

Racial Disproportionality in the Criminal Justice System



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Outline of Presentation

2

- I. Definitions and Measurement**
- II. Criminal Justice expansion and disproportionality**
- III. Causes of Disproportionality**
- IV. Consequences of Conviction**
- V. Conclusion**

I. Definitions and Measurement



Disproportionality

4

- **The over-representation of a particular group in the criminal justice system relative to the general population**
 - For example, the percent of prisoners who are black compared to the percent of population that is black
- **Can also be measured relative to white representation in the criminal justice system**
 - For example, the black incarceration rate compared to the white incarceration rate

Disparity



- **Racial disproportionality that results from criminal justice practices or policies**
 - Not from differences in crime commission
- **Racial disparity can stem from:**
 - Bias, either conscious or unconscious
 - Facially neutral practices and policies that have racially unequal effects

Race and Ethnicity



- **Race – the following are identified as racial categories by the U.S. Census Bureau:**
 - American Indian or Alaska Native, Asian, Black/African American, Native Hawaiian or Other Pacific Islander, White
- **Ethnicity – is considered by the Census Bureau to be separate from race:**
 - All respondents are asked to identify their race and whether they are Hispanic or not Hispanic

Stages of Criminal Justice Processing

7

- **Arrest**
- **Pre-detention**
- **Formal processing**
- **Conviction**
- **Incarceration**

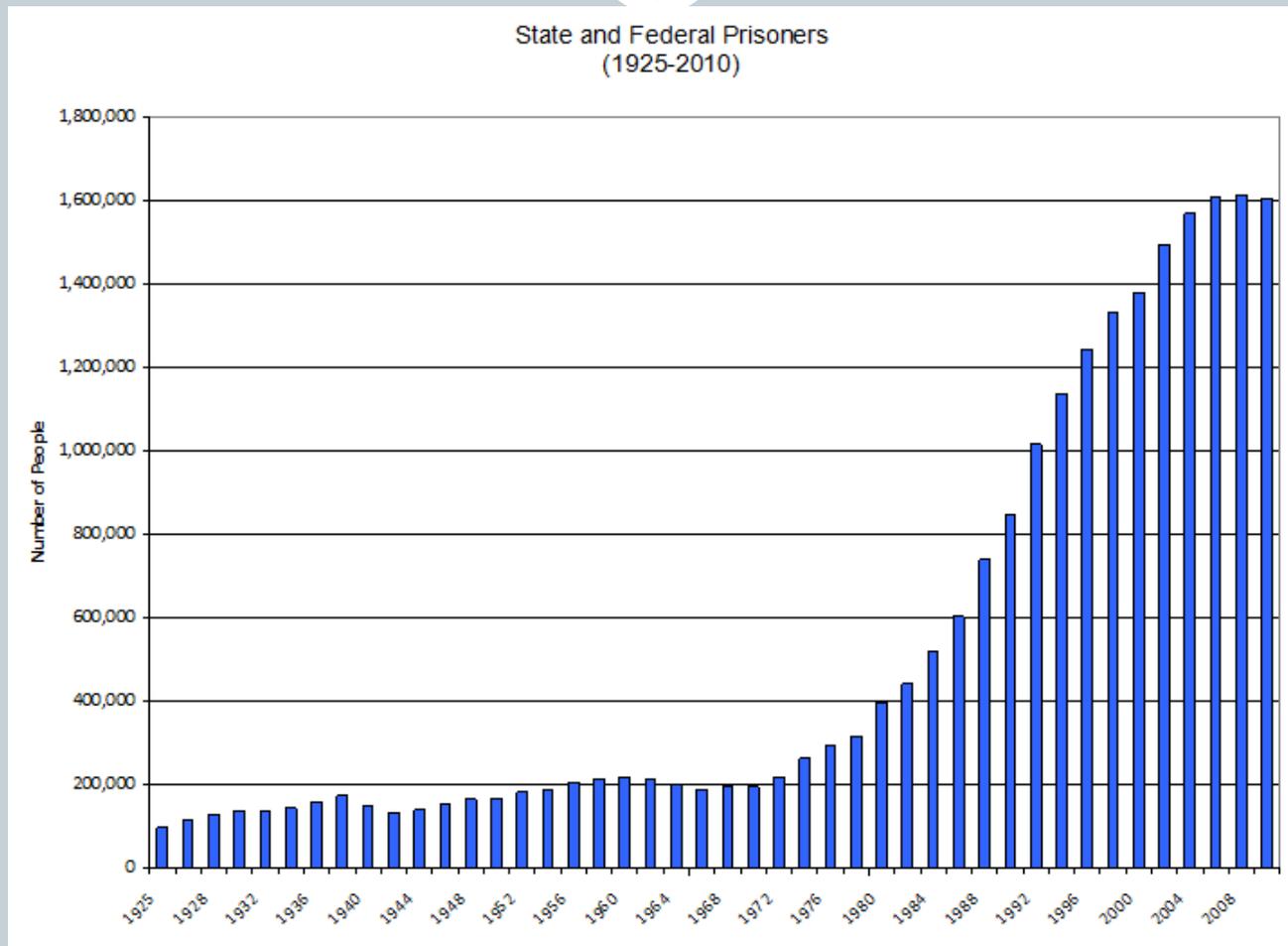
II. Criminal Justice Expansion and Disproportionality

8

**THE UNITED STATES
WASHINGTON STATE
SEATTLE**

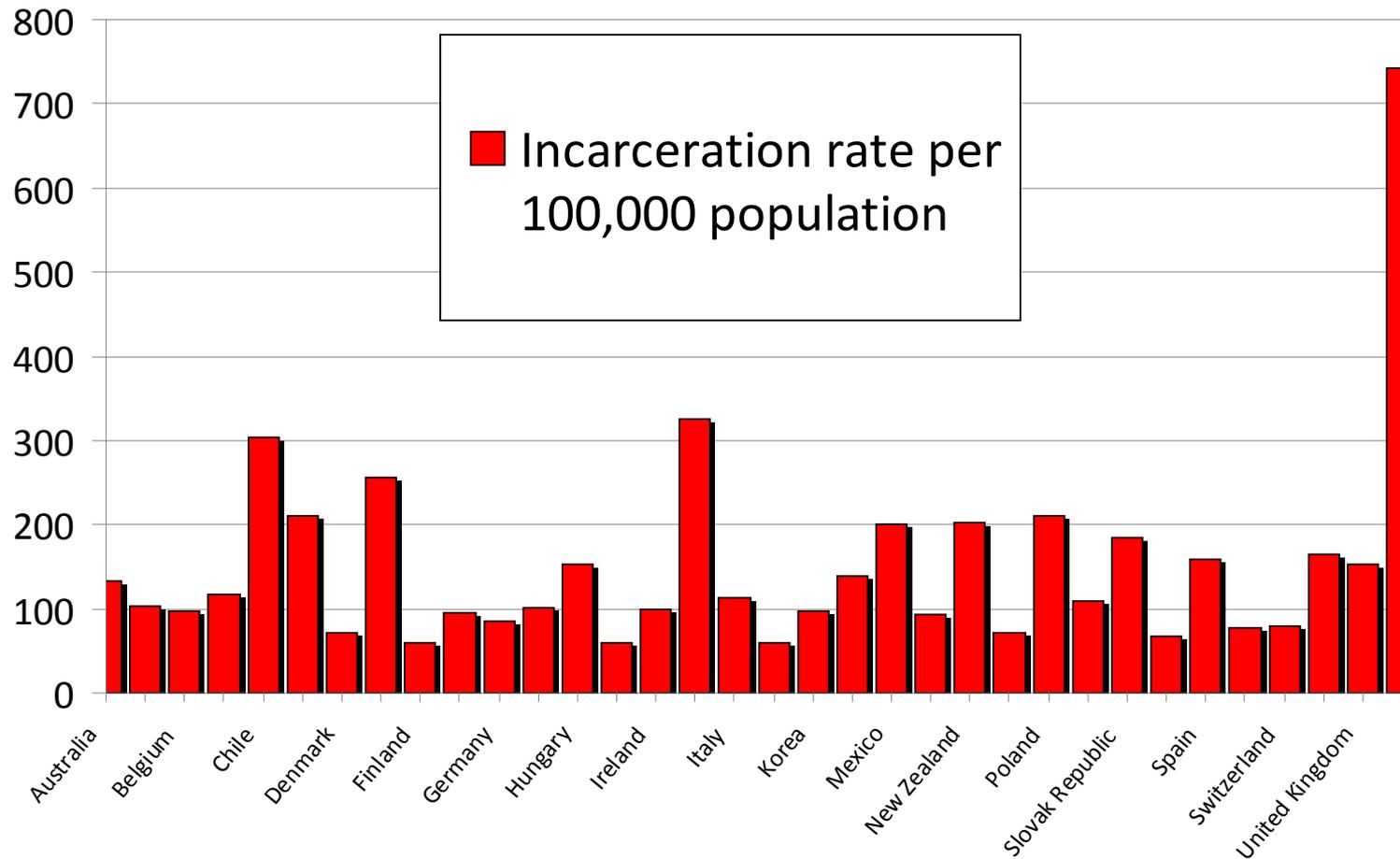
Mass Conviction, Mass Incarceration

9



Incarceration Rates in OECD Countries, 2006-2010

10



Major Crimes Have Decreased in Seattle (and Nationally)

11

Reported Violent and Property Crime in Seattle, 1988-2012

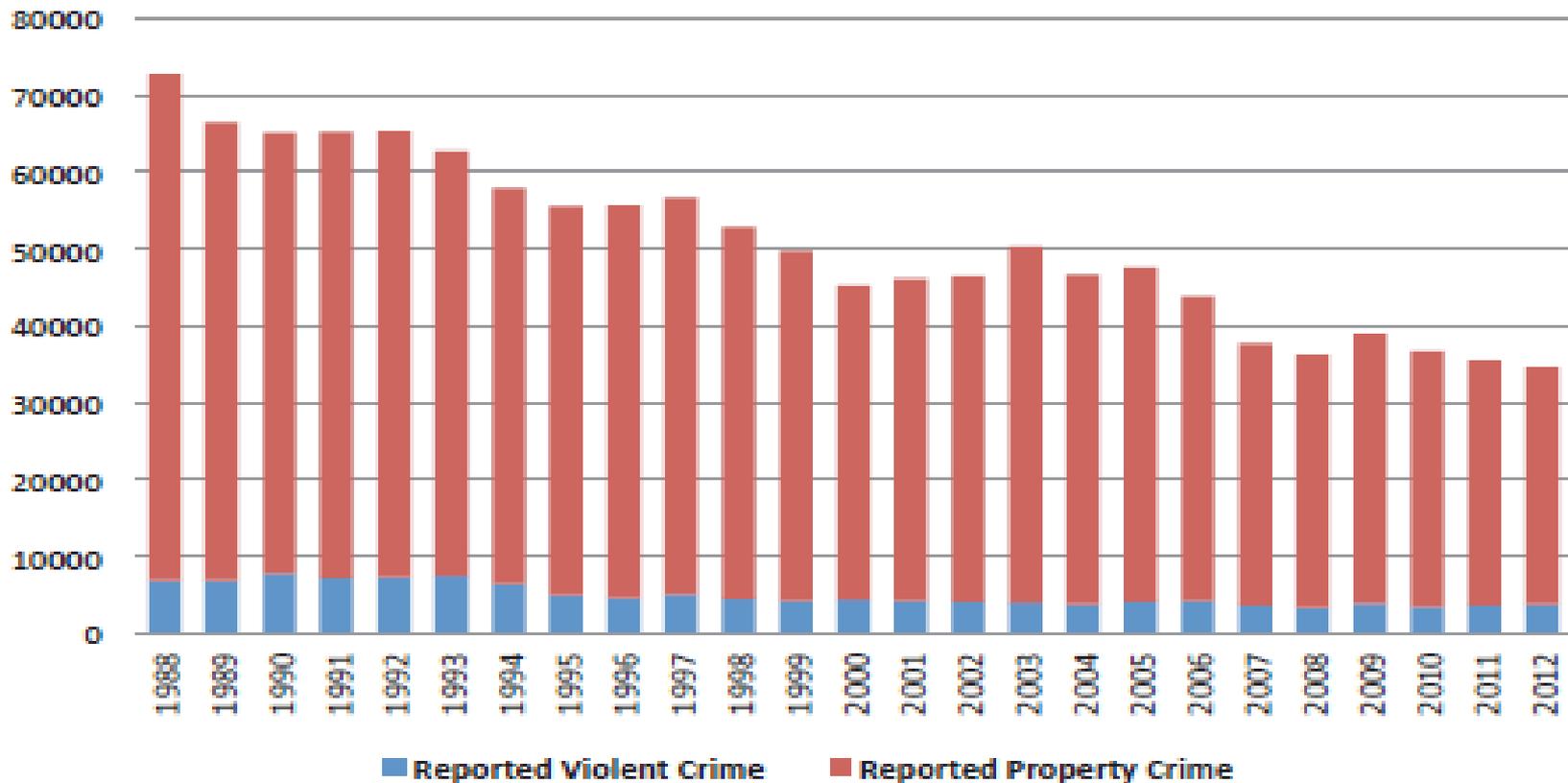
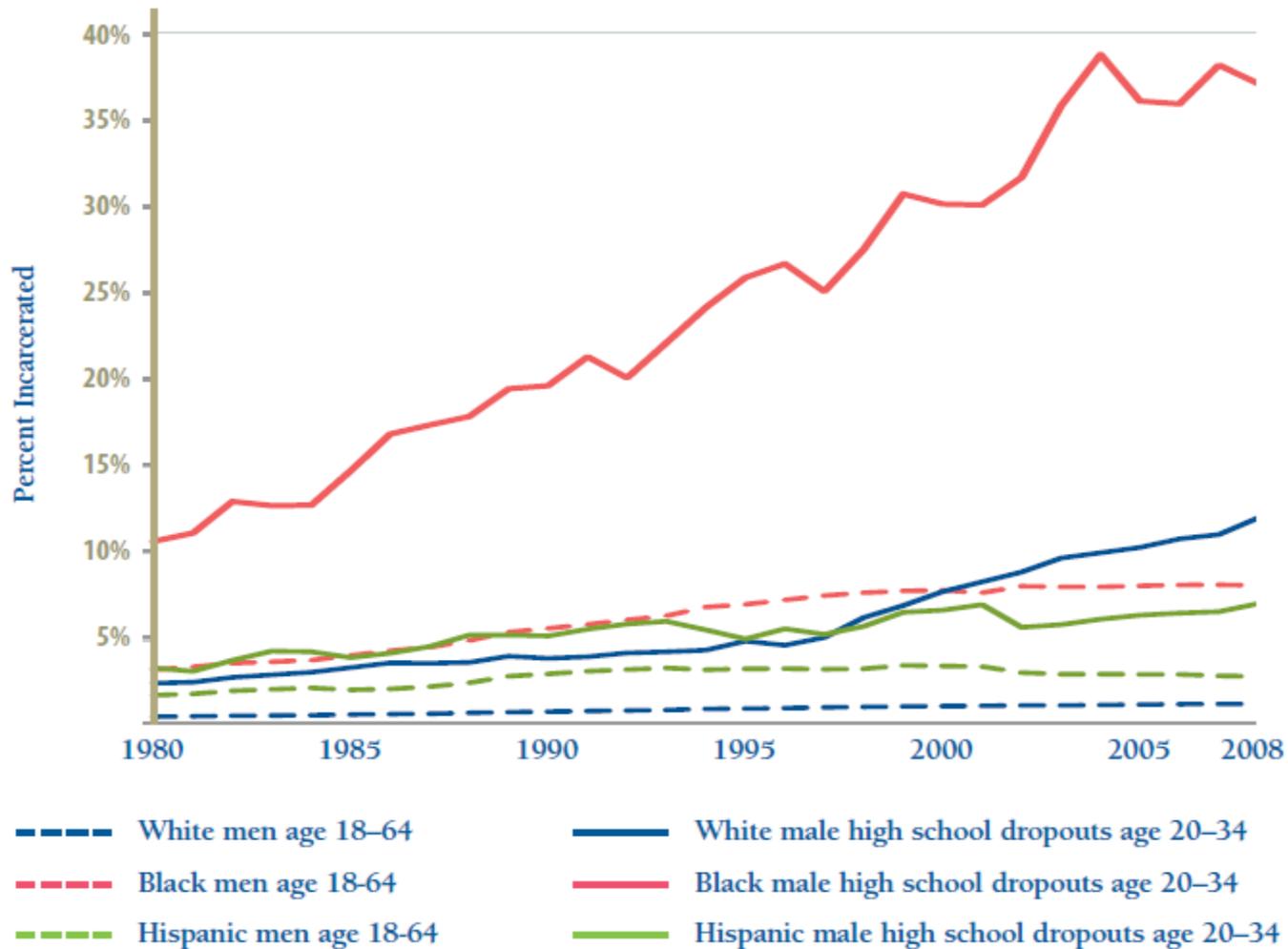


FIGURE 3

INCARCERATION RATE RISING

More than one in three young, black men without a high school diploma is currently behind bars

12



Source: Original analysis for The Pew Charitable Trusts by Bruce Western and Becky Pettit, 2009.

Summary of Numbers

13

Total number living behind bars (2011):

- U.S. : **2.25 million**
- Washington State prison and jails: 30,501
- King County jails: 2,009 (June, 2013)

Total Under Corrections Supervision (2011)

- U.S.: 7,082,438
- WA State: 126,748

Total with Felony Conviction (2011 estimates)

- U.S: 20 million (8.6% of population)
- Seattle: 37,000 (6.1%)

King County Arrests by Race and Ethnicity, 2010

14

	King County Arrest Rate per 100,000	Arrest Ratio
Asian, Pacific Islander	254	1 in 393
Black, African American	2656	1 in 38
Native American, Alaskan Native	1796	1 in 56
White	500	1 in 200

Source: Author compiled, from WA Association of Sheriffs and Police Chiefs “Crime in Washington 2012”, and US Census, Quick Facts, Washington State, 2010).

Disproportionality in Convictions

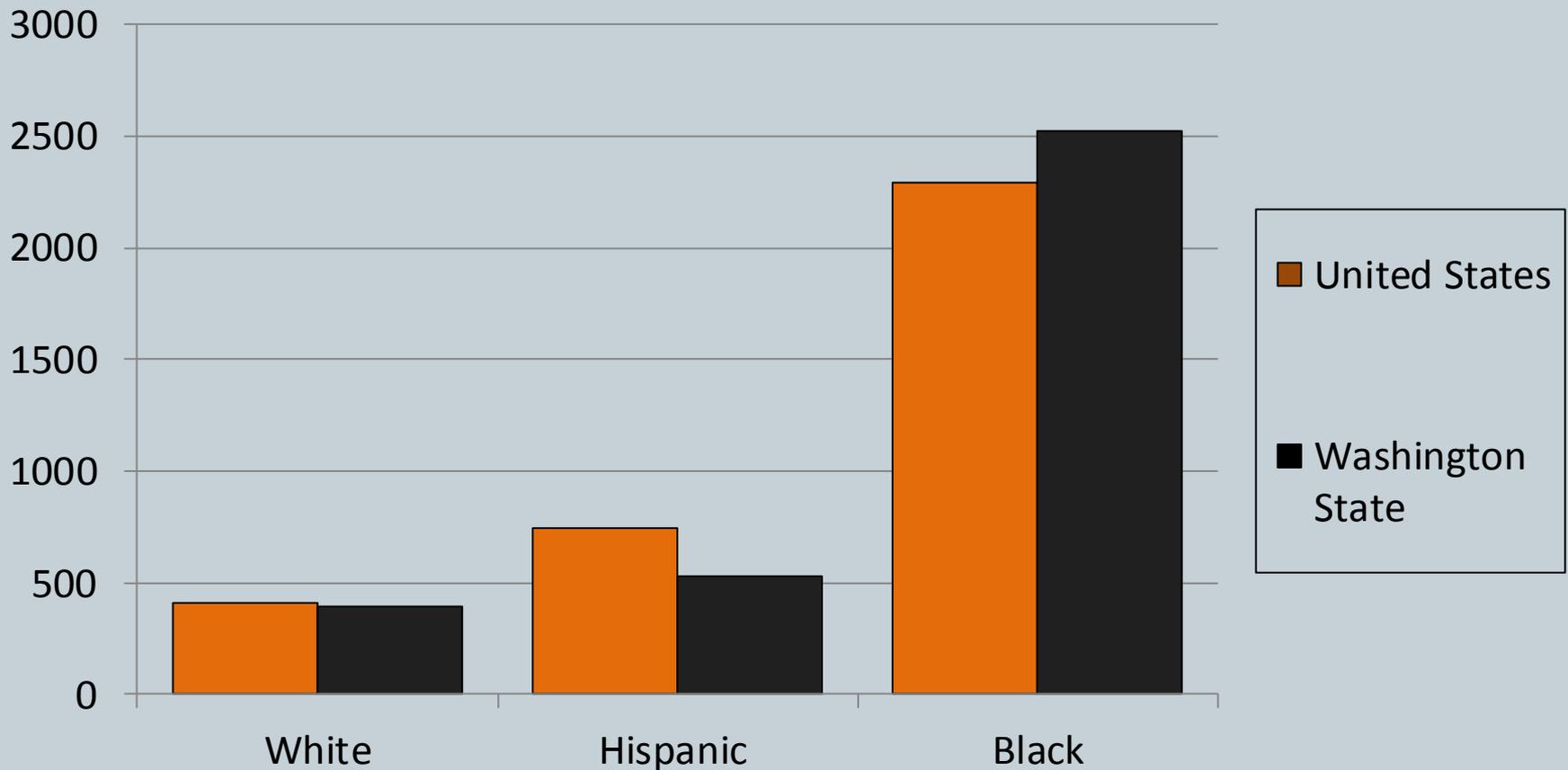
Washington State, 2007

15

Gender	Adult Sentences	% of Adult Sentences	State Population	% of State Population	Ratio
Female	5,505	20.32%	3,198,249	50.16%	0.40
Male	21,592	79.68%	3,177,351	49.84%	1.60
Race/ Ethnicity	Adult Sentences	% of Adult Sentences	State Population	% of State Population	Ratio
African American	4,041	14.91%	214,119	3.36%	4.44
Asian/ Pacific Islander	672	2.48%	431,760	6.77%	0.37
Caucasian	20,474	75.56%	4,894,260	76.77%	0.98
Hispanic	1,177	4.34%	565,377	8.87%	0.49
Native American	732	2.70%	92,298	1.45%	1.87

Disproportionality in Incarceration in the United States and Washington State, 2005

16



Source: The Sentencing Project, "Uneven Justice," 2005. Note: Rates are calculated per 100,000 population.

Number of People Returning From Prison Annually

17

- **U.S. (2011)** **688,384 people**
- **Washington State (2012)** **7,659 people**
- **King County (2012)** **1,459 people**

Source: U.S. Bureau of Justice Statistics (United States data), WA State Department of Corrections (Washington State and King County data)

Causes of Disproportionality

18

Causes of Racial and Ethnic Disproportionality

19

- 1. Differential crime commission rates**
- 2. Structural racism**
 - (Facially) race neutral practices and policies that have racially disparate consequences
- 3. Bias**
 - Explicit/conscious
 - Implicit/unconscious

IV. Consequences of Conviction

20

Legal “Collateral Consequences”

21

- Civic participation (voting, serving on a jury)
- Employment (ineligible for certain licenses)
- Family (can lose custody, imposition of child support)
- Financial impact (monetary sanctions, loss of federal benefits)
- Housing (“one strike” prohibitions)
- Immigration (deportation)

Social “Collateral Consequences”

22

- Reduced employment options and wages
- Housing instability
- Adverse effects on mental and physical health
- Distrust of the criminal justice system
- Familial separation and tension
- Negative consequences for children



Conclusions

23

- The U.S. has had an unprecedented growth in conviction and incarceration rates since 1974
- Many U.S. and Washington State criminal justice practices and policies are characterized by racial and ethnic disproportionality and disparity
 - Can result from facially neutral policies and/or bias
- Need to encourage policies and practices that:
 - Do not adversely affect some groups more than others
 - Reduce individual's formal contact with the CJS (when appropriate)
 - Minimize the negative impact of criminal justice conviction and incarceration
 - Support felons' and their families' reintegration into society (e.g., housing, employment, drug and alcohol treatment)