Racial Disparities in Criminal Justice

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Outline of Presentation

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

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

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

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

The bar chart shows the criminal conviction rates for Drug, Property, and Violent offenses in 2010 for White, Native American, and Black populations. The data indicates higher conviction rates for Black individuals compared to other groups across all categories of offenses.
Proffered 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
Cause #1: Differential Involvement

- 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

- **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

- 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: Facialy Neutral Policies: Seattle Drug Arrests

- 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

- 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

- 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

- 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
List of References


