

RACE AND PUNISHMENT: **RACIAL PERCEPTIONS OF CRIME AND** **SUPPORT FOR PUNITIVE POLICIES**



Nazgol Ghandnoosh, Ph.D.
Research Analyst

October 1, 2014

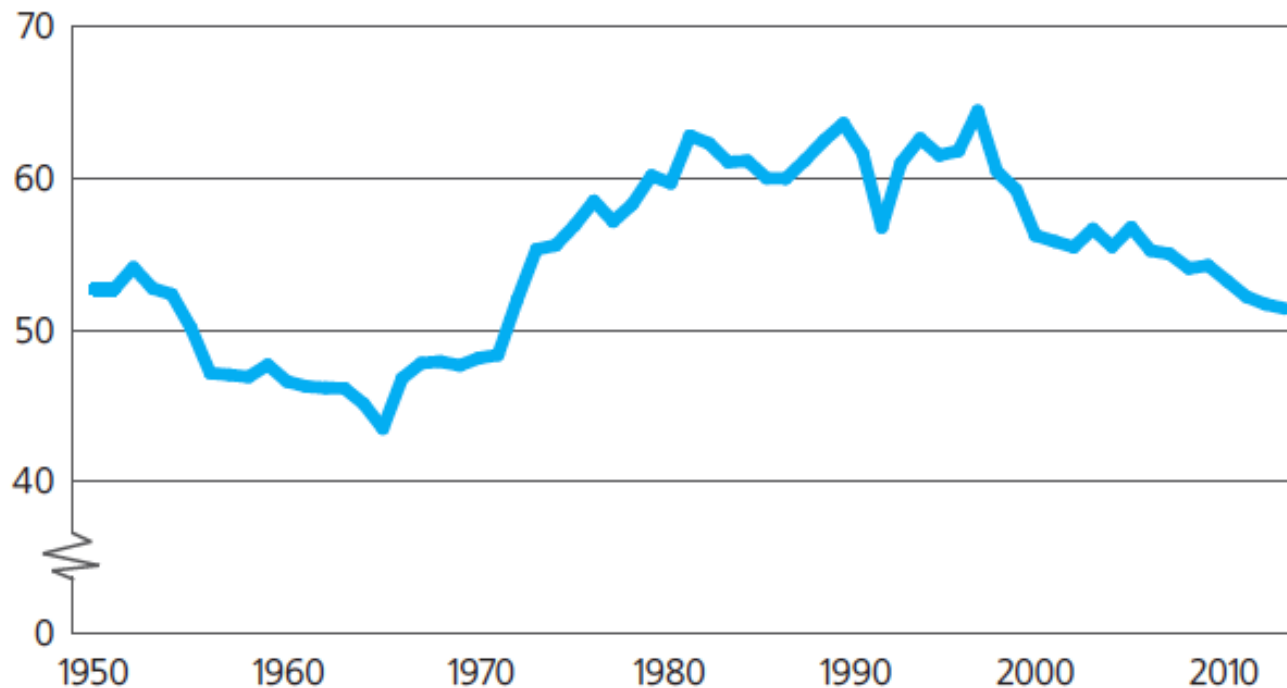
THE
SENTENCING
PROJECT
RESEARCH AND
ADVOCACY FOR REFORM

Racial perceptions of crime among whites – who comprise a majority of policymakers, criminal justice practitioners, the media, and the general public – have bolstered harsh and biased crime control policies.

Historical Trends in Punitiveness

American grew increasingly punitive between the late 1960s until the late 1990s.

Punitive sentiment, 1951 to 2013

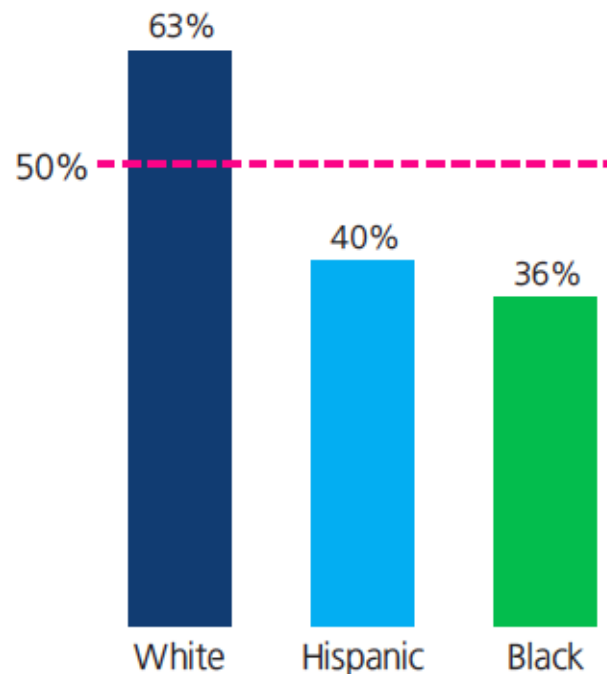


Source: Ramirez, M. D. (2013). Punitive Sentiment. *Criminology*, 51(2), 329–364 (p. 337).

Punitive Views by Race: Death Penalty

- Whites, blacks, and Hispanics differ significantly in their support for punitive policies.
- In 2013, the majority of *whites supported* the death penalty for someone convicted of murder, half of *Hispanics* and a majority of *blacks opposed* this punishment.

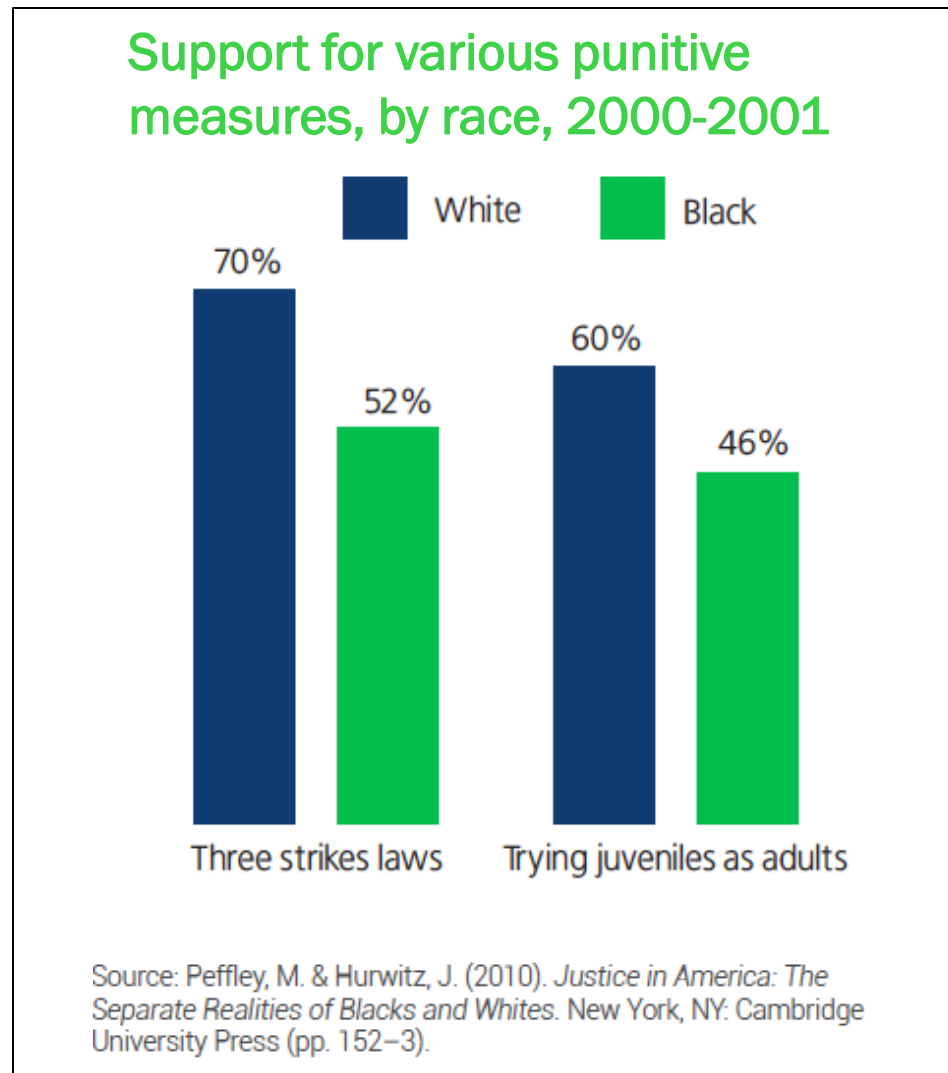
Support for death penalty for persons convicted of murder, by race, 2013



Source: Pew Research Center. Shrinking Majority of Americans Support Death Penalty. Washington, D.C. Available at: <http://www.pewforum.org/2014/03/28/shrinking-majority-of-americans-support-death-penalty/>.

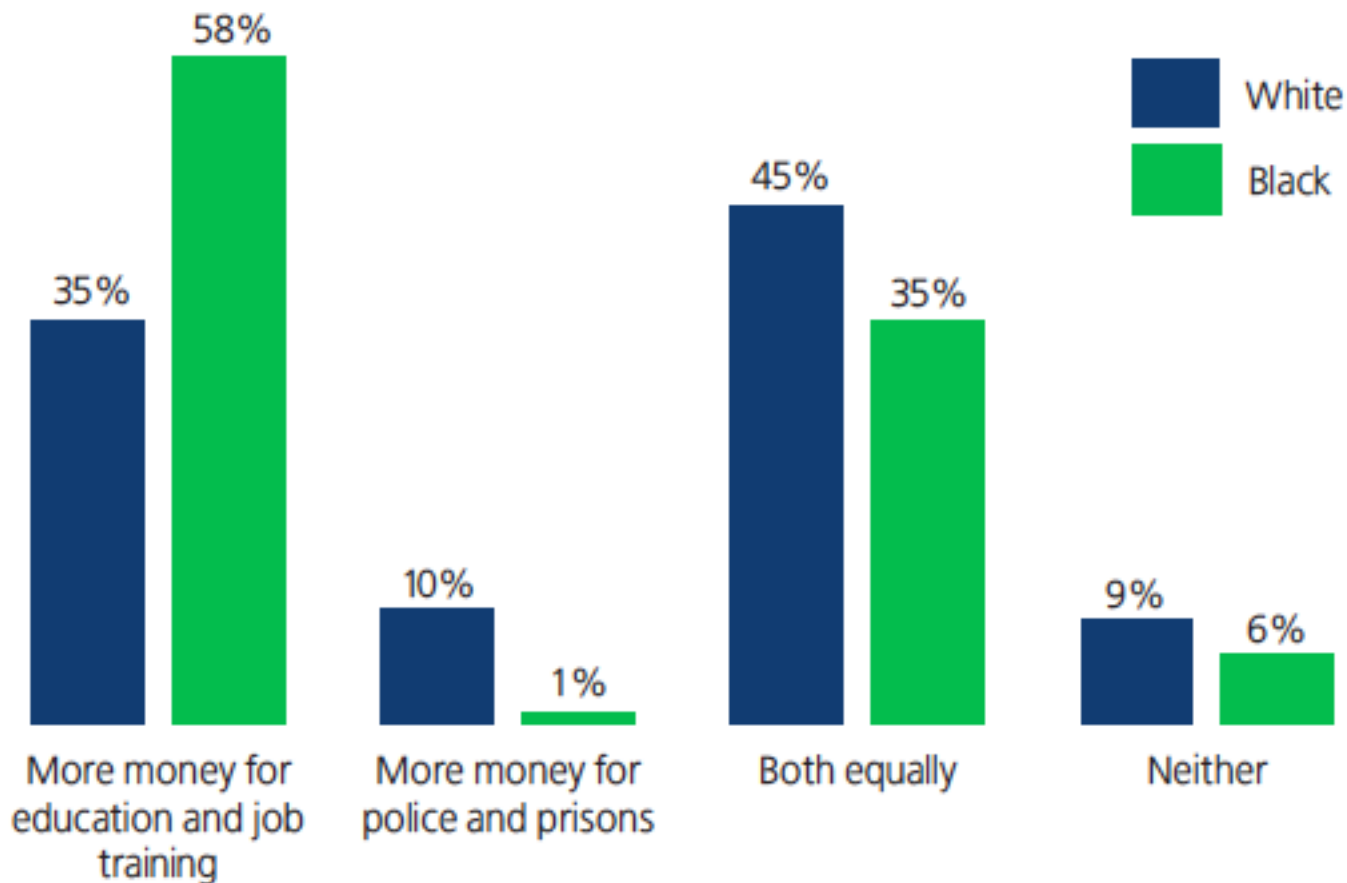
Punitive Views by Race: Other Forms of Punishment

- Whites are also more supportive of **other forms** of harsh punishment.



Punitive Views by Race: Other Forms of Punishment

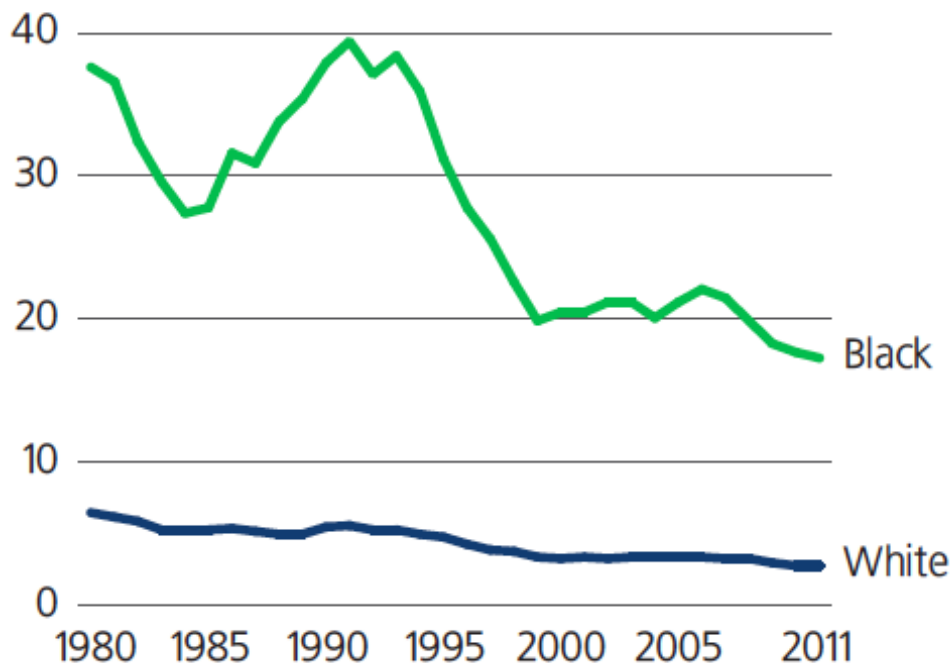
Preferred crime reduction policies, by race, 2001



Criminal Victimization by Race

- Whites are more punitive than people of color even though people of color are far more likely to be victims of crimes, especially of the most serious type.

Homicide Victimization Rates by Race, 1980-2011

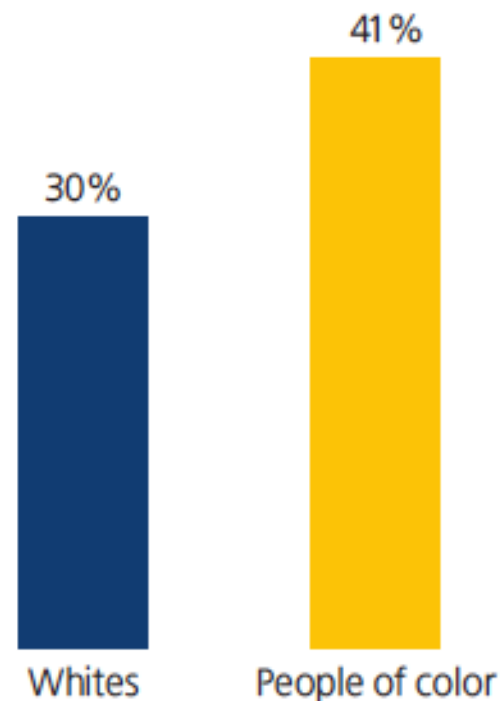


Source: Cooper, A. & Smith, E. L. Homicide Trends in the United States, 1980-2008. Bureau of Justice Statistics. Available at: <http://www.bjs.gov/content/pub/pdf/htus8008.pdf> (p. 11, Figure 17); Smith, E.L. & Cooper, A. (2011). Homicide in the U.S. Known to Law Enforcement, 2011. Bureau of Justice Statistics. Available at: <http://www.bjs.gov/content/pub/pdf/hus11.pdf> (p. 4, Tbl. 1).

Criminal Victimization by Race

- People of color are also more fearful of crime than whites.

Respondents who have an area within a mile of their home where they would be afraid to walk alone at night, 2002



Source: University at Albany (2003). Sourcebook of Criminal Justice Statistics 2003. Albany, NY: Available at: <http://www.albany.edu/sourcebook/pdf/section2.pdf> (p. 130-1, Tbl. 2.38).

1. Measures of Racial Perceptions of Crime
2. Racial Perceptions of Crime Linked to Punitiveness
3. Causes of Racial Perceptions of Crime
4. Punitiveness Linked to Other Gaps in Views and Experiences
5. Consequences of a Biased and Punitive Justice System
6. Recommendations

Racial Perceptions of Crime: Explicit Measures

Racial Typification of Crime

- White respondents in a 2010 national survey **overestimated** the actual share of burglaries, illegal drug sales, and juvenile crime committed by African Americans by 20-30%.
- Earlier studies found a similar pattern for estimates of crime committed by Hispanics.

Racial Perceptions of Crime: Implicit Measures

Implicit Racial Bias

- Implicit bias research has uncovered widespread and deep-seated tendencies among whites – including criminal justice practitioners – to **associate blacks and Latinos** with **criminality**.
- These studies have uncovered implicit racial bias even among individuals who “**explicitly disavowed prejudice.**”

Racial Perceptions of Crime: Implicit Measures

Examples of images used in implicit bias studies



Source: Payne, K. B. (2001). Prejudice and Perception: The Role of Automatic and Controlled Processes in Misperceiving a Weapon. *Journal of Personality and Social Psychology*, 81(2), 181–192 (p. 184).

1. Measures of Racial Perceptions of Crime
2. Racial Perceptions of Crime Linked to Punitiveness
3. Causes of Racial Perceptions of Crime
4. Punitiveness Linked to Other Gaps in Views and Experiences
5. Consequences of a Biased and Punitive Justice System
6. Recommendations

Racial Perceptions of Crime Predict Punitiveness

- Researchers have shown that white Americans who more strongly associate crime with **blacks** and **Hispanics** are more likely to support **punitive criminal justice policies**.
 - Statistically significant pattern even after controlling for other factors including racial prejudice, conservatism, crime salience, and residence in the South.
- Racialized views of **juvenile crime** are related to support for more punitive juvenile justice policies.
 - “Public support for punitive juvenile justice policies to some extent represents a desire to control other people’s children.” – Pickett and Chiricos

Why?

Lack of “**empathetic identification**” increases the desire for retaliation, decontextualizes offensive behavior, and decreases capacity for forgiveness.

– Unnever and Cullen

1. Measures of Racial Perceptions of Crime
2. Racial Perceptions of Crime Linked to Punitiveness
3. Causes of Racial Perceptions of Crime
4. Punitiveness Linked to Other Gaps in Views and Experiences
5. Consequences of a Biased and Punitive Justice System
6. Recommendations

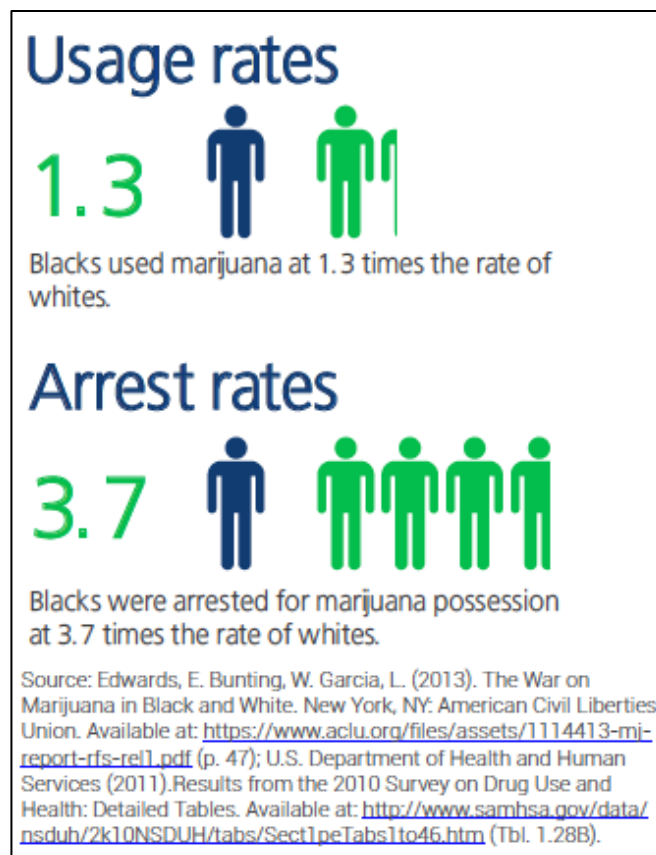
Causes of Racial Perceptions of Crime: Crime Trends

- Racial differences in rates of certain crimes, caused by **concentrated socioeconomic disadvantage**, lend some support to racial associations of crime.
 - In 2012, blacks comprised 39% of arrests for **violent** crimes and 29% of arrests for **property** crimes, although they represented only 13% of the U.S. population.

Causes of Racial Perceptions of Crime: Criminal Justice Practices

Racial disparities in marijuana use in past month and marijuana possession arrests, 2010

- Although whites comprise the majority of drug users, and probably dealers, they are only a minority of the population incarcerated for drug offenses.



Causes of Racial Perceptions of Crime: Media Representation

Crime reporting exaggerates crime rates and exhibits both quantitative and qualitative racial biases.

- Ohio newspaper study: Do homicide stories focus on typical or unusual cases?
 - Homicide is overwhelmingly an **intra-racial crime** involving **men**.
 - **Newsworthiness** is not a product of how representative or novel a crime is, but rather how well it can be “**scripted using stereotypes grounded in White racism and White fear of Black crime.**”
- TV news found that Black and Latino suspects more often presented in an unindividualized way than their white counterparts – **left unnamed** – and more often shown as threatening – **in physical custody of police**.

Causes of Racial Perceptions of Crime: Policymakers

Through **messaging** and **policies**, elected officials shape the public's racial associations of crime.

Messaging:



Policies:

- Race-neutral policies with disparate racial impact
 - Drug-free school zones
 - Crack/cocaine sentencing disparities
 - Habitual offender laws
 - Restrictive admissions criteria for alternative courts

Causes of Racial Perceptions of Crime: Criminal Justice Professionals

Through official procedures and individual discretion, criminal justice practitioners contribute to the racial imbalance of the justice system.

- **Police:** Blacks and Hispanics are significantly more likely than whites to experience **investigatory stops**, versus traffic-safety, stops. Once pulled over, blacks and Hispanics are more likely to be searched and arrested. People of color more likely to experience physical force or its threat.
- **Prosecutors:** Prosecutors are more likely to **charge** people of color than comparable whites with crimes that carry heavier sentences under mandatory minimum and habitual offender laws.
- **Judges:** People of color more likely to be denied bail or to be imposed a higher money bond that they could not pay. Judges are also more likely to sentence people of color than whites to prison and jail and to impose longer sentences, even after accounting for differences in crime severity, criminal history, and educational level.

1. Measures of Racial Perceptions of Crime
2. Racial Perceptions of Crime Linked to Punitiveness
3. Causes of Racial Perceptions of Crime
4. Punitiveness Linked to Other Gaps in Views and Experiences
5. Consequences of a Biased and Punitive Justice System
6. Recommendations

Other Causes of Punitiveness Among Whites

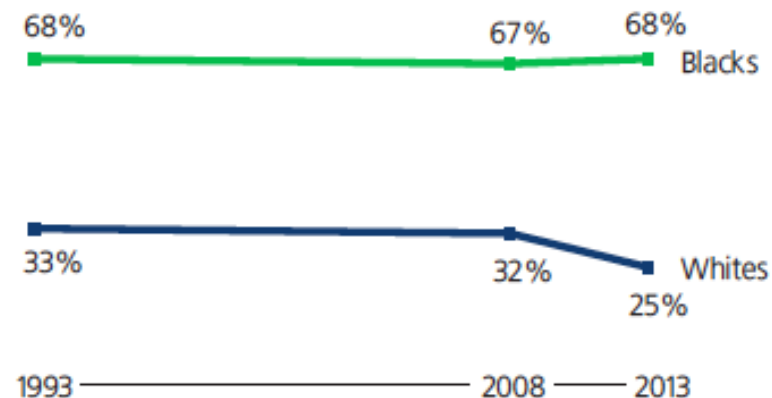
- Whites' Limited and Favorable Criminal Justice Contact
- Racial Prejudice
- Individualistic Accounts of Crime

1. Measures of Racial Perceptions of Crime
2. Racial Perceptions of Crime Linked to Punitiveness
3. Causes of Racial Perceptions of Crime
4. Punitiveness Linked to Other Gaps in Views and Experiences
5. Consequences of a Biased and Punitive Justice System
6. Recommendations

Consequences of a Biased and Punitive Justice System

- Widespread racial associations of crime have made the American criminal justice system **more punitive towards people of all racial and ethnic backgrounds, but especially towards people of color.**
- **Perceived bias** in the criminal justice system **harms public safety**: hampers cooperation, and is theorized to increase offending among people of color and whites.

Respondents who think the American justice system is biased against black people, 1993–2013



Source: Newport, F. (2013). Gulf Grows in Black-White Views of U.S. Justice System Bias. Gallup. Available at: <http://www.gallup.com/poll/163610/gulf-grows-black-white-views-justice-system-bias.aspx>

1. Measures of Racial Perceptions of Crime
2. Racial Perceptions of Crime Linked to Punitiveness
3. Causes of Racial Perceptions of Crime
4. Punitiveness Linked to Other Gaps in Views and Experiences
5. Consequences of a Biased and Punitive Justice System
6. Recommendations

Recommendations: Media and Researchers

Media: Eliminate racial disparities in crime coverage; Contextualize stories on crime and sentencing

- Compare the racial composition of offenders and victims in crime news with regional crime rates
 - Perform content analysis to assess disparities in *how*, not just *how much*, coverage differs by race
 - Assess representativeness of sentencing and crime stories
- See Dorfman & Schiraldi's [report](#) (pp. 27–36)

Researchers: Improve public opinion polling and reporting

- Improve wording and formats of survey questions to not exaggerate the public's support for punitive policies
- Report on the public's pragmatism: support for prevention and rehabilitation as well as punishment

Recommendations: Policymakers (1 of 2)

Understand public's pragmatism; Lead and educate the public about the harms of excessive punishment

- Models: Canada, England, France, and parts of the US

Curb excessive incarceration

- [New York, New Jersey, and California](#) have achieved prison reductions in the range of 25% in the past decade
- Juvenile justice system has reduced youth confinement and detention by over 40% since 2001

Eliminate racial disparities in criminal justice policies

- Repeal laws with disparate impact such as [drug-free school zone laws](#), crack-cocaine sentencing disparity, and habitual offender laws
- Iowa, Connecticut, Oregon, and Minnesota: racial impact analysis

Recommendations: Policymakers (2 of 2)

Address the socioeconomic inequality and racial discrimination that underlie differential crime rates

- Reinvest savings from prison downsizing into harmed communities
 - See Tucker and Cadora on “[Justice Reinvestment](#)”
- “[Ban the Box](#)”: remove question about conviction history from the initial job application and delay background checks until later in the hiring process
- Opt out of the federal [welfare and food stamp ban](#) for people with felony convictions, provide access to public housing, end [felony disenfranchisement](#)

Recommendations: Criminal Justice Professionals

Revise policies with disparate racial impact

- Vera Institute of Justice and Manhattan DA's office; Brooklyn DA's office
 - Block upstream disparities
- Revise risk assessment instruments: Annie E. Casey Foundation's work in the juvenile justice system

Recognize and address implicit racial bias

- Increase the salience of race
 - Take the [Implicit Association Test](#)
 - Educate jurors (e.g., U.S. District Court Judge Mark W. Bennett)
 - [National Center for State Courts \(NCSC\)](#)
- Implement debiasing strategies
 - Increase diversity, use counter-stereotypic imagery, monitor outcomes

RACE AND PUNISHMENT: RACIAL PERCEPTIONS OF CRIME AND SUPPORT FOR PUNITIVE POLICIES



Nazgol Ghandnoosh, Ph.D.

E-mail: [nghandnoosh@
sentencingproject.org](mailto:nghandnoosh@sentencingproject.org)

Twitter: @nazgolg

[Full Report](#)

THE
SENTENCING
PROJECT
RESEARCH AND
ADVOCACY FOR REFORM