

Racial Disparities in Criminal Justice



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Outline of Presentation

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- I. Definitions and context
- II. Causes of racial disproportionalities
- III. Research findings and examples
- IV. Consequences and conclusions

Disproportionality vs. Disparity

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Disproportionality

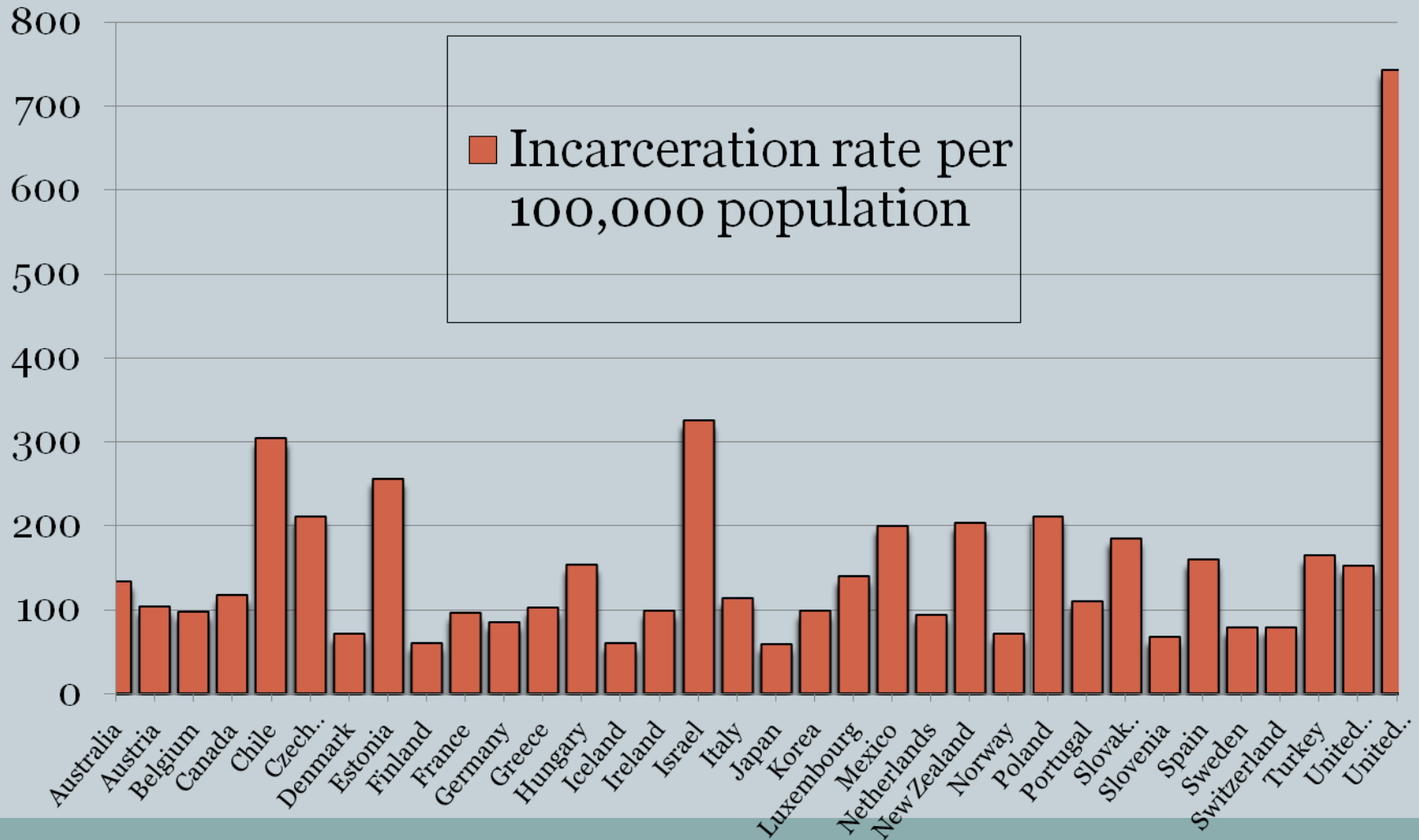
- The over-representation of a particular group relative to the numbers of that group in the general population

Disparity

- Racial or ethnic inequality that results from criminal justice practices or policies

Figure 1: U.S. Incarceration Rates: OECD Countries, 2006-2010

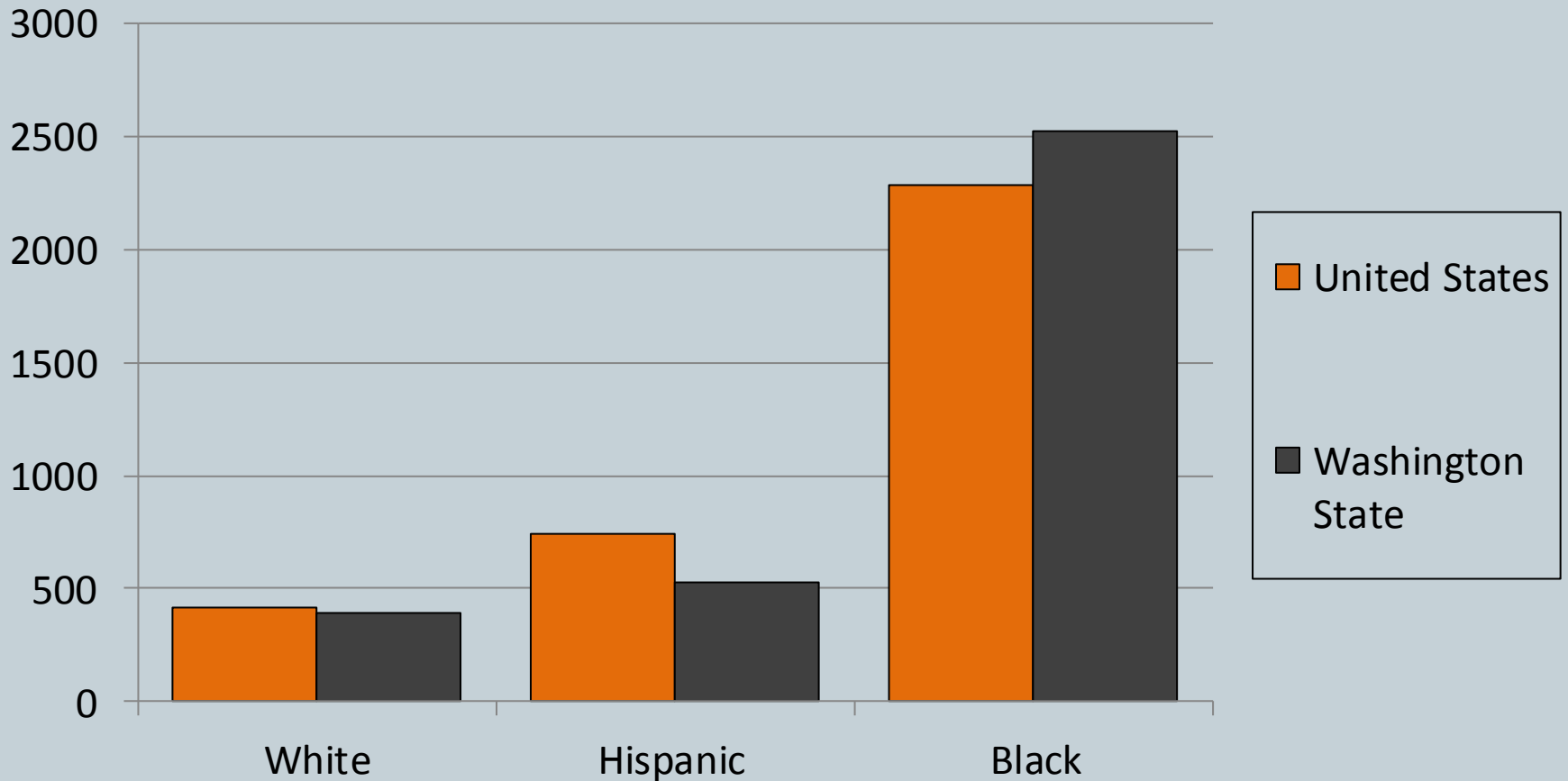
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Source: International Centre for Prison Studies at King's College, London, "World Prison Brief"

Figure 2: Incarceration Rates in the United States and Washington State, 2005

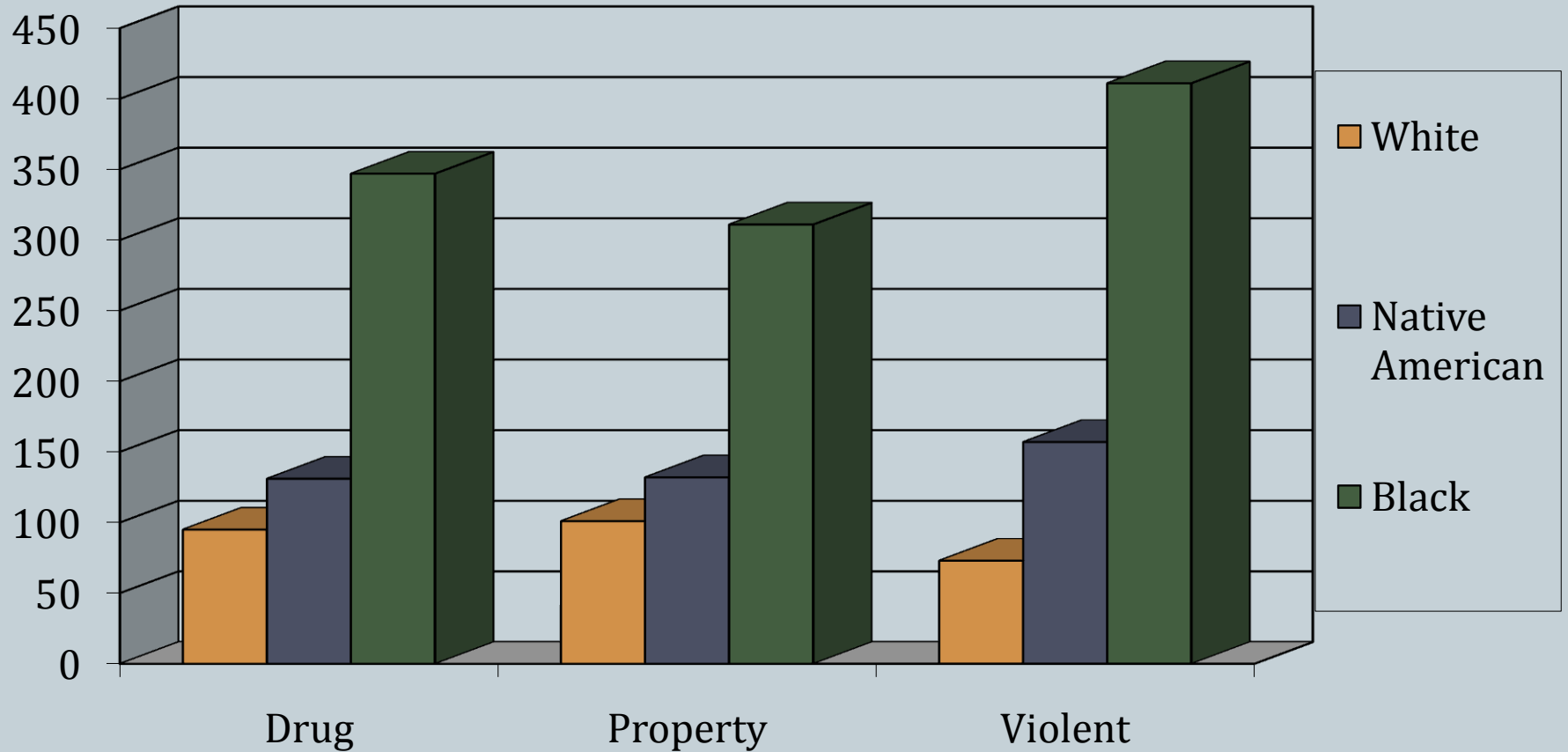
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Source: The Sentencing Project, "Uneven Justice," 2005. Note: Rates are calculated per 100,000 population.

Figure 3: Criminal Conviction Rates, Washington State Courts, 2010

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Proffered Causes of Racial and Ethnic Disproportionality

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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

Cause #1: Differential Involvement

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- 1982: 80% of the Black/White imprisonment difference in WA is not explained by differential involvement as measured by arrests
- 2009: 36% of the Black/White imprisonment difference in WA is not explained by differential involvement as measured by arrests
- A large portion of disproportionality is not attributable to arrest rates

Racial/Ethnic Disparities Exists in Many Parts of the Washington State Criminal Justice System

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- **Law enforcement**

- Drug arrests
- Juvenile court referrals
- Washington State Highway Patrol searches

- **Case processing**

- Pre-trial release decisions
- Prosecutorial charging decisions and sentencing recommendations

- **Sentencing**

- Incarceration vs. community supervision sentences
- Downward departures from sentencing guidelines
- Legal financial obligations – fees & fines

Cause #2: Facially Neutral Policies: Pre-Trial Release Decisions

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- Bridges (1997) - defendants of color are significantly less likely to be released on their own recognizance
- Consideration of seemingly race-neutral, social factors may contribute to racial disparity in pre-trial release decisions
 - Employment history
 - Residential stability
 - “Reputation”
- It is not clear whether these social factors are valid predictors of failure to appear or public safety risk

Cause #2: Facially Neutral Policies: Seattle Drug Arrests

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- **Seattle drug arrests are racially disproportionate:**
 - In 2006, the black drug arrest rate was 13 times higher than the white drug arrest rate
 - In 2006, the black drug delivery arrest rate was 21 times higher than the white drug arrest rate
- Rates of drug use and delivery explain little of this racial disparity
- The focus on crack cocaine is the primary cause of racial disparity in Seattle drug arrests

Cause #3: Racial and Ethnic Bias

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- Bias is difficult to measure/document
- Bias is sometimes inferred from multivariate regression results after legal factors are taken into account
- Studies using other methods document widespread “implicit bias”
 - Juvenile probation officer assessments
 - Experimental studies

Consequences

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- Criminal conviction and incarceration have a host of adverse consequences for individuals and families
 - Reduced employment
 - Reduced and lost income
 - Housing instability
 - Debt & impaired credit ratings
 - Impaired mental and physical health
 - Familial separation
 - Negative consequences for children
 - Disenfranchisement
 - Heightened surveillance by state authorities
- Racially disparate practices and policies also erode faith in legal institutions

Conclusions

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- Racial disproportionalities remain significant in Washington State
- These stem in significant part from criminal justice practices and policies
 - Both structural racism and bias affect criminal justice processes and outcomes
- Racial disparities are highly consequential for individuals, families and communities

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