

The Citation Project

Supplemental Report

August 2022

Sarah L. Desmarais, President, Policy Research Associates

Eva McKinsey, PhD Candidate, North Carolina State University

Ethan Rex, Project Manager, Criminal Justice Innovation Lab, UNC School of Government

Jessica Smith, W.R. Kenan Jr. Distinguished Professor of Public Law and Government, and Director, Criminal Justice Innovation Lab, UNC School of Government



SCHOOL OF GOVERNMENT

Criminal Justice Innovation Lab

Executive Summary

In this report, we present supplemental analyses regarding racial/ethnic differences for encounters overall and for warrantless arrests in the project's four pilot sites: Apex, Elizabeth City, Wilmington, and Winston-Salem. The supplemental analyses regarding encounters overall were specifically requested by stakeholders. The supplemental analyses regarding warrantless arrests are a part of overall project metrics.

In our March 2022 report, we examined, among other things, the **racial/ethnic breakdown of misdemeanor encounters overall** compared to city demographics.¹ The model policy is targeted to officers' methods of charging an offense (citation or warrantless arrest) and only applies to misdemeanor incidents where the officer has that discretion. Although the model policy does not directly target officers' decisions to charge an individual with a misdemeanor offense in the first place, examining the racial/ethnic breakdown of misdemeanor encounters overall is important for two reasons. First, to explore whether the model policy is having an unanticipated impact on related processes and decisions. Second, to understand the larger context of officers' cite versus arrest decisions. Thus, in previous reporting we have examined one step "downstream" from officers' cite or arrest decisions (e.g., magistrate decision-making). For the same reason, in previous reporting and in this supplemental report we examine one step "upstream" from officers' cite versus arrest decisions (e.g., misdemeanor encounters overall).

In our March 2022 report, we found that, in all pilot sites except Elizabeth City, Black people and other people of color were more likely and White people were less likely to be involved in misdemeanor encounters overall compared to what would be expected based on city demographics. Additionally, analyses showed that these differences increased from the pre-implementation to post-implementation periods in Apex, Wilmington, and Winston-Salem.² As noted in that report and by stakeholders when we presented those results, comparisons to city demographics are imperfect because encounters may include people who reside in another jurisdiction. For example, and particularly in traffic cases, a charged individual may not reside in the city where the encounter occurred. At the request of stakeholders, we executed supplemental analyses limiting the sample to city residents.³

¹ City demographics were calculated using the U.S. Census Bureau's *American Community Survey 5-Year Estimates (2015-2019)*. Specifically, we pulled data for the adult population for each race by site and calculated the percentage as a share of the total adult population for the site. Note that the Black, Asian, and Other categories are race-only classifications and include Hispanic and non-Hispanic individuals within those respective racial categories.

² Our periods of analysis included December 2018 to February 2020 for the pre-implementation period and December 2020 to July 2021 for the current post-implementation period. While the time periods are currently different lengths (15 months vs. 6 months), they will even out in future reporting once we are able to collect more data.

³ To determine whether a person was a city resident, we used the defendant address field documented in ACIS records.

Supplemental analyses included in this report showed that the racial/ethnic differences in misdemeanor encounters overall persisted when we limited the sample to city residents. In fact, when the sample was so limited, we found that in all sites, Black people and other people of color were more likely and White people were less likely to be involved in misdemeanor encounters overall compared to what would be expected based on city demographics. That means that although Elizabeth City did not show racial differences in the earlier analysis (and was the only site where this was the case), when limiting the sample to city residents, it did.

Our last report examined whether there were differences in **warrantless arrest rates** across racial/ethnic groups in the post-implementation period. Note that while data on misdemeanor encounters overall provide context for the point of interest for this project, warrantless arrest rates *are* the project's primary point of interest. In our March 2022 report, we found no statistically significant differences in warrantless arrest rates by race in any pilot site in the post-implementation period. This result suggested that officers' decisions to arrest versus cite were not affected by the person's race/ethnicity.⁴ To determine whether this finding represented a change from the pre-implementation period, we executed supplemental analyses examining warrantless arrest rates by race/ethnicity in the pre-implementation period.

Supplemental analyses included in this report revealed that, as in the post-implementation period, there were no differences in warrantless arrest rates between Black and White people in the pre-implementation period. The one exception was that in Wilmington, Black people were more likely to be arrested than White people in the pre-implementation period; as previously reported, that difference disappeared in the post-implementation period.

Our last report examined **changes in warrantless arrest rates** pre- to post-implementation and found that arrest rates declined for all misdemeanor encounters.⁵ To explore these results for all demographic groups, we executed supplemental analyses examining changes in warrantless arrest rates within each racial/ethnic category for all misdemeanor encounters. We found no evidence of reduced warrantless arrest rates for any demographic group. Specifically, results revealed no change in warrantless arrest rates across any racial/ethnic groups in Apex and Winston-Salem. The two remaining sites experienced increases in warrantless arrest rates across some groups. In Wilmington, warrantless arrest rates increased for both White and Black people; in Elizabeth City warrantless arrest rates increased only for Black people.⁶

⁴ One exception included that people of races/ethnicities other than Black and White were the least likely to be arrested in Winston-Salem.

⁵ In the previous report, we specifically described this finding as citation rates decreasing or staying the same. However, because encounters are classified as only either a citation or an arrest, the distinction is purely semantic: a decrease in citation rates is the same as an increase in arrest rates.

⁶ To potentially explain the identified differences in arrest rates, we also examined warrantless arrest rates for encounters where the highest charge was a Class 3 misdemeanor. The analyses did not yield any additional explanatory information and thus are not discussed in the body of the report. Specifically, these analyses yielded two statistical findings. In one site, Black people were more likely to be arrested for a Class 3

Results for each specific pilot site are discussed in the sections that follow. For an explanation of data sources and relevant time periods, see our prior report [here](#).⁷

misdemeanor than White people in both time periods. In another site, warrantless arrest rates for Class 3 misdemeanors decreased for White people over time.

⁷ For this report, we conducted statistical comparisons of warrantless arrest rates across three subgroups defined by race/ethnicity (i.e., Black, White, and people with other racial/ethnic identities), and we presented these comparisons in figures. However, we focus our discussion in this report on statistical differences, if any, between Black and White people. We focus on this comparison for a couple of reasons. First, this focus aligns with and adds to examinations of disparate policing practices between Black and White people that are currently at the forefront of public attention and political discussion. Second, due to very small sample sizes of all other race/ethnicity groups, we had to combine these groups into one category (i.e., combine Hispanic, Asian, and other) to be able to conduct our statistical analysis.

Supplemental Findings

Because the model policy is targeted to officers' decisions to initiate a case by citation or warrantless arrest, it applies only to the misdemeanor encounters where officers have discretion to choose between issuing a citation or making a warrantless arrest.

What encounters are included?

Types of Encounters	All Police Encounters	Encounters for this Project
Orders for Arrest	✓	✗
Warrants for Arrest	✓	✗
New Felony Charges	✓	✗
"No Charge" Encounters	✓	✗
Infraction-Only Encounters	✓	✗
New Misdemeanor Charges	✓	✓

Apex

Encounters by Race/Ethnicity

As explained in our last report and shown in Figure 2a, when examining all misdemeanor encounters in Apex (5,829 encounters pre-implementation; 1,801 encounters post-implementation), we found that Black people were significantly overrepresented in encounters compared to city demographics and White people were significantly underrepresented.⁸ Our supplemental analyses showed that while these differences got smaller, they persisted when we restricted the sample to people with an Apex address (1,458 encounters with city residents pre-implementation; 412 encounters with city residents post-implementation). Put another way, though racial differences decreased when we limited the sample to city residents, Black people were still significantly overrepresented and White people were still significantly underrepresented (see Figure 2b).⁹

⁸ For statistical analyses, our three comparison groups included Black people, White people, and all other racial/ethnic identities (Hispanic, Asian, American Indian/Alaskan Native, "other," "unknown," and two or more races).

⁹ $\chi^2 = 138.43, p < .001$.

Figure 2a. Apex Demographics Compared to Percentage of **All Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy

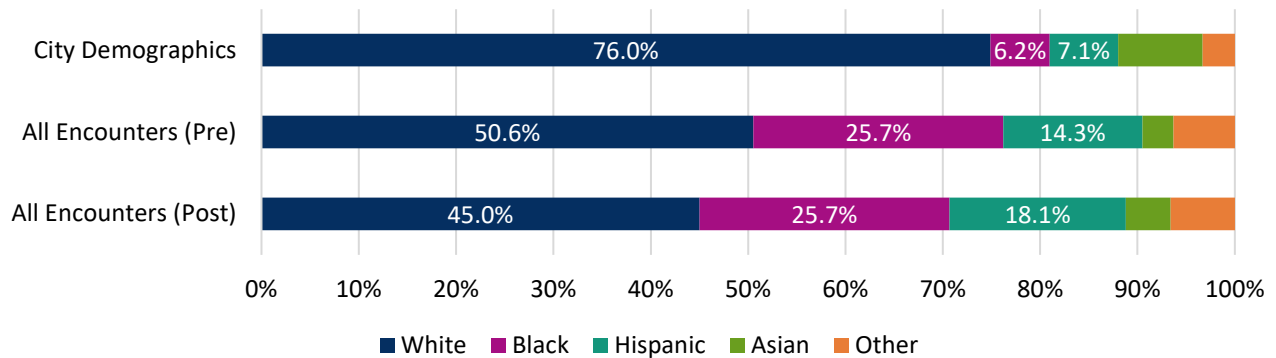
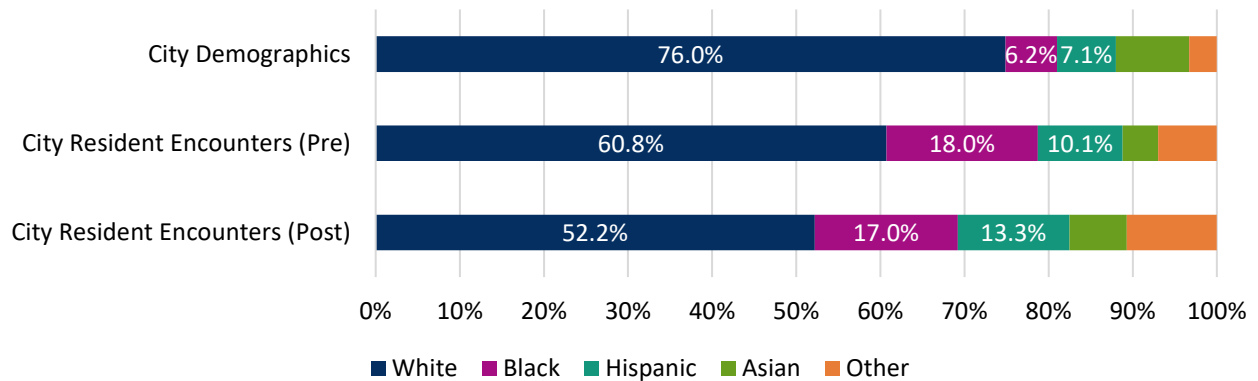


Figure 2b. Apex Demographics Compared to Percentage of **City Resident Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy



Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity

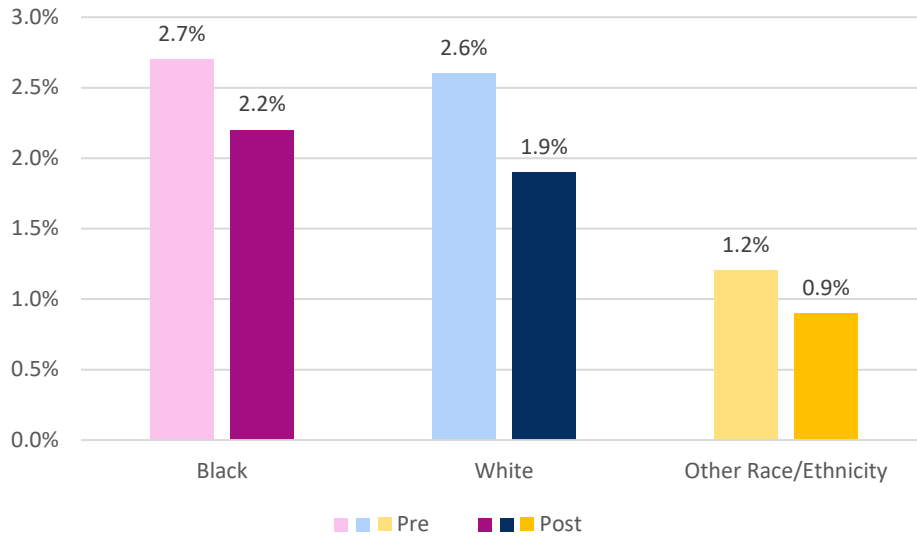
In Apex, we found no statistically significant difference in warrantless arrest rates between Black and White people in both the pre- implementation¹⁰ (131 warrantless arrests) and the post-implementation periods (30 warrantless arrests).¹¹ In other words, Black and White people in Apex had statistically comparable odds of being subject to a warrantless arrest during both periods. Examination of changes in arrest rates revealed no statistically significant changes in rates among Black or White people.¹²

¹⁰ $\chi^2 = 8.88, p = .012$. Posthoc comparisons between Black and White using Bonferroni-corrected z-scores between column percentages did not show statistically significant differences between these two subgroups.

¹¹ $p = .279$.

¹² $ps \geq .245$.

Figure 3. Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity in Apex Pre- and Post-Implementation of Policy



Elizabeth City

Encounters by Race/Ethnicity

In our last report we found no statistical difference between the racial/ethnic breakdown of people involved in misdemeanor encounters in Elizabeth City (1,041 encounters pre-implementation; 219 encounters post-implementation) compared to city demographics (see Figure 4a).¹³ However, when we restricted our sample to Elizabeth City residents (717 encounters with city residents pre-implementation; 142 encounters with city residents post-implementation), we found racial differences. In the pre-implementation period, Black people were significantly less likely and White people were significantly more likely to be involved in a misdemeanor encounter (see Figure 4b).¹⁴ In the post-implementation period, Black people were significantly more likely and White people were significantly less likely to be involved in a misdemeanor encounter than would be expected based on city demographics (see Figure 4b).¹⁵

¹³ $p = .401$.

¹⁴ $\chi^2 = 20.00, p < .001$.

¹⁵ $\chi^2 = 6.14, p = .046$.

Figure 4a. Elizabeth City Demographics Compared to Percentage of **All Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy

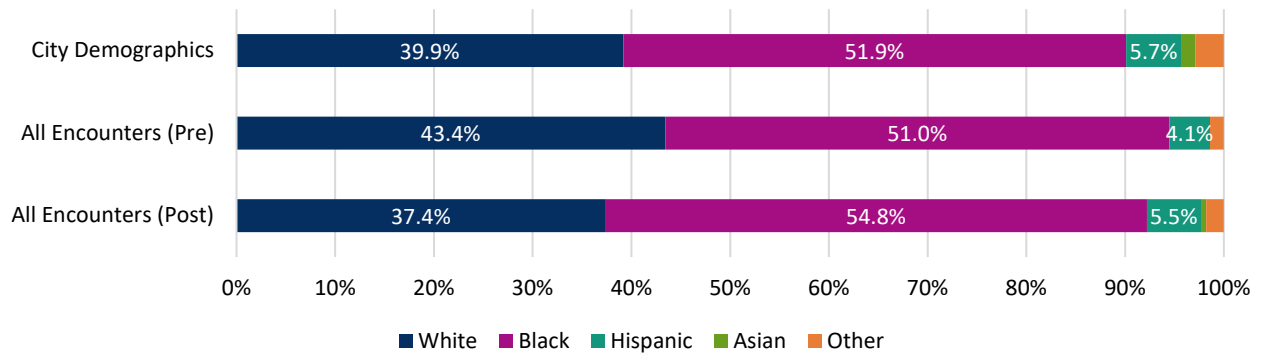
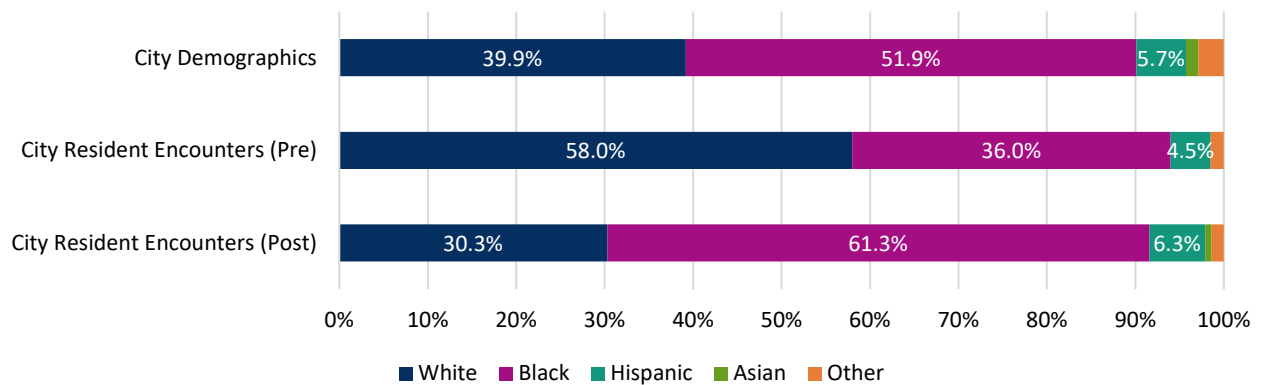


Figure 4b. Elizabeth City Demographics Compared to Percentage of **City Resident Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy



Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity

When examining all encounters, we found no statistically significant differences in warrantless arrest rates between racial groups in the pre-implementation (69 warrantless arrests)¹⁶ or the post-implementation periods (34 warrantless arrests; see Figure 5).¹⁷ However, because the overall number of misdemeanor encounters in Elizabeth City was so low, these results may change with more data. As shown in Figure 5, warrantless arrest rates significantly increased for both Black¹⁸ and White people¹⁹ from the pre-implementation to the post-implementation periods.

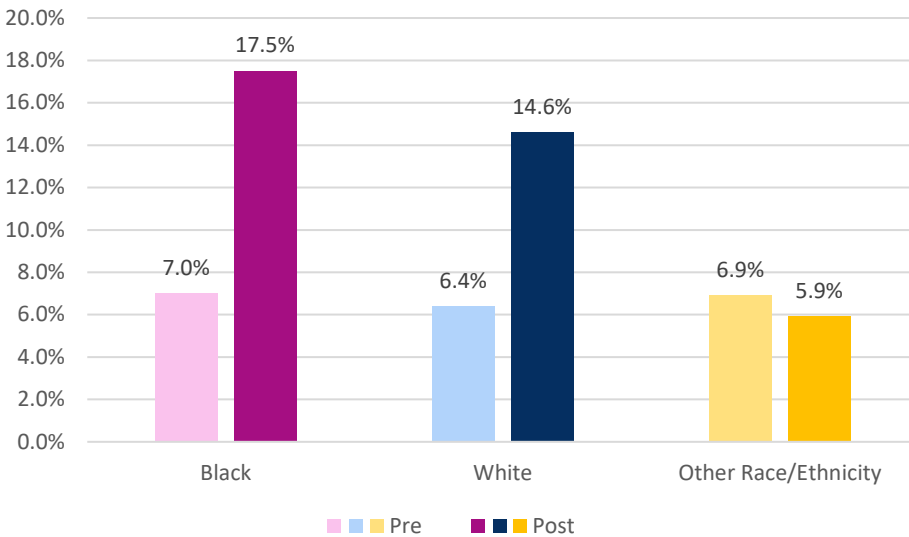
¹⁶ $p = .447$.

¹⁷ $p = .931$.

¹⁸ $\chi^2 = 13.10, p < .001$.

¹⁹ $\chi^2 = 6.53, p = .011$.

Figure 5. Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity in Elizabeth City Pre- and Post-Implementation of Policy



Wilmington

Encounters by Race/Ethnicity

Our last report showed that, when examining all misdemeanor encounters in Wilmington (5,756 encounter pre-implementation; 2,144 encounters post-implementation), Black people were more likely and White people were less likely to be involved in a misdemeanor encounter than would be expected based on city demographics (see Figure 6a).²⁰ When we restricted our sample to Wilmington residents (3,750 encounters with city residents pre-implementation; 1,505 encounters with city residents post-implementation), not only did these patterns remain,²¹ but the differences grew larger (see Figure 6b).

²⁰ $\chi^2 = 1,018.20, p < .001$.

²¹ $\chi^2 = 925.82, p < .001$.

Figure 6a. Wilmington Demographics Compared to Percentage of **All Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy

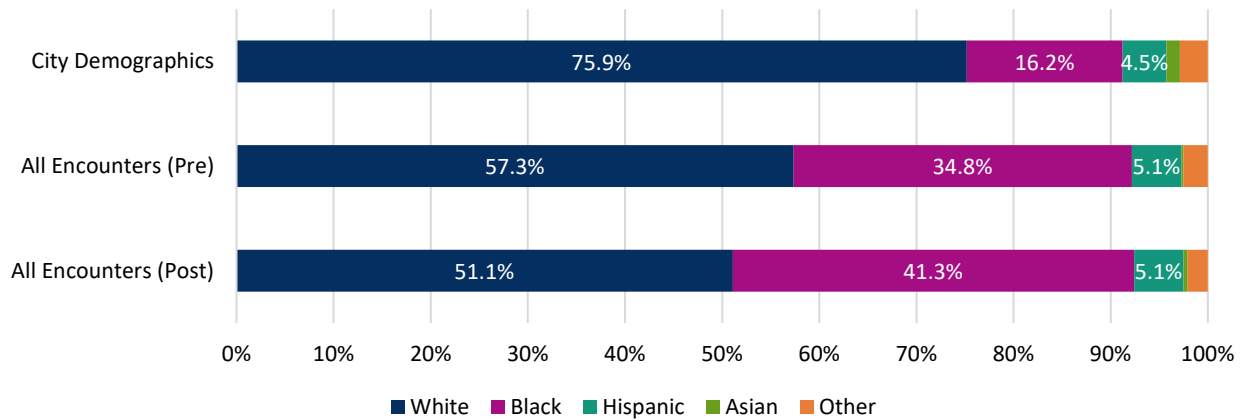
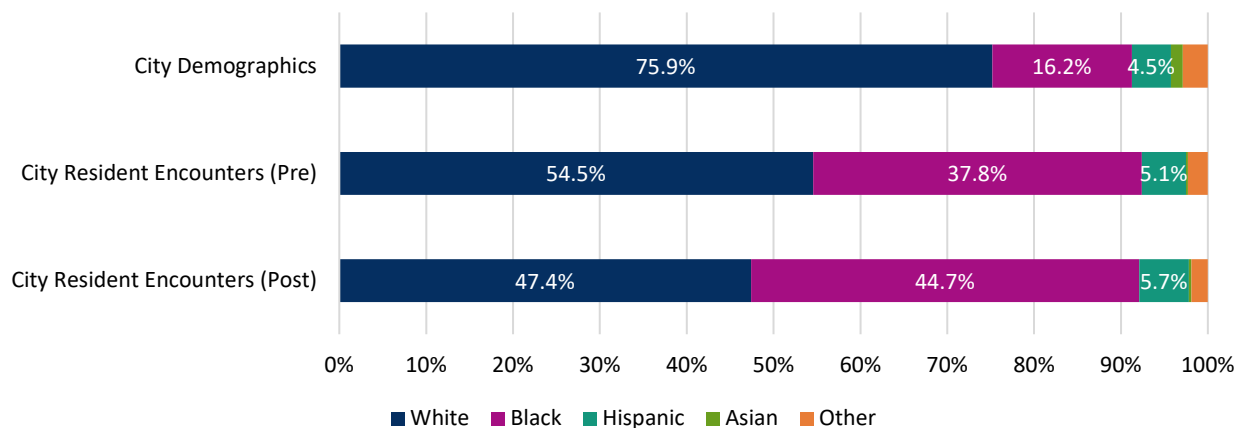


Figure 6b. Wilmington Demographics Compared to Percentage of **City Resident Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy



Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity

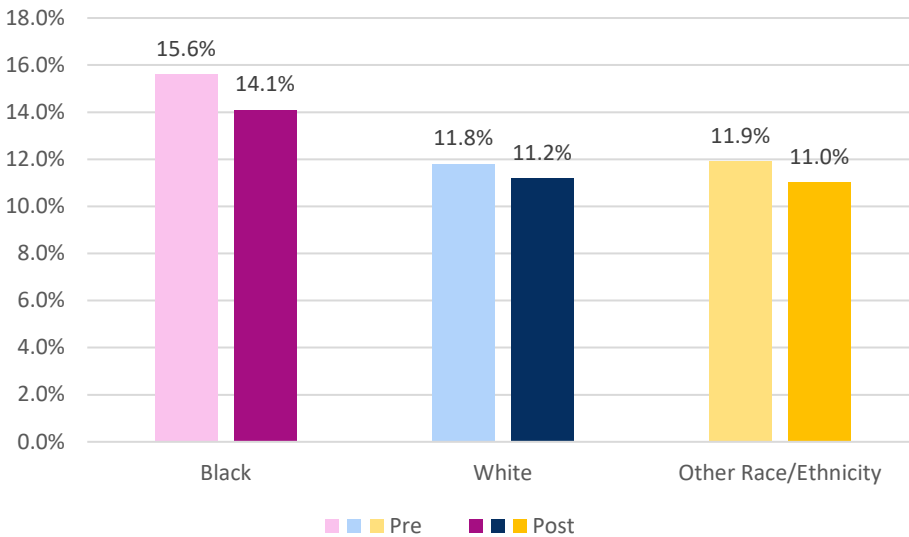
In the pre-implementation period in Wilmington, Black people were statistically more likely than White people to be arrested (731 warrantless arrests; see Figure 7).²² However, that difference was not statistically significant during the post-implementation period (266 warrantless arrests).²³ Analyses revealed no statistically significant changes in warrantless arrest rates from the pre-implementation to the post-implementation periods within any of the racial/ethnic groups.²⁴

²² $\chi^2 = 16.58, p < .001$.

²³ $p = .129$.

²⁴ $ps \geq .269$.

Figure 7. Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity in Wilmington Pre- and Post-Implementation of Policy



Winston-Salem

All Encounters by Race/Ethnicity

Our last report showed that when examining all misdemeanor encounters in Winston-Salem (27,429 encounters pre-implementation; 6,757 encounters post-implementation), Black people were statistically more likely and White people were statistically less likely to be involved in a misdemeanor encounter as compared to city demographics (see Figure 8a).²⁵ When we restricted the sample to Winston-Salem residents (20,281 encounters with city residents pre-implementation; 5,096 encounters with city residents post-implementation), these racial differences remained and grew larger (see Figure 8b).²⁶

²⁵ $\chi^2 = 2,222.50, p < .001$.

²⁶ $\chi^2 = 2,810.12, p < .001$.

Figure 8a. Winston-Salem Demographics Compared to Percentage of **All Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy

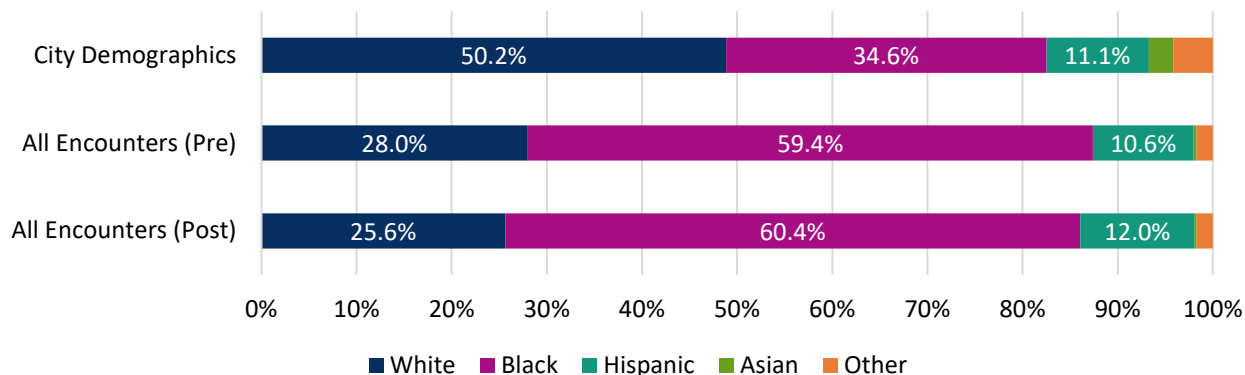
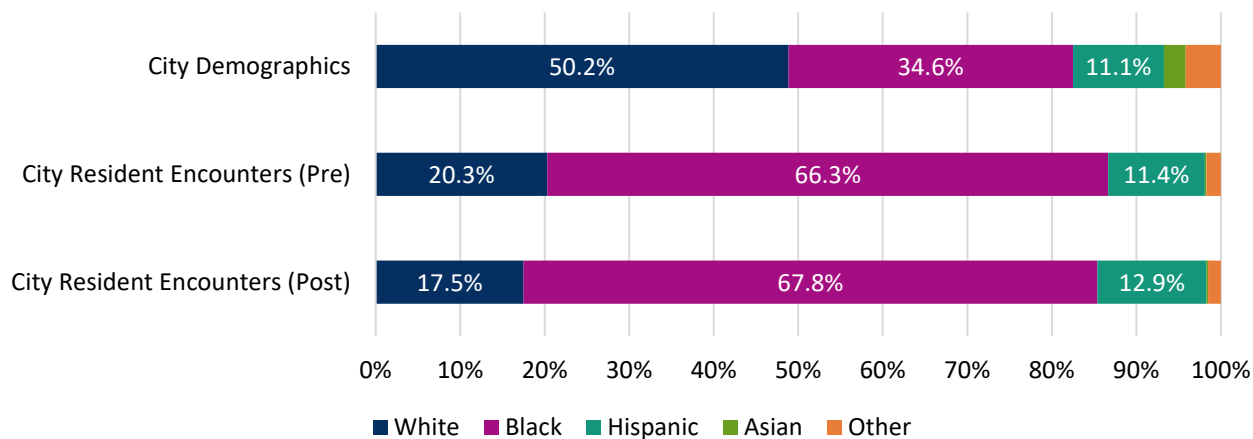


Figure 8b. Winston-Salem Demographics Compared to Percentage of **City Resident Misdemeanor Encounters** by Race/Ethnicity Pre- and Post-Implementation of Policy



Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity

In the pre-implementation period in Winston Salem, the arrest rate for Black people was slightly higher than White people in the same period (6.3% compared to 6.1% across 1,569 warrantless arrests),²⁷ but the difference was not statistically significant (Figure 9). Similarly, in the post-implementation period, the higher arrest rate for Black people than for White people was also not statistically significant (7.7% compared to 6.6% across 467 warrantless arrests).²⁸

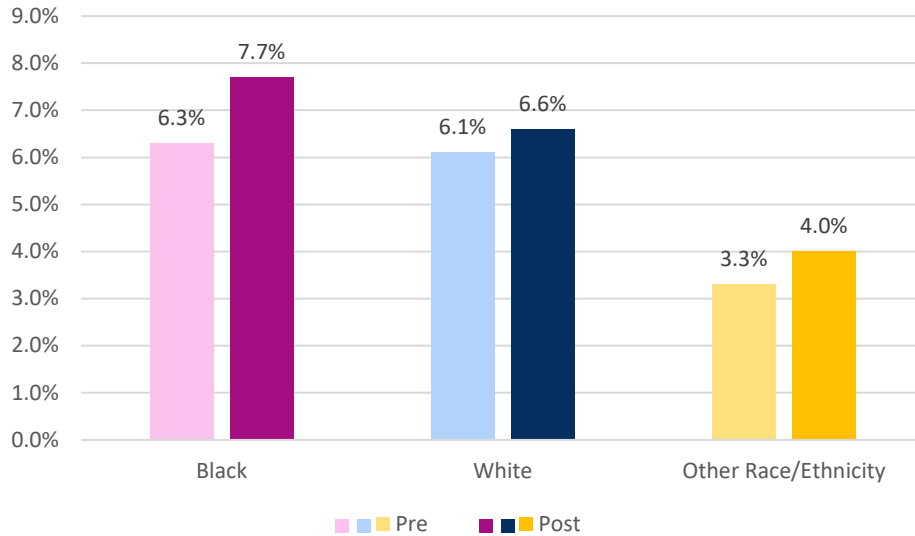
²⁷ $\chi^2 = 16.51, p < .001$. Posthoc comparisons between Black and White using Bonferroni-corrected z-scores between column percentages did not show statistically significant differences between these two subgroups.

²⁸ $\chi^2 = 47.79, p < .001$. Posthoc comparisons between Black and White using Bonferroni-corrected z-scores between column percentages did not show statistically significant differences between these two subgroups.

²⁸ $p = .219$.

We also assessed the change in the warrantless arrest rate from pre-implementation to post-implementation of the model policy within each race/ethnicity group. The arrest rate increased over time among Black people and this increase was statistically significant.²⁹ The rate also increased over time for the other two race/ethnicity groups but neither of those increases were statistically significantly different from zero.³⁰

Figure 9. Warrantless Arrest Rates for All Misdemeanor Encounters by Race/Ethnicity in Winston-Salem Pre- and Post-Implementation of Policy



Next Steps

Our next—and final—report is due out in February 2023. As always, we will present a draft to stakeholders for their feedback before finalizing that document.

²⁹ $\chi^2 = 9.87, p = .002$.

³⁰ $ps \geq .263$.

The UNC School of Government is non-partisan, non-advocacy and responsive to the needs of public officials. We do not advocate for any political ideology or policy outcome or allow our personal beliefs or those of our audiences to influence our work.

© 2022

School of Government

The University of North Carolina at Chapel Hill

Use of this publication for commercial purposes or without acknowledgment of its source is prohibited. Reproducing, distributing, or otherwise making available to a non-purchaser the entire publication, or a substantial portion of it, without express permission, is prohibited. For permissions questions or requests, email the School of Government at copyright_permissions@sog.unc.edu. Other School reports can be accessed on the Publications page of our website: sog.unc.edu/publications.