

The Top 10 Most Startling Facts About People of Color and Criminal Justice in the United States

A Look at the Racial Disparities Inherent in Our Nation's Criminal-Justice System



SOURCE: AP/California Department of Corrections

Eliminating the racial disparities inherent to our nation's criminal-justice policies and practices must be at the heart of a renewed, refocused, and reenergized movement for racial justice in America.

By **Sophia Kerby** | Tuesday, March 13, 2012

For a more recent version of this information, see "8 Facts You Should Know About the Criminal Justice System and People of Color" by Jamal Hagler.

This month the United States celebrates the Selma-to-Montgomery marches of 1965 to commemorate our shared history of the civil rights movement and our nation's continued progress towards racial equality. Yet decades later a broken criminal-justice system has proven that we still have a long way to go in achieving racial equality.

Today people of color continue to be disproportionately incarcerated, policed, and sentenced to death at significantly higher rates than their white counterparts. Further, racial disparities in the criminal-justice system threaten communities of color—disenfranchising thousands by limiting voting rights and denying equal access to employment, housing, public benefits, and education to millions more. In light of these disparities, it is imperative that criminal-justice reform evolves as the civil rights issue of the 21st century.

Below we outline the top 10 facts pertaining to the criminal-justice system's impact on communities of color.

1. While people of color make up about 30 percent of the United States' population, they account for 60 percent of those imprisoned. The prison population grew by 700 percent from 1970 to 2005, a rate that is outpacing crime and population rates. The incarceration rates **disproportionately impact men of color**: 1 in every 15 African American men and 1 in every 36 Hispanic men are incarcerated in comparison to 1 in every 106 white men.

2. According to the Bureau of Justice Statistics, one in three black men can expect to go to prison in their lifetime. Individuals of color have a disproportionate number of encounters with law enforcement, indicating that racial profiling continues to be a problem. A report by the Department of Justice found that blacks and Hispanics were approximately **three times more likely to be searched** during a traffic stop than white motorists. African Americans were twice as likely to be arrested and almost **four times as likely** to experience the use of force during encounters with the police.

3. Students of color face harsher punishments in school than their white peers, leading to a higher number of youth of color incarcerated. Black and Hispanic students represent more than **70 percent** of those involved in school-related arrests or referrals to law enforcement. Currently, African Americans make up **two-fifths** and Hispanics **one-fifth** of confined youth today.

4. According to recent data by the Department of Education, African American students are arrested far more often than their white classmates. The data showed that **96,000** students were arrested and 242,000 referred to law enforcement by schools during the 2009-10 school year. Of those students, black and Hispanic students made up more than **70 percent** of arrested or referred students. Harsh school punishments, from suspensions to arrests, have led to high numbers of youth of color coming into contact with the juvenile-justice system and at an earlier age.

5. African American youth have higher rates of juvenile incarceration and are more likely to be sentenced to adult prison. According to the **Sentencing Project**, even though African American juvenile youth are about 16 percent of the youth population, 37 percent of their cases are moved to criminal court and 58 percent of African American youth are sent to adult prisons.

6. As the number of women incarcerated has increased by 800 percent over the last three decades, women of color have been disproportionately represented.

While the number of women incarcerated is relatively low, the racial and ethnic disparities are startling. African American women are **three times more likely** than white women to be incarcerated, while Hispanic women are 69 percent more likely than white women to be incarcerated.

7. The war on drugs has been waged primarily in communities of color where people of color are more likely to receive higher offenses. According to the **Human Rights Watch**, people of color are no more likely to use or sell illegal drugs than whites, but they have higher rate of arrests. African Americans comprise **14 percent** of regular drug users but are 37 percent of those arrested for drug offenses. From 1980 to 2007 about **one in three** of the 25.4 million adults arrested for drugs was African American.

8. Once convicted, black offenders receive longer sentences compared to white offenders. The U.S. Sentencing Commission stated that in the federal system black offenders **receive sentences that are 10 percent** longer than white offenders for the same crimes. **The Sentencing Project** reports that African Americans are 21 percent more likely to receive mandatory-minimum sentences than white defendants and are 20 percent more like to be sentenced to prison.

9. Voter laws that prohibit people with felony convictions to vote disproportionately impact men of color. An estimated 5.3 million Americans are denied the right to vote based on a past felony conviction. Felony disenfranchisement is exaggerated by racial disparities in the criminal-justice system, ultimately denying **13 percent** of African American men the right to vote. Felony-disenfranchisement policies have led to 11 states denying the right to vote to more than **10 percent** of their African American population.

10. Studies have shown that people of color face disparities in wage trajectory following release from prison. Evidence shows that spending time in prison affects wage trajectories with a disproportionate impact on black men and women. The results show no evidence of racial divergence in wages prior to incarceration; however, following release from prison, wages grow at a **21 percent slower rate** for black former inmates compared to white ex-convicts. A number of states have bans on people with certain convictions working in domestic health-service industries such as nursing, child care, and home health care—areas in which many poor women and **women of color** are disproportionately concentrated.

These racial disparities have deprived people of color of their most basic civil rights, making criminal-justice reform the civil rights issue of our time. Through mass imprisonment and the overrepresentation of individuals of color within the criminal justice and prison system, people of color have experienced an adverse impact on themselves and on their communities from barriers to reintegrating into society to

engaging in the democratic process. Eliminating the racial disparities inherent to our nation's criminal-justice policies and practices must be at the heart of a renewed, refocused, and reenergized movement for racial justice in America.

There have been a number of initiatives on the state and federal level to address the racial disparities in youth incarceration. Last summer Secretary of Education Arne Duncan announced the **Schools Discipline Initiative** to bring increased awareness of effective policies and practices to ultimately dismantle the school-to-prison pipeline. States like California and Massachusetts are considering **legislation** to address the disproportionate suspensions among students of color. And in Clayton County, Georgia, **collaborative local reforms** have resulted in a **47 percent reduction** in juvenile-court referrals and a **51 percent** decrease in juvenile felony rates. These initiatives could serve as models of success for lessening the disparities in incarceration rates.

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