

7

RACE AND CRIME

Helen Taylor-Greene

The concepts of race and crime have been inextricably linked in the study of criminology and criminal justice since the late-19th century. Today, many colleges and universities that offer undergraduate and graduate degrees in criminology/criminal justice have either a required or an elective course that explores the economic, historical, political, and sociological contexts of race and crime. Some also include analyses of ethnicity, class, gender, and comparative perspectives. Most of these courses focus on issues that continue to challenge justice practitioners and researchers including race and the extent of crime, police, courts, corrections, juvenile justice, bias and hate crimes, immigration and crime, racial profiling, and sentencing disparities. Many of these issues will focus this discussion.

DEFINITIONAL COMPLEXITIES

What is race? Its definition is complex. Historically, race was conceptualized biologically and primarily based on one's physical characteristics. Beliefs about the superiority of Whites and inferiority of others, especially people of color, prevailed. Over time, according to the American Anthropological Association (1997), the concept of race acquired a cultural and ideological context in the United States and elsewhere in the world that

magnified the differences among Europeans, Africans, and Indians, established a rigid hierarchy of socially exclusive categories, underscored and bolstered unequal rank and status differences, and provided the rationalization that the inequality was natural or God-given. (p. 1)

Biological differences between individuals, especially their color and hue, provide the foundation for what many refer to as the social construction of race

(Aguirre & Turner, 2011). Are individuals that look different on the outside different on the inside? If not, why are race and ethnicity (used here interchangeably with minorities) at the center of so many controversies nationally and internationally?

In 2000, the U.S. Bureau of the Census noted that racial categories were sociopolitical constructs and not scientific or anthropological in nature (Gabbidon & Greene, 2015). The U.S. Census Bureau recognizes five racial categories, including American Indian or Alaskan native, Black or African American, Native Hawaiian or other Pacific Islanders, and White; Latino or Hispanic origin is recognized as an ethnic category. A category for “some other race” with numerous combinations to choose from was added in 2000 as well. In 2010, “more than 9 million Americans considered themselves multiracial and self-identified with two or more races” (Gabbidon & Greene, 2013, p. 7). Persons of Hispanic or Latino ethnicity, the largest minority group in the population, also are of very diverse origin (Gabbidon & Greene, 2015). All members of a racial/ethnic-minority group are not the same; there are cultural, subcultural, and class differences.

Consider President Barack Hussein Obama. His mother was White, his father was African, and he was raised for many years by his White grandparents in Honolulu, Hawaii. Does that make him White? African? African American? His race—and that of many other Americans—is not easily categorized as either Black, White, or other. At an earlier time in our country, President Obama would be classified as Black and, depending on the time period, referred to as either mixed, mulatto, colored, Negro, or African American because of his skin color. In the past, Americans with any African blood, especially if they did not look White, were considered Black. Today, racial categories in the U.S. Census recognize several mixed-race categories, including two, three, four, or more races. Another example is someone from another country that may look Black but does not identify with the Black (American) subculture. Rather she or he identifies with the subculture of her or his country of origin. In spite of more multiracial categories included in the Census, identifying one’s race does not capture heterogeneity, that is, differences between and within racial and ethnic groups.

Unlike race (and ethnicity), crime is easier to define. In the early 20th century Paul Tappan (1947) defined crime as “an intentional act in violation of the criminal law (statutory law and case law) committed without defense or excuse, and penalized by the state as a felony or misdemeanor” (p. 99). Over time, even though behaviors that are illegal change, some, including murder, rape, burglary, and theft, always have been considered crimes. In the past and present, many factors including values, industrialization, immigration, and technological developments have led to both the criminalization and decriminalization of many behaviors. For example, when legislative efforts to outlaw the sale and use of alcohol failed (the Volstead Act), it was decriminalized. Decades later, as the use of automobile increased, so did the problem of driving under the influence of alcohol or drugs. Due to increased attention, especially from Mothers Against Drunk Driving (MADD), penalties for vehicular homicides by drunk drivers have increased

Even though marijuana has not been decriminalized nationwide, several states and municipalities have made it legal to use for medicinal purposes and recreational use and to possess small amounts.

Even though Whites commit numerous crimes—in fact, most crimes—the study of race and crime has been concerned primarily with those committed by Blacks and other minorities. In the past, acts considered criminal for Blacks were not necessarily viewed as such when committed by Whites. For example, prior to the Civil War, slave owners were rarely punished for beating, branding, raping, and killing their slaves. According to Kennedy (1997), the law protected Whites in order to maintain their supremacy. Both before and after the Civil War, the law was used to maintain social control and “keep the Negro in his place” (Work, 1937, p. 111), as well as to control immigrant Whites and other minorities at the time viewed as undesirable.

Some of the focus on minorities in the study of criminology/criminal justice evolves from their disproportionate involvement in crime, especially violent personal crimes. According to Young (1996),

The concept of disproportionality, has become the mainstay of discussions of race and crime. . . . When authors review trends and patterns of crime and introduce the “variable” race the comparisons are between Blacks, whites and others and the emphasis is on the disproportionate involvement of nonwhites, in particular Blacks. (p. 74)

Even though Whites commit violent crimes, especially bias or hate crimes, they do not receive as much attention as Blacks and other minorities. White-collar crimes committed by Whites do not receive much attention either. This fixation on Black crime contributes to the racialization of crime (Covington, 1995), a belief that the majority of Blacks (and perhaps other minorities) commit crimes.

The overreliance on official statistics, such as the Federal Bureau of Investigation’s Uniform Crime Reports (UCR), contributes to misperceptions about race and crime in the United States. For example, most students are often surprised to learn that (a) most Americans, regardless of race, are not arrested and that (b) even though Blacks are vastly overrepresented in arrest statistics, most persons arrested are White.

Arrests and Victimization

The two major sources of statistics on crime and victimization are the UCR, collected and compiled by the Federal Bureau of Investigation (FBI), and the National Crime Victimization Survey (NCVS), compiled for the Bureau of Justice Statistics (BJS) by the U.S. Bureau of the Census. Both the UCR and NCVS collect and report information on race that is available online. The BJS provides statistics and data analysis tools that provide information on many justice topics that include

race and ethnicity. Many other governmental and nongovernmental sources provide information that permit analyses by race as well, such as the Death Penalty Information Center and the Sentencing Project.

FBI Uniform Crime Reports

The FBI UCR includes information on crimes reported, arrests, clearance trends and police employment data. In the “Crimes Reported” section of the 2016 FBI UCR the estimated size of the United States population was 320,896,618, and an estimated 1,248,185 violent crimes were reported, about 386.3 violent crimes per 100,000 inhabitants. There were an estimated 7,919,035 property crime offenses reported in 2016, a rate of about 2,450.7 offenses per 100,000 inhabitants. Larceny-theft offenses accounted for over 71.2% of all property crimes in 2016 (FBI, 2017). Violent crimes increased by about 4%, while property crimes decreased about 1% (compared with 2015).

In the “Persons Arrested” section of the UCR, information is provided by race in five categories: (1) Whites, (2) Blacks, (3) American Indian or Alaskan Native (4) Asian, and (5) Native Hawaiian or other Pacific Islander. In 2016, there were an estimated 8,421,481 arrests, most for drug abuse violations (1,242,630), other assaults (853,493), and larceny-theft (833,558). It is estimated that 69.6% of all persons arrested were White, and about 27% were Black; other races accounted for about 3.6% of arrests, and Latinos accounted for 18.4% of arrests (see Table 7.1).

For the traditional Part I offenses (murder/non-negligent manslaughter, aggravated assault, robbery, forcible rape, burglary, larceny-theft, motor vehicle theft, and arson), most persons were arrested for larceny-theft, regardless of race, followed by arrests for aggravated assault and burglary. When examining the percentage distribution by race, Blacks are overrepresented in reported arrests for all Part I crimes; Whites for arson, and Hispanics for aggravated assault, rape, and motor vehicle theft (see Table 7.1). Though not shown in Table 7.1, Whites, Blacks, and Hispanic are overrepresented in several of the Part II offenses, including sex offenses (White, Blacks, Hispanics), driving under the influence, liquor law violations and drunkenness (Whites), weapons (Blacks), and gambling (Blacks and Hispanics) (FBI, 2017).

How do the UCR arrest data contribute to understanding race and crime? The answer to this question is unclear and requires taking the following weaknesses of the UCR data into consideration:

- Arrests of Hispanics and/or Latinos were included in the White category until 2015, and some may still be recorded in that category.
- Many (crimes and) arrests are not reported (often referred to as the dark figure of crime), and others are not recorded by the police.
- The UCR utilize estimates of the total population, crimes reported, and persons arrested that might be inaccurate.
- Police biases can result in different arrests for different individuals of different ages, classes and races.

Arrests by Race and Ethnicity, 2016

[13,049 agencies; 2016 estimated population 257,112,535]

Offense Charged	Total Arrests					Total Arrests			
	Total	Race					Ethnicity		
		Black or African American	White	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Hispanic or Latino	Not Hispanic or Latino	
Total	8,421,481	2,263,112	5,858,330	171,185	103,244	25,610	1,221,066	5,425,946	
Murder and nonnegligent manslaughter	9,374	4,935	4,192	108	109	30	6,882	1,374	5,508
Rape ¹	18,606	5,412	12,571	233	309	81	13,896	3,758	10,138
Robbery	76,267	41,562	33,095	663	659	288	60,116	12,657	47,459
Aggravated assault	304,626	101,432	191,205	6,374	4,678	937	250,762	61,073	189,689
Burglary	164,641	47,991	112,651	1,613	1,925	461	130,179	27,113	103,066
Larceny-theft	833,558	231,199	575,105	14,933	10,277	2,044	624,800	91,210	533,590
Motor vehicle theft	68,170	20,955	44,970	1,018	895	332	52,786	14,160	38,626
Arson	7,767	1,813	5,593	218	120	23	5,495	910	4,585

Source: FBI UCR, Crime in the United States 2016, "Arrests," Table 21 A, B, C (2017).

Note: Because of rounding, the percentages may not add to 100.0.

Note: Violent crimes are offenses of murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

1. The ethnicity totals are representative of those agencies that provided ethnicity data; therefore, the race and ethnicity totals will not equal.

2. The race figures in this table are aggregate totals of the data submitted based on both the legacy and revised Uniform Crime Reporting definitions.

To overcome some of the weaknesses of the UCR, the National Crime Victimization Survey (NCVS) described in the next section was created as an alternative source of information on the extent of crime and victimization.

The National Crime Victimization Survey

The Bureau of Justice Statistics (BJS) publishes an annual bulletin titled *Criminal Victimization*. Participants are asked about their experiences as victims of personal and household crimes. The survey has been redesigned several times, most recently in 2016, to improve data collection. In the 2016 bulletin, the reported victimization rate for violent crimes was 21.1 per 1,000 persons (Morgan & Kena, 2017). The overall rate of violent crime for Blacks was 24.1; Whites, 20.5; Hispanics, 22.2 and other, 23.0. Unlike in the past, persons of two or more races are included in the “other” category. Rates were highest for persons aged 25 to 34 (31.8) followed by those 12–17 (30.9) and 18 to 24 (30.9) (see Table 7.2).

Like the UCR, the NCVS also has limitations:

- It only includes persons over the age of 12.
- Victimization data are based on the respondent’s recall about the incident either he or she or someone in the household was involved in.
- Minorities are probably underrepresented since they are underrepresented in population statistics and may be reluctant to participate in the survey.

In spite of the limitations of both sources, they both seem to indicate that crime and victimization are important to any discussion of race and crime because both sources show patterns that require explanation. Some of these explanations found in the race and crime theoretical research are presented next.

TABLE 7.2 ■ Rates of Violent Victimization and Percentage Reported to Police by Sex, Race/Hispanic Origin, and Age of Victims

Victim Demographic Characteristic	Rate of Total Violence per 1,000 persons age 12 or older		Percentage of Violence reported to police	
	Violent victim ^a	Serious violent victim ^a	Violent victim ^b	Serious violent victim ^b
Total	21.1	7.9	42.1%	51.3%
Sex				
Male ^c	21.4	6.5	44.3%	60.5%
Female	20.8	7.5	40.0	43.7

^aRate of violent victimization includes sexual violence, simple assault, aggravated assault, robbery, and burglary.

^bPercentage of violent victimization includes sexual violence, simple assault, aggravated assault, robbery, and burglary.

^cMale includes male victims of sexual violence, simple assault, aggravated assault, robbery, and burglary.

^dFemale includes female victims of sexual violence, simple assault, aggravated assault, robbery, and burglary.

^eSource: Bureau of Justice Statistics, *Criminal Victimization: 2016* (Washington, DC: U.S. Department of Justice, 2017).

National Crime Victimization Survey is conducted as an alternative to the FBI's Uniform Crime Reporting (UCR) system.

The survey is titled *Criminal Victimization* and reports on incidents of personal victimization. The most recently available data report on victimization in 2016 (Kena, 2017). For 2016, the survey reports that 22.2% of the population were included in the survey (31.8) followed

by the incident

represented by the survey.

are that crime rates are high, because both victimization and

Reported to
of Victims

Violence
Police

Serious
violent
crime^a

51.3%

60.5%

43.7%

Victim demographic characteristics	Rate of violent crime per 1,000 persons age 12 or older		Percentage of violence reported to police	
	Violent crime ^a	Serious violent crime ^b	Violent crime ^c	Serious violent crime ^d
Race/Hispanic origins				
White	20.5	6.3	40.1%	45.0% †
Black ^e	24.1	8.2	39.8	59.8
Hispanic	20.2	8.2	51.6 †	64.8
Other ^e	23.0	8.5	42.9	47.8
Age				
12–17	30.9	8.6	27.7%	48.1%
18–24 ^f	30.9	11.0	35.7	51.5
25–34	31.8	12.8	38.9	37.8 #
35–49	22.9 †	6.8 †	49.8 †	58.6
50–64	16.1 †	5.2 †	49.1 †	65.2 #
65 or older	4.4 †	1.1 †	60.4 †	62.0

Source: Adapted from Morgan, R. E. and Kena, G. (2017). Bureau of Justice Statistics. *Criminal Victimization, 2016*, Table 8.

Note: Victimization rates are per 1,000 persons age 12 or older.

Note: White, Black, and other race categories exclude persons of Hispanic or Latino origin.

† Comparison group.

† Significant difference from comparison group at 95% confidence level.

Significant difference from comparison group at 90% confidence level.

^a Includes rape or sexual assault, robbery, aggravated assault, and simple assault. Excludes homicide because the NCVS is based on interviews with victims and cannot measure murder.

^b In the NCVS, serious violent crime is a subset of violent crime and includes rape or sexual assault, robbery, and aggravated assault.

^c Includes American Indian or Alaska Native; Asian, Native Hawaiian, or Other Pacific Islander; and persons of two or more races.

THEORETICAL PERSPECTIVES ON RACE AND CRIME

Why do African Americans and some other minorities continue to be overrepresented in crime and victimization statistics? This question has perplexed criminologists and other scholars for decades. Why do we downplay the role of justice professionals, especially police and prosecutors and their discretionary decisions concerning arrest,

charges, and negotiating pleas? In the criminological research, explanations include biological, sociological, and psychological explanations that focus on either the individual, the environment, or both. Although criminal justice theoretical research is more limited, it focuses on the fairness of the criminal justice system raised by the second question. According to Duffee and Allan (2007), "Theories of criminal justice raise questions about why the government is doing what it is doing" (p. 1). Criminal justice, including just processes, outcomes, and the just use of state power, is central to criminal justice theory (Castellano & Gould, 2007). Classical and positivist criminological theories have predominated in the study of criminology for hundreds of years. Classical and neoclassical theories focus on several key concepts, including utilitarianism, hedonism, free will, and rational choice, and do not address crime and crime specifically. Positivists believe that criminal behavior is determined by biological, psychological, and/or sociological factors. Cesare Lombroso's research on physical characteristics was influential in the United States, where beliefs about the inferiority of Blacks and Native Americans already existed. Though less popular, biological research continues in the United States today (Moffitt, 1993; Rowe, 2008; Rushron, 1995; Walsh & Beaver, 2008; Wilson & Herrnstein, 1985).

W. E. B. Du Bois, Monroe N. Work, Clifford R. Shaw, and Henry D. McKay were among the earliest scholars to refute the biological approach and its focus on the individual. Instead, they focused on the role of the environment and social disorganization on crime (Du Bois, 1899/1973; Work, 1900; Shaw & McKay, 1942). Du Bois (1899/1973) and Work (1900) noted the impact of slavery, discrimination, and segregation on Black criminality and pointed to social, economic, and political conditions that contributed to Blacks' involvement in crime. Shaw and McKay (1942), who were affiliated with the University of Chicago Department of Sociology, examined delinquency areas in Chicago and concluded that "within similar areas, each group, whether foreign-born or native, recent immigrant or older immigrant, black or white, had a delinquency rate that was proportionate to the rate of the overall area" (as cited in Vold & Bernard, 1986, p. 170).

Unlike other immigrants who found themselves in "delinquency areas" and eventually were able to relocate, many Blacks seemed to be unable to leave and were trapped there, creating the "truly disadvantaged," a term coined by William J. Wilson (1987). These areas experience concentrated indicators of social disorganization, including poverty, crime, school dropouts, drug use and sales, inadequate housing, high incarceration rates, teen pregnancies, and unemployment. Over time, these and other factors, including housing inequality and socially isolated residents, foster cultural adaptations that undermine both social organization and the control of crime (Sampson & Wilson, 1995).

One criticism of social disorganization theory is that all minorities in socially disorganized communities are not involved in criminal behavior (Gabbidon, Gabbidon & Greene, 2015; Gabbidon, Unnever, & Gabbidon, 2011). Some researchers have examined social capital and/or collective efficacy to explain variations in levels of crime. Social capital refers to social ties, levels of trust, and

ability of individuals to work together for the good of the community. Unlike communities with high levels of social capital (Hawes, 2017), those with low levels of positive social capital and cohesion are more apt to succumb to negative social networks that value criminal behavior (Poteyeva, 2009). Many other sociological explanations, such as subcultural theories, the colonial model, conflict theory, critical race theory, the general theory of crime, racial socialization, social control, strain theory, and social inequality, are useful to understanding race and crime.

Theoretical research on other minorities, including Latinos, Native Americans, and Asian Americans, is limited. Is social disorganization theory or any other theory applicable to these groups or Whites? All theories have their strengths and weaknesses, and none fully explain patterns of race, arrests, and victimization. Another explanation for the disproportionate representation of Blacks and other minorities in the criminal justice system is discrimination. Discretion, that is, decisional latitude, permits justice practitioners to be guided by not only the official policies of their agencies but also their own values and perhaps implicit biases as well. As a result, even though discrimination and injustices that existed in the past are less prevalent today, vestiges of racial and ethnic disparities still exist in criminal justice (Walker, Spohn, & DeLeone, 2018). Disparities in juvenile justice, pretrial release, sentencing, traffic stops, and use of force continue.

CONTEMPORARY ISSUES IN THE STUDY OF RACE AND CRIME

What are the five most important issues in the study of race and crime today? Gangs, mass incarceration, police use of force, policing illegal immigrants, racial profiling, violent juvenile offenders, the war on drugs, and wrongful convictions are often identified. While there is a considerable amount of research on these topics, many that identify "what works," "best practices," and offer policy recommendations, each of these issues continue to challenge individuals, families, communities, and justice agencies, as do the issues presented next.

Police Killings

On July 2014, Eric Garner, a father and grandfather, was killed on a street corner in Staten Island by a New York City police officer who put him in a choke hold. At the time, Garner, 44, had a long history of arrests for various crimes, including unlawfully selling cigarettes. His killing resulted in several demonstrations and the slogan “I can’t breathe,” which he is said to have repeatedly uttered before dying. A month later, on August 9, 2014, Michael Brown Jr., an unarmed teenager in Ferguson, Missouri, was killed by a police officer. In Ferguson, demonstrations, civil unrest, and the police department’s militarized response were seen in real time on television and social media. Since 2014, many other incidents have occurred and stakeholders, including citizens, researchers, police, and other practitioners,

have tried to understand police killings, especially the disproportionate killings of unarmed Black males. Even though police killings are rare events and most officers are never involved in these incidents, they have an impact on citizens' level of confidence in the police, police–community relations, police recruitment efforts, and police work itself.

In 2015, the United States Department of Justice (DOJ) released the results of its investigation of the Ferguson, Missouri, police department that found,

Bias against African-Americans was routine and thorough, affecting “nearly every aspect of Ferguson police and court operations. . . . For blacks distrust and fear of the police was well-founded.” (Andrews, DeSantis, & Keller, 2015)

Before and after *The Ferguson Report*, the DOJ found racial bias in policing in many other locales including Los Angeles, California; Maricopa County, Arizona; Baltimore, Maryland; and Chicago, Illinois.

Surprisingly, there was no national data on police killings readily available in 2014. Some police agencies reported justifiable homicides by the police to the FBI on a voluntary basis. *The Guardian*, the *Washington Post*, and an online database, Killed by Police, began compiling data on fatal force by police in 2015. That year the *Washington Post* identified 991 incidents. In 2016, 963 were identified, and 987 in 2017 were identified. The majority of those killed were White (457), Black (223), Latino (179), and others (44) (almost half of killings), and 84 were listed as race unknown. Nineteen unarmed Black males were killed in 2017, two more than in 2016, and fewer than 36 killed in 2015 (“Police shootings 2017 database,” 2018). How can the killings of unarmed Black (and brown) males be explained?

Makarechi (2016) analyzed several studies of police and racial bias that include police killings. One study found that the probability of Black unarmed males being killed by the police was 3.4 times greater than the probability for White men. Another found that the only variable that mattered was whether or not the person was Black, not crime variables. There was no correlation between levels of violent crime and that area's police killing rate. According to the *Washington Post* (“Police shootings 2017 database,” 2018), in 2015, the FBI agreed to develop a database of police killings that might be available in 2018. In order to improve citizens' confidence in and trust of the police and improve police–community relations, departments will need ongoing communication with them and to hold police involved in fatal incidents accountable.

Prisoner Reentry

In 2016, there were 1,505,400 prisoners in state and federal prisons (Clemens, 2018). The National Reentry Resource Center (2016) estimates that 95% of prisoners will eventually be released. The overrepresentation of racial and ethnic groups in prison means that their communities will be burdened more by returning ex-offenders (see Table 7.3). Over a decade ago, Jeremy Travis, the former director of the National Institute of Corrections, noted that the criminal justice system is a revolving door for many people, and that the system is not designed to help them reintegrate into society.

Table 3 ■ Estimated Prisoners Under Jurisdiction of State or Federal Correctional Authorities, by Jurisdiction, Sex, Race, and Hispanic Origin, December 31, 2006–2016

Year	Total	Female	Male	White	Black	Hispanic	Other	Hispanic
2006	1,504,598	173,533	1,331,065	1,401,261	103,337	507,100	590,300	313,600
2007	1,532,851	179,204	1,353,647	1,427,088	105,763	499,800	592,900	330,400
2008	1,547,742	182,333	1,365,409	1,441,384	106,358	499,900	592,800	329,800
2009	1,553,574	187,886	1,365,688	1,448,239	105,335	490,000	584,800	341,200
2010	1,552,669	190,641	1,362,028	1,447,766	104,903	484,400	572,700	345,800
2011	1,538,847	197,050	1,341,797	1,435,141	103,706	474,300	557,100	347,800
2012	1,512,430	196,574	1,315,856	1,411,076	101,354	466,600	537,800	340,300
2013	1,520,403	195,098	1,325,305	1,416,102	104,301	463,900	529,900	341,200
2014	1,507,781	191,374	1,316,407	1,401,685	106,096	461,500	518,700	338,900
2015	1,476,847	178,688	1,298,159	1,371,879	104,968	450,200	499,400	333,200
2016 ^a	1,458,173	171,482	1,286,691	1,352,684	105,469	439,800	486,900	339,300
Average annual percent change								
2006–2015	-0.2%	0.3%	-0.3%	-0.2%	0.2%	-1.2%	-1.7%	0.6%
2015–2016	-1.3	-4.0	-0.9	-1.4	0.5	-2.3	-2.5	1.8

Source: Table 3 in Carson, E. A. (2018). *Prisoners, 2016*.

Note: Jurisdiction refers to the legal authority of state or federal correctional officials over a prisoner, regardless of where the prisoner is held. Counts are based on prisoners with sentences of more than 1 year.

a. Includes prisoners held in nonsecure, privately operated community corrections facilities and juveniles held in contract facilities.

b. Excludes persons of Hispanic or Latino origin and persons of two or more races.

c. Race and Hispanic origin counts for all years have been reestimated using a different method and will not match previously published estimates. See *Methodology*.

d. Rounded to the nearest 100.

e. Total and state estimates include imputed counts for North Dakota and Oregon, which did not submit 2015 NPS data. See *Methodology*.

of the National Institute of Justice and president of John Jay College of Criminal Justice in New York City, was instrumental in drawing attention to the issue of prisoner reentry in his book titled *But They All Come Back: Facing the Challenges of Prisoner Reentry*. According to Travis (2005), the growth of the prison population (mass incarceration) at that time resulted in large numbers of ex-offenders returning to families, communities, and often crime. The most recent reentry data indicate that almost 641,000 prisoners were released from state prisons and about 9 million from jails (National Reentry Resource Center, 2016). In 2006, when an estimated 750,000 prisoners were released, institutional and community corrections agencies were not prepared for “mass reentry,” and few resources and employment opportunities were available. Today (as in the past), ex-offenders face barriers to not only employment but also education, housing, restoration of rights, transportation, and health care. These barriers contribute to recidivism, another challenge. Too many ex-offenders will return to crime when they are released. However, misinformation about ex-offenders’ recidivism contributes to their stigma. Rhodes et al. (2012) address this issue and conclude that the extent of recidivism is much lower than previously believed. They found that 2 out of 3 persons released from prison in 17 states did not return to prison.

During the past decade, there have been federal, state, and local initiatives to improve ex-offenders’ transition back into society. In 2008, the Second Chance Act began funding state, local, and nonprofit organizations to provide reentry assistance to those released (National Reentry Resource Center, 2016). Today, stakeholders including corrections officials (in facilities and in the community), law enforcement, faith organizations, families, communities, and ex-offenders, continue to address reentry challenges and their collateral consequences. According to the Restoration of Rights Project (2018), recent legislative reforms include laws to reduce barriers to employment (for example, Ban the Box) and limiting access to criminal history information. Several successful reentry programs have also been identified by the What Works in Reentry Clearinghouse.

While reentry reforms are helpful, current sentencing policies, including mandatory sentencing and three-strikes laws, guarantee that prisoner reentry will continue to be a problem requiring innovative solutions for decades. Even though the number of inmates and those leaving prison have decreased in the last several years, about 10,000 are still released everyday (Hughes & Wilson, 2003). These returning prisoners will not be fully reintegrated into their families and communities until the stigma of incarceration can be lessened.

Disproportionate Minority Contact and Confinement

Disproportionate minority contact and confinement (DMC) refers to the overrepresentation of minorities at various stages in adult and juvenile justice systems. Initially, the term was used to describe overrepresentation of minority youth in secure facilities (confinement) but later was revised to include overrepresentation at other decision points (contact). If you have ever visited a juvenile probation office,

Criminal
 issue of
 challenges of
 population
 returning
 indicate
 million
 estimated
 agents
 oppor-
 not only
 tion, and
 to many
 information
 (2016)
 er than
 in 17

atives to
 nce Act
 stance
 holders,
 cement,
 address
 toration
 barriers
 history
 by the

g man-
 ill con-
 gh the
 and years,
 turning
 es until

ne over-
 systems,
 uth in
 ation at
 office,

a juvenile court, or a juvenile correctional facility, then you know that they are full of youth of color, especially in metropolitan areas. In 2016, there were 674,820 juvenile arrests, 62.1% White, 34.7% Black, and 22.8% Hispanic (see FBI, 2018, Table 21B). Since Hispanics are separate from Blacks and Whites in the FBI arrest tables, the disproportionality is less visible than it is in the secure confinement data. In 2015 (the most recent data available), there were 48,043 youth in confinement, 15,024 White, 20,136 Black, 10,545 Hispanic, 839 American Indian, 402 Asian, and 1,097 Other (Sickmund, Sladky, Kang, & Puzzanchera, 2017). According to the Sentencing Project (2018),

Racial and ethnic disparities weaken the credibility of a justice system that purports to treat everyone equally. . . . Across the country juvenile justice systems are marked by disparate racial outcomes at every stage of the process.

Why do racial disparities continue to persist even though there have been fewer juvenile arrests and fewer youth placed in secure confinement? First, for some youth, involvement in crime is acceptable. This is often referred to as the differential involvement explanation. The other explanation, differential treatment, recognizes how discretion of the police, probation officers, judges, and others, coupled with racial bias, results in different outcomes for youth of color (The Sentencing Project, 2018).

Disproportionate minority contact in the juvenile justice system is most problematic at arrest, confinement, and waivers to adult courts (Jones & Greene, 2015). Since 1988, the U.S. Congress has legislated core requirements in revisions to the Juvenile Justice and Delinquency Prevention Act of 1974 in an effort to address DMC. At that time, states were required to identify and address the problem in order to receive federal funding through formula grants (Gabbidon & Greene, 2015). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is responsible for monitoring DMC progress and providing technical assistance to the states. It also collects data from states and maintains a DMC website. Unfortunately, progress in reducing and preventing DMC has been limited, as it continues to exist at many stages and in most states.

Some recent initiatives to address DMC include addressing crossover youth that are in both child welfare and juvenile justice systems, dealing with the school-to-prison pipeline, and reducing implicit bias among practitioners. Information on best DMC practices and evidence-based DMC model programs is necessary as well.

FUTURE ISSUES IN THE STUDY OF RACE AND CRIME

The history of racial discrimination, racism, and racial bias in our country continues to impact people of color and the justice system. One of the most important

developments in the future is the changing demographic trends in the United States. Latinos, now the largest minority in the United States, have composed the majority in several cities and counties, especially in the southwestern United States. Researchers should resolve the dilemma of counting members of this group so that we have a better understanding of ethnic trends in crime and victimization. In spite of the fixation on illegal immigrants, especially from Mexico, the role of Latinos in justice agencies will garner more attention in the next decade. Arguably, as their representation in justice agencies increases, outcomes for people of color, especially Latinos, could change as social distance between practitioners and clients is reduced.

As long as social and economic disparities exist, “street crime” will occur. It is important to continue to invest in crime and delinquency prevention, youth development, restorative justice, and other strategies that may result in better outcomes than some of the current ones. Justice agencies must also continue to develop cultural competencies of employees to overcome hidden biases.

Other important issues in the future study of race and crime are DNA analysis, human trafficking, and women of color. DNA databanks and the role of DNA in solving crimes and identifying wrongful convictions requires more research. Human trafficking requires greater emphasis on how this global problem relates to race, ethnicity, crime, and justice since the majority of human trafficking victims are women of color. Lastly, women of color as leaders in justice agencies, other practitioners, offenders, and victims require more attention in the study of race and crime.

Discussion Questions

1. Do you think the historical context of the problem of race and crime in the United States is still relevant today? Explain your answer.
2. What do arrest and victimization statistics tell us about race and crime?
3. What is the best explanation of the overrepresentation of some minorities as crime perpetrators and victims?
4. Do you think that police officers are justified in shooting unarmed persons that they question during traffic stops?
5. What recommendation would you make to an elected official to reduce disproportionate confinement of people of color?

Web Resources

Bureau of Justice Statistics: www.bjs.gov

Death Penalty Information Center: www.deathpenaltyinfo.org

Sentencing Project: www.sentencingproject.org

What Works in Reentry Clearinghouse: whatworkscsgjustice.org