

**CREATED EQUAL:
RACIAL AND ETHNIC DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM**

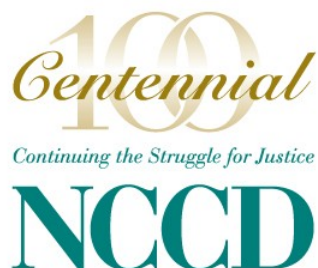
Testimony by

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African Americans make up 13% of the general US population, yet they constitute 28% of all arrests, 40% of all inmates held in prisons and jails, and 42% of the population on death row. In contrast, Whites make up 67% of the total US population and 70% of all arrests, yet only 40% of all inmates held in state prisons or local jails and 56% of the population on death row. Hispanics and Native Americans are also alarmingly overrepresented in the criminal justice system.¹ This overrepresentation of people of color in the nation's criminal justice system, also referred to as disproportionate minority contact (DMC), is a serious issue in our society.

DMC has been the subject of concern in the juvenile justice system since 1988, when a federal mandate required states to address the issue for system-involved youth. This mandate led to an increase in the information on racial disparities in the juvenile system and efforts to reduce these numbers. However, no such efforts have been made in the adult system.

This report documents DMC in the adult criminal justice system by tabulating the most reliable data available. It does not seek to thoroughly describe the causes of DMC nor does it perform an advanced statistical analysis of how various factors impact disparity. Disproportionate representation most likely stems from a combination of many different circumstances and decisions. It is difficult to ascertain definitive causes; the nature of offenses, differential policing policies and practices, sentencing laws, or racial bias are just some of the possible contributors to disparities in the system. Some studies have begun to explore these issues and are so cited, but the purpose of this report is to describe the nature and extent of the problem.

DMC is problematic not only because persons of color are incarcerated in greater numbers, but because they face harsher penalties for given crimes and that the discrepancies accumulate through the stages of the system. This report presents the data on DMC in arrests, court processing and sentencing, new admissions and ongoing populations in prison and jails, probation and parole, capital punishment, and recidivism. At each of these stages, persons of color, particularly African

¹ US Census Bureau, Population Division. (2008). Table 3: Annual estimates of the population by sex, race, and Hispanic origin for the United States: April 1, 2000 to July 1, 2007 (NC-EST2007-03). US Department of Justice, Bureau of Justice Statistics. (2002).; Harrison, P.M., & Beck, A.J. (2006). *Prison and jail inmates at midyear, 2005*. Bureau of Justice Statistics, NCJ217675. Retrieved from <http://www.ojp.usdoj.gov/bjs/abstract/pjim05.htm>, January 18, 2008. Additional draft tables of prisoners by race/ethnicity by state provided by the author January 25, 2008.

Americans, are more likely to receive less favorable results than their White counterparts. The data reveal that, overall, Hispanics are also overrepresented, though to a lesser extent than African Americans, and that Asian Pacific Islanders as a whole are generally underrepresented.

Correcting DMC in the adult system will require improvements in state and federal data collection. In contrast to juvenile DMC data, much of which can be found from a single source and can often be compared across the stages of the juvenile system, data for the adult system are only available through several independent federal and state data collection programs. Each dataset uses different sampling methods, in effect, obscuring how DMC accumulates in the system.

All data in this report reflect national figures; when possible, data by state are also presented. All data reported are categorized by race and, when possible, by ethnicity. The latest available data are usually from 2003 to 2006. Most data are reported as a Relative Rate Index, a ratio of the rates at which people of color and Whites are represented in the system relative to their representation in the general population.

Failing to separate ethnicity from race hides the true disparity among races, as Hispanics—a growing proportion of the system’s population—are often combined with Whites, which has the effect of inflating White rates and deflating African American rates in comparison. Asian American system populations, while small in comparison to the other groups, also need to be disaggregated. Disaggregation of “Asian,” for instance, allows researchers to assess subgroups such as Vietnamese, Chinese, Indian, Japanese, etc., some of which may have disproportion even when the overall group does not. Despite the shortcomings of the data, this report shows clearly that people of color are overrepresented throughout the adult system and that the system often responds more harshly to people of color than to Whites for similar offenses. A summary of findings at each stage of the system follows.

Arrests

- Overall, the rates at which African Americans were arrested were 2.5 times higher than the arrest rates for Whites.
- Rates were even higher for certain categories of offenses: the rates at which African Americans were arrested for violent offenses and for drug offenses were each approximately 3.5 times the rate that Whites were arrested for those categories of offenses.

- African Americans were arrested at over 6 times the rate for Whites for murder, robbery, and gambling and were overrepresented in all specific offenses except alcohol related crimes.
- Native Americans were arrested at 1.5 times the rate for Whites, with higher disparity for certain violent and public order offenses.
- Asian Pacific Islanders were the only racial group to be underrepresented compared to Whites.
- The FBI, the primary source of offense and arrest data, does not disaggregate data by ethnicity.

Court Processing

- African Americans were more likely to be sentenced to prison and less likely to be sentenced to probation than Whites.
- The average prison sentence for violent crime was approximately one year longer for African Americans than for Whites.
- African Americans were convicted for drug charges at substantially higher rates than those for Whites.

New Admissions to Prison

- African Americans were admitted to prison at a rate almost 6 times higher than that for Whites.
- Hispanics were admitted at 2 times the rate for Whites.
- Native Americans were admitted at over 4 times the rate for Whites.
- Native American females were admitted at over 6 times and African American females at 4 times the rate for White females.
- Rates of new admissions due to probation or parole revocations were much higher for people of color than for Whites.

Incarcerated in Prisons and Jails

- Nationwide, African Americans were incarcerated in state prison at 6 times the rate for Whites and in local jails at almost 5 times the rate for Whites.
- Hispanics were incarcerated at over 1.5 times the rate for Whites.

- Native Americans were incarcerated at over 2 times the rate for Whites.
- All individual states reported overrepresentation of African Americans among prison and jail inmates.
- The majority of states also reported that Hispanics and Native Americans were disproportionately confined.

Probation and Parole

- African Americans were on probation at almost 3 times and on parole at over 5 times the rate for Whites.
- Hispanics and Native Americans were each on parole at 2 times the rate for Whites.

Death Penalty

- The rate at which African Americans were on death row was almost 5 times the rate for Whites.

Recidivism

- African Americans were generally more likely to recidivate than Whites or Hispanics.
- When ethnicity was reported, Hispanics were generally less likely to recidivate than non-Hispanics.

Juveniles

- African American rates of residential placement were over 4 times, Hispanic rates 2 times, and Native Americans 3 times those for Whites.
- Rates of youth admitted to adult prisons were 7 times higher for African Americans and over 2 times as high for Native Americans as for White youth.
- Disparity in the juvenile justice system is the worst at the deepest levels of the system.