

THE WAR ON COPS



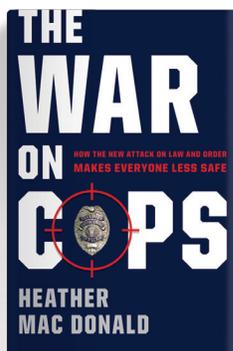
HOW THE NEW ATTACK ON LAW AND ORDER MAKES EVERYONE LESS SAFE



“This is a book that can save lives.”

—THOMAS SOWELL

VIOLENT CRIME HAS BEEN RISING SHARPLY IN MANY AMERICAN CITIES AFTER TWO DECADES OF DECLINE.



Homicides jumped nearly 17 percent in 2015 in the largest 50 cities, the biggest one-year increase since 1993. The reason is what Heather Mac Donald first identified nationally as the “Ferguson effect”: Since the 2014 police shooting death of Michael Brown in Ferguson,

Missouri, officers have been backing off of proactive policing, and criminals are becoming emboldened.

This book collects and expands on Mac Donald’s groundbreaking and controversial reporting on the Ferguson effect and the criminal-justice system. It deconstructs the central narrative of the Black Lives Matter movement: that racist cops are the greatest

threat to young black males. On the contrary, it is criminals and gangbangers who are responsible for the high black homicide death rate.

The War on Cops exposes the truth about officer use of force and explodes the conceit of “mass incarceration.” A rigorous analysis of data shows that crime, not race, drives police actions and prison rates.

The growth of proactive policing in the 1990s, along with lengthened sentences for violent crime, saved thousands of minority lives. In fact, Mac Donald argues, no government agency is more dedicated to the proposition that “black lives matter” than today’s data-driven, accountable police department.

Mac Donald gives voice to the many residents of high-crime neighborhoods who want proactive policing. She warns that race-based attacks on the criminal-justice system, from the White House on down, are eroding the authority of law and putting lives at risk. This book is a call for a more honest and informed debate about policing, crime, and race.

THE WAR ON COPS

REVEALS

In New York City alone, over 10,000 minority males are alive today who would be dead had crime rates remained at their early 1990s levels.

After New York City began aggressively enforcing quality of life violations in 1994, misdemeanor arrests doubled—but felony arrests (and convictions) dropped.

From 1980 to 2009, drug offenders accounted for only 21% of state prison growth, while violent and property offenders accounted for over two-thirds of the growth.

In 2013, drug offenders made up less than 16% of the state prison population, compared to violent felons at 54%.

From 2000-2009, during years of “stop, question, frisk” policing, New York’s prison population dropped while the national prison population rose.

Immediately after the unrest in Ferguson in August of 2014, police arrests in St. Louis County dropped a third. By November, homicides surged 47% and robberies rose 82%.

In 2015, homicides in the largest 50 cities rose nearly 17%, the largest one-year rise in murder in over two decades. Predominantly black cities have been hit the hardest.

In 2015, homicides in Cleveland rose 90%.; homicides in Nashville rose 83%; homicides in Milwaukee rose 72%; homicides in Washington D.C. rose 54%.

Young black males commit homicide at nearly 10 times the rate of young white and Hispanic males combined.

Young black males die from shootings at more than six times the rate of young white and Hispanic males combined.

Nearly 6,000 blacks are murdered each year, overwhelmingly by other blacks.



ABOUT THE AUTHOR

HEATHER MAC DONALD



HEATHER MAC DONALD IS THE THOMAS W. SMITH FELLOW AT THE MANHATTAN INSTITUTE AND A CONTRIBUTING EDITOR TO CITY JOURNAL.

She is a recipient of the 2005 Bradley Prize. Mac Donald's work at *City Journal* has canvassed a range of topics, including higher education, immigration, policing and "racial" profiling, homelessness and homeless advocacy, criminal-justice reform, and race relations. Her writing has appeared in the *Wall Street Journal*, *Washington Post*, *New York Times*, *Los Angeles Times*, *The New Republic*, *The Marshall Project* and *The New Criterion*.

"No journalist now writing about urban problems has produced a body of work matching that of Heather Mac Donald."

-GEORGE F. WILL

"The best and most intrepid journalist writing on racial issues today."

-SHELBY STEELE

"If there were any justice in the world, Mac Donald would be knee-deep in Pulitzer Prizes and National Magazine Awards for her pioneering work."

-DAVID BROOKS

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PRAISE FOR THE WAR ON COPS



“Whether you want facts about the explosive events in Ferguson, Missouri, or in Baltimore, or you want to know why murder rates in New York City fell sharply in the 1990s, this is the place to find solid information. If you want to understand the role of race in all this, that, too, is documented with data. This is a book that can save lives.”

**-THOMAS SOWELL, THE ROSE AND MILTON FRIEDMAN SENIOR FELLOW ON
PUBLIC POLICY AT THE HOOVER INSTITUTION, STANFORD UNIVERSITY**

“Heather Mac Donald is an unsung hero in the transformation of New York into the safest large city in the United States. This book is a necessary read for anyone wondering what is happening in ‘the capital of the world.’”

**-THE HONORABLE RUDOLPH GIULIANI,
FORMER MAYOR OF NEW YORK CITY**

“*The War on Cops* is an important and timely book. Mac Donald’s clear-eyed analysis separates fact from fiction and provides keen insights into the politics at play and the consequences for law-enforcement officers and the communities they are sworn to protect.”

**-RAY KELLY, FORMER COMMISSIONER OF
THE NEW YORK CITY POLICE DEPARTMENT**

“*The War on Cops* offers a perspective that supporters of law enforcement have long been waiting for. It is informed by street-level reporting, knowledge of real-world policing, and empirical research. Unlike many in academia and journalism, Mac Donald understands that assertive policing protects law-abiding poor—and often minority—citizens trapped in ghettos where violence and crime are unfortunately making a comeback.”

-SHERIFF DAVID A. CLARKE JR., MILWAUKEE COUNTY, WISCONSIN

Q&A

HEATHER MAC DONALD



Why did you write *The War on Cops*?

MAC DONALD: I wrote *The War on Cops* to rebut a dangerous lie: that policing, and indeed the entire criminal justice system, are racist. That lie threatens the record-breaking national crime drop of the last two decades by discouraging cops from doing their jobs. The attack on the criminal justice system distracts attention from the real law enforcement problem in urban America: elevated rates of black-on-black crime.

You argue that proactive policing has been the greatest public policy success story of the last quarter century. How have controversial policing tactics such as “stop, question, and frisk” and “broken windows” policing contributed to massive drops in crime?

MAC DONALD: “Stop, question, and frisk” and “broken windows” policing avert serious crime before it happens. In the case of “stop, question, and frisk,” officers are asked to use their knowledge of local crime conditions to intervene in suspicious situations before someone has been victimized. If a neighborhood has experienced a series of car thefts, for example, and an officer sees someone walking along a row of parked cars trying their door handles, the officer may stop that person to find out what he is doing. Criminals have acknowledged that the chance of being stopped deters them from carrying guns on their person.

“Broken windows” policing targets public disorder that signals that informal social controls in an area have broken down. Accosting someone who is drinking whiskey outside a bodega at 3 pm may stop a stabbing at 10 pm that night, after the drinker is drunk. Pedestrian stops and broken windows enforcement were a major part of the 1990s policing revolution that brought safety to millions of urban residents.

You give voice to the residents of high-crime neighborhoods who support proactive policing. How have data-driven, accountable police departments actually saved and improved the lives of minorities in America?

MAC DONALD: The greatest beneficiaries of proactive policing and the resulting crime drop have been minorities. In New York City alone, over 10,000 minority males are alive today who would have been dead had crime rates remained at their early 1990s levels. The reduction of crime in inner-city neighborhoods has allowed their law-abiding residents the basic freedoms that residents of safer neighborhoods take for granted: being able to sleep in your bed rather than your bathtub without fear of getting shot, for example. The drop in crime encouraged businesses to set up shop in previously drug-infested areas, providing residents with greater consumer options and more job opportunities. Public safety is the precondition for urban regeneration; as long as crime rates remain high, economic activity in an area will be suppressed.

You have introduced the idea of the “Ferguson Effect” into the public discourse. Can you briefly explain what this is and how it threatens the safety of citizens?

MAC DONALD: The “Ferguson Effect” refers to the twin phenomena of officers backing off of proactive policing under the relentless charge that they are racist, and the resulting emboldening of criminals. Since the fatal police shooting of Michael Brown in Ferguson, Mo., in August 2014, the Black Lives Matter movement has controlled the public discourse about law enforcement and the media have parroted the movement’s claim that police officers regularly gun down unarmed black males with impunity. Officers in urban areas now worry about becoming the latest racist cop of the week on CNN if their justified use of force against a resisting suspect is

distorted by an incomplete cell phone video. As a result, officers are doing less proactive policing and crime is shooting through the roof in urban neighborhoods. In 2015, homicides in the largest 50 cities rose nearly 17%, the largest one-year rise in murder in over two decades. Homicides in Baltimore reached their highest per capita rate in the city's history last year.

The rate of murdered police officers is over 200% higher than it was at this time last year. Is this an anomaly or has there been a significant increase in hostility towards law enforcement?

MAC DONALD: There has been a huge increase in hostility towards law enforcement in urban areas; suspects are violently resisting arrest, bystanders routinely jeer when cops get out of patrol cars. The BLM claim that cops are racist murderers has led to the assassination and attempted assassination of police officers. Any increase in attacks on law enforcement bears watching because such violence threatens the very existence of law and order.

Is there a legitimate claim about widespread use of police brutality against minorities?

MAC DONALD: Police brutality must be prevented and eradicated wherever it happens. But it is not true that there is a widespread problem of police brutality in minority neighborhoods or that police shootings are driven by race. Police shootings of blacks are much lower than what black crime rates would predict. And police shootings comprise a much lower proportion of black homicide deaths than white and Hispanic homicide deaths. The police shoot very few unarmed individuals each year, and most of those individuals were trying to grab the officer's gun or violently resisting arrest. Meanwhile, nearly 6000 blacks are murdered each year, overwhelmingly by other blacks, and the press looks the other way.

Aren't African Americans at greater risk for arrest, prosecution, and longer prison sentences for drug crimes than whites?

MAC DONALD: Blacks' risk of prosecution for drug crimes

is based on their involvement in drug trafficking, not on their race. Police enforce drug laws where citizens are begging for drug enforcement and that is in minority neighborhoods. Study after study has shown that blacks' overrepresentation in prison is due to their higher rates of crime and more extensive criminal histories, not to phantom racism within the criminal justice system. Nor is blacks' overrepresentation in prison due to the enforcement of drug laws. If all drug prisoners were removed from state prisons—which house 87% of the nation's prisoners—blacks' proportion of state prisoners would be unchanged.

What do you say to calls for criminal justice reforms that would weaken criminal penalties and reduce incarcerations?

MAC DONALD: America is not overincarcerating. Only 3% of all violent felons and property offenders end up in prison. The longer and more certain sentences for repeat felons instituted in the late 1970s and 1980s played a major part in the subsequent crime drop. While there is nothing sacrosanct about any particular legislated sentence length, the cumulative assault on every aspect of the criminal justice system—from traffic laws to warrant enforcement to sentencing policy—is a dangerous trend. Even more dangerous is the conceit driving that assault: that the criminal justice system is racist.

How can we repair the current attitude towards police?

MAC DONALD: The police can always benefit from more training in courtesy and respect. But they cannot succeed in repairing frayed community relations so long as the propaganda campaign being waged against cops continues unabated. Members of the press need to talk to those many residents of high-crime neighborhoods who want more police officers safeguarding their communities. The media also need to break the taboo regarding black crime. As long as the public remains ignorant about the vast racial disproportion in violent crime commission, people will be susceptible to the lie that the police are in minority neighborhoods to oppress, rather than to save lives.

AN EXCERPT FROM

THE WAR ON COPS



The biggest myth about the criminal-justice system is not that it mindlessly metes out overlong sentences, but that the disproportionate number of blacks in prison reflects bias by police, prosecutors, and judges.

“The bottom line is that in too many places, black boys and black men, Latino boys and Latino men experience being treated differently under the law,” President Obama told the NAACP conference in July 2015, echoing a claim he has made frequently. (We have already seen him deploying the line in a speech shortly after the Baltimore riots of April that year.) Incarceration “disproportionately impacts communities of color,” Obama said. “African Americans and Latinos make up 30 percent of our population; they make up 60 percent of our inmates.”

Naturally, Obama said nothing about crime rates. It is not marijuana-smoking that lands a skewed number of black men in prison; it is their disproportionate rates of violent and property crime. A 2011 study of California and New York arrest data led by Darrell Steffensmeier, a criminologist at Pennsylvania State University, found that blacks commit homicide at 11 times the rate of whites and robbery at 12 times the rate of whites. Such disparities are repeated in city-level data. In the 75 largest county jurisdictions in 2009 (as noted in Chapter 13), blacks were 62 percent of robbery defendants, 61 percent of weapons offenders, 57 percent of murder defendants, and 50 percent of forgery cases, even though

blacks are less than 13 percent of the national population. They dominated the drug-trafficking cases more than possession cases. Blacks made up 53 percent of all state trafficking defendants in 2009, whites made up 22 percent, and Hispanics 23 percent, whereas in possession prosecutions, blacks were 39 percent of defendants, whites 34 percent, and Hispanics 26 percent.

“IT IS NOT MARIJUANA-SMOKING THAT LANDS A SKEWED NUMBER OF BLACK MEN IN PRISON; IT IS THEIR DISPROPORTIONATE RATES OF VIOLENT AND PROPERTY CRIME.”

Repeated efforts by criminologists to find a racial smoking gun in the criminal-justice system have come up short. If the prison population were not a reminder of a reality that the political and academic establishment would rather cover up—the black crime rate—it is unlikely that the deincarceration movement would have generated the same momentum. After all, the nearly fourfold rise in the prison population since the early 1980s played a major role in the record-breaking crime drop since the early 1990s. That prison buildup represented a backlash against the anti-confinement ideology of the 1960s and 1970s that had lowered the

Continue reading on reverse →

incarceration rate, as crime was exploding in cities across America. Many of the same alternatives to penal custody that are now being proposed had been put into place in the late 1960s and early 1970s to keep criminals out of prison. But these alternatives lost support as crime spun out of control. Legislators started lengthening sentences, especially for repeat felony offenders, and pressing for a greater confinement rate. During the 1980s, crime rates fluctuated as the prison population steadily grew; it was only in the early 1990s that crime began a steady downward trajectory, ultimately to be cut in half by the mid-2000s. Anti-incarceration advocates point to the divergent paths of crime and imprisonment in the 1980s to argue against the role of prison in the 1990s crime drop. But Franklin Zimring, a law professor at the University of California at Berkeley, has argued that it was not until the 1990s that the prison buildup reached its most effective incapacitative strength and kicked in as a sustained antidote to lawlessness.

Statistical war continues to be waged over the role of incarceration in the last two decades' crime decline, with all activists and many academics still denying that incarceration contributed to the crime drop. Given the nonstop pressure from the Black Lives Matter movement, we may be embarking on another real-world experiment testing the relationship between incapacitation and crime. If the country is really serious about lowering the prison count, however, it is going to have to put aside the fictions about the prison population. The legendary pot-smoker clogging up the rolls is long gone, if he were ever there. Cutting the prison population would require slashing the sentences of violent criminals and property offenders (many of whom have violent histories) and keeping more of them in the community after their convictions. The problem is not "the Michelle Alexander story that we have too many harmless people in prison," says Mark Kleiman of New York University. "Most of the problem is that we have too many murderers in prison."

"COMPARED WITH THE RHETORIC AROUND "MASS INCARCERATION," CURRENT SENTENCES DO NOT SEEM OUTRAGEOUSLY HIGH."

Compared with the rhetoric around "mass incarceration," current sentences do not seem outrageously high. In 2009, the median sentence length for all felony convictions was 30 months. For violent felonies, the median was 48 months, and for nonviolent felonies it was 24 months. In 2011, according to the Bureau of Justice Statistics, 43 percent of new admissions to state prisons had sentences of two to four years; 57 percent of all prisoners had sentences of four years or less. About 42 percent of incoming prisoners had sentences of five years or more. Whether you find those numbers shocking depends on your view of retribution and incapacitation. To be sure, some very long sentences are meted out. California, for example, has one of the strictest sentencing-enhancement laws in the nation for the use of guns during felonies. Rob someone with a knife, and you may get two years in prison. Threaten your victim with a gun, however, and you may, depending on your criminal history and plea bargaining, face an additional ten years. In Iowa, class B felonies like armed robbery have a 25-year prison sentence, of which at least 70 percent must be served.

Still, it will take a lot of sentence cutting and diversion to the community to make a difference in the prison population. Cutting the time served by violent felons in New Jersey state prisons by 15 percent, for example, would lower the prison population there only 7 percent by 2021. Cutting violent felons' time served by half would still yield only a 25 percent reduction, according to Erik Eckholm of the *New York Times*, who used an Urban Institute estimation tool. Such measures would hardly end the era of "mass incarceration." To get back to our historical level of incarceration, we would need to reduce the prisoner headcount by 80 percent.

"Given the nonstop pressure from the Black Lives Matter movement, we may be embarking on another real-world experiment testing the relationship between incapacitation and crime."