



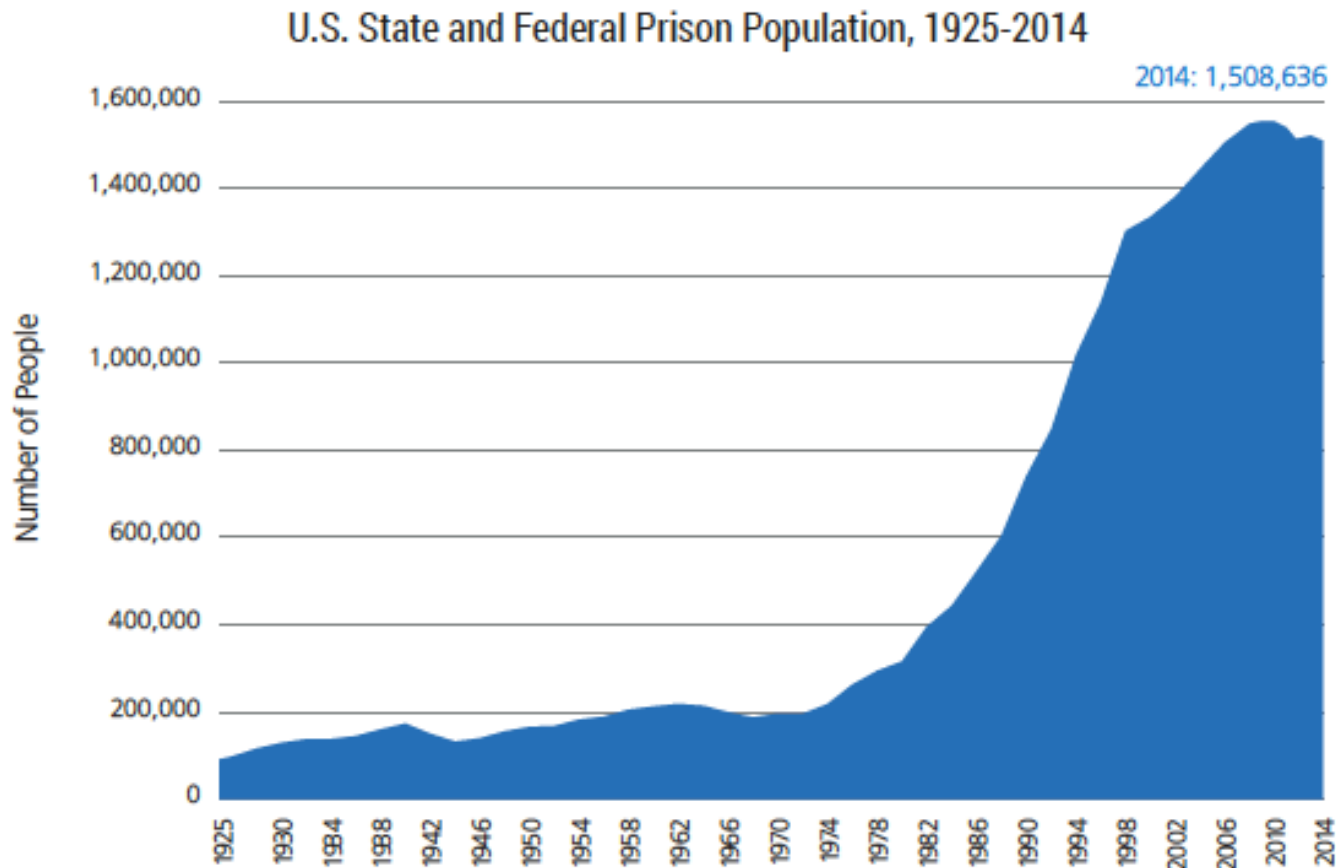
Eliminating Racial Inequality in the Criminal Justice System

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Mass Incarceration

There are nearly seven times as many people behind bars today than in the 1970s.

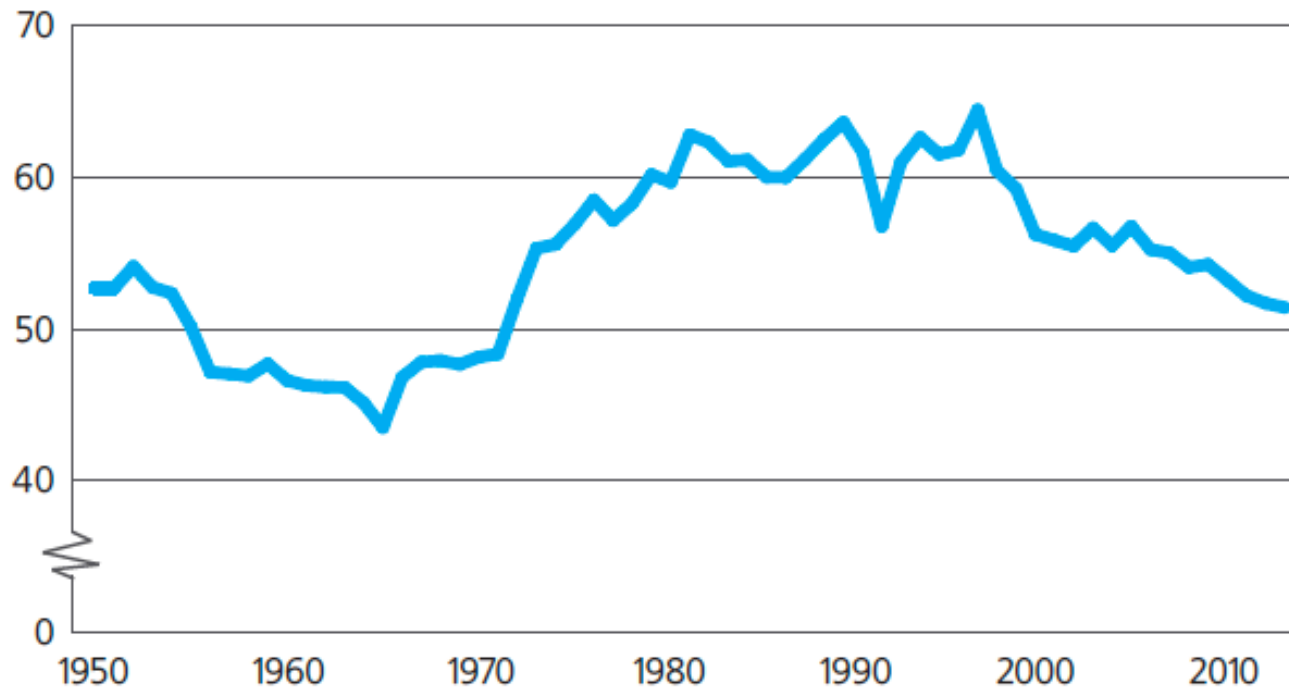


Source: Bureau of Justice Statistics *Prisoners Series*.

The Good News: Changing Climate

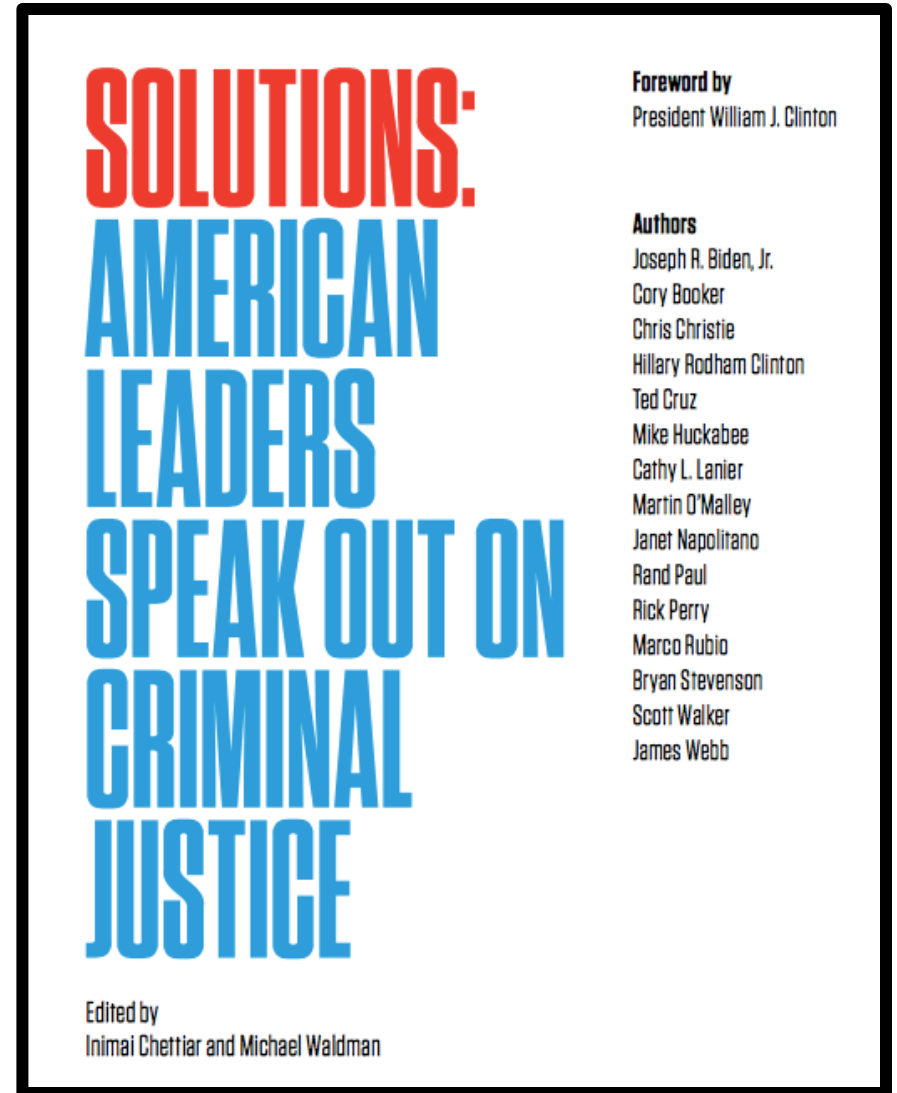
Punitive sentiment has been falling since the late 1990s.

Punitive sentiment, 1951 to 2013



Source: Ramirez, M. D. (2013). Punitive Sentiment. *Criminology*, 51(2), 329–364 (p. 337).

Changing Political Climate



Decarceration Goal: 50%



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Malta Justice Initiative 

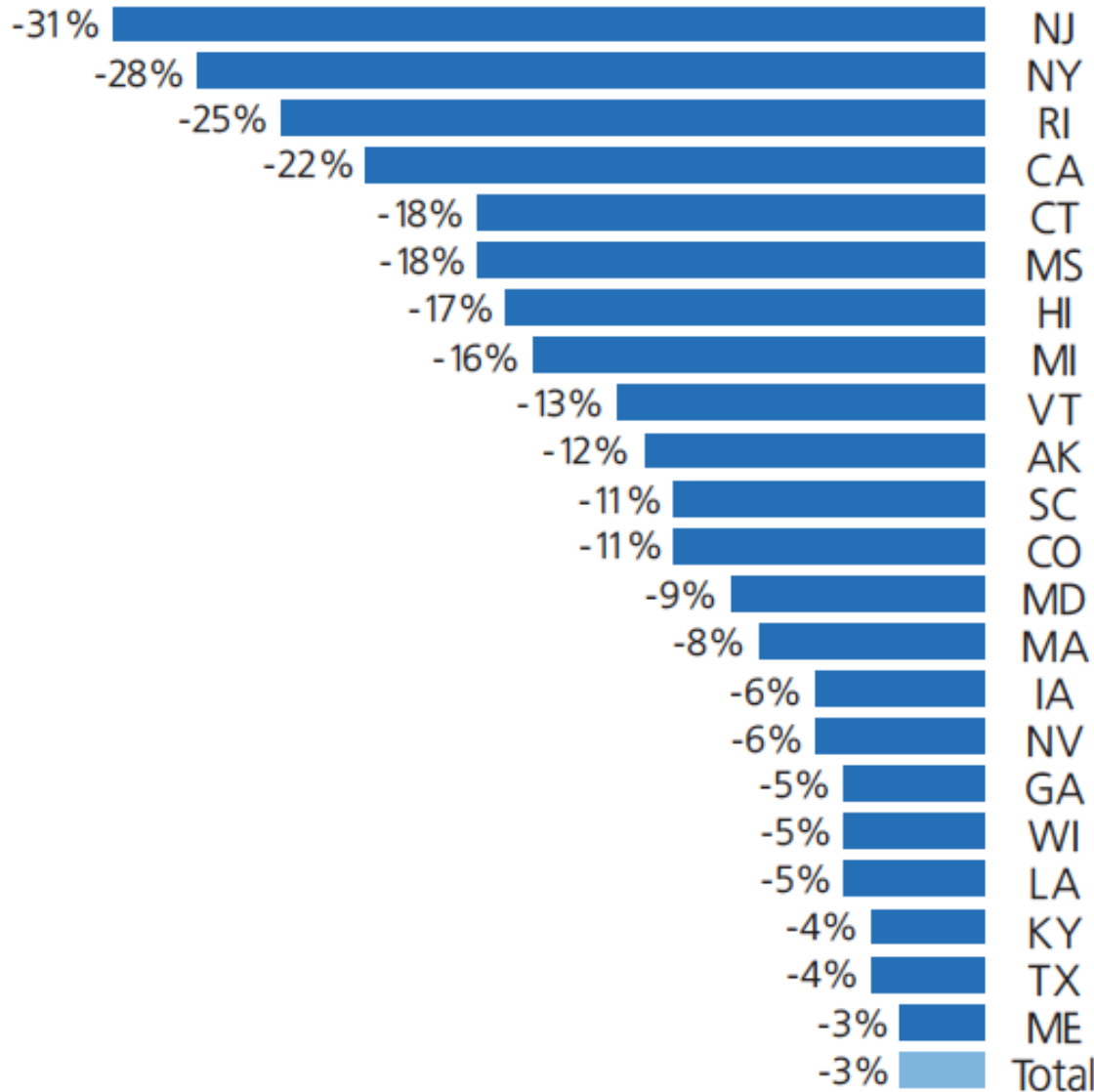
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For safer, healthier communities



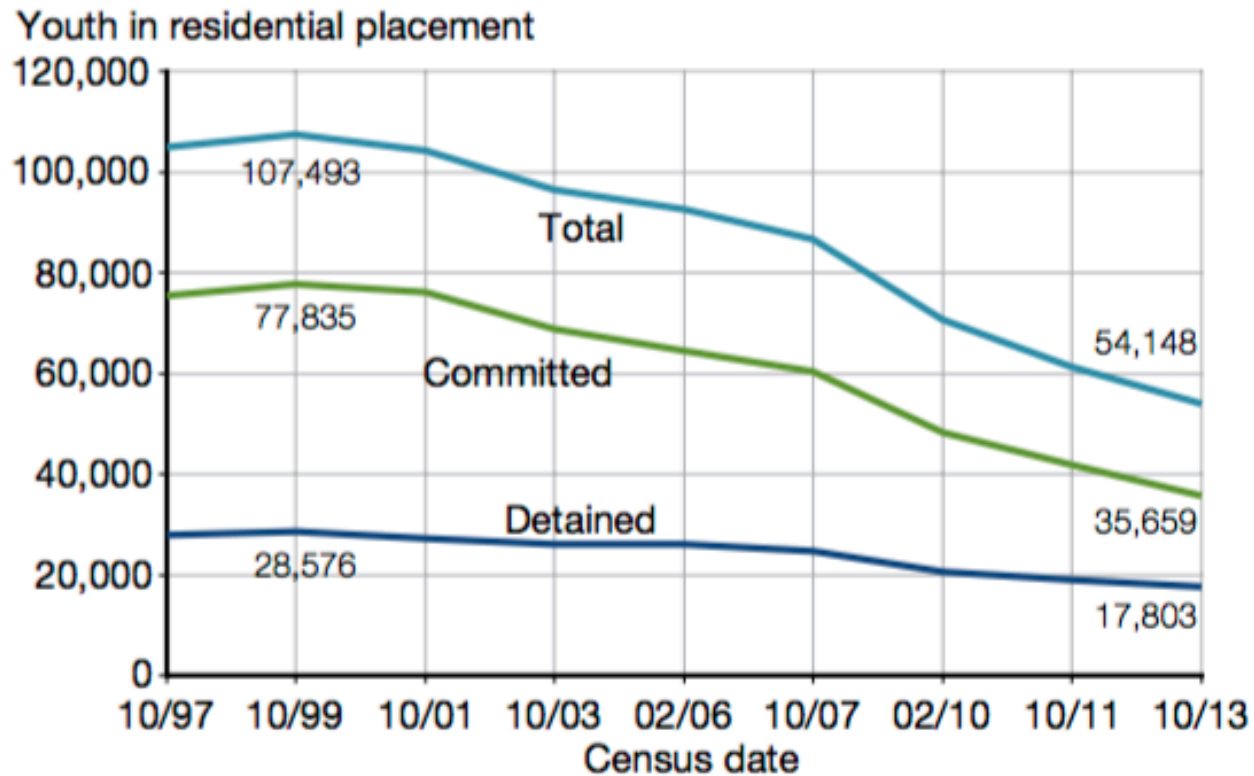
Adult Decarceration

U.S. prison population trends through 2014: decreases from peak year



Juvenile Decarceration

The number of juveniles in residential placement fell 50% between 1999 and 2013



Source: Office of Juvenile Justice and Delinquency Prevention

How do you think **rates of racial disparity** have changed during this period of declining youth commitments?

The Significance of Race

Reform strategies that fail to incorporate an **explicit goal of reducing racial disparity** may fail to achieve such goals.

They even **risk exacerbating racial disparity** while other goals of the initiative may be achieved.

Lifetime Likelihood of Imprisonment

All Men



1 in 9

White Men



1 in 17

Black Men



1 in 3

Latino Men



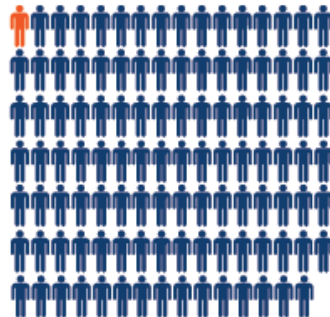
1 in 6

All Women



1 in 56

White Women



1 in 111

Black Women



1 in 18

Latina Women

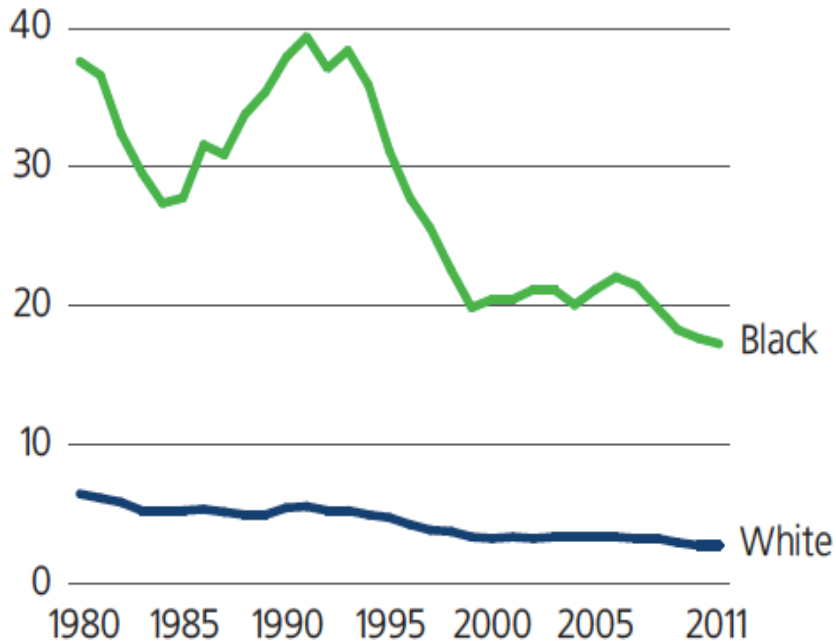


1 in 45

Source: Bonczar, T. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974–2001*. Washington, D.C.: Bureau of Justice Statistics.

Causes: Crime & Crime Policies

Homicide Victimization Rates by Race, 1980-2011



Source: Cooper, A. & Smith, E. L. Homicide Trends in the United States, 1980-2008. Bureau of Justice Statistics. Available at: <http://www.bjs.gov/content/pub/pdf/htus8008.pdf> (p. 11, Figure 17); Smith, E.L. & Cooper, A. (2011). Homicide in the U.S. Known to Law Enforcement, 2011. Bureau of Justice Statistics. Available at: <http://www.bjs.gov/content/pub/pdf/htus11.pdf> (p. 4, Tbl. 1).

Marijuana use and marijuana possession arrests, 2010

Usage rates



Blacks used marijuana at 1.3 times the rate of whites.

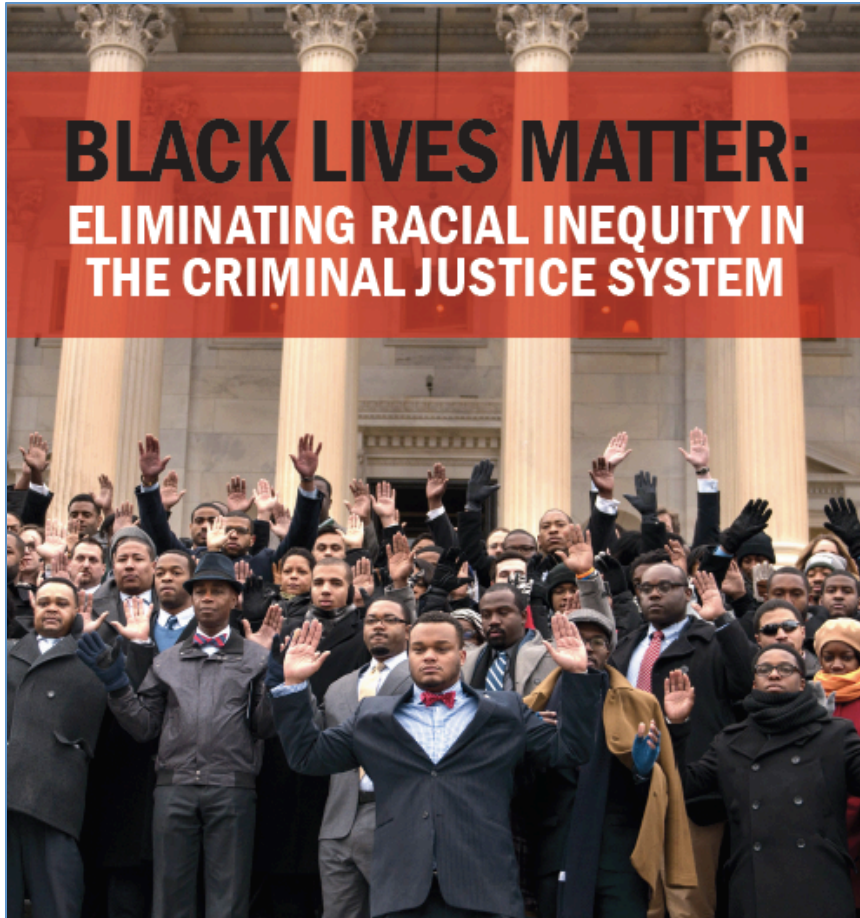
Arrest rates



Blacks were arrested for marijuana possession at 3.7 times the rate of whites.

Source: Edwards, E. Bunting, W. Garcia, L. (2013). The War on Marijuana in Black and White. New York, NY: American Civil Liberties Union. Available at: <https://www.aclu.org/files/assets/1114413-mj-report-rfs-rel1.pdf> (p. 47); U.S. Department of Health and Human Services (2011). Results from the 2010 Survey on Drug Use and Health: Detailed Tables. Available at: <http://www.samhsa.gov/data/nnduh/2k10NSDUH/tabs/Section1peTabs1to46.htm> (Tbl. 1.28B).

Sources of Racial Disparity Within the Justice System

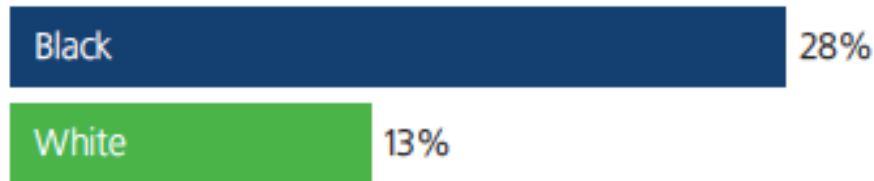


1. Racial bias in use of discretion
2. Disparate racial impact of “race-neutral” policies
3. Policies and decisions that disadvantage low-income people
4. Policies that exacerbate socioeconomic inequalities

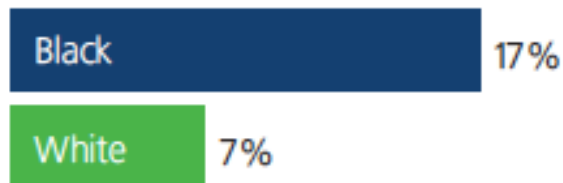
Source 1: Racial Bias in Use of Discretion

Rates of investigatory traffic stops among Kansas City drivers under age 25, 2003-2004

Men



Women



Source: Epp, C. R., Maynard-Moody, S., & Haider-Markel, D. P. (2014). *Pulled Over: How Police Stops Define Race and Citizenship*. Chicago, IL: The University of Chicago Press (p. 67).

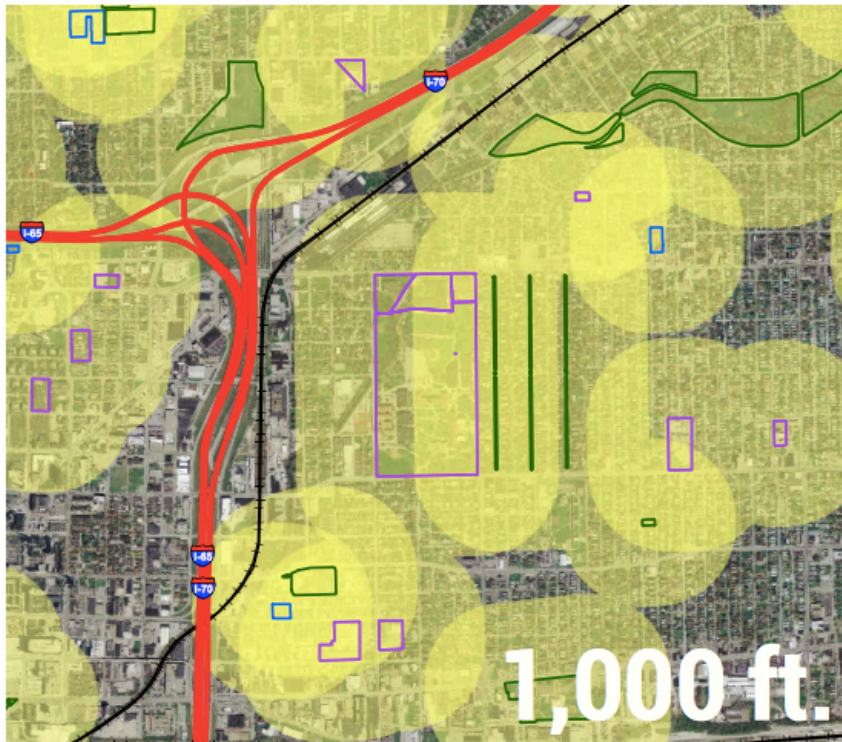
- Implicit bias affects the work of **police officers, prosecutors, judges**, and other members of the **courtroom work group**

Solution 1: Efforts to Curb Racial Bias in Use of Discretion

- **Baltimore, MD**, and other jurisdictions' police departments are undergoing implicit bias training
- **Milwaukee, WI**, prosecutors have eliminated racial disparities in drug paraphernalia charges through monitoring and accountability

Source 2: Policies with Disparate Racial Impact

Drug-free school zones near Arsenal High School, Indianapolis



Sources: Indiana Geological Survey igs.indiana.edu & Indiana Spatial Data Portal www.indiana.edu/~gisdata/ cited in Porter, N. (2015) “State Criminal Justice Advocacy in a Conservative Environment,” The Sentencing Project.

- **Sentencing laws:** crack vs. cocaine sentencing disparity, drug-free school zone enhancements, three-strikes and other habitual offender laws, restricted access to diversion programs
- **Police policies** such as “stop and frisk” and “broken windows”

Solution 2: Modifying Policies with Disparate Racial Impact

- **Indiana and Connecticut** have amended their drug-free school zone sentencing laws
- **New York City** curbed its “stop and frisk” policy and may scale back “broken windows” policing

Source 3: Economic Disadvantages



Kalief Browder spent more than a thousand days confined on Rikers Island.

PHOTOGRAPH BY ZACH GROSS

- Pretrial release often requires **money bond**, which can be prohibitive to low-income individuals and increases the pressure to accept less favorable plea deals
- Most states inadequately fund their **indigent defense** programs

Solution 3: Easing Economic Burdens

- **New Jersey** reformed its bail system to emphasize risk assessment over monetary bail
- **Berks County, PA**, reduced the number of youth in secure detention – who were primarily youth of color – in part by increasing reliance on non-secure shelters for youth who cannot safely return home

Source 4: Lifelong Punishment

Have you ever been convicted of a felony since your 18th birthday? If you answered yes, please complete the following: (Conviction is not an automatic bar to employment. Each case is considered on its individual merits).

Nature of Offense

Name & Location of Court

Date of Conviction

(Inaccurate information here will result in disqualification.)

Yes No

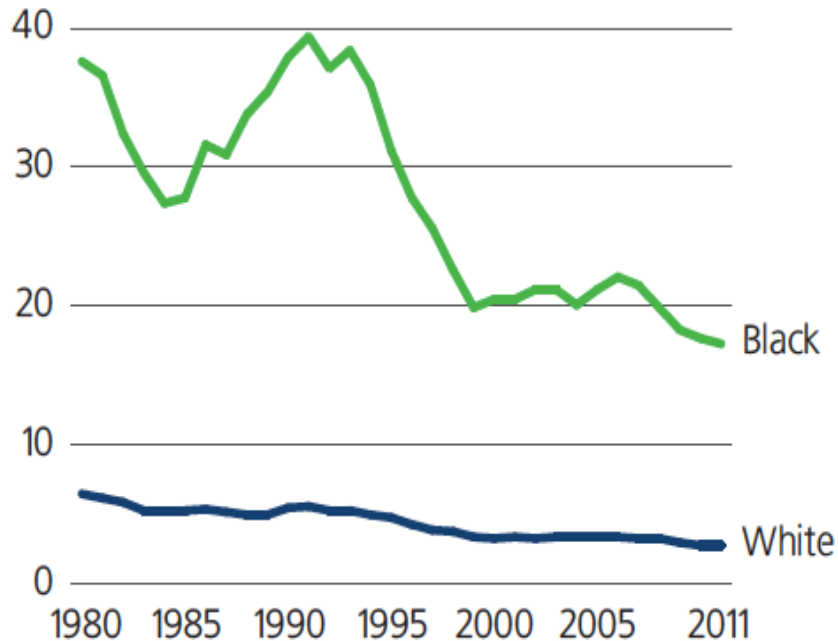
- A criminal record creates overwhelming odds against securing **steady employment**
- People with state or federal felony drug convictions are denied federal benefits including **public housing, welfare benefits, and student loans**
- Excessive spending on punishment often accompanies under-investment in **drug treatment** and crime **prevention programs**

Solution 4: Limit Collateral Consequences and Reinvest

- Twelve states and 60 cities now “Ban the Box,” removing the question about conviction history from initial job applications
- Thirteen states have fully opted out of the cash assistance ban and nine from the food stamp ban. Others have opted out in part
- California voters approved Proposition 47 in 2014, which reclassifies a number of low-level offenses from felonies to misdemeanors and commits annual prison savings to crime prevention efforts

Causes: Crime & Crime Policies

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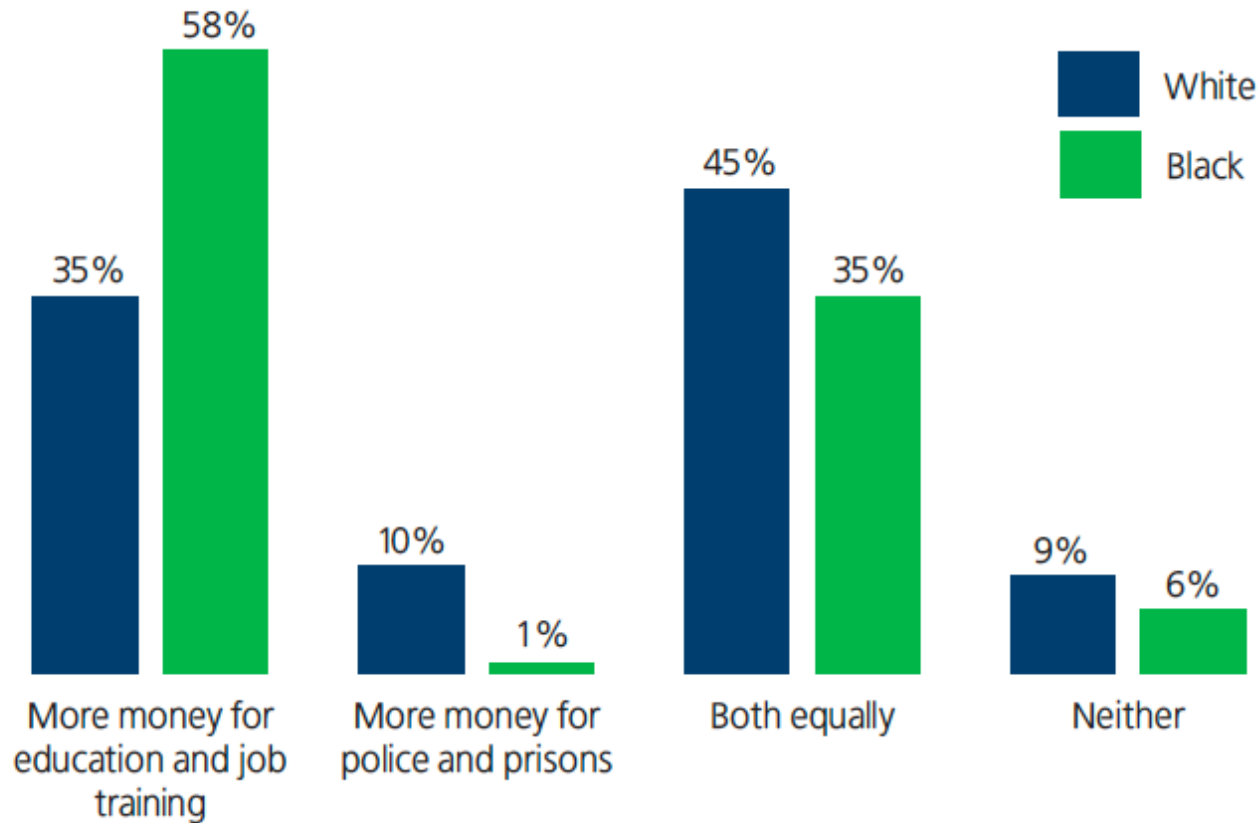


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Racial Differences in Support for Punitive Policies

Figure 5. Preferred crime reduction policies, by race, 2001



Source: Thompson, V. R. & Bobo, L. D. (2011). Thinking about Crime: Race and Lay Accounts of Lawbreaking Behavior. *The Annals of the American Academy of Political and Social Science*, 634, 16–38 (p. 28, Tbl. 5).

Racial Perceptions of Crime

RACE AND PUNISHMENT: RACIAL PERCEPTIONS OF CRIME AND SUPPORT FOR PUNITIVE POLICIES



Racial perceptions of crime among whites – who comprise a majority of policymakers, criminal justice practitioners, the media, and the general public – have bolstered harsh and biased crime control policies.

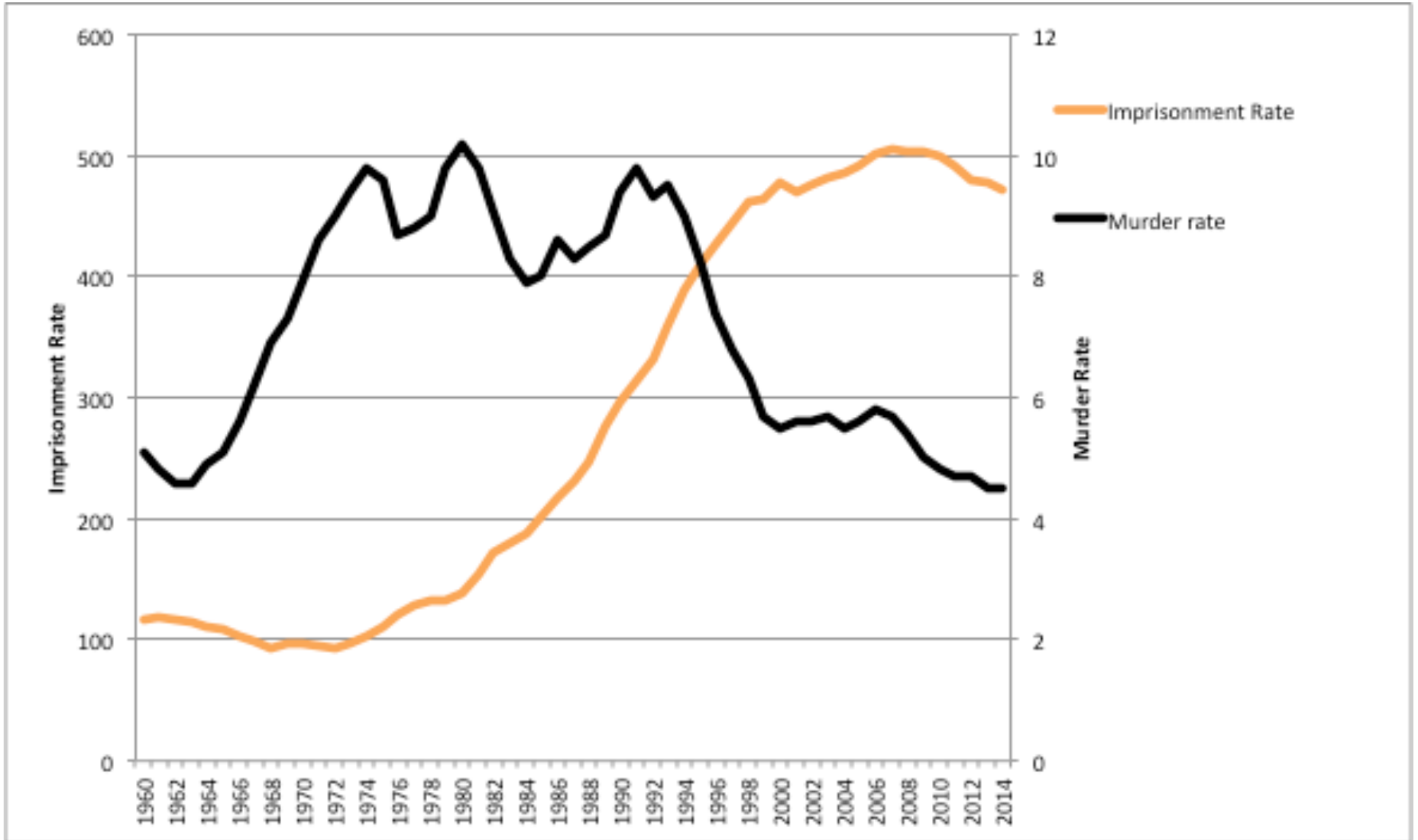
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United States: Murder and Imprisonment Rates



Canada: Homicide and Incarceration Rates

