

Racial Disparities in Imprisonment

The United States has one of the highest rates of imprisoning its citizens in the world, but the real scandal is hidden in that total, because racial minorities, particularly African Americans, are imprisoned at astronomical rates. In 1997, for example, 3.2% of all Black males were in prison, a percentage that is 6.6 times higher than the .5% (half a percent) rate for non-Hispanic white males. We call the 6.6 the racial disparity ratio. The racial disparity ratio for Hispanic men was 2.6, and for American Indian men it was 1.8. Among women, the incarceration rates are much lower, but the racial disparities are similar. Asians, however, have lower incarceration rates than whites.

As bad as that 6.6 ratio sounds, even it underestimates the disparity because it includes children. Among adults, the disparity ratios are even higher. In 1997, the highest rate of imprisonment for Black males was 8.6% for the 25-29 age group, and this is not even counting probation and parole! The racial disparity ratio was 9.9 for Black men aged 25-29, and ranged between 7.9 and 9.9 for Black men aged 18-44. For Hispanic men, the disparities range between 2.7 and 4.3 and are highest for the youngest (18-19) and oldest (over 55). For Black and Hispanic women, the disparity ratios are highest in the 30-54 age range, ranging from 7.3 to 9.1 for Black women and 2.8 to 4.7 for Hispanic women. (Age breakouts are not available for American Indians.)

That such high imprisonment rates signal a crisis for minority communities, especially African American communities, has to be obvious to anyone who honestly confronts the facts. But figuring out what is causing these patterns and how to change them is much harder. If we get beyond sound-bites and look at the evidence, most people would conclude that we are dealing with a combination of factors, societal factors that lead young Black men to actually commit more crimes and political factors that lead enforcement and punishment to be much harsher for Blacks than for whites. Poverty, segregation, and racial discrimination lead to poor schools and low job opportunities, which in turn foster the conditions that encourage violence, theft, and other illicit ways of earning income. These factors are clearly exacerbated in recessionary periods. There is a saying: when white America gets a cold, Black America gets pneumonia. Many Black communities fell into poverty in the deep recessions of the late 1980s. At the same time, differential policing policies (including "quality of life" and "driving while black" policing) are a major source of arrest and imprisonment differentials, especially for drug offences. Black and white drug use rates are fairly similar, while Hispanics use drugs much less than whites, but both Blacks and Hispanics are much more likely to be imprisoned on drug charges than non-Hispanic whites.

We tend to assume that the racial differences present today have "always" been present in a racist United States, and are rooted in the legacies of the segregated South, but this is not quite true. Racial disparities in imprisonment were much smaller earlier in this century, closer to 2 to 1 (versus the present 6+ to 1). The major shift in US crime policy came in the late 1960s under the slogan "law and order." This was a direct response to the Black urban riots of the 1960s and seems to have been racial in its thrust from the beginning. Racial disparities in imprisonment rose in the 1970s and 1980s under various politically-motivated drug wars. Sociological studies suggest that political factors such as "war on crime" rhetoric, Black mayors and Republican governors affect race relations and racial patterns of policing within cities or states. It appears that the racial disparity ratios for African Americans peaked around 1993 and have been declining modestly since then. The year 1993 marks both a national political shift to a Democratic president and the end of a recessionary period, so it is hard to disentangle political and economic factors.

When I first started looking into these issues last year, I was shocked to learn that Wisconsin is much worse than even the bad national averages in its racial disparities. When we look to other states for models, it is very important to examine the race-specific imprisonment rates, for the gross levels can be

misleading. Let me give you some examples from our work analyzing new admissions to prison, which is different from the earlier statistics about how many are in prison in a given year. Minnesota, for example, is often touted for its low imprisonment rate. And Minnesota's new imprisonment rate for whites in 1996 was the second lowest in the nation, at 38 per 100,000. However, its rate of new imprisonment for Blacks was 988, the seventh highest, and its racial disparity ratio of 25.5 was the highest in the nation. Wisconsin was second only to Minnesota in its racial disparity: again, it had a relatively low new incarceration rate for whites of 134 (7th lowest) but the new incarceration rate for Blacks was 1094 (5th highest) and the disparity ratio was 20.6. Other states with this pattern of low white incarceration rates but high Black rates and, thus, high racial disparities, included New York, New Jersey, and Pennsylvania. Illinois, Washington, Nebraska, Maine, Utah and Iowa also have disparity ratios greater than 12 with below-average or average rates of incarcerating whites. These states do seem to be targeting their imprisonment efforts toward Blacks, although it is certainly likely that high levels of economic inequality between the races in these states is also contributing to the social conditions that foster crime.

In general, states that have lower racial disparity ratios incarcerate higher proportions of whites. Below-average disparity ratios (that is, ratios between 4.3 and 6.6) generally occur in states with above-average rates of incarcerating whites. The highest rates of white incarceration are in California, Oregon, Nevada, and Missouri. Notice, of course, that these "below average" racial disparities still lead to incarceration rates that are four to seven times higher for Blacks, so Black people still have very high incarceration rates in these states. Oregon combined high incarceration rates for whites with a moderately high racial disparity of 8.2, giving it the highest rate that year of new imprisonment for Blacks in the whole country.

Very few states combine low incarceration rates for whites with low racial disparities. By far the lowest Black/white racial disparity score is 1.66 for Hawaii, the state in which both whites and Blacks are minorities (and Asians predominate). On the mainland, only West Virginia, Florida, and North Dakota combine below-average incarceration rates for whites with below-average racial disparity scores (between 4.3 and 6.6). Alabama, Georgia, Mississippi, Oklahoma, and Texas have average white incarceration rates and below-average racial disparities.

These differences among the states suggest that it is not enough to talk about legal policies and imprisonment in general, but we also need to examine the ways these policies are having differential effects on different groups in our society.

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Data Sources: "Prisoners in 1998." U.S. Department of Justice, Bureau of Justice Statistics and our research team's statistical analysis of publicly-available data files on new imprisonments for 1996.