Racial Disproportionality in the Criminal Justice System

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Outline of Presentation

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

- 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
  - Facialy 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

- Arrest
- Pre-detention
- Formal processing
- Conviction
- Incarceration
II. Criminal Justice Expansion and Disproportionality
Incarceration Rates in OECD Countries, 2006-2010

Incarceration rate per 100,000 population
Major Crimes Have Decreased in Seattle (and Nationally)

Figure 3

Incarceration Rate Rising

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

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

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>King County Arrest Rate per 100,000</th>
<th>Arrest Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian, Pacific Islander</td>
<td>254</td>
<td>1 in 393</td>
</tr>
<tr>
<td>Black, African American</td>
<td>2656</td>
<td>1 in 38</td>
</tr>
<tr>
<td>Native American, Alaskan Native</td>
<td>1796</td>
<td>1 in 56</td>
</tr>
<tr>
<td>White</td>
<td>500</td>
<td>1 in 200</td>
</tr>
</tbody>
</table>

### Disproportionality in Convictions

**Washington State, 2007**

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

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

Number of People Returning From Prison Annually

- U.S. (2011) 688,384 people
- King County (2012) 1,459 people

Source: U.S. Bureaus of Justice Statistics (United States data), WA State Department of Corrections (Washington State and King County data)
Causes of Disproportionality
Causes of Racial and Ethnic Disproportionality

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
Legal “Collateral Consequences”

- 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”

- 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

- 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)