

## One In 25 Americans Was Arrested In 2011

By: Radley Balko – August 7, 2013

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We've heard a lot of talk lately about mass incarceration, the stop-and-frisk policies in New York, reforming the drug laws, and mandatory minimum sentencing. There's also been discussion about over-criminalization -- that we have too many laws, too broadly enforced -- from groups as ideologically diverse as the Heritage Foundation, the ACLU, the Cato Institute, and the National Association of Criminal Defense Lawyers.

But here's a related statistic that's pretty mind blowing in and of itself: According to the FBI, in 2011 there were 3991.1 arrests for every 100,000 people living in America. That means over the course of a single year, one in 25 Americans was arrested.

The FBI also reports that the arrest rate for violent crime was just 172 per 100,000, and for property crimes, it was 531. That means that in 2011, one in 33 Americans were arrested for crimes that didn't involve violence against another person, or theft of or damage to property. More people were arrested for drug crimes than any other class of crimes -- about one in every 207 of us. One in every 258 of us was arrested for drunk driving. The FBI doesn't keep track, but presumably the remaining arrests were for crimes like prostitution, vandalism, public intoxication, disorderly conduct, and other consensual crimes and relatively minor offenses.

One major allegation levied against the NYPD's stop-and-frisk policy is that it comes with quotas encourages false arrests, with new allegations surfacing just last month. (Worse yet, tricks people into committing crimes they wouldn't have otherwise committed.) But it isn't just New York. There have been recent allegations of systematic false arrests among police departments in Florida, Utah, and Newark.

Arrests can be damaging, even if they never result in criminal charges. They generally go on your criminal record, which can be checked each time you apply for a job, housing, or credit. An arrest can also be a barrier to your ability to adopt, obtain some types of professional licenses, and obtain a visa or passport. And of course an arrest also comes with some social stigma.

Suing for damages from a false arrest is extremely difficult. It's tough to even get in front of a jury, much less actually win a favorable verdict. Even then, litigation can take years, assuming you can find an attorney to take your case. Even police who make clearly illegal arrests -- such as arresting people who attempt to record the officers in public -- are rarely held accountable. As with other areas of the criminal justice system, all of the push is in a punitive direction. There are lots of reasons and incentives for cops to make lots of arrests, and very little in the way of consequences for making too many, or for arresting someone without cause.