Ei TULSA CITY COUNCIL
EQUALITY INDICATORS
SPECIAL MEETING:
September 25, 2019

Theme 4 Justice: Topic 1 Arrests
Indicator 29: Race & Adult Arrests
Indicator 30: Gender & Arrests

INDICATOR 29	Race & Adult Arrests		
DEFINITION	Ratio of arrest rates for Black to White adults per 1,000 population age 18 and above		
REPORT YEAR	2018	**2019**	CHANGE SCORE
STATIC SCORE	38	**40**	+2
RESULTS	Black: 108.7 White: 45.2 Ratio: 2.404	Black: 73.0 White: 35.8 Ratio: 2.041	
DATA SOURCE	Tulsa Police Department (by request); U.S. Census Bureau, 2016 & 2017 American Community Survey, 1-Year Estimates		
NOTE	The comparison of Blacks to Whites was intentionally selected to reflect the popular discourse surrounding this specific indicator.		

INDICATOR 30	Gender & Arrests		
DEFINITION	Ratio of arrest rates for females in Tulsa to the United States per 1,000 female population		
REPORT YEAR	2018	**2019**	CHANGE SCORE
STATIC SCORE	41	**51**	+11
RESULTS	Tulsa: 30.5 United States: 14.8 Ratio: 2.062	Tulsa: 26.5 United States: 15.4 Ratio: 1.725	
DATA SOURCE	Tulsa Police Department (by request); Federal Bureau of Investigation, Uniform Crime Reporting: National Incident-Based Reporting System; U.S. Census Bureau, 2016 & 2017 American Community Survey, 1-Year Estimates		

CRIMES & ARRESTS:

Types of Crimes and Reporting: There are two types of crimes: Felonies and Misdemeanors. All felonies are State charges. Misdemeanors can be charged in the State or City. Individuals with a State charge are detained in David L. Moss, while those arrested for municipal offenses are detained in the City's lockup facility.

"Crime Rate" is not the same as "Arrest Rate." The City submits data to the FBI through the Uniform Crime Reporting (UCR) Program. The UCR standardizes the way states and agencies report crime and arrest data and separates crimes into two categories:
- Part I Crimes → All Part I crimes require a victim and the resulting arrests are considered non-discretionary. The arrest is required by law, and the arresting agency has no freedom to decide what should be done in a particular situation. Part I crimes include homicide, rape, burglary, robbery, aggravated assault, larceny-theft, auto-theft, and arson.
- Part II Crimes → All other crimes are considered Part II crimes. There are many non-discretionary crimes in Part II crimes such as petit theft, fraud, and domestic violence.

Arrests in Tulsa: In 2018 TPD reported **43,665 arrests** of which **21,964 were for warrants**.
Gender & Arrests: The Equality Indicators compares Tulsa's arrest rates to the national average for women. Tulsa females are arrested at a rate of 1.7 times the national average. In 2018, women account for **30% of Tulsa's arrests**. Excluding warrants, top charges for women included larcenies, traffic violations (577), narcotics (500), stolen property, and simple assault (282).
Race & Arrests: In all charge types, Black adults are disproportionately arrested except immigration violations. Black adults constituted 40% of narcotics charges, 41% of traffic charges, 38% disorderly conduct charges, and 33% of charges categorized as miscellaneous.
Warrants and Court Debt: Panelists noted that traffic offenses constitute over half of the warrants. Of the 13,000 female arrests in 2018, more than half were for warrants. Black adults accounted for 46% of warrants. Panelists also presented information on court debt by geography. In 2017, there were more than 20,000 Failure to Pay (FTP) warrants in north Tulsa alone.
Panel Recommendations:
- Talk with the community about barriers to appearing in court before developing any programs for warrants.
- Rule 8 Hearing: A state law procedure for assessing whether an individual can pay fines and fees. Panelists commented on the practical challenges, including lack of funding for courts and overcoming a collection-oriented system.
- Analyze laws to determine if they criminalize poverty
- Implement a Racial Equity Impact Assessment

DISCRETIONARY & NON-DISCRETIONARY ARRESTS:

Several questions centered on understanding police discretion in arrests. Panelists noted that the Constitution invests in police a large amount of discretion, but tasked department and political leaders with responsibility for ensuring discretion is *exercised in the public interest*. TPD allows for, encourages, and trains officers to properly use discretion. TPD provided the following information on discretion:
- In reviewing the numbers, TPD labeled 60% of the arrests as non-discretionary and 40% as discretionary.
- TPD developed a program for Public Intoxication, as it was a high-volume discretionary arrest. TPD also noted that arrests for curfew violations and disorderly conduct might be good options for diversionary programs.
- TPD officers have discretion in issuing traffic citations.

- To determine if the police are using their discretion in the public interest, we must collect and analyze more fine grain data about circumstances of police encounters with the public.
- Recognize that different people have different experiences with police and listen to public input.
- Panelists noted the important role of prosecutors as fiduciaries and the role of discretion for prosecutors.
- An organization must have continuous and consistent conversations about the role of implicit bias.
- Criminal justice national research shows that stops, searches, level of punishment, and diversionary opportunities all disproportionately impact Black individuals. Some of this information is available on individual TPD reports but is not in a database that is easily accessible. Throughout the meeting, panelists commented on data that may provide insight on how discretion was being exercised and recommended tracking and analyzing the following:
  - Encounters that do not result in arrests
  - Length of stops
  - Consent searches
  - Number of charges resulting from an arrest
  - Search protocol that may influence charges
  - Duplicate arrestees
  - Trends in frequency of charges following a change in policy

ARRESTS AND ALTERNATIVES TO ARRESTS:
Panelists noted that when officers are given limited tools, they use arrests more frequently. When officers have other available tools, they use them. In general, overutilization of any tool can result when a decision-maker is not incurring the financial cost of that decision. Diversion programs, treatment programs, and citations were all discussed as alternatives to arrest.

Diversion Programs:
Currently utilized by Tulsa: TPD explained the following programs which may act as diversion tools:
- Community Response Team (CRT): Specialty unit which operates three times per week.
- Crisis Intervention Training (CIT): Currently 180 field officers are CIT trained.
  - According to Panelists, CIT is becoming best practice across the country.
- Sobering Center: In the first year of operation, over 1000 participants have been through the Tulsa Sobering Center. The outcomes of the sobering center will be part of a national study. Individuals must be willing participants are not eligible if they have 1) other charges or warrants or 2) are combative.
  - Panelists stated statistics that indicate a possible disparity in access to the Sobering Center.

Recommendations:
- Steer and Clear Program (Nashville): This is a complete diversionary program for driver's license charges. It connects individuals to resources to obtain a driver's license.
- Law Enforcement Assisted Diversion LEADS (Seattle): Pilot program in Tulsa prostitution cases.
- Explore other creative solutions for other minor offenses such as trespassing.
- Panelists noted the importance of studying the impact of any alternative program *to evaluate for a net widening effect with unintended consequences* and understanding the *capacity of the City* to handle alternative programs.

Alternatives to Arrest Resulting in a Criminal Charge:
Currently utilized by Tulsa: Citations issued in lieu of arrests are commonly utilized by TPD, especially for minor offenses. According to a national study on misdemeanor arrests, Tulsa was in the stable, but low category for use of arrests for misdemeanor offenses. The study found that often use of arrest was related to policy and practice choices, the decision to arrest did not correlate with the crime rate, poverty, or anything the study could measure.
Recommendations:
- Evaluate not only discretionary decisions, but also the *severity* of the crime to determine if arrest is the appropriate tool.
- Look to research conducted on the impact of fines and fees, ie: Arnold Ventures research.

Post-Arrest Programs:
- Special Services Court: TPD recommends increased funding for Special Services docket.
- Warrant Abatement Program

VISION FOR POLICING:
Panelists noted the importance of establishing a vision for policing, emphasizes that any institution that desires change should: 1) set a vision for what it wants to look like in the future, 2) have an accurate reckoning of what it looks like now, 3) establish expectations for change, and 4) teach up to those expectations, and 5) then hold people accountable.
Engaging the Community: Law Enforcement struggles between over-policing and under-policing and to find the correct balance, they must engage the community to determine their desires on how to be policed. To accomplish this balance panelists recommend: 1) being realistic about the crime in the community, 2) have strategies (that are evidence and best practice based) to reduce crime, and 3) determine how strategies can be implemented with the least amount of harm to the rest of the community.
Criminal Justice Collaborative: A joint initiative in which there are representatives from TPD, the City of Tulsa, and Tulsa County which works to address issues in the criminal justice system. The group has looked at issues that impact disparities, for example: the impact of income on pre-trial detention and strategies to reduce warrants.