (strong inverse)
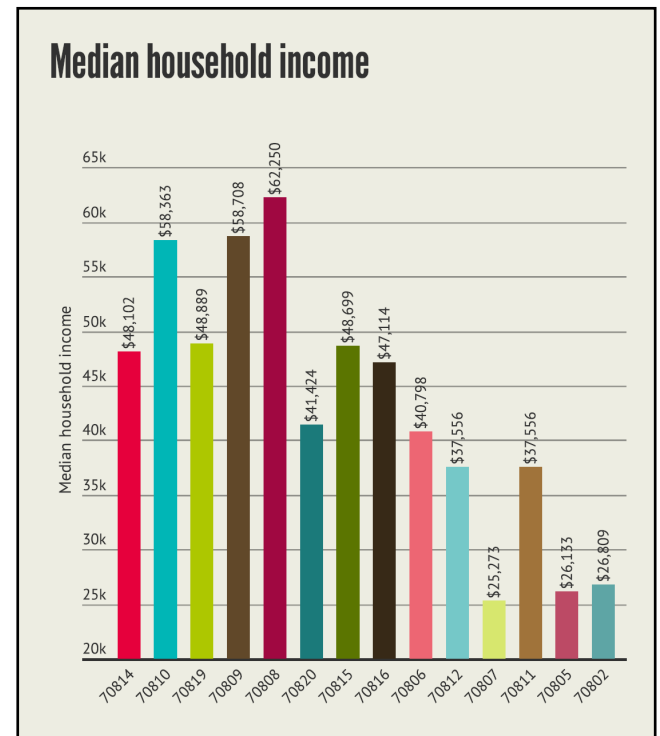
Correlation coefficient = – .85 (strong inverse)

Median household income by zip code:
70814: $48,102, 70810: $58,363, 70819: $48,889, 70809: $58,708, 70808: $62,250, 70820: $41,424, 70815: $48,699, 70816: $47,114, 70806: $40,798, 70812: $37,556, 70807: $25,273, 70811: $37,556, 70805: $26,133, 70802: $26,809

Education Level — % of residents who graduated high-school by zip code:
70814: 90%, 70810: 94%, 70819: 89%, 70809: 96%, 70808: 97%, 70820: 87%, 70815: 89%, 70816: 90%, 70806: 84%, 70812: 81%, 70807: 71%, 70811: 85%, 70805: 73%, 70802: 77%

Appendix A:

Zip code demographics and strength of correlations to drug possession enforcement rates.

Drug possession enforcement (by zip code)

BRPD drug possession arrests / incidents per 1,000 residents

Zip code	Value
70814	13
70810	19
70819	24
70809	25
70808	26
70820	30
70815	30
70816	43
70806	65
70812	77
70807	93
70811	99
70805	147
70802	153

↔ Correlation coefficient = + .85 (strong)

↔ Correlation coefficient = + .95 (moderately strong)

Overall crime

Overall crime rate, per 1,000 residents, 2011-2016

Zip code	Value
70814	163
70810	97
70819	193
70809	105
70808	121
70820	154
70815	164
70816	157
70806	218
70812	208
70807	182
70811	265
70805	301
70802	256

Violent crime

Violent crime rate, per 1,000 residents, 2011-2016

Zip code	Value
70814	25
70810	24
70819	27
70809	9
70808	16
70820	20
70815	32
70816	25
70806	47
70812	64
70807	57
70811	81
70805	109
70802	85

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Zip code demographics and strength of correlations to drug possession enforcement rates.

Drug possession enforcement (by zip code)

Drug-induced deaths by racial group
East Baton Rouge parish, 2013-2015
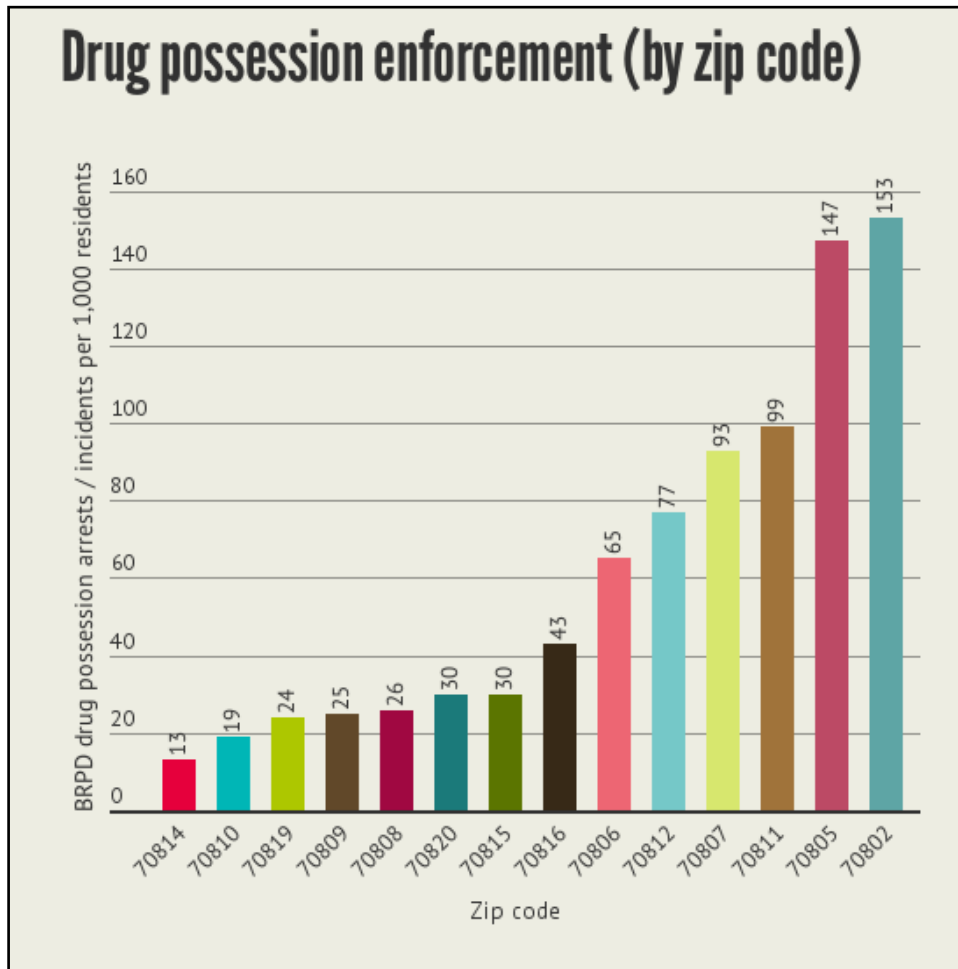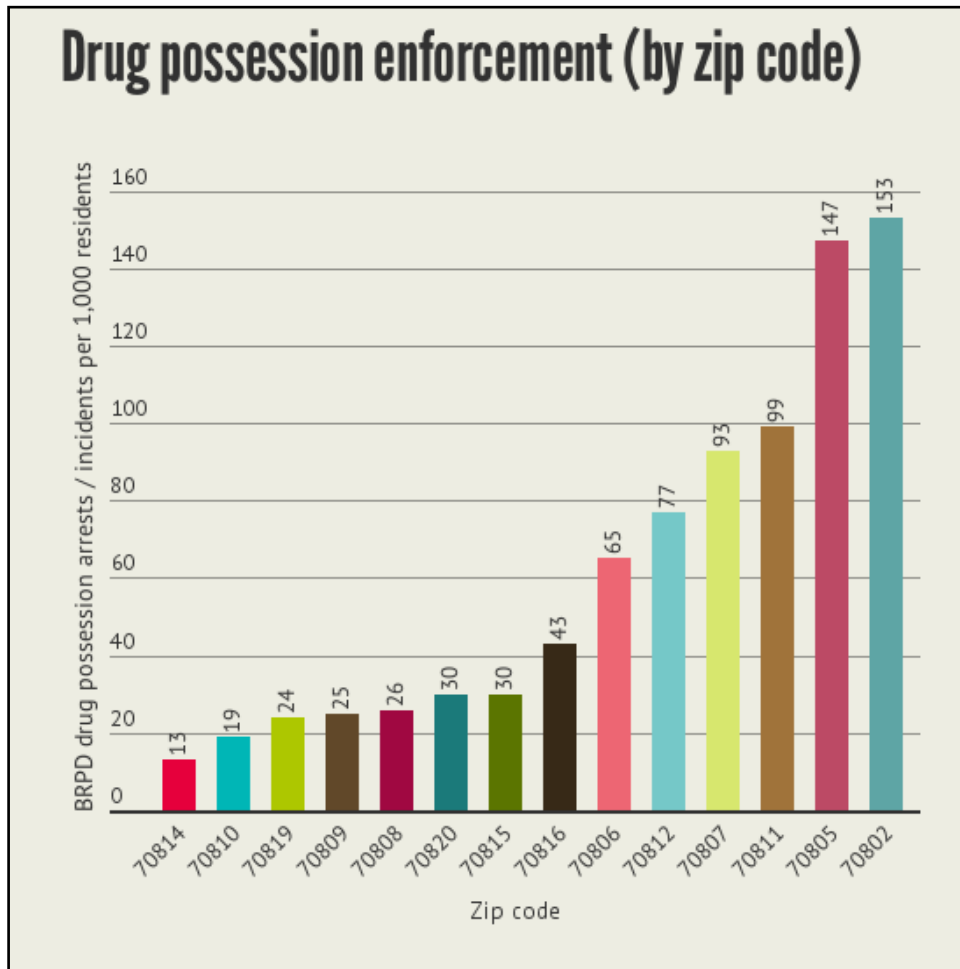
● 55 black EBR residents   ● 135 white EBR residents

Correlation coefficient =
+ .64
(moderately strong)
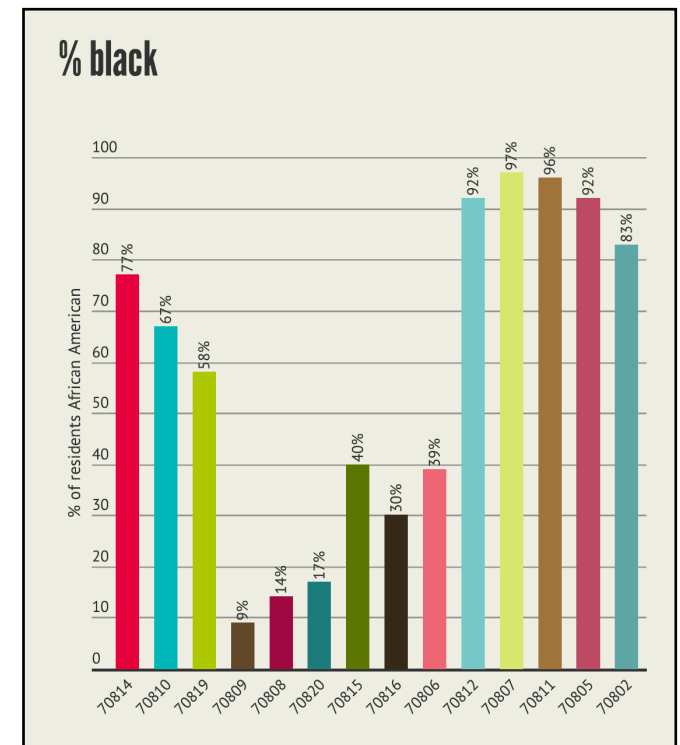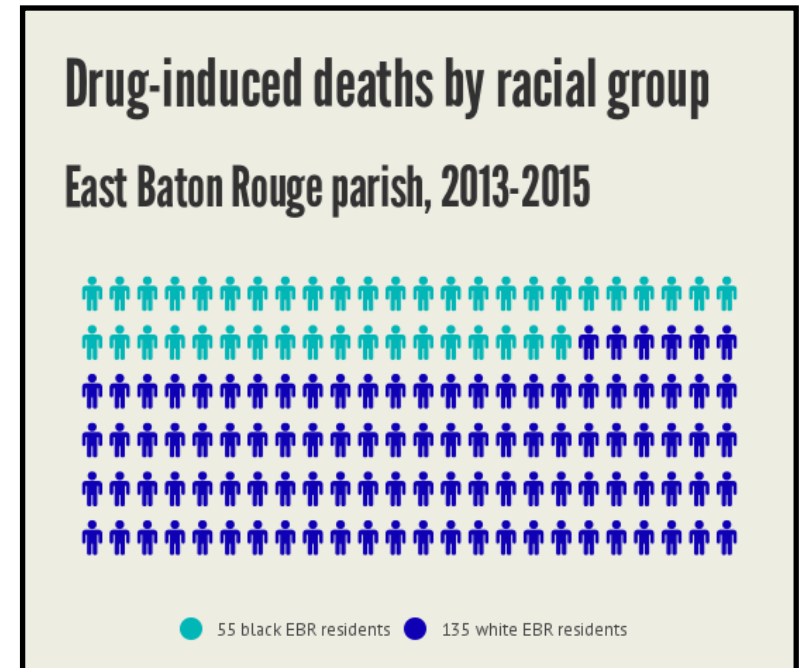
% black

Zip code demographics and strength of correlations to drug possession enforcement rates.

Drug possession enforcement (by zip code)

Home values

Correlation coefficient = - .76 (strong inverse)
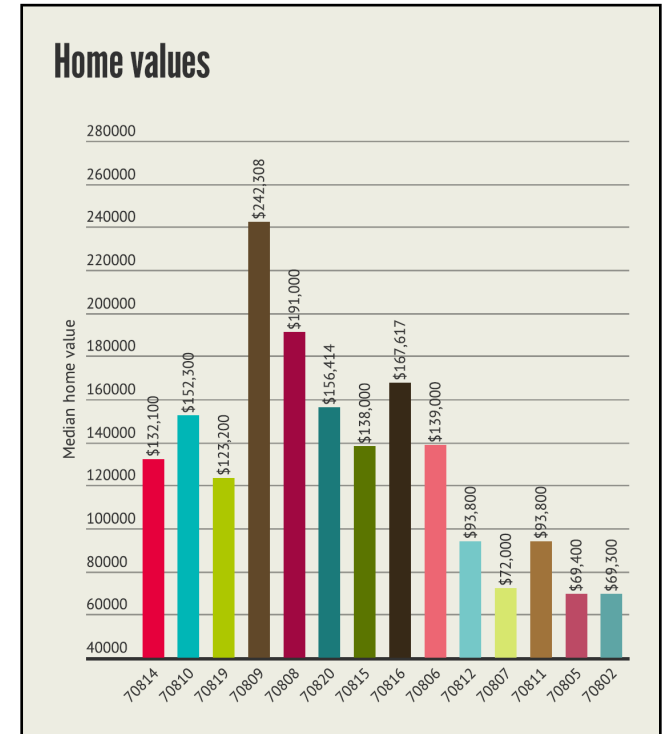
Correlation coefficient = - .52 (moderate inverse)
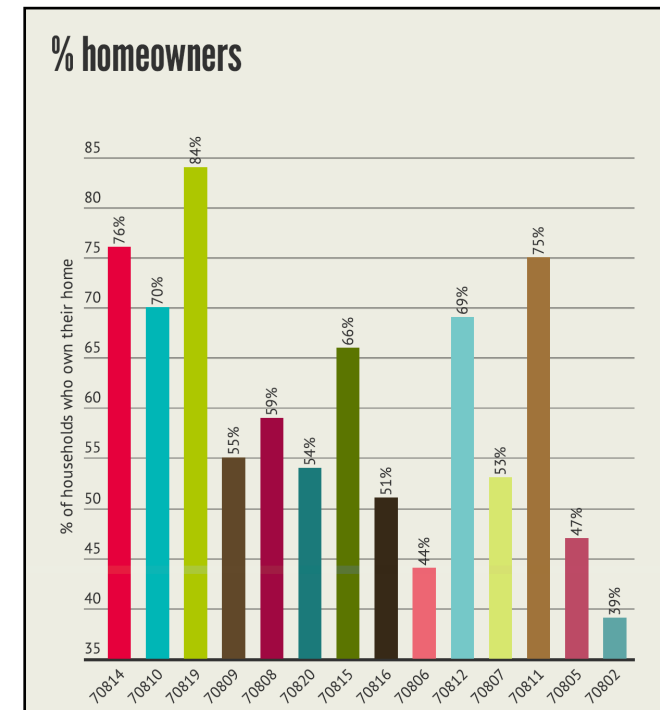
% homeowners

Zip code demographics and strength of correlations to drug possession enforcement rates.

Drug possession enforcement (by zip code)

Correlation coefficient =
- .66
(moderate inverse)
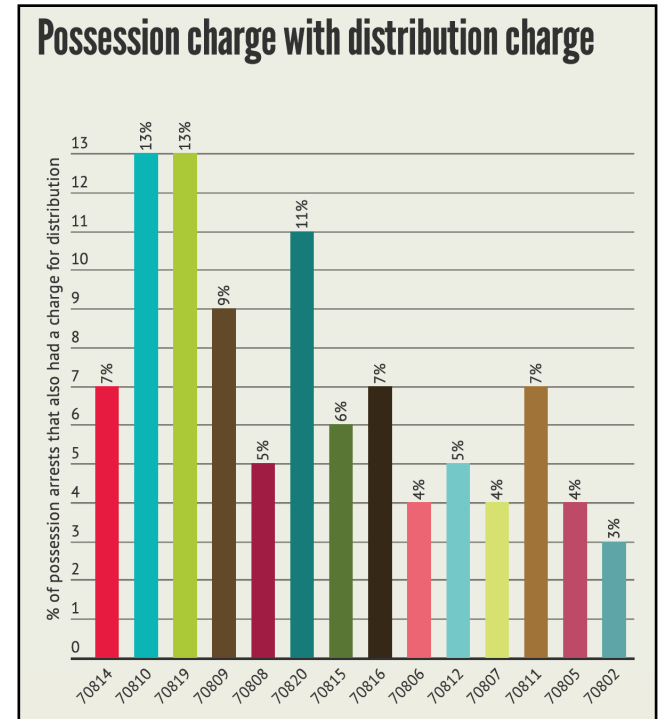
Correlation coefficient =
- .33
(weak inverse)
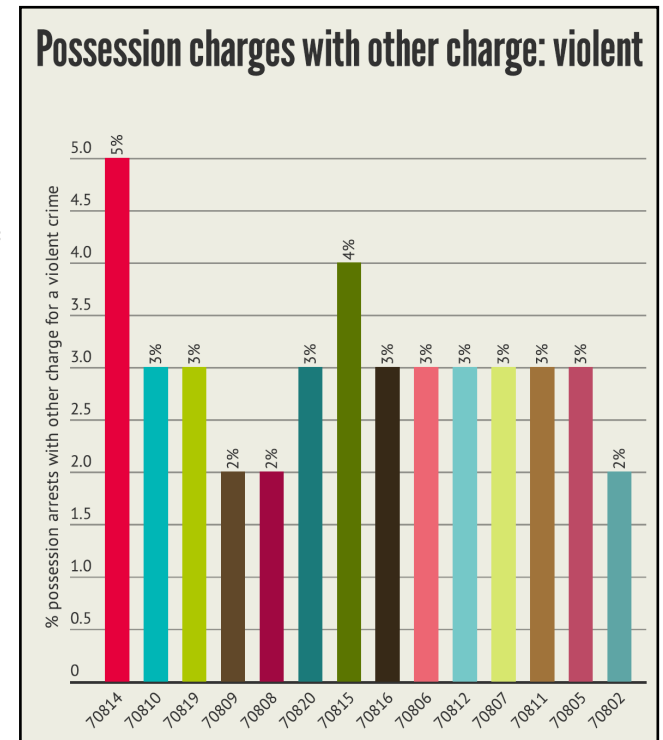
Possession charge with distribution charge

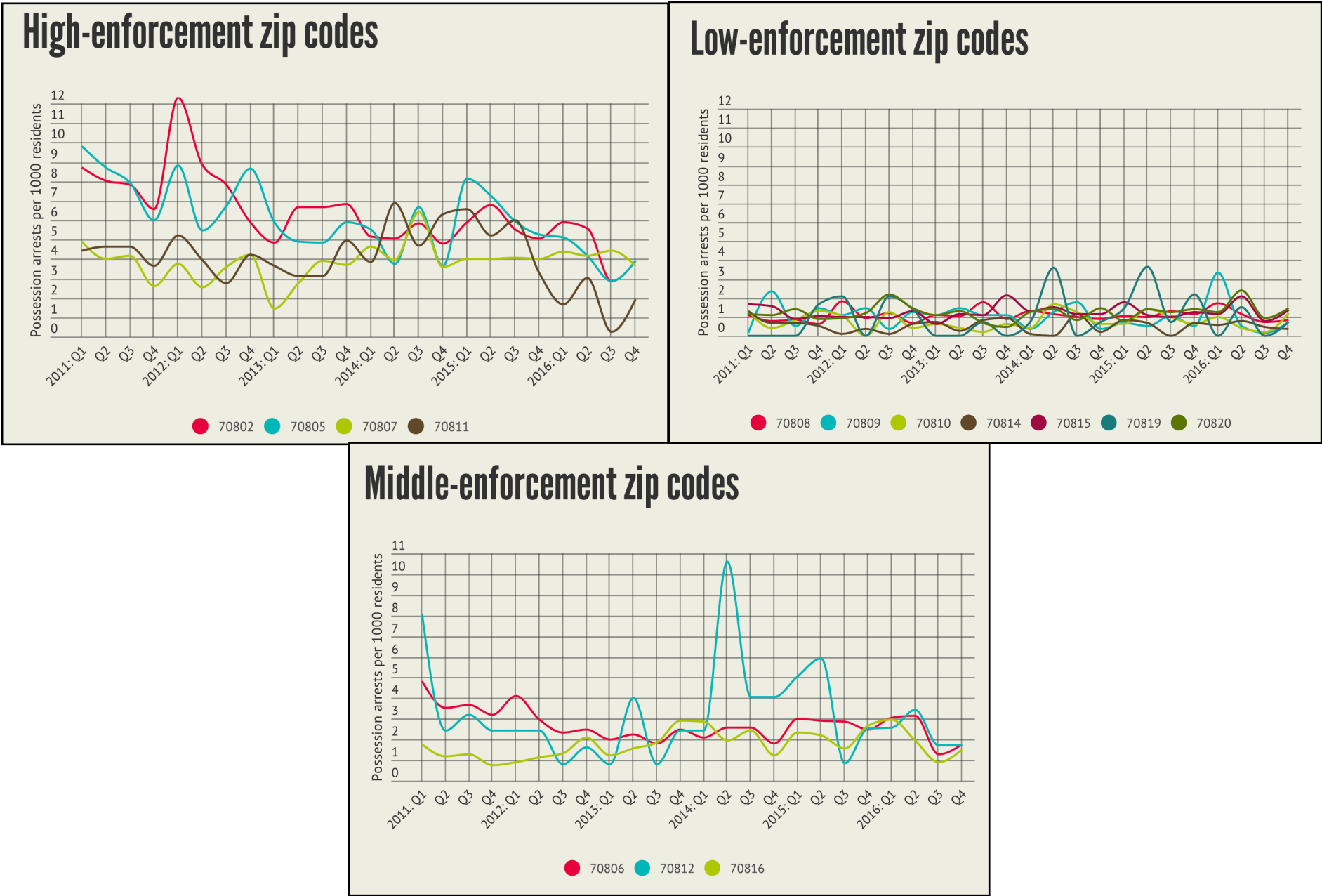Possession charges with other charge: violent

Appendix B: Changes in enforcement disparities, 2011 to 2016

High-enforcement v. low-enforcement zip code groups

Appendix B: Changes in enforcement disparities, 2011 to 2016

High-enforcement zip codes

Possession arrests per 1000 residents

● 70802 ● 70805 ● 70807 ● 70811

Low-enforcement zip codes

Possession arrests per 1000 residents

● 70808 ● 70809 ● 70810 ● 70814 ● 70815 ● 70819 ● 70820

Middle-enforcement zip codes

Possession arrests per 1000 residents
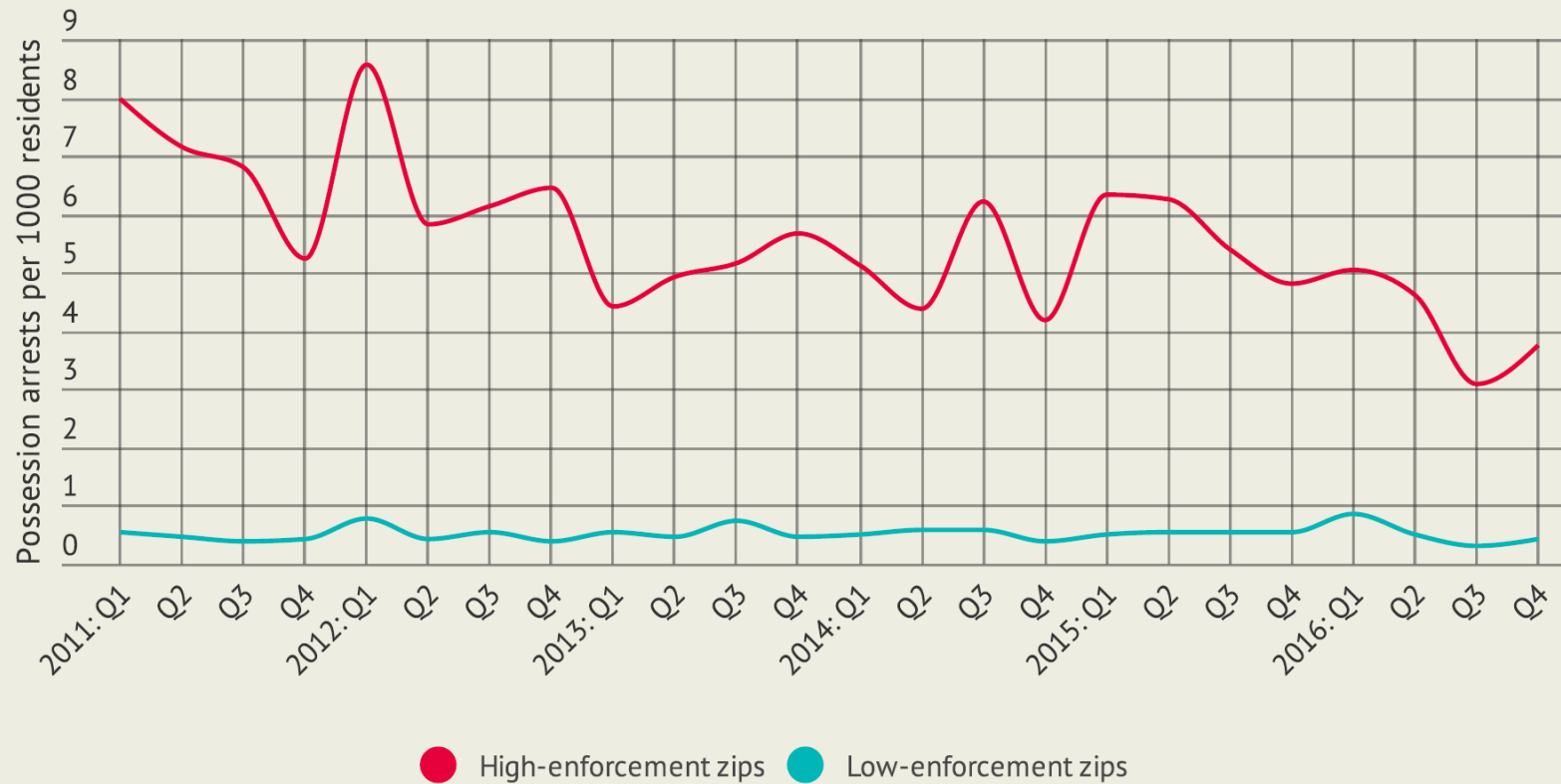
● 70806 ● 70812 ● 70816

Question for panelists:

What specific changes in policy and practice would help address the enforcement disparities identified in this report?