

To: J. Frank Wiley, Chief of Police
From: Aran C. Mull
Date: August 20, 2013

Subject: No racial bias against Black or African-American persons present in University Police arrest practices.

Summary: The University Police Department (UPD) arrests Black persons at a rate of 1.20 in comparison to White persons. Community concerns were raised over the arrest rate and potential UPD bias since that rate is in excess of the ideal random distribution of 1.00. In response UPD reviewed all arrests in the previous four years; 2009 through 2012. The review found:

The national arrest rate is 2.27 compared to UPD's arrest rate of 1.20 (Table 1). The national rate exceeds the ideal random distribution by a factor of more than six times UPD's excess. The magnitude of that difference strongly argues against bias on the part of University Police officers. However, 28% of UPD arrestees have been Black persons; that is above the Black population average of 22.2% (Table 1, Figure 1). The review sought to determine why that was the case.

Arrests resulting from Vehicle and Traffic (V&T) stops occur at a rate above the population demographic (Figure 2). V&T stops limit officer discretion in that no stop may be initiated unless a vehicle and traffic infraction has occurred. Officers do, in most cases, have considerable discretion regarding whether they give a warning or summons during a traffic stop.

UPD officer do not stop Black drivers disproportionately and Black and White drivers are released with warnings at nearly identical rates (Figures 3 and 4).

V&T stops of Black drivers disproportionately result in *non-discretionary* arrest situations (Figure 5). When a V&T stop is made a finding that the driver is unlicensed, that the vehicle is unregistered, or that there is a court order to arrest the driver results in mandatory, non-discretionary arrest of the driver. This occurs when the driver is Black at more than three times the rate it occurs for White drivers. **If the rate for Black drivers was the same as that for White drivers the UPD overall arrest rate of Black persons in relation to White persons would drop from 1.20 to 0.85** (Table 2).

Arrests of Black persons based on officer initiated actions occur at a rate below the population demographic. Patrol activities – those activities initiated solely at the discretion of the officer – generated 27 arrests of Black persons or 20.5% of patrol arrests (Figure 2). Patrol arrests generated 98 arrests of White persons or 74.2% of patrol arrests; well above the White population average of 58.1%.

Community calls for service result in arrest rates above the population demographic (Figure 2). Calls for service are community driven, not officer initiated. Officers do not have the discretion to ignore the call and the actions of the officer responding to the scene are constrained by the situation they are responding to.

Table 1

National and UAlbany Arrest Rates of Black and White Persons					
		Percent of those arrested	Percent of population	Per capita Arrest Rate	Rate at which Black persons are arrested compared to White persons
Nationally	Total Arrests	United States*			
	All Races	10690561			
	White	7389208	69%	72%	96%
	Black	3027153	28%	13%	218%
					2.27
University Police	Student Arrests	Students**			
	All Races	491			
	White	334	68%	59%	115%
	Black	110	22%	15%	149%
					1.30
University Police	Non- Student Arrests	Non-Students***			
	All Races	406			
	White	240	59%	57%	104%
	Black	143	35%	31%	114%
					1.10
					1.20
					2.27

* 2010 Census for United States
 ** 2012 Admissions data (UAlbany Method)
 *** 2010 Census for City of Albany

Figure 1

Total Arrests 2009-2012

By Race

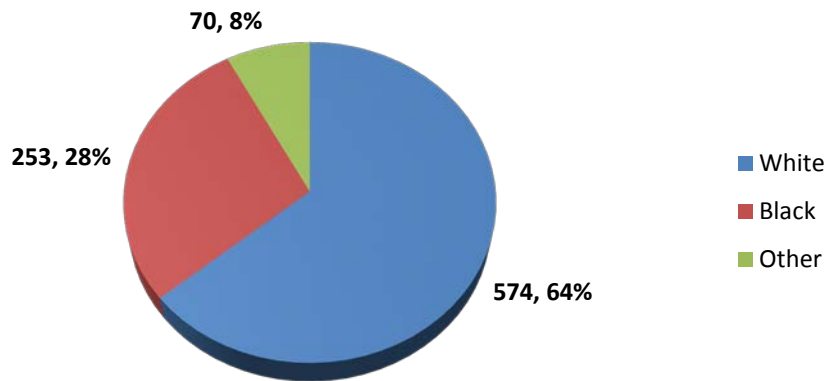


Figure 2

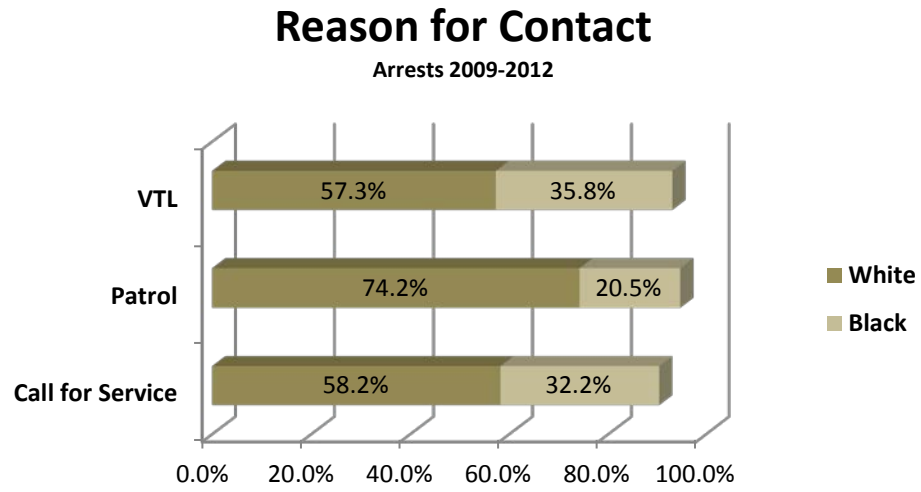


Figure 3

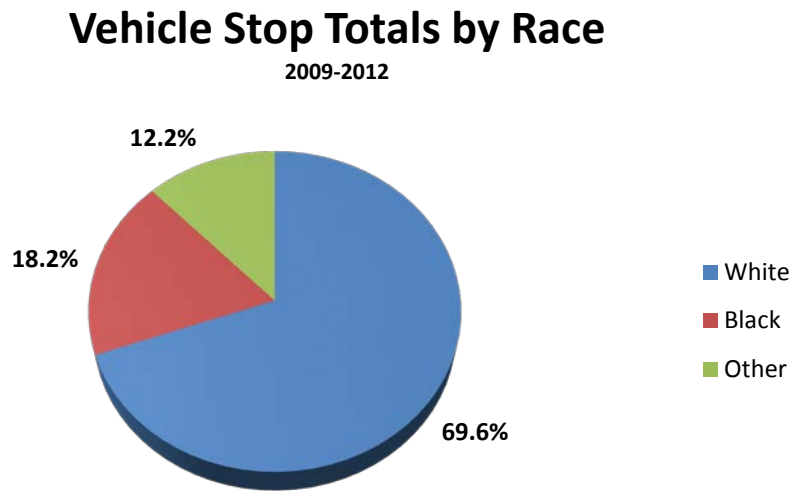


Figure 4

Racial Totals - V&T Stops

2009-2012. Black and White Operators

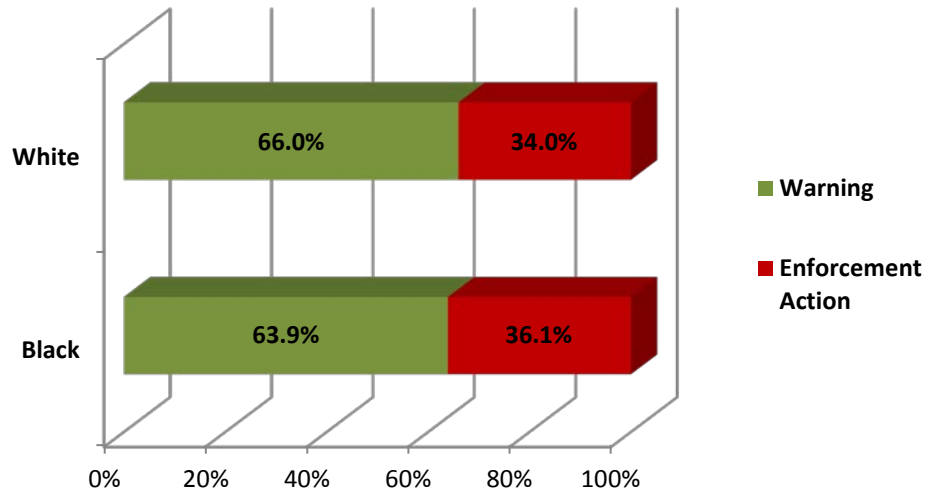


Figure 5

V&T Stop Result - Summons Issued

2009-2012. Black and White Operators

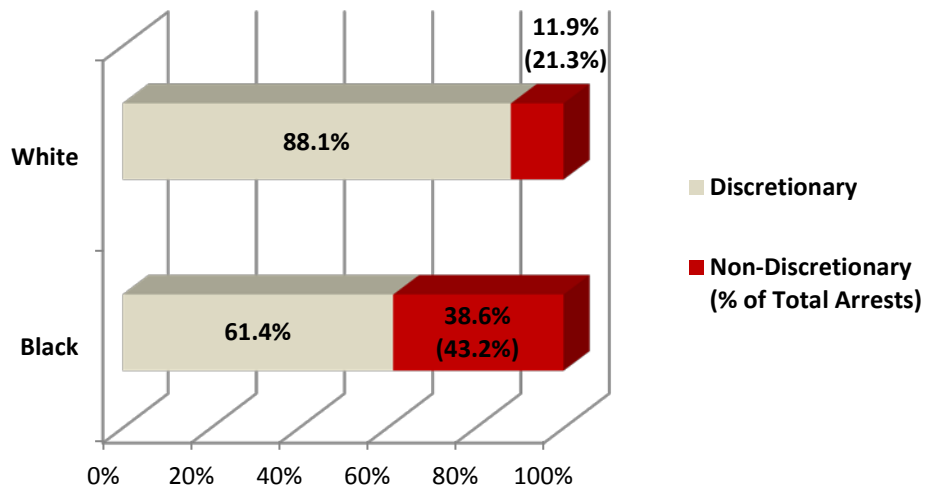


Table 2

**National and UAlbany Arrest Rates of Black and White Persons
(Assuming the non-discretionary V&T stop arrest rate for Black drivers equals that of White drivers.)**

		Percent of those arrested	Percent of population	Per capita Arrest Rate	Rate at which Black persons are arrested compared to White persons
Nationally	Total Arrests				
			United States*		
	All Races	10690561			
	White	7389208	69%	72%	96%
	Black	3027153	28%	13%	218%
					2.27
University Police	Student Arrests				
					Students**
	All Races	462			
	White	334	72%	59%	123%
	Black	82	18%	15%	118%
					0.97
University Police	Non- Student Arrests				
					Non-Students***
	All Races	358			
	White	240	67%	57%	118%
	Black	95	27%	31%	86%
					0.73
					Aggregate UPD Arrest Rate
					0.85
					National Arrest Rate
					2.27

* 2010 Census for United States
 ** 2012 Admissions data (UAlbany Method)
 *** 2010 Census for City of Albany