

Center for American Progress



Enhancing Fundamental Fairness: Reducing Racial Disparities

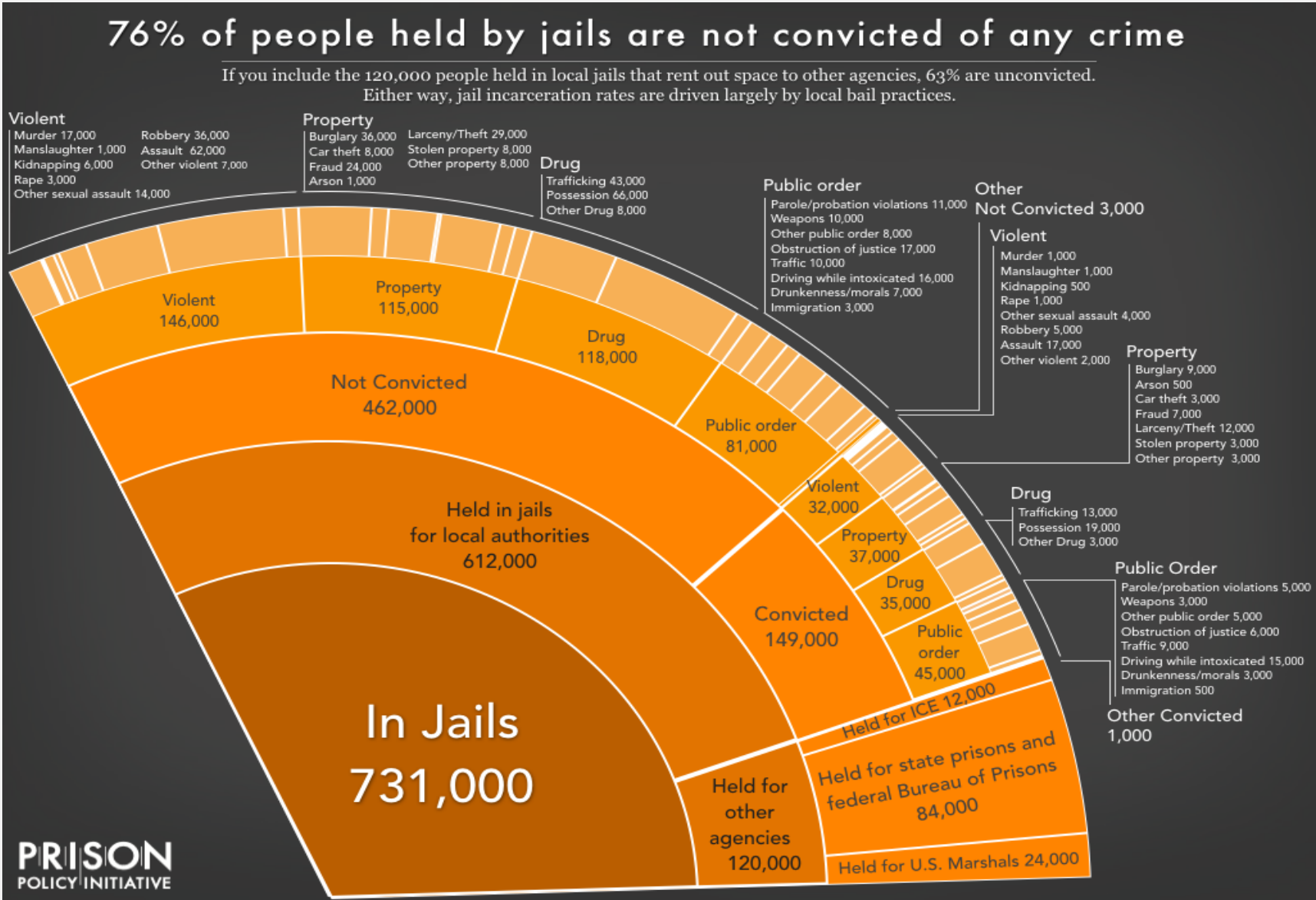
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HISTORICAL RELEVANCE

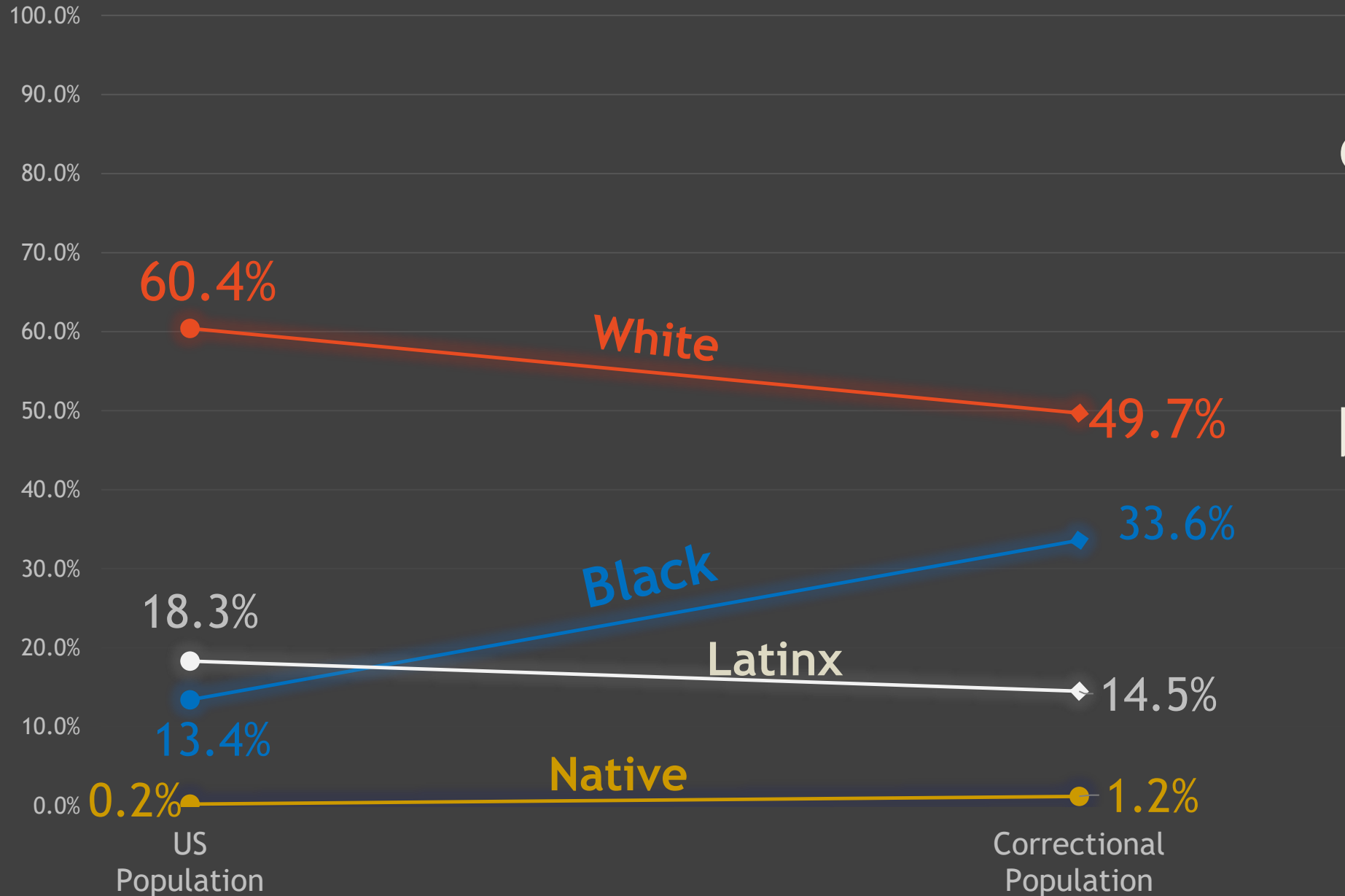
- The US represents 5% of the world's population but nearly 25% of the world's incarcerated population.
- This is not an accident. This is a result of intentional policy choices.
- At every point in the criminal justice system we see racial disparities.
- Legacy of Slavery & Jim Crow
 - Criminalization of Black bodies
 - Vestiges Alive Today

JAILS TODAY

- American jails hold **731,000** people each day
- 10.6 million people in jail each year
- Average time in jail is 26 days



Racial and Ethnic Disparities in Jails



People of color make up less than 40% of the U.S. population but more than half of the jail population



One in four black children are expected to have their father incarcerated by the age of 14

IMPACT OF THESE CHOICES?



The US Department of Justice estimates that local communities spend \$22.2 billion on jails



A quarter of a million children are estimated to have a single mother in jail

CASE STUDY: MATERNAL & INFANT MORTALITY

- Black women are 3 to 4 times more likely to die in childbirth than their white counterparts.
- Infants born to black mothers die at twice the rate as those born to white mothers.
- Women account for 83% of those responsible for incarcerated family members' costs, and they typically pay more than \$13,000 in fines and fees alone
- To combat this epidemic, structural racism must be addressed.
- We argue that toxic stress associated with criminal justice system has contributed to these disparity rates.
- Experts estimate that infant mortality rates today would be 7.8 percent lower and disparity rates between black and white women would be 15% smaller had incarceration rates remained at 1970s levels.

HOW DID WE GET HERE?

Drivers of Racial Disparities in Jails

ALLEGHANY COUNTY

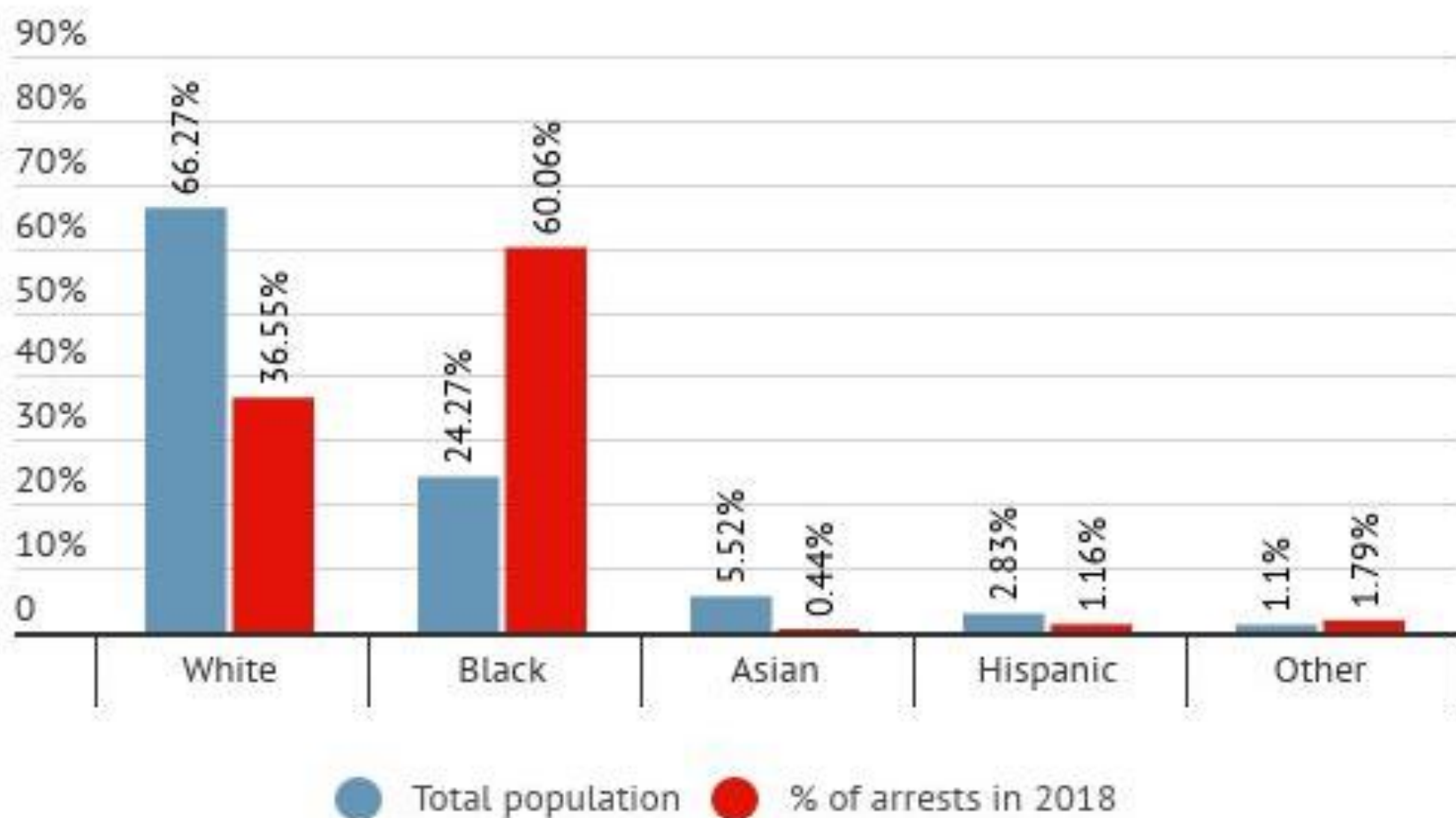
- Daily jail population is around 2,200
- Use about 42 cents of every property tax dollar
- Costs \$75 million a year to run Alleghany County Jail
 - \$77.40/day per inmate
- 75% of your jail population has been identified as having a mental health or substance abuse issue
- 81% of Alleghany County Jail population is not convicted-compared to 62% nationally
- 58% of cases where cash bail is assigned, the defendant is black
- Black defendants spend about 21 more days in jail than white defendants



TREATMENT OF LOW- LEVEL OFFENDERS

- Role of Law enforcement
 - African Americans are almost 4x more likely to be arrested for selling drugs & 3x more likely to be arrested for possessing drugs
 - Whites are more likely to sell drugs & use drugs at similar rates
 - Madison, Wisconsin - 40 stops per 100 black drivers compared to just 11 stops per 100 white drivers
- Prosecutors
 - Wide discretion

Pittsburgh demographics/arrests

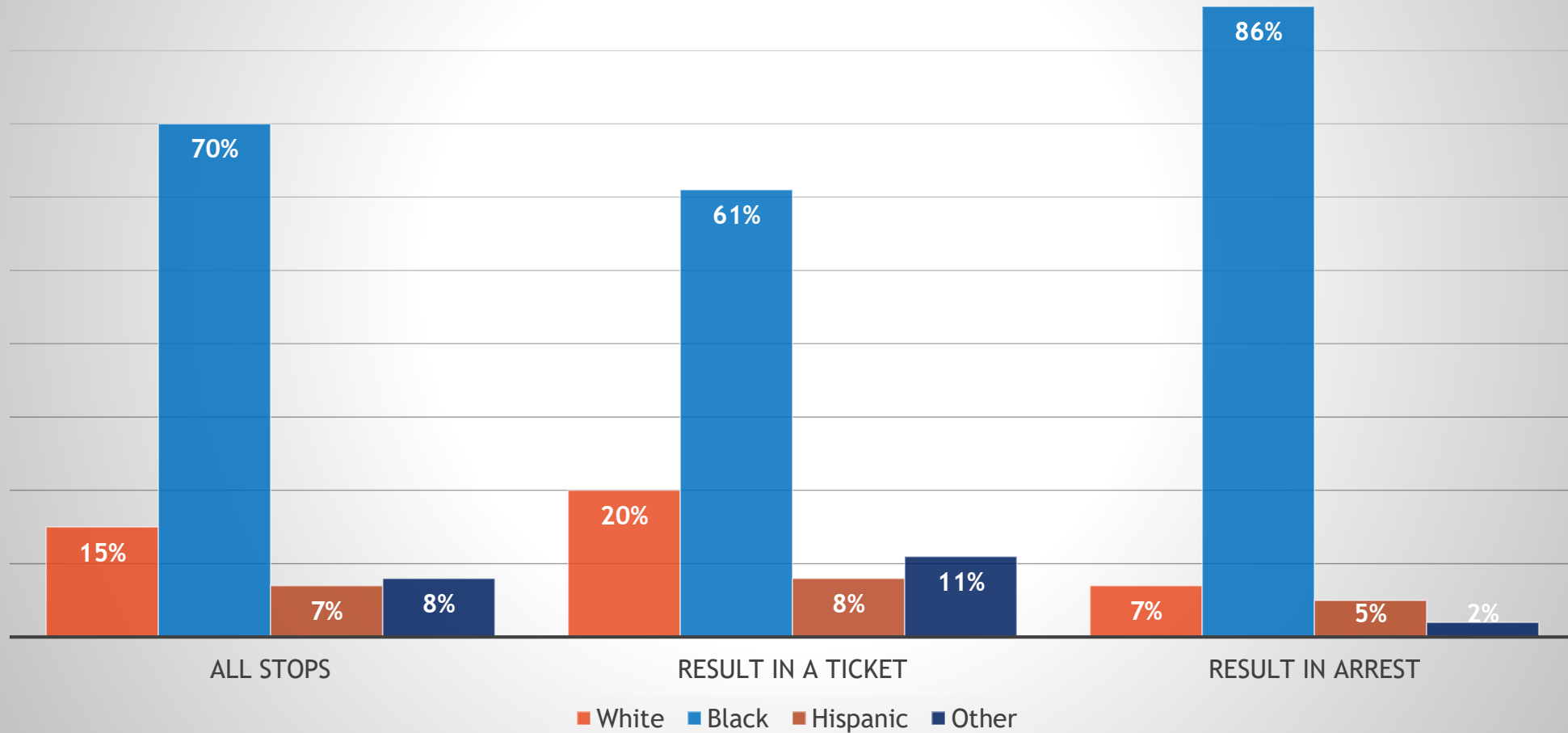


Total population: 305,305 | Arrests in 2018: 9,992

Source: Pittsburgh police

RACIAL DISPARITIES

D.C Police Stops (July -August 2018)



PRE-TRIAL DETENTION



Black and Hispanic defendants are more than 2x as likely to be detained in jail pending trial

Local communities spend at least \$14 billion every year detaining people who aren't convicted



Black men receive bail amounts 35% higher and Hispanic men see 19% higher than white men

Black and Hispanic defendants are less likely to afford their bail



Detention jeopardizes employment, housing, and child custody.

Defendants are not eligible for unemployment insurance or the Earned Income Tax Credit while incarcerated



Increases the probability of conviction and likely a longer sentence

held on bail



when we pay bail



PROBATION / PAROLE

Black people - particularly Black men - are overrepresented in community supervision.

Black people are 3.5 times more likely than whites to be supervised

Black and Hispanic people remain on probation and parole for longer than similarly situated white people

African-Americans and Men Are Overrepresented in Probation and Parole

Community supervision rates, total and by race and sex, 2016

Total:
1 in 55



Male:
1 in 35



White:
1 in 81



Female:
1 in 124



Black:
1 in 23



Note: The Bureau of Justice Statistics provides only demographic data related to race/Hispanic origin and sex. The data do not allow for exploration of the relationship among those variables.

Sources: Bureau of Justice Statistics, Annual Probation Survey, and Annual Parole Survey, 2016; U.S. Census Bureau, Population Division, Estimates of the Total Resident Population and Resident Population Age 18 Years and Older for the United States, States, and Puerto Rico: July 1, 2016

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**WE HAVE
PERVERSE
INCENTIVES**



Our measures of success center around the number of arrests, convictions and prisoners



“The City goes so far as to direct the Ferguson Police Department to develop enforcement strategies and initiatives , not to better protect the public, but to raise more revenue.” - DOJ Report 2015



Budget priorities fail to prioritize policies that work

LACK PROPER FACILITIES & TREATMENT

MENTAL HEALTH

- About 2 million people with mental illnesses are booked into jails each year
 - Cook County and Los Angeles County jails hold more people with mental illness than any psychiatric hospital in the US
- At least 83% of jail inmates with mental illnesses reported not receiving needed treatment

SUBSTANCE USE DISORDER

- 68% of the jail population have a diagnosable substance abuse disorder
- Half of drug courts do not offer medication-assisted treatment

ROADMAP TO REDUCE RACIAL DISPARITIES

IMPLEMENT TARGETED UNIVERSALISM

- Equity framework that uses targeted policy interventions to meet a universal goal
- Step by Step
 - Define your universal goal?
 - Who are the most marginalized?
 - What does your data tell you?
 - What strategies or policies need to be implemented to meet your universal goal?

Re-Define Success

- Create success measures
 - “What gets measured gets done”
 - Stay away from volume-based measures
- Create New Incentives

DON'T BE SCARED OF DATA

- Take a complete inventory across all sectors connected to the jail system
- Identify where you have racial disparities
- Create specific and clear goals
- Be targeted & specific



TURN OFF THE FAUCET

- Change Policing Practices
 - What are their current incentives?
 - Are you employing diversion programs?
- Prosecutors Need to Prioritize Serious and Violent Offenses
- Seattle's Law Enforcement Assisted Diversion (LEAD) program
 - Move low-level crimes (mostly drug and prostitution) into community-based treatment instead of arrest
- High Point, North Carolina
 - Target high-risk gang members selling drugs or participating in violent activities

Diversion programs work



Cook County's diversion program found that **97%** of graduates from the program had no new felony arrests and **86%** of graduates had no new arrests of any kind one year after finishing the program.



Miami-Dade's Criminal Mental Health Project program has facilitated 4,000 diversions and the annual recidivism rate among participants was less than a third of the **75%** recidivism rate for those not in the program.

Bail Reform

- Eliminating cash bail has yet to show any detectable changes in pretrial misconduct.

New Jersey (2017)

- NJ jails has reduced its population by about 40% (6,000 people)
- This reduction included about 3,000 less Black defendants, 1,500 less white defendants, and 1,3000 fewer Hispanic defendants

Treatment & Services Work

Only 10-12% of jails use medication-assisted treatment.

Investments into substance abuse treatment is estimated to give a \$12 return for every \$1 spent.

Rhode Island Department of Corrections found 60% reduction in opioid overdose deaths after inmates received MAT.

ADDITIONAL PRO-ACTIVE STEPS



ROBUST & COMPREHENSIVE
TRAINING FOR ALL

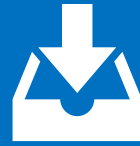


SUPPORT INDIGENT
DEFENSE



SUPPORT BENCH CARDS FOR
JUDGES

LEADERSHIP
&
TEAMWORK



Cross-Departmental Task
Forces



Collective Support for
Policy Changes

Center for American Progress



Thank You!

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