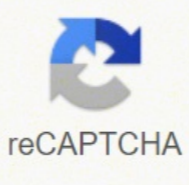




I'm not robot



Next

Criminal justice reform conference 2018



It's worth noting, again, that multiple studies have shown that searches of white motorists are slightly more likely to turn up contraband than searches of black motorists.A 2020 report by the Austin Office of Police Oversight, Office of Innovation and Equity Office found that blacks and Latinos were more likely than whites to be stopped, searched and arrested despite similar "hit rates" for illicit drugs among those groups.Another study found that in surrounding Travis County, Tex., blacks comprised about 30 percent of police arrests for possession of less than a gram of an illicit drug from 2017 to 2018, despite making up only 9 percent of the county's population, and that surveys consistently show that blacks and whites use illegal drugs at about the same rate.A 2019 study of the Columbus, Ohio, police department found that while black people make up 28 percent of the city's population, about half of the use-of-force incidents by city police were against black residents.A 2019 study of policing in Charleston, S.C., found that 61 percent of use-of-force incidents were against black people, who make up about 22 percent of the city's population. That ought to bother us.A New York Times examination after the death of George Floyd found that while black people make up 19 percent of the Minneapolis population and 9 percent of its police, they were on the receiving end of 58 percent of the city's police use-of-force incidents.A massive study published in May 2020 of 95 million traffic stops by 56 police agencies between 2011 and 2018 found that while black people were much more likely to be pulled over than whites, the disparity lessens at night, when police are less able to distinguish the race of the driver. For much of the early 20th century, in some parts of the country, that was its primary function. This study also found that minority drivers were more likely to be pulled over during daylight hours.A study of about 260,000 traffic stops in San Diego between 2014 and 2015 found that police more likely to search black and Latino drivers than white drivers, even though they were more likely to find contraband on white drivers.A 2016 review of traffic stops in Bloomfield, N.J., found that though the city is 60 percent white and non-Hispanic, 78 percent of ticketed motorists were black or Hispanic. And here's a more detailed critique of the study in general.) The authors also wrote a response to their critics.A 2019 study from the Council on Criminal Justice found that between 2000 and 2016 the racial disparity in state prison, jail, parole and probation populations had narrowed. I would like to make this piece a repository for this issue.I, of course, can't vouch for the robustness or statistical integrity of all of these studies. Blacks made up 24 percent of the city's population. After including violent crimes, it was 73 percent. Black drivers are also more likely to be pulled over for alleged mechanical or equipment problems with their automobiles, or for record checks. Jeb Bush (R) found that the state had, as of that time, never executed a white person for killing a black person.A 2004 study of Illinois, Georgia, Maryland and Florida estimated that "one quarter to one third of death sentenced defendants with white victims would have avoided the death penalty if their victims had been black."According to a 2002 study commissioned by then-Gov. The discrepancy was even greater among women — black women made up 24 percent of the female prison population but 41 percent of those who had been held in isolation (that figure came from 40 jurisdictions.) A report published in 2018 found that in Texas, black prisoners are much more likely to be sent to solitary confinement, even as Texas prisons are phasing out the practice.In surveying the research on the topic, the Sentencing Project estimates that 61 to 80 percent of black overrepresentation in prisons can be explained by higher crime rates in the black population. Epp and Kelsey Shoub reviewed 29 million traffic stops. As with previous studies, they also found that black and Latino drivers are more likely to be searched for contraband — even though white drivers are consistently more likely to be found with contraband. Scott talked about how he had been repeatedly pulled over by police officers who seemed to be suspicious of a black man driving a nice car. The study didn't look at this, but that may have been because they were more likely to be wrongly arrested in the first place. White people are actually more likely to get pulled over for noticeable traffic violations such as speeding. Among those with prior criminal records who pleaded guilty to robbery, 36 percent of whites got no jail time, vs. in the county, black men were 4.4 percent of the population, but comprised 37.6 percent of arrests.A 2020 report on 1.8 million police stops by the eight largest law enforcement agencies in California found that blacks were stopped at a rate 2.5 times higher than the per capita rate of whites. Instead, the real racial bias when it comes to the death penalty pertains to the race of the victim. Unfortunately, the gap appears to be widening among juveniles.A 2002 study of alleged racial profiling in New Jersey found no such bias among New Jersey police officers. Blacks in mixed neighborhoods were less likely to be shot than blacks in segregated neighborhoods, even after controlling for crime rates. The bias here comes in when we look at who gets plea bargains, what kinds of deals they're offered and how many, though innocent, feel pressured to accept.A 2015 study by the Women Donors Network found that in three-fifths of the states where prosecutors are elected, there isn't a single black prosecutor. Hispanics were underrepresented in both categories.A 2013 Justice Department study found that black and Latino drivers are more likely to be searched once they have been pulled over. Black motorists also comprised 76 percent of arrests following a traffic stop despite making up 43 percent of the city's population. Andrew Sullivan wrote something similar in New York magazine. Over 7.4 percent of the adult African American population is disenfranchised compared to 1.6 percent of the non-African American population. That it might retain some of those privileges today shouldn't be all that surprising. In any case, after more than a decade covering these issues, it's pretty clear to me that the evidence of racial bias in our criminal justice system isn't just convincing — it's overwhelming. The black arrest rate for prostitution is almost five times higher than the white arrest rate, and the black arrest rate for gambling is almost ten times higher."According to a Justice Department study released in 2013, throughout the United States, black drivers are about 30 percent more likely to be pulled over than white drivers. ... Moreover, black defendants who kill white victims are more than three times as likely to be sentenced to death as are white defendants who kill white victims."A review of homicide cases in Missouri between 1997 and 2001 found that both geography and race are important factors in whether a defendant receives the death penalty. Nationally, the review found that young black men were about 50 percent more likely to be detained pretrial than white defendants, and on average were given bail amounts that were twice as high. But the problem with trying to dismiss profiling concerns by noting that higher rates at which some minority groups commit certain crimes is that it overlooks the fact that huge percentages of black and Latino people have been pulled over, stopped on the street and generally harassed despite the fact that they have done nothing wrong. Those convicted of killing white people were also less likely to have their sentences overturned on appeal, and Louisiana hasn't executed a white person for killing a black person since 1752. Studies in other states have produced similar results: In Oklahoma, killers of white women were 9.5 times more likely to get the death penalty than killers of minority men. Six of the seven trials featured all-white juries. In a 2010 study, "mock jurors" were given the same evidence from a fictional robbery case but then shown alternate security camera footage depicting either a light-skinned or dark-skinned suspect. It was also later corrected. The study also found that "searches of white suspects were more successful in recovering the targeted drug than were searches of either Black or Hispanic suspects."According to figures from the National Registry of Exonerations (NER) black people are about five times more likely to go to prison for drug possession than white people. While most legal observers agree that plea bargaining is widely abused and does little to serve the interests of justice, most also believe that if every defendant were to insist on a trial, the system would come grinding to a halt. The study found that about 19 percent of searches of black motorists turned up contraband, vs. Some black and Latino communities had suspension rates five times the state average.A 2016 report from the Black Alliance for Just Immigration found that black immigrants were significantly more likely to be deported than immigrants of other races.A Portland Oregonian report of the city's gang database found that 64 percent of the list was black, though blacks make up only 6 percent of the city. (The disparity is actually lowest in the West and South, and highest in the Northeast and Midwest.) The study found that the racial disparities were also getting larger, not smaller.In contrast to the assertion that blacks are more likely to be arrested because they're more likely to use drugs in public, a 2002 study of narcotics search warrants in the San Diego area — that is, warrants to search for drugs in private homes — found that black and Hispanic residents were "significantly over-represented as targets of narcotics search warrants," even after adjusting for usage rates. Overall, the study found that in the United States, 95 percent of elected prosecutors are white, and nearly 80 percent are white men. Given that Scott otherwise has pretty conservative politics, there was little objection or protest from the right. Interestingly, when it comes to readily observable violations such as red-light running or speeding, the numbers were more even — whites actually received a greater percentage of speeding tickets. They were less likely to be let off with a warning.A 2015 ACLU study of four cities in New Jersey found that black people were 2.6 to 9.6 times more likely to be arrested than white people for low-level offenses.Black people are consistently arrested, charged and convicted of drug including possession, distribution and conspiracy at far higher rates than white people. Stop-and-frisk data, for example, consistently show that about 3 percent of these encounters produce any evidence of a crime. The study found that among fatal police shootings from 2013 and 2017, the race of the individual victim wasn't as important as how segregated the neighborhood was where the shooting took place. I will note that most (but not all) of these studies do factor in variables that address common claims such as that the criminal justice system discriminates more by class than by race, or that racial discrepancies in sentencing or incarceration can be explained by the fact that black people commit more crimes. But because there still seems to be some skepticism, I've attempted below to catalog the evidence. A 2010 report by the Equal Justice Initiative documented cases in which courts upheld prosecutors' dismissal of jurors because of allegedly race-neutral factors such as affiliation with a historically black college, a son in an interracial marriage, living in a black-majority neighborhood or that a juror "shucked and jived."There are no comprehensive national data on the rate at which prosecutors strike black jurors, but there have been quite a few regional studies.A study of criminal cases from 1983 and 1993 found that prosecutors in Philadelphia removed 52 percent of potential black jurors vs. On to the evidence.I've had more than one retired police officer tell me there is a running joke in law enforcement data when it comes to racial profiling: It never happens. In fact, systemic racism means almost the opposite. After adjusting for criminal history, seriousness of the crime and other factors, the study found that black people were 18 to 39 percent more likely than white people to have their probation revoked.A 2017 study of more than 10,000 cases handled by a public defender's office in San Francisco found that black and Latino defendants were more likely to be incarcerated while awaiting trial, had to wait longer for their trials to begin, were less likely to see their charges reduced and were more likely to see new misdemeanor charges added.An ACLU report issued in 2018 found that in Miami, black people faced "2.2 times greater rates of arrest, 2.3 times greater rates of pretrial detention, 2.5 times greater rates of conviction, and 2.5 times greater rates of incarceration." Hispanics were "subject to four times greater rates of arrest, 4.5 times greater rates of pretrial detention, 5.5 times greater rates of conviction, and six times greater rates of incarceration."A 2011 investigation of presidential pardons by ProPublica found that white federal prisoners are almost four times as likely to receive a pardon than black people are also more likely to be wrongly convicted of murder when the victim was white. Pfaff has since protested on Twitter that both Wisconsin showed that white defendants were 25 percent more likely than black defendants to have their most serious charge dismissed in a plea bargain. And I've also included a section for studies that do not find bias in various aspects of the criminal justice system. That is out of hundreds of challenges. A survey of seven death penalty cases in which the defendant was a black female found that 13 times more likely.A Brown Center on Education Policy study released in 2017 found that suspension rates of black students began to escalate during middle school, and that the racial disparity in suspensions increases dramatically once black students comprise 16 percent or more of a school's student population.Data released in 2016 from the Department of Education found that black students were nearly four times more likely to be suspended than white students.Black people are of course overrepresented in the prison population. Similar studies have also found that the racial disparity in prison and jail populations has dropped, though blacks remain significantly more likely to be incarcerated.A December 2019 study from Boston University could be seen as both dissenting from the consensus and supporting it. Latino women were between 12 percent and 23 percent less likely to be killed than white women.A 2019 study of 11,000 police stops over about four weeks in the District found that while black people make up 46 percent of the city's population, they accounted for 70 percent of police stops, and 86 percent of stops that didn't involve traffic enforcement.An October 2019 report in the Los Angeles Times found that during traffic stops, "24% of black drivers and passengers were searched, compared with 16% of Latinos and 5% of whites." The same study also found that police were slightly more likely to find drugs, weapons or other contraband among whites.A 2019 study of police stops in Cincinnati found that black motorists were 30 percent more likely to be pulled over than white motorists. Frank O'Bannon (D), Indiana had executed only one person for killing a nonwhite victim, and though 47 percent of homicides in the state involved nonwhite victims, just 16 percent of the state's death sentences did.Studies in Maryland, New Jersey, Virginia, Utah and the federal criminal justice system produced similar results.A 2014 study looking at 33 years of data found that after adjusting for variables such as the number of victims and brutality of the crimes, jurors in Washington state were 4.5 times more likely to impose the death penalty on black defendants accused of aggravated murder than on white ones.Black people are also more likely to be wrongly convicted of murder when the victim was white. Pfaff has since protested on Twitter that both Columbus, Ga., going back to the 1970s found that prosecutors struck 41 of 44 prospective black jurors. Blacks make up 27 percent of the town at the time (they now make up 33 percent). The study did find that the level of force used did not significantly vary by race. When you consider that much of the criminal justice system was built, honed and firmly established during the Jim Crow era — an era almost everyone, conservatives included, will concede fire with racism — this is pretty intuitive. They were also more likely to have charges dismissed. (Of course, those higher crime rates themselves could be due in part to racial bias.) The rest is probably because of racial bias.The Sentencing Project further estimates that mass incarceration combined with felon disenfranchisement laws have led to severe underrepresentation of black Americans in the voting electorate. But this is largely because most black murderers kill other black people, and prosecutors are far less likely to seek the death penalty when the victim is black.A study of North Carolina murder cases from 1980 through 2007 found that murderers who kill white people are three times more likely to get the death penalty than murderers who kill black people.A 2000 study commissioned by then-Florida Gov. The department didn't uphold a single complaint.A 2016 report found that between 2011 and 2015, black drivers in Nashville's Davidson County were pulled over at a rate of 1,122 stops per 1,000 drivers — so on average, more than once per black driver. Blacks were also twice as likely to be searched after a stop, even though white motorists were more likely to be found with contraband.A study of "investigatory" traffic stops — that is, stops that did not result in a citation — by police in Kansas City found that blacks were 2.7 times more likely to be pulled over in an investigatory stop, and five times more likely to be searched.A 2018 study of traffic stops in Vermont found that black drivers are up to four times more likely than white drivers to be searched during a traffic stop, even though white drivers are 30 percent more likely to be found with contraband.A study of 237,000 traffic stops in Rhode Island in 2016 found that blacks comprised 11 percent of those stopped, significantly higher than their 6.5 percent share of the population at large. (It is worth noting that this isn't about the severity of the crime — Barbour pardoned at least eight men who killed their wives or girlfriends.)A 2016 New York Times report on thousands of parole hearings found that fewer than 1 in 6 black or Latino men was released after his first parole hearing, only 23 percent of nonblack jurors.Between 2003 and 2012, prosecutors in Caddo Parish, La. — one of the most aggressive death penalty counties in the country — struck 46 percent of prospective black jurors with preemptory challenges, vs. Black female students were seven times more likely than white and Asian female students, tickets based on objective evidence, such as vs. The study found that race played a role at nearly every step in the process, from arrest to detention to setting bail to sentencing.A 2011 study of bail in five large U.S. counties found that blacks received \$7,000 higher bail than whites for violent crimes, \$13,000 higher for drug crimes and \$10,000 higher for crimes related to public order. The study also found that more heavily militarized policing in those areas had little effect on public safety, but did erode public trust in police among residents.When The Post in 2014 reviewed 400 recent instances of questionable asset forfeiture, a majority of the motorists who had property confiscated by the police were nonwhite.A 2013 study by the ACLU found that black people were 3.73 times more likely than white people to be arrested for marijuana possession. One letter noted that if you adjust for age and remove suicidal adults, "Young unarmed non-suicidal male victims of [police] fatal use of force are 13 times more likely to be Black than White." (Here's a more detailed version of that analysis. Certainly, lots of white people are wrongly accused, arrested and convicted. When the complainant alleged excessive force, white complaints were sustained seven times more often than black complaints.A 2015 study found that though black women are just 6 percent of the female population of San Francisco, they account for 45.3 percent of female arrests.A national study of misdemeanor arrests published in 2018 in the Boston University Law Review found that the "black arrest rate is at least twice as high as the white arrest rate for disorderly conduct, drug possession, simple assault, theft, vagrancy, and vandalism. In four states — Florida (21 percent), Kentucky (26 percent), Tennessee (21 percent), and Virginia (22 percent) — more than one in five African Americans is disenfranchised." This means that black candidates may get less support than they otherwise would, candidates of all races may pay less attention to issues valued by black voters, and black interests in general may be underrepresented in electoral politics.A March 2020 study by the Justice Lab at Columbia University found that black and Latino parolees were "significantly more likely than white people to be under supervision, to be jailed pending a violation hearing, and to be incarcerated in New York State prisons for a parole violation." The study found that blacks and Latinos were about 5 times and 1.3 times respectively, as likely as whites to be reincarcerated for "technical violations" of parole.A 2019 review of academic literature by the Prison Policy Initiative found that "in large urban areas, Black felony defendants are over 25% more likely than white defendants to be held pretrial" when charged with similar crimes. Blacks were more than twice as likely as whites to be searched after traffic stops, even though they proved to be 26 percent less likely to be in possession of illegal drugs or weapons. White killers of black people get death sentences even less frequently. In some parts of the state, it was two or three times longer.An analysis of drug war data by the Vera Institute of Justice published in 2018 found that "the risk of incarceration in the federal system for someone who uses drugs monthly and is black is more than seven times that of his or her white counterpart."A 2017 report of civil-asset-forfeiture seizures in Chicago showed that the vast majority of such actions were in poor, predominantly black neighborhoods. But it also found that blacks were more likely to be searched after stops for registration, license, seatbelt and cellphone violations, radar. The report also found that "in every state and in over 95% of counties with more than 30,000 people in which at least 1% of the residents are Black, Black people are arrested at higher rates than white people for marijuana possession." This, again, despite ample data showing both races use the drug at similar rates.As of May 2018, data from New York City showed that black people are arrested for marijuana at eight times the rate of white people. The study also found that police disproportionately stopped drivers around the city's southern border, which it shares with towns and cities with larger minority populations.A study of stop-and-frisk incidents in Boston between 2007 and 2010 that did not result in a citation or arrest found that 63 percent of such stops were of black people. The study adjusted for variables like who appointed the judges, judicial circuits and demographic data.A 2015 study of first-time felons found that while black men overall received sentences of 270 days longer than white men for similar crimes, the discrepancy between whites and dark-skinned blacks was 400 days.While black youths make up 14 percent of the youth population, a 2018 study found that they make up 53 percent of minors transferred to adult court for offenses against persons, despite the fact that white and black youths make up nearly an equal percentage of youth charged with such offenses.A 2011 study of school discipline in Texas found that after isolating race by adjusting for 83 other variables, a black student had a 31 percent greater chance of being disciplined than an identical white or Hispanic student.A study of suspensions in Chicago schools from 2013 to 2014 found that black male students were more than five times more likely to be suspended than white and Asian male students. Black people don't have the luxury. The no-knock warrant for Breonna Taylor was illegal.Report: Wrongful convictions have stolen at least 20,000 years from innocent defendantsMilitarized policing doesn't reduce crime and disproportionately hits black communitiesNew York, California bills look to hold police, prosecutors more accountable Black drivers are more likely to not be told why they were pulled over.Between 2001 and 2013, blacks and Latinos made up 51 percent of the population of New York City, but about 80 percent of the misdemeanor arrests and summonses. In 2016, the ACLU of Florida released a report that found that black drivers in that state were twice as likely to be pulled over for seat-belt violations as white drivers.A 2017 Chicago Tribune investigation found that as the city ramped up its ticketing of bicyclists, black neighborhoods received more than twice as many citations as white and Latino neighborhoods. Hispanic people were about five times more likely to be pulled over than white people. There's also some evidence of a racial disparity when it comes to presidential commutations.A 2008 study of parole board decisions found that "black offenders spent a longer time in prison awaiting parole compared with white offenders," and that "the racial and ethnic differences are remained as an influence on parole decision-making after controlling for formal, various individual demographic and community characteristics."About 16 percent of sexual assaults of white women are committed by black men, but half of the exonerations for sexual assault involve cases in which an eyewitness wrongly identified a black man for the rape of a white woman.A study of the pardons granted in Mississippi during former governor Haley Barbour's tenure found that although blacks make up almost two-thirds of the state's prison population, they make up fewer than a third of the people to whom Barbour granted clemency. More generally, black people convicted of murder are 50 percent more likely to be innocent than white people convicted of murder.Innocent black people are also 3.5 times more likely than white people to be wrongly convicted of sexual assault and 12 times more likely to be wrongly convicted of drug crimes. Nationally, about half of murders are committed by blacks.When it comes to federal gun crimes, black people are more likely to be arrested, more likely to get longer sentences for similar crimes and more likely to get sentencing "enhancements," according to the U.S. Sentencing Commission.A New Jersey study found that 96 percent of defendants subject to an enhanced sentencing under "drug-free school zone" laws were black or Latino.A study published in May 2018 found that when a white person and a black person are convicted of similar crimes, Republican-appointed judges sentence the black person to three months longer in prison.A 2007 Harvard study found sentencing discrepancies among black people, and that the discrepancies were more pronounced for black people than for white people. Neither study accounted for the possibility of racial bias among parole officers — that officers might be more inclined to find technical violations against black parolees than against white ones.A 2017 study of school suspensions at the five largest school districts in Wisconsin found that the districts were implementing suspensions in a way that was counterproductive to a positive learning environment but that there was little evidence that the suspensions were driven by racial bias.A 2015 analysis of prison data by the Marshall Project found that though there are still wide racial disparities when it comes to mass incarceration, the black-white divide in prison populations is narrowing, particularly among women, and it works. Consistently, between 85 and 90 percent of such stops produced no arrest, citation or evidence of criminal activity. And, as noted in one particular study below, they're overrepresented even after you account for variables such as the crime rate among blacks.A 2020 study on prison reform in California found that while the state's policy changes resulted in a significant depopulation of the state's prisons, "The Black-White incarceration gap and the LatinX-White incarceration gap both increased."Data from the Massachusetts Sentencing Commission released in 2016 found that black people in the state are eight times more likely to be incarcerated than white people. Baumgartner, Derek A. This suggests that increasing diversity among officers by itself is unlikely to reduce racial disparity in police shootings." The study, which has been widely cited by conservatives and other critics of the notion that policing is plagued by racial bias, has been widely criticized, including in two subsequent letters to the editor where it was published. What they found: Police were more likely to pull over black drivers, just 11 percent of whites.As of 2018, in the 32 years since Batson, the U.S. Court of Appeals for the 5th Circuit — which includes Mississippi, Texas and Louisiana — has upheld a Batson challenge only twice. Black women were 1.4 more times likely to be killed than white women. The legislature later repealed that law.In June 2018, American Public Media's "In the Dark" podcast did painstaking research on the 26-year career of Mississippi District Attorney Doug Evans and found that over the course of his career, Evans's office struck 50 percent of prospective black jurors, vs. And there are problems that aren't directly related to race. A year later, black neighborhoods were getting three times more bicycle tickets than white neighborhoods.A ProPublica and Florida Times-Union report published in 2017 showed that black residents of Jacksonville are three times more likely to receive a citation for a pedestrian violation than white residents. 6 percent of black drivers and 7 percent of Latinos. In 2015, the Charleston Post and Courier looked at incidents in which police stopped motorists but didn't issue a citation. Instead, it found that black motorists were more likely to drive above the speed limit. About 2 percent of white motorists were searched, vs. The study also found that in states that had legalized marijuana, the racial disparity narrowed but was still significant.An August 2019 study published by the National Academy of Sciences based on police-shooting databases found that between 2013 and 2018, black men were about 2.5 times more likely than white men to be killed by police, and that black men have a 1-in-1,000 chance of dying at the hands of police. Other researchers have since questioned the methodology of both studies.A 2006 study of police stops in Oakland measured stops during the day with those made at night, on the theory that if police officers were profiling, there should be more stops of black and Latino motorists during daytime hours, when race would be more discernible. Instead, they found that most citations were issued in majority-black neighborhoods. The data from 2017 showed the problem actually got worse, with blacks 85 percent more likely to be stopped. Another study found that black people make up just 6 percent of the population of San Francisco, but more than 70 percent of those seeking legal aid due to driver's license suspensions over unpaid traffic fines.Studies of traffic stops in Iowa have found that blacks are disproportionately stopped, disproportionately ticketed, searched, and arrested. Here again, while black and Latino drivers were more likely to be searched, they were 20 percent less likely to be in possession of any contraband.Going back to 2002, data show that when New York City was implementing its stop-and-frisk policy, white people generally made up only about 10 percent of such stops, despite making up about 45 percent of the city. The figure is above 65 percent in several other

