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Commissioner Robert C. Haas and the Cambridge Police Department Crime Analysis Unit Identify New Progressive Tool for Analyzing Officer Performance and the Use of Discretionary Police Authority

June 17, 2010 -- In the wake of the events of last summer, the Cambridge Police Department Crime Analysis Unit began analyzing data from reports relating to incidents¹ of disorderly conduct in the City of Cambridge.

This internal analysis used data from the years 2004 – 2008 to examine disorderly conduct incidents in Cambridge and to compare data from those years with regional and national averages. This analysis included identifying the neighborhoods and business districts in which these incidents occurred, as well as the race of the offender and the arresting officer.

In its analysis, the department found CPD disorderly conduct arrests to be well below national and regional averages in terms of the rate of arrests per capita. The percentage of people charged with disorderly conduct in Cambridge was also found to be in-line with regional and national averages in terms of percentage of total arrests and also according to the race of offenders.

When disorderly conduct charges were further analyzed based on the race of the offender and the arresting officer, results showed that black and white offenders were charged at the same rate, regardless of the race of the arresting officer.

Overall, this analysis found that charges for disorderly conduct **do not increase** when officers are the target of an offender's aggression and that there are **no disparities by race**. The data also shows that of the 9 arrests for simple disorderly conduct in 2008 where the officer was the target of the aggression, all 9 incidents involved **different officers** and all 9 offenders were white.

Data for the year 2008 was used for an in-depth analysis based on several factors. The Crime Analysis Unit characterized disorderly conduct incidents into three types of scenarios officers are faced with:

- *Charges for Other Offense* (60%) – offender charged for more significant offense(s) and also charged with disorderly conduct.
- *Aggravated Disorderly* (17%) – conduct was so egregious that incident included additional charges (Typically Assault & Battery on Police Officer and/or Resisting Arrest).
- *Simple Disorderly* (23%) – charged solely for disorderly conduct.

¹ For the purposes of this analysis, "incidents" refers to arrests and/or charges of disorderly conduct either at the time of arrest or those subsequently added.

Through this detailed analysis, the Crime Analysis Unit identified that the potential for misuse, or the public perception of misuse, of police discretion increases as:

- The target of the offenders conduct becomes more focused on the police or an individual officer.
- The scope of their criminal conduct lessens.

Resulting from this analysis, Commissioner Haas has identified a new, progressive indicator of police officer performance. This new tool, in conjunction with other departmental practices and “early warning systems” used to identify potential problem behavior such as reviewing all citizen complaints, conducting audits and field inspections, etc., can be used to identify if and when officers are abusing their discretionary authority.

Based on this analysis and the identification of the new, progressive officer performance and use of discretionary authority indicator:

- Disorderly conduct incidents in the city will receive more scrutiny.
- CPD will use this new tool as an opportunity to train officers.

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Monitoring Police Officer Use of Discretionary Authority

An Analysis of Incidents & Offenders Charged with Disorderly Conduct in Cambridge

June 30, 2010

Lieutenant Daniel Wagner
Cambridge Police Department
Crime Analysis Unit



Overview of New Monitoring Indicator and Disorderly Conduct Incidents in Cambridge

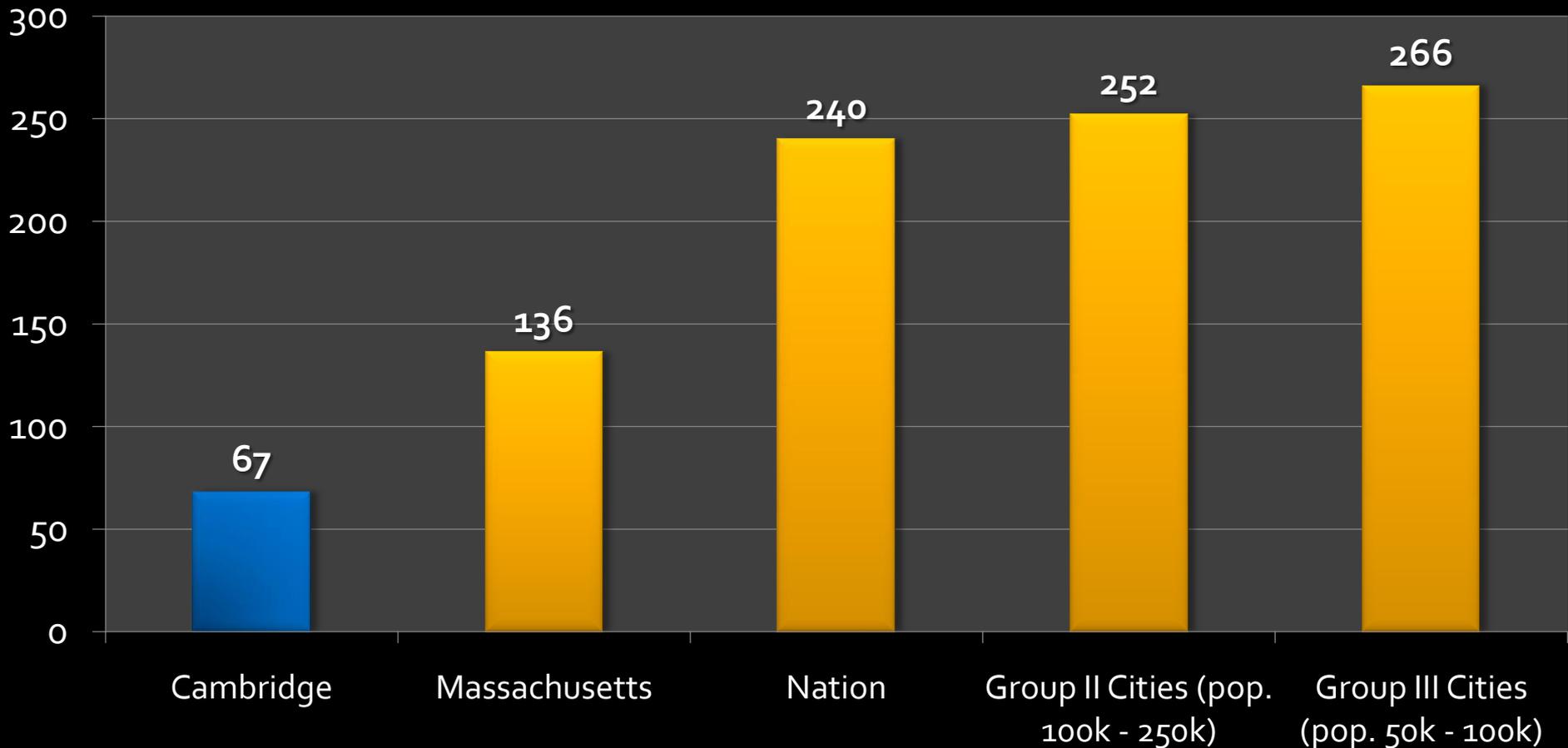
- Introduction of new, Discretionary Authority Indicator (DAI)
 - Innovative, non-traditional, proactive method for evaluating officer performance.
- Analysis of Disorderly Conduct Incidents
 - General Statistics – comparison of CPD Disorderly Conduct incidents to national and regional incident statistics.
 - Analysis – an in-depth look at one year of incidents resulting in charges for Disorderly Conduct.
 - Observations from the field – comments from a night patrol supervisor on discretion, conflict resolution, and tolerance.



National Averages

source: FBI UCR 2007

Disorderly Arrest Rate per 100,000 Residents

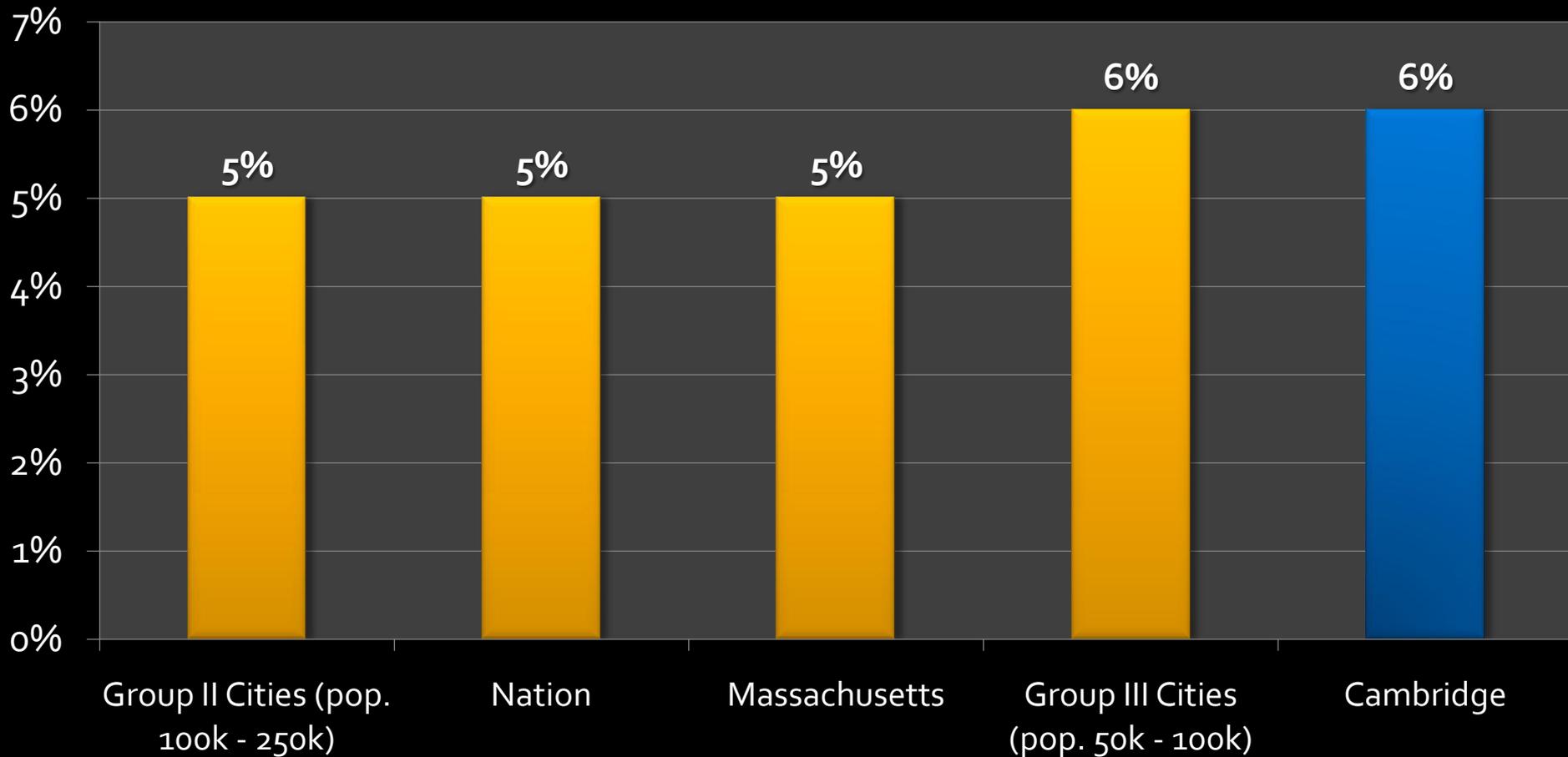




National Averages

source: FBI UCR 2007

Disorderly Arrests as % of Total Arrests

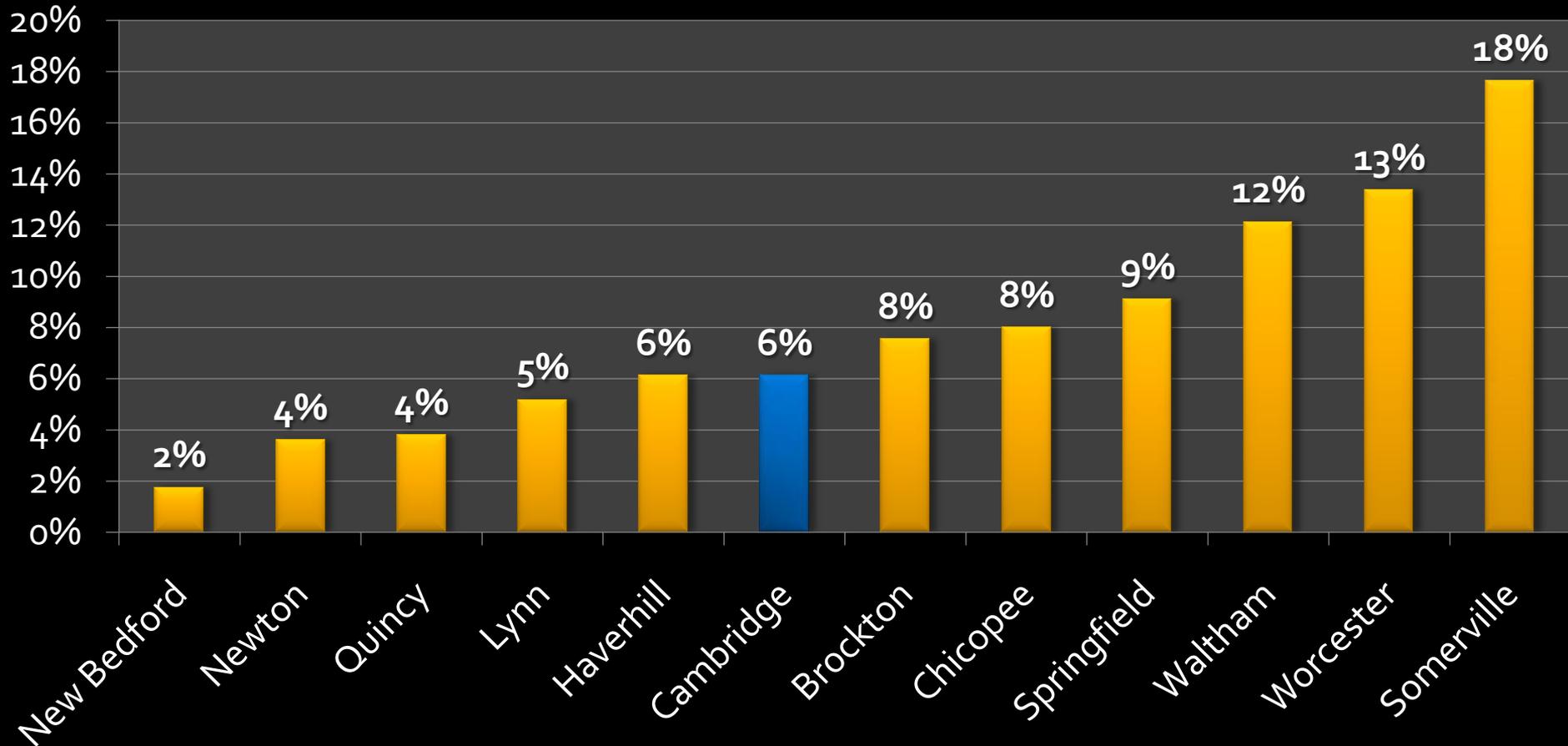




Select Massachusetts Cities & Towns

source: Massachusetts UCR 2007

Disorderly Arrests as % of Total Arrests

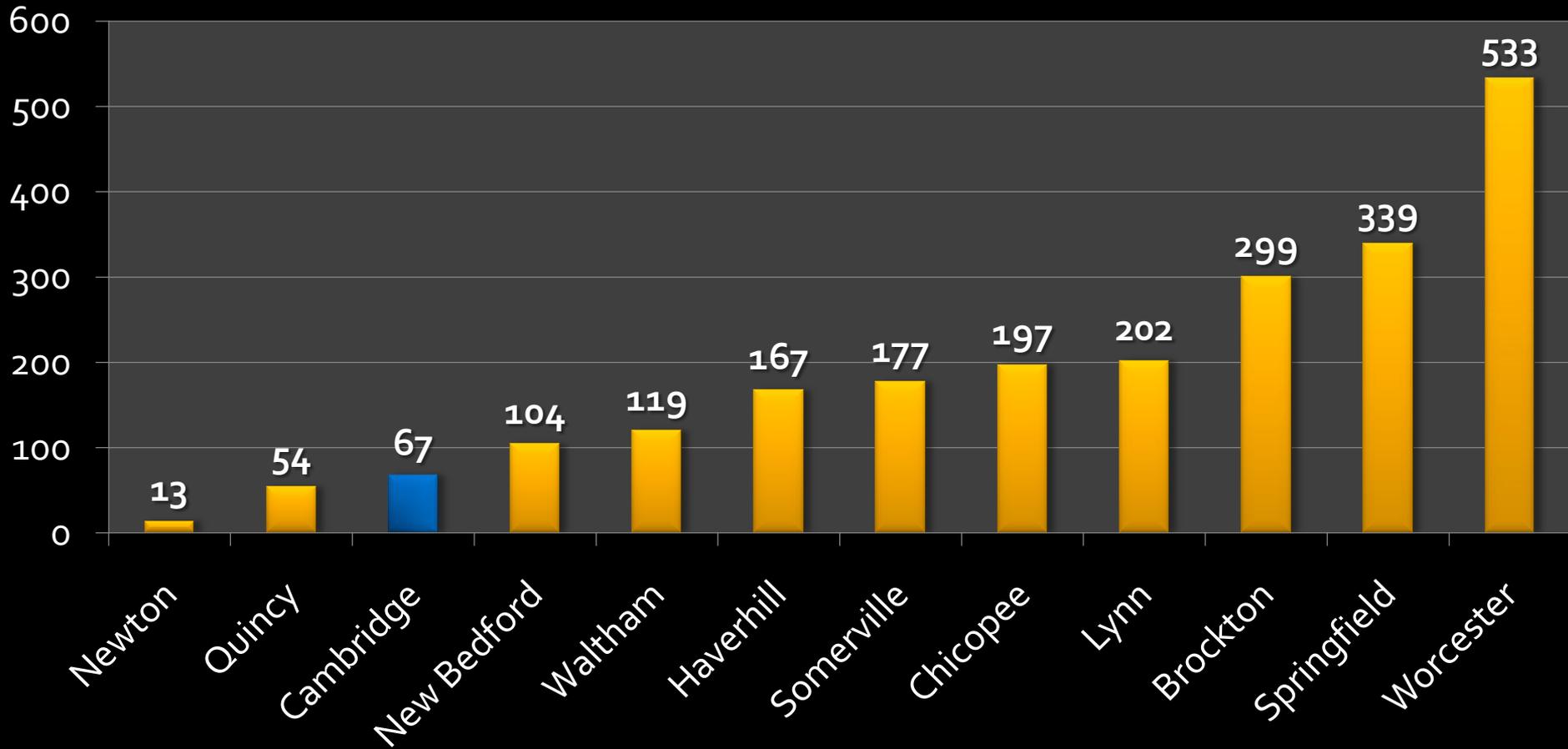




Select Massachusetts Cities & Towns

source: Massachusetts UCR 2007

Disorderly Arrest Rate per 100,000 Residents





Summary of Arrest Rates

2007 National, State, and Regional Disorderly Conduct Arrest Rates

- CPD makes limited use of Disorderly Conduct charges compared to its peer departments.
- Disorderly Conduct charges account for a very small amount of total incidents.
- Disorderly Conduct charges account for a very low rate of charges per 100,000 residents.



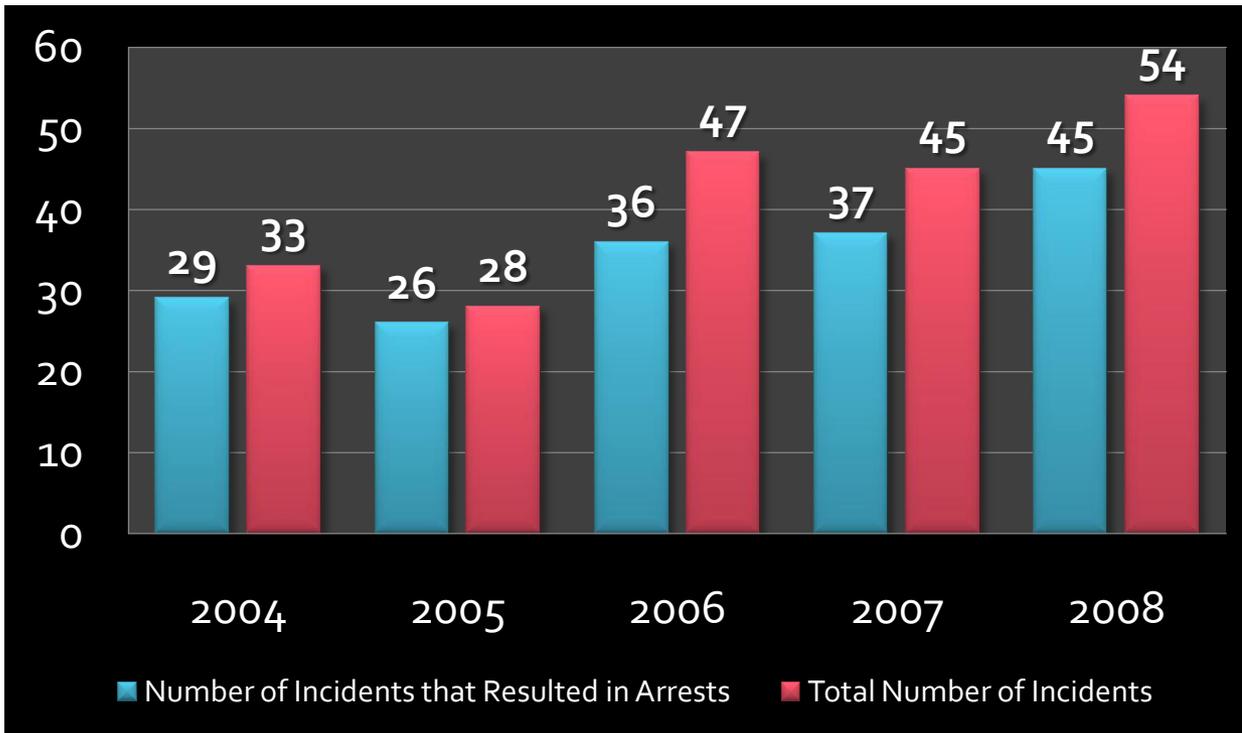
5 Year Analysis of Cambridge Disorderly Conduct Incidents & Arrests: 2004-2008

An Overview of Disorderly Conduct Incidents by Cambridge Police from 2004 to 2008

- CPD performed a detailed analysis of Disorderly Conduct incidents & arrests by:
 - Neighborhood where the incident occurred
 - Business District where the incident occurred
 - Race:
 - Of the Officer
 - Of the Charged



Cambridge Disorderly Conduct Incidents & Arrests: 2004 - 2008



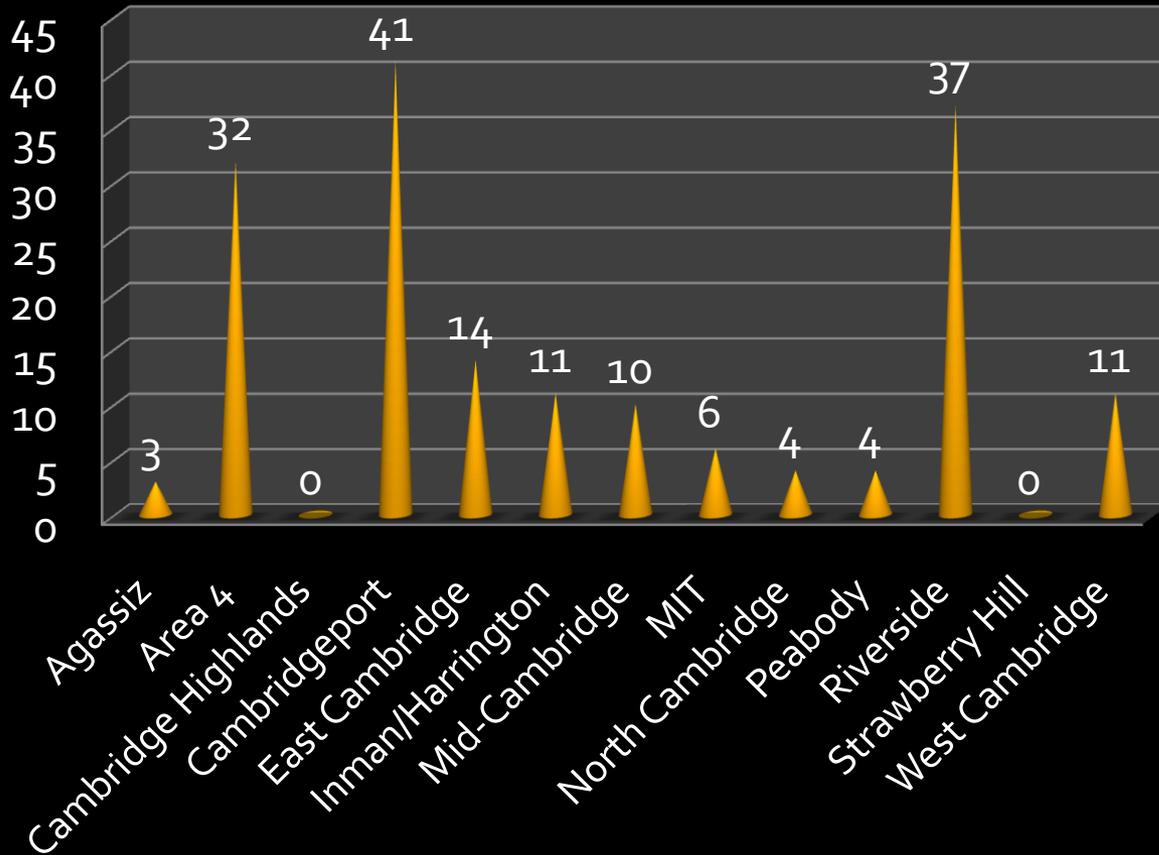
*The number of arrests in this chart refers to the number of incidents that resulted in an arrest, not the number of persons arrested. In some incidents, more than one person may have been arrested.

Comparing Documented Disorderly Incidents to Arrests

It is important to note that comparing the total number of disorderly incidents that result in a police report to the number of arrests is not an accurate measure of arrest ratio. There are typically many more incidents or occurrences of disorderly conduct where probable cause to arrest may exist, but no arrest is made, that never rise to the level of requiring a detailed police incident report.



Breakdown by Neighborhood of Disorderly Conduct Incidents that Resulted in Arrests, 2004 - 2008

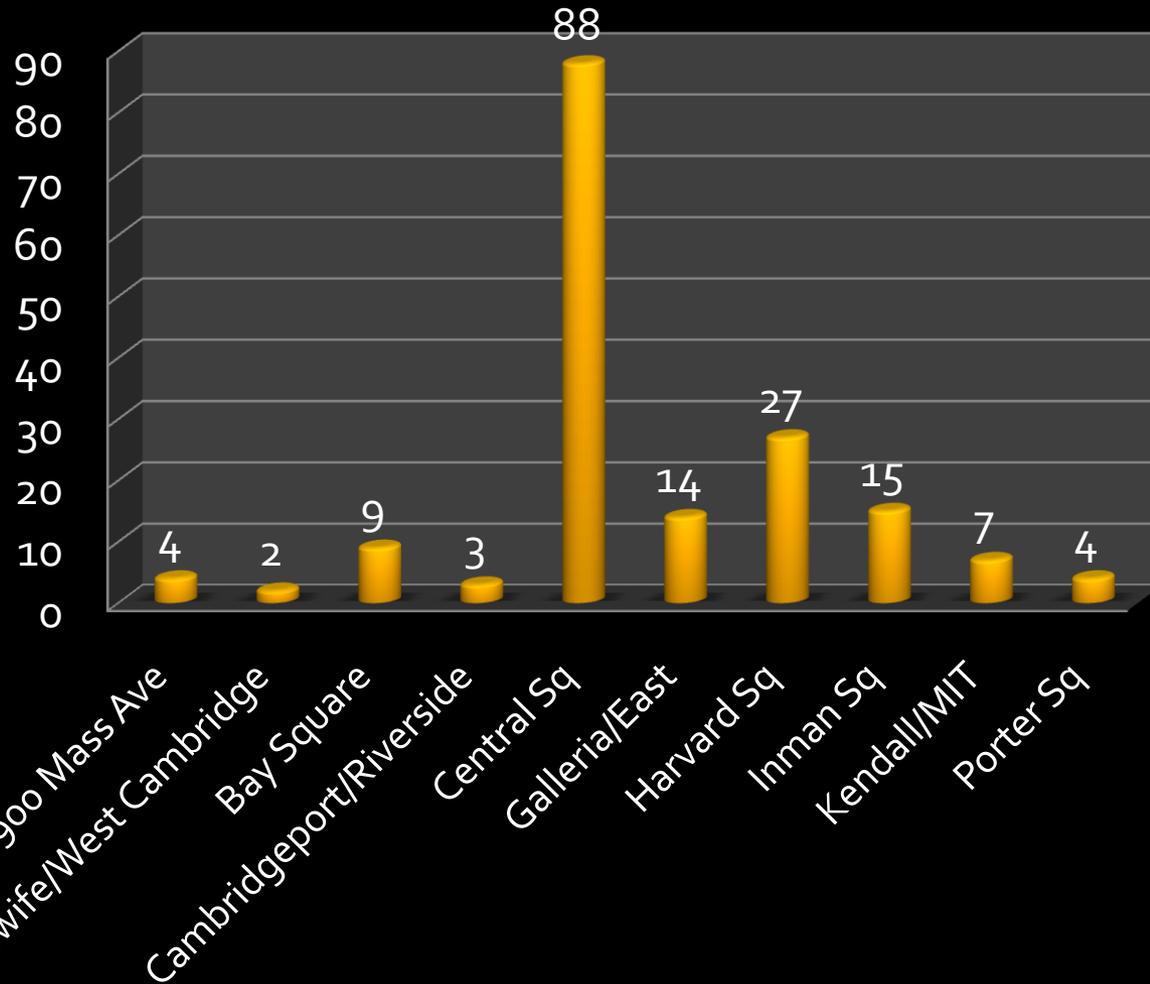


Agassiz	2%
Area 4	18%
Cambridge Highlands	0%
Cambridgeport	24%
East Cambridge	8%
Inman/Harrington	6%
Mid-Cambridge	6%
MIT	3%
North Cambridge	2%
Peabody	2%
Riverside	21%
Strawberry Hill	0%
West Cambridge	6%

The three neighborhoods that accounted for the largest percentage of disorderly incidents were Area 4, Cambridgeport and Riverside. These three neighborhoods border/intersect with Central Square which has a large homeless population and many restaurants and bars.



Breakdown by Business District of Disorderly Conduct Incidents that Resulted in Arrests, 2004 - 2008



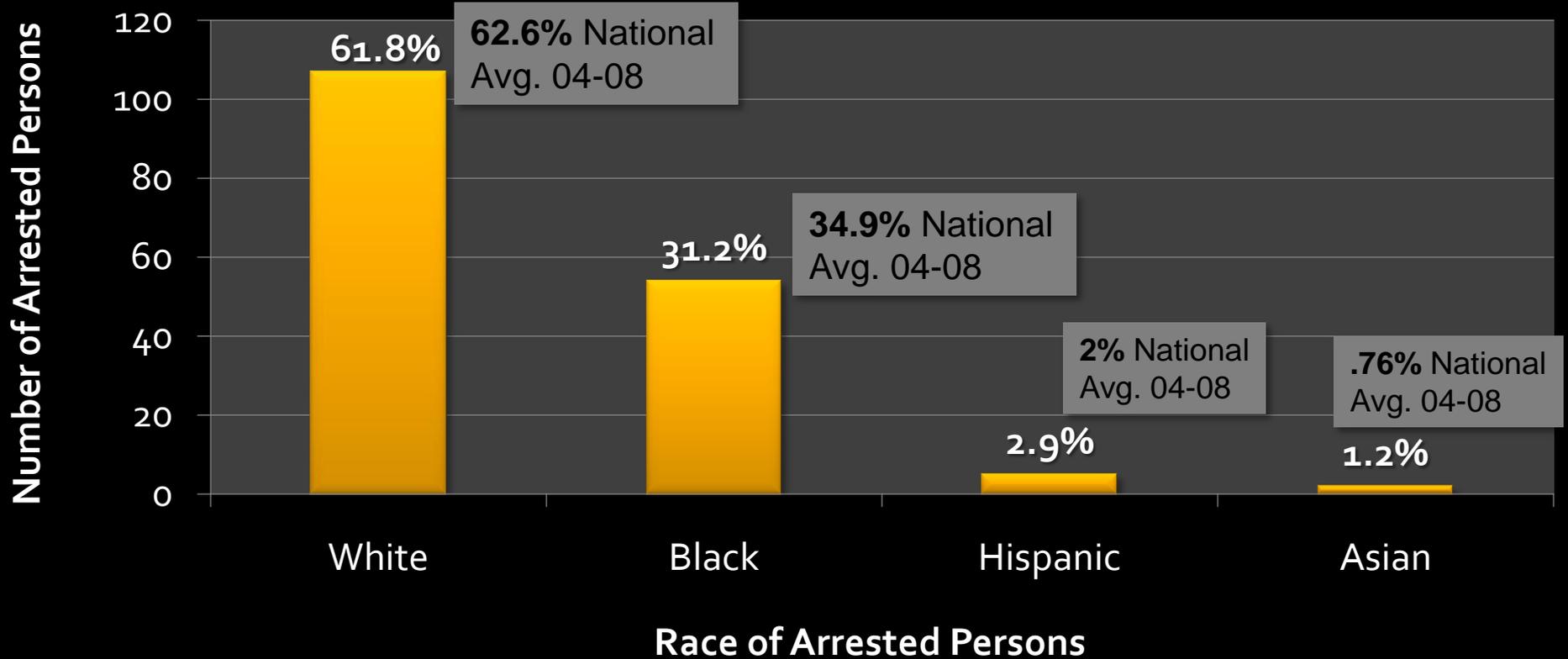
1500-1900 Mass Ave	2%
Alewife/West Cambridge	1%
Bay Square	5%
Cambridgeport/Riverside	2%
Central Sq	51%
Galleria/East	8%
Harvard Sq	16%
Inman Sq	9%
Kendall/MIT	4%
Porter Sq	2%

As the previous slide eluded to based on the distribution of Disorderly Conduct incidents by neighborhood, by analyzing these incidents by business district, it shows that the vast majority of Disorderly Conduct incidents occur in Central Square.



Disorderly Conduct Arrests in Cambridge by Race: 2004 - 2008

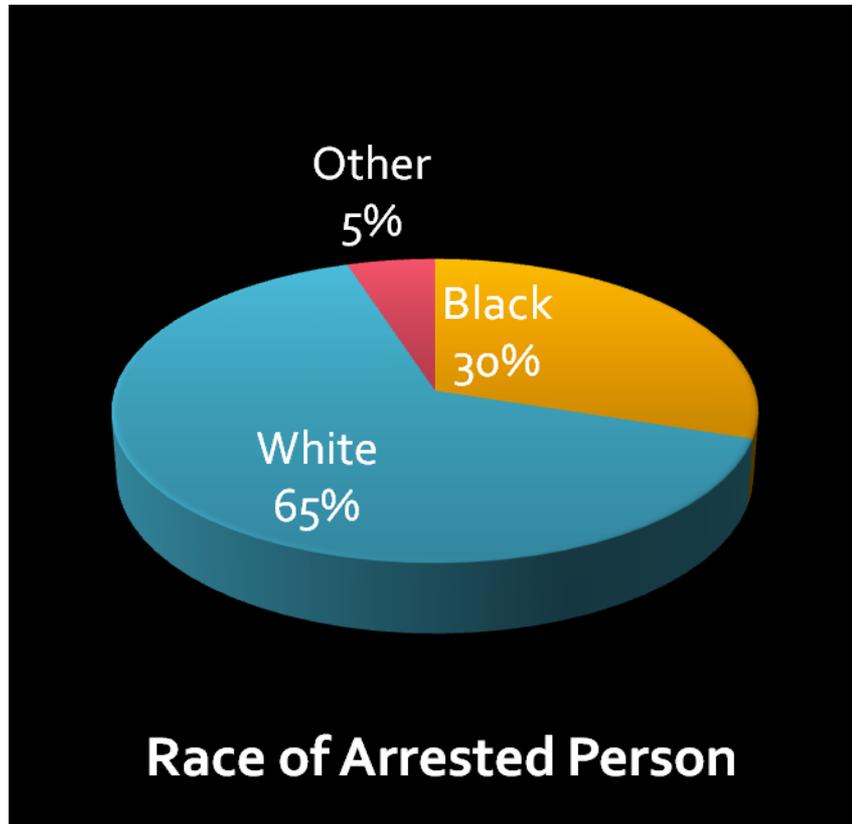
Number of Arrested Persons by Race: Cambridge & National Average



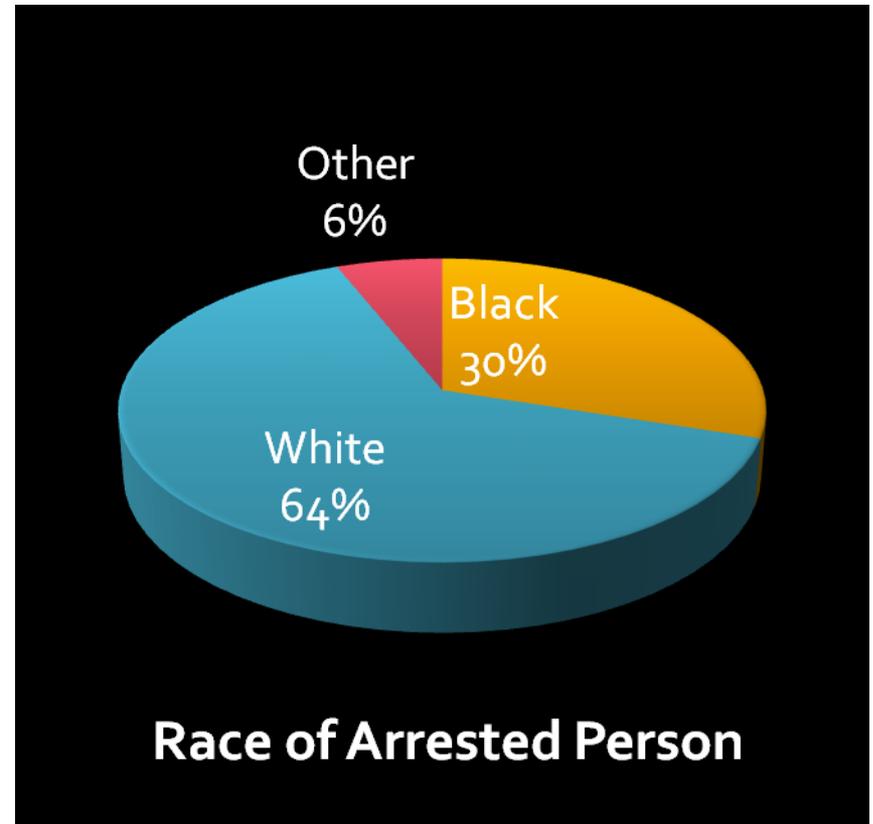


Percentage of Arrests by Race of Arrested Person and Race of Arresting Officer: 2004-2008

BLACK ARRESTING OFFICER



WHITE ARRESTING OFFICER





Analysis of Disorderly Conduct Incidents in Cambridge: 2008

All Incidents Resulting in Disorderly Conduct Charges by Cambridge Police in 2008

- CPD chose one year (2008) of data for an in-depth analysis and review.
- CPD categorized all Disorderly Conduct incidents into three types of scenarios officers are faced with:
 - Charges for Other Offenses
 - Aggravated Disorderly
 - Simple Disorderly



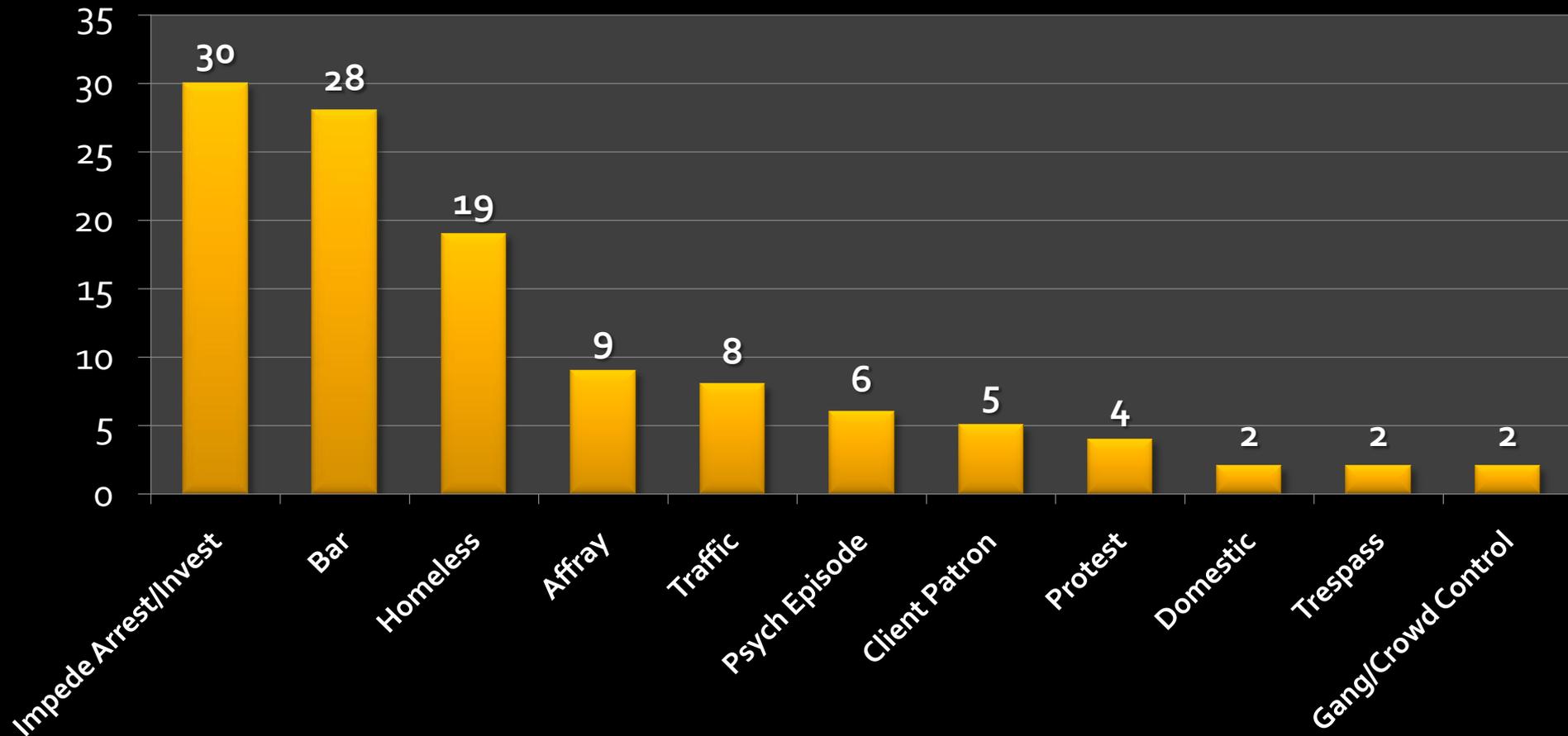
Classification of Charges Resulting from Disorderly Conduct in Cambridge: 2008

- **Charges for Other Offense (60%)** – offender charged for more significant offense(s) and also charged with Disorderly Conduct
- **Aggravated Disorderly (17%)** – conduct was so egregious that incident included additional charges
(Typically Assault & Battery on Police Officer and/or Resisting Arrest)
- **Simple Disorderly (23%)** – charged solely for Disorderly Conduct



Incident Scenarios Resulting in Disorderly Conduct Charges in Cambridge: 2008

114 Offenders Charged with Disorderly Conduct





Factors Common to Disorderly Conduct Charges in Cambridge: 2008

Known / Frequent Offenders	43%
Multiple Offenders Involved in Incident	38%
Homeless	21%
Drug or Alcohol Use / Possession at Time of Incident*	49%
Officer Documented Attempt(s) to De-escalate and/or Warn Offender of Impending Incident*	61%

**Factors derived from reading incident report narrative only – actual numbers likely higher*



Focus of Offenders Disorderly Conduct: 2008

- **General Public (51%)** – offender’s conduct was not focused at a single individual, but rather was general in nature and affected a larger group of people.
(examples: smashing a store window for no apparent reason; running through the streets knocking over newspaper boxes).
- **Victim (16%)** – offender’s conduct focused at a single person/victim.
(typically domestic arguments or disagreements with store clerks).
- **Officer / Police (33%)** – offender’s conduct was focused more specifically at the police or an individual officer.



Assessing Police Conduct

Disorderly Conduct & The Use of Discretionary Police Authority

- As we evaluated how officers apply their use of discretionary police authority, we examined situations where the police have the greatest amount of discretion.
- In the context of Disorderly Conduct arrests specifically, discretion changes based on the focus of offender behavior and degree of criminal conduct:
 - **Less discretion:** as the focus of an offender's behavior is more broad, and they engage in more criminal conduct, officers have *less* discretion.
 - **More Discretion:** conversely, as the focus of an offender's behavior is more narrow, and they engage in less criminal conduct, officers have *more* discretion.



Assessing Police Conduct

Disorderly Conduct & The Use of Discretionary Police Authority

- **Police as focus of Offender's behavior** – as an offender's behavior narrows and is focused on the police there exists greater potential for police bias and/or emotions to effect their decision making and discretion.
- **Simple Disorderly Conduct** – as an offender's criminal conduct lessens and the only charge is Disorderly Conduct there exists greater potential for infringement on First Amendment free speech rights.



Assessing Police Conduct

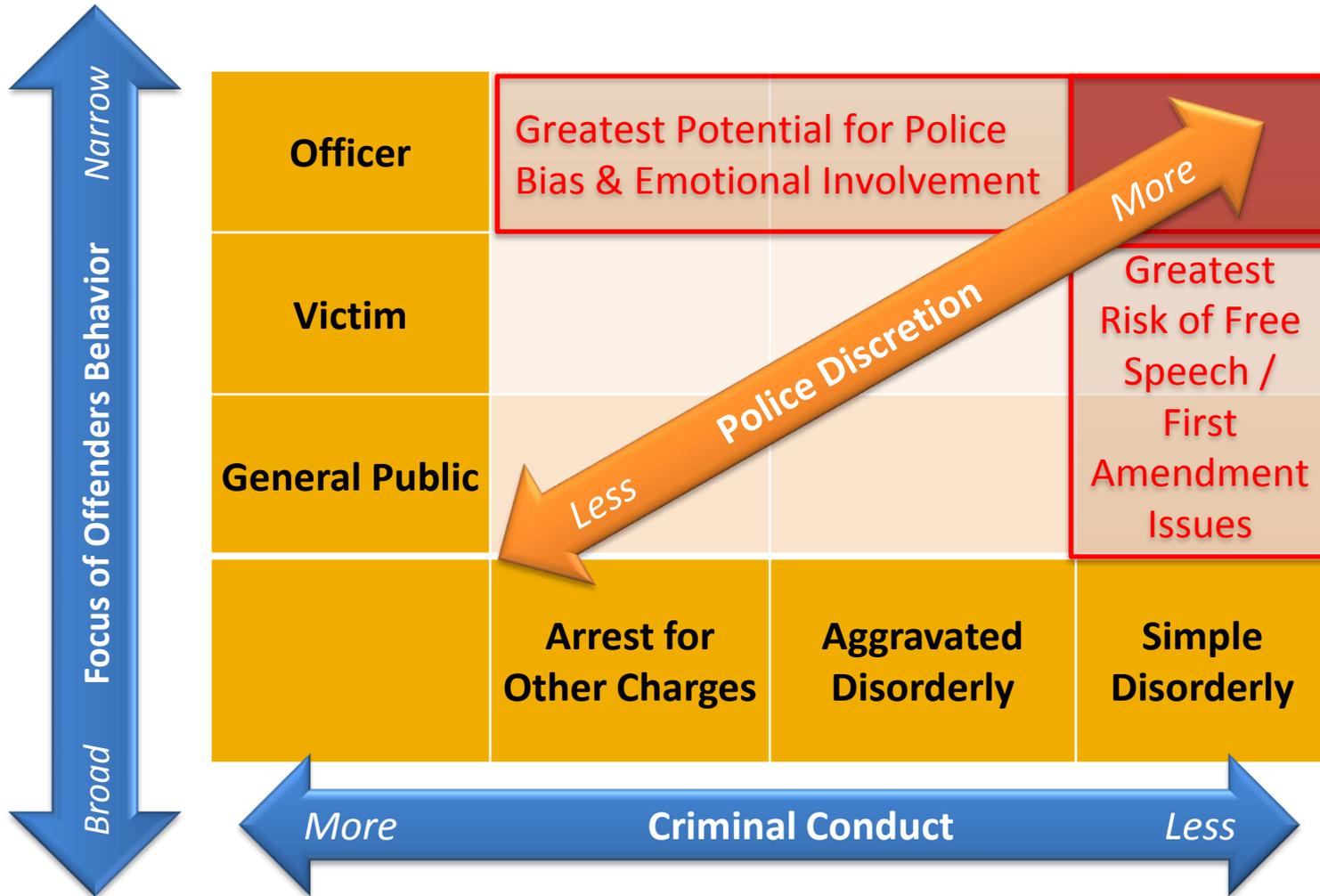
Disorderly Conduct & The Use of Discretionary Police Authority

- The scenario with the greatest potential for misuse, or public perception of misuse, of discretionary police authority is when a person is charged with Simple Disorderly Conduct and the target of their disorder was the officer / police.
- Simple Disorderly Conduct charges accounted for less than $\frac{1}{4}$ (22%) of all Disorderly Conduct charges in Cambridge in 2008.



Assessing Police Conduct – New Model

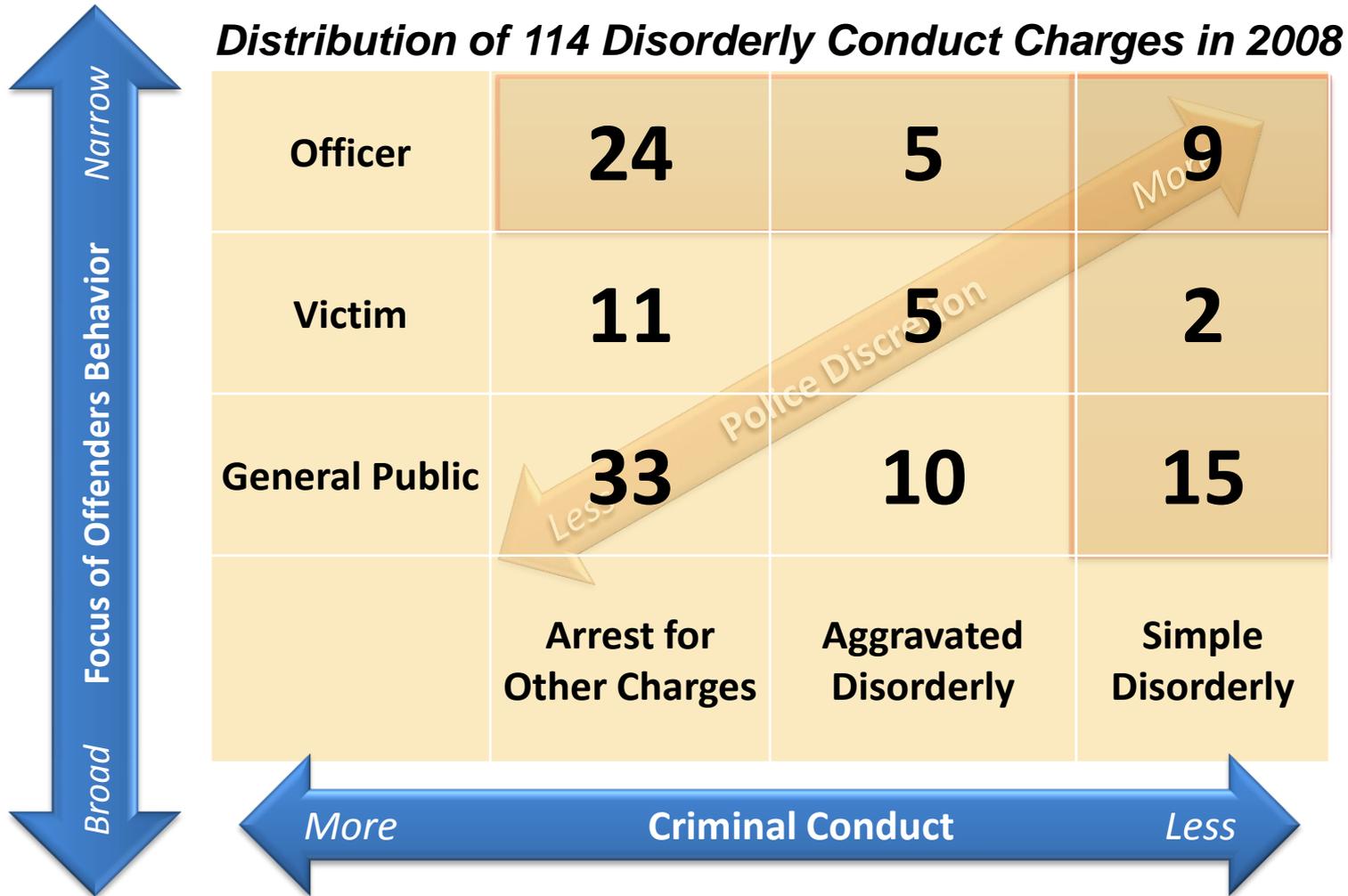
Disorderly Conduct & The Use of Discretionary Police Authority





Assessing Police Conduct – New Model

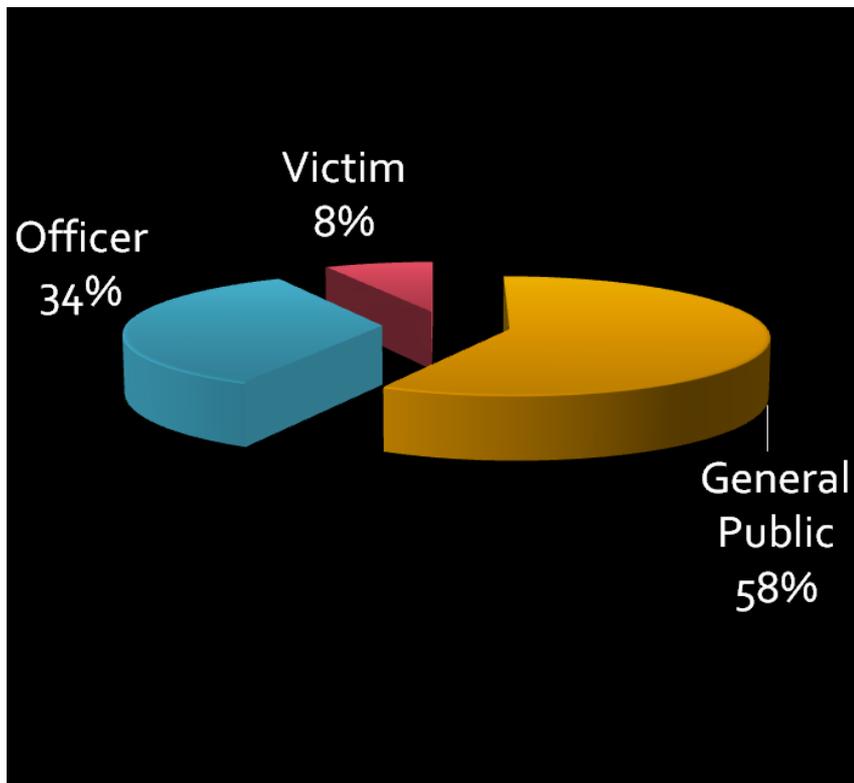
Disorderly Conduct & The Use of Discretionary Police Authority



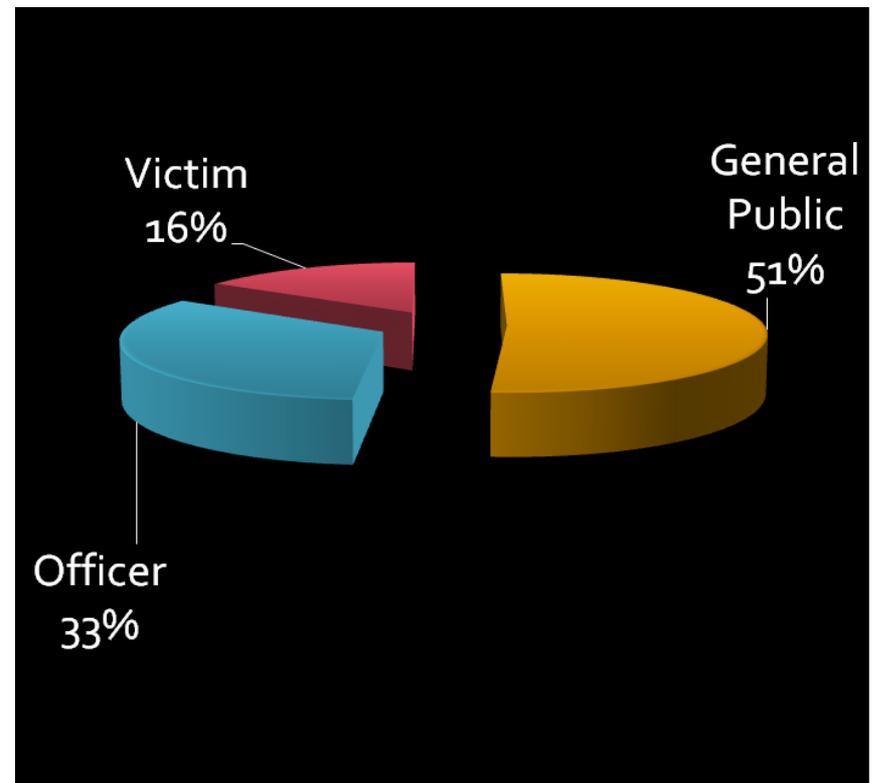


Target of Disorderly Conduct

26 CHARGES FOR DISORDERLY CONDUCT ONLY



ALL 114 INCIDENTS OF DISORDERLY CONDUCT



The data above illustrates that police do not change arrest decisions when the police themselves are the target of an offender's disorderly conduct.

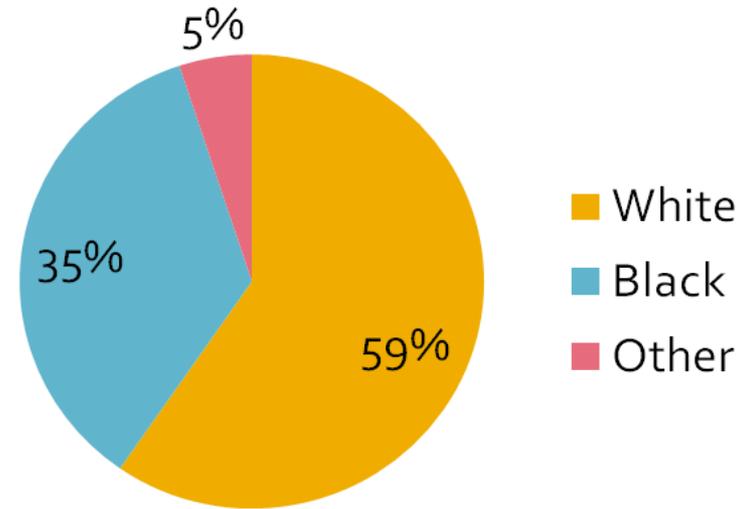


All Disorderly Conduct Arrests by Target

ALL OFFENDERS (114 TOTAL)

Officer	24	5	9
Victim	11	5	2
General Public	33	10	15
	Charged for Other Incident	Aggravated Disorderly	Simple Disorderly

PERCENT BY RACE



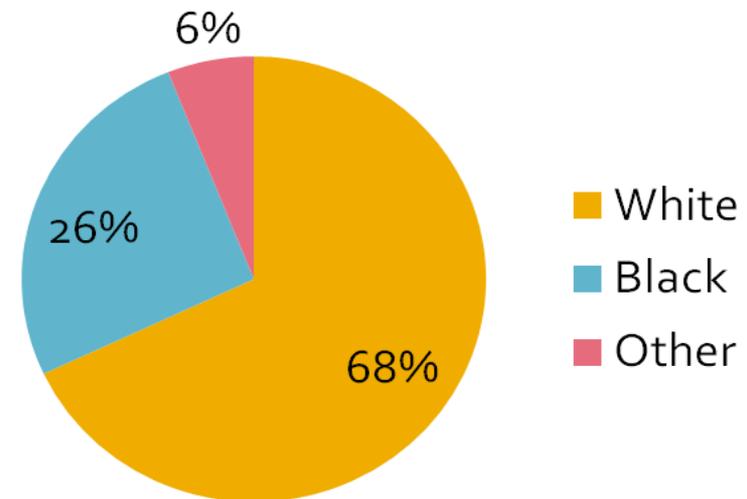


Aggravated Disorderly Conduct Arrests by Target

DISORDERLY OFFENDERS (46 TOTAL)

Officer	24	5	9
Victim	11	5	2
General Public	33	10	15
	Charged for Other Incident	Aggravated Disorderly	Simple Disorderly

PERCENT BY RACE



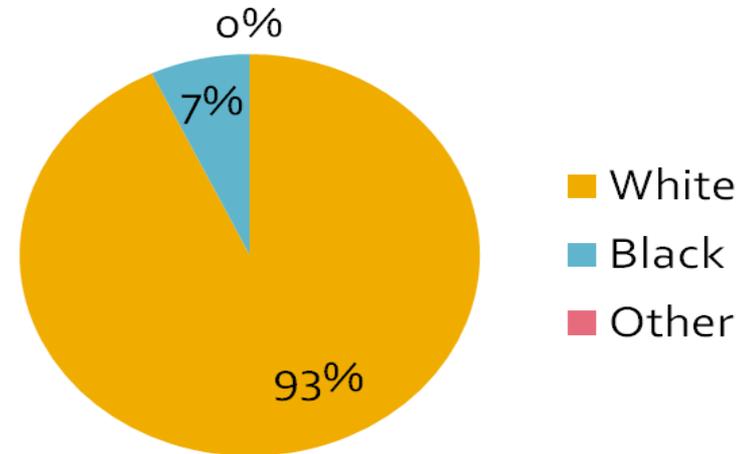


Aggravated Disorderly Conduct Arrests by Target: Officer

DISORDERLY OFFENDERS (14 TOTAL)

Officer	24	5	9
Victim	11	5	2
General Public	33	10	15
	Charged for Other Incident	Aggravated Disorderly	Simple Disorderly

PERCENT BY RACE



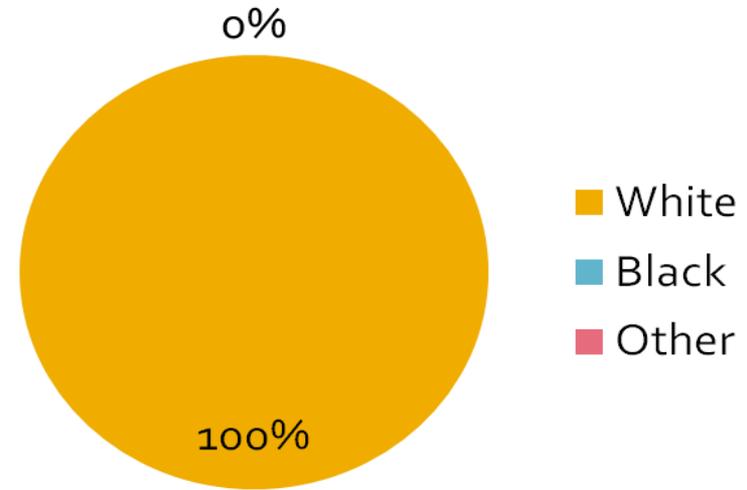


Simple Disorderly Arrests by Target: Officer

DISORDERLY OFFENDERS (9 TOTAL)

Officer	24	5	*9
Victim	11	5	2
General Public	33	10	15
	Charged for Other Incident	Aggravated Disorderly	Simple Disorderly

PERCENT BY RACE





Summary of Findings

- CPD charges for Disorderly Conduct are well below national and local averages.
- Charges by race are in line with national average.
 - Charges by race are equal regardless of the race of officer.
- Charges do not increase where police are the target of Disorderly Conduct.
- Analysis of charges, particularly highest risk category (Simple Disorderly where officer is target of conduct) does not indicate abuse of police power.



Further Application of Discretionary Authority Indicator

- Disorderly Conduct incidents will receive more scrutiny.
 - Intended to heighten officer awareness.
- CPD will continually monitor data against internal and external benchmarks to identify and address outliers.
- CPD will use this new indicator as an opportunity to train officers.
 - Will be part of our next in-service training
 - Criteria will be added to every police report that includes a charge for Disorderly Conduct
- CPD will continue to develop criteria within the DAI.
 - Will allow CPD to better use and understand data
 - CPD will be able to “deploy to data”