



CHAPTER THIRTY

# Urban Crime, Race, and the Criminal Justice System in the United States

*Steven Raphael and Melissa Sills*

## 30.1 INTRODUCTION

The impact of crime on general welfare is profound. Those most directly impacted are the victims of crime. By one estimate, the combination of direct monetary losses and the costs of pain and suffering among crime victims in the United States amounts to 0.5–0.7 percent of GDP (Freeman 1996). Beyond these direct costs are substantial indirect costs associated with reducing the threat of crime. In 1999, federal, state, and local government criminal justice expenditures amounted to \$146.5 billion, or 1.6 percent of GDP (Bureau of Justice Statistics 2003). Many households pay significant premiums, either in terms of housing prices or a longer commute, to live in neighborhoods with lower probabilities of victimization. Many also purchase security devices and insurance to minimize the likelihood and costs of being criminally victimized. Moreover, fear of crime often impacts the most mundane personal decisions, such as whether to walk down a given street or through a particular neighborhood, whether to let one's children play outside, or whether to leave one's home after dark.

In addition to the costs to actual and potential crime victims, our public response to crime affects the lives of an increasingly growing population of male offenders. Over the past three decades, the US has experienced unprecedented increases in the size of the incarcerated population. In 1977, the number of inmates



in federal and state prisons was approximately 300,000. By 2003, this figure had increased to 1.4 million. Relative to the US population, the incarceration rate per 100,000 residents increased during this period from 136 to 482.

While all communities are affected by crime and the criminal justice system, residents in large urban areas are particularly impacted. Moreover, within large metropolitan areas, the residents of poor, largely minority neighborhoods suffer disproportionately. The spatial concentration of crime and the residences of criminal offenders have direct as well as indirect consequences for urban neighborhoods. In addition to higher victimization rates and the concentration of unemployed men, crime repels middle-income households, disproportionately burdens the fiscal position of local urban governments, and in general greatly diminishes the quality of life in urban neighborhoods.

This purpose of this chapter is twofold. First, we present an overview of criminal victimization in the USA, with a particular emphasis on crime in urban areas. We begin with an empirical portrait of the incidence of crime. We discuss alternative categories of criminal victimization as defined by the US Federal Bureau of Investigation and document how the likelihood of being victimized differs by the type of city one lives in, where in a given city one lives, and by one's personal characteristics. In general, the residents of relatively poor more urban neighborhoods face a higher risk of criminal victimization than other city residents. In addition, racial and ethnic minorities, African-Americans in particular, are considerably more likely to be victimized.

Second, we present an empirical overview of incarceration trends in the USA, with an explicit emphasis on racial differences in the likelihood of serving time. In addition to being victimized at a relatively high rate, African-Americans are considerably more likely to be incarcerated. These relatively high incarceration rates are often attributed to a higher propensity among African-Americans (males in particular) to criminally offend, to explicit racial discrimination in the criminal justice system, and to criminal sentencing policies that have a disparate impact on African-Americans. We present an empirical overview of what has happened over the past three decades and discuss existing research that attempts to evaluate the relative importance of competing hypotheses concerning racial differences in incarceration.

## 30.2 AN EMPIRICAL PORTRAIT OF CRIME IN THE UNITED STATES

Felony criminal incidents involving victims are commonly categorized into the following seven mutually exclusive categories:

- *Murder and nonnegligent manslaughter*: defined as the willful killing of one human being by another.
- *Rape/sexual assault*: rape refers to forced sexual intercourse, inclusive of psychological coercion and physical force. Sexual assault is distinct from rape and includes any unwanted sexual contact between victim and offender.
- *Robbery*: a completed or attempted theft directly from a person by force of threat, with or without a weapon and with or without an injury.



- *Assault*: an attack with or without a weapon and with or without an injury. Attack with a weapon or an attack without a weapon resulting in a serious injury is referred to as aggravated assault. An attack without a weapon with no or minor injuries to the victim is referred to as simple assault.
- *Burglary*: the unlawful or attempted or forcible entry of residence; often, but not necessarily, involving theft.
- *Larceny/theft*: the taking of property without personal contact.
- *Motor vehicle theft*: the stealing or unauthorized taking of a motor vehicle, including attempted theft.

The first four felonies are often grouped under the banner of violent crimes, since each felony involves direct coercive or violent contact between offender and victim. The latter three felony offenses are commonly referred to as property crimes, since the objective of each is to unlawfully acquire the property of another without physically encountering the victim. Most official crime statistics focus on these seven crimes (for details, see Rennison 2002).

There are two principal sources of crime data for the USA. The first source is a household survey called the National Crime Victimization Survey (NCVS). The NCVS is a large annual survey of US households that records all incidents of criminal victimization experienced by members of the surveyed households for a given time period. The second source of crime statistics is the FBI Uniform Crime Reports (UCR). The UCR data are based on incidents reported to local police agencies. Total crime rates for cities, metropolitan statistical areas, states, and the nation are tabulated from these reports by aggregating the reports for individual police departments (referred to administratively as UCR reporting agencies). Comparison of crime rates calculated from these two sources of data invariably leads to the conclusion that a substantial amount of crime goes unreported to the police. For example, in 2001 only 39 percent of rape/sexual assault incidents, 60 percent of aggravated assaults, 51 percent of burglaries, and 31 percent of thefts were reported to the police.

We use these two sources of crime statistics to present an empirical profile of crime in the USA. We begin with a simple discussion of the relative frequency of different types of criminal offenses, overall and by the characteristics of the victims. We will also present a simple discussion of recent trends in crime. We then turn to a discussion of how criminal victimization varies across cities and across neighborhoods within cities.

### 30.2.1 A basic description of criminal victimization in the United States

Table 30.1 summarizes overall crime rates for the year 2001 by type of offense as well as by victim characteristics. With the exception of murder (information on which comes from US vital statistics), the crime rates are tabulated by the Bureau of Justice Statistics from the NCVS. The violent crime victimization rates are expressed as the number of incidents per 100,000 people, while the property crime rates are expressed as the number of incidents per 100,000 households.

**Table 30.1** Violent and property crime rates overall and by the characteristics of victimized persons and households, 2001

	<i>Violent crimes per 100,000 persons 12 and older</i>	<i>Property crimes per 100,000 households</i>
All	2,510	16,690
Specific violent crimes		
Murder	6	–
Rape	110	–
Robbery	280	–
Assault	2,120	–
Specific property crimes		
Households burglary	–	2,870
Theft	–	12,900
Motor vehicle theft	–	920
Gender		
Men	2,730	–
Women	2,300	–
Race		
White	2,450	16,510
Black	3,120	17,970
Other	1,820	16,360
Hispanic origin		
Hispanic	2,950	22,410
Non-Hispanic	2,450	16,130
Annual household income		
Less than \$7,500	4,660	18,460
\$7,500 to \$14,999	3,690	18,160
\$15,000 to \$24,999	3,180	17,920
\$25,000 to \$34,999	2,910	17,040
\$35,000 to \$49,999	2,630	17,640
\$50,000 to \$74,999	2,100	17,880
\$75,000 or more	1,850	18,000

Source: Rennison (2002)

Table 30.1 thankfully reveals that in 2001 the most serious violent crimes were also the least common. A murder rate of 6 per 100,000 indicates that six thousandths of a percentage point of the US population was murdered in 2001, amounting to more than 15,000 homicides. While this may seem like a large number, the number of people murdered in 2001 is less than 40 percent of the number who died in automobile accidents. In other words, while awful, homicide



is a relatively rare event. Rape and sexual assault, on the other hand, occur with greater frequency (110 incidents per 100,000 persons age 12 and older). Moreover, given that the overwhelming majority of rape victims are female, the rape/sexual assault rate calculated explicitly for females is nearly double that reported in Table 30.1. Robbery and assault are the most common forms of violent crime in 2001. In the assault category, 75 percent of victimizations fall under the category of simple assault, while the remaining 25 percent are aggravated assaults. Overall, assault accounts for 85 percent of violent victimizations in 2001.

Property crime is considerably more common than violent crime. The most common property crime is simple theft, with 12,900 incidents per 100,000 households. This is followed by household burglary (2,870 incidents per 100,000 households) and motor vehicle theft (920 incidents per 100,000).

Table 30.1 also reveals considerable variation in the likelihood of being victimized across demographic and socioeconomic groups. In particular, there are substantial differences in victimization rates by gender, race, ethnicity, and annual household income. Men are considerably more likely to be victimized by a violent crime than women, as are members of racial and ethnic minority groups. African-Americans in particular are victimized by violent crime at particularly high rates. The overall likelihood of being the victim of a violent crime is 27 percent higher for blacks relative to whites. For homicide in particular, the racial difference in victimization rates is even larger. During the year 2000, the black homicide rate stood at 20.5 incidents per 100,000, compared with a white homicide rate of 3.3. In other words, in 2000 blacks were 6.2 times more likely to be murdered than whites. Moreover, at the peak of black homicide rates in 1991, blacks were 7.2 times more likely to be murdered than whites.

Table 30.1 also reveals that members of relatively low-income households are more likely to suffer a violent victimization than are members of middle- and higher-income households. Given the geographical segregation of blacks, Hispanics, and the poor within metropolitan areas, these relatively high violent victimization rates translate directly into higher crime rates in poor neighborhoods of urban areas.

For property crimes, we observe similar patterns with respect to race and ethnicity, yet a nonuniform pattern of victimization across household income groups. Both relatively poor households and relatively wealthy households are the most likely to be victimized, while those households in the middle of the income distribution are the least likely. A likely explanation of this U-shaped pattern is that the poorest households live in poor neighborhoods where the risk of victimization of all sorts is the highest, while the wealthiest households are likely to be the most lucrative targets.

A final important dimension along which victimization risk varies considerably is age. The young are the most likely to be the victims of a violent crime, with teenagers 16–19 years of age suffering the highest risk (5,580 incidents per 100,000). The likelihood of victimization drops off sharply as people age, with victimization rates of 2,930 for people aged 25–34, 2,290 for those aged 35–49, 950 for those aged 50–64, and 320 for senior citizens.



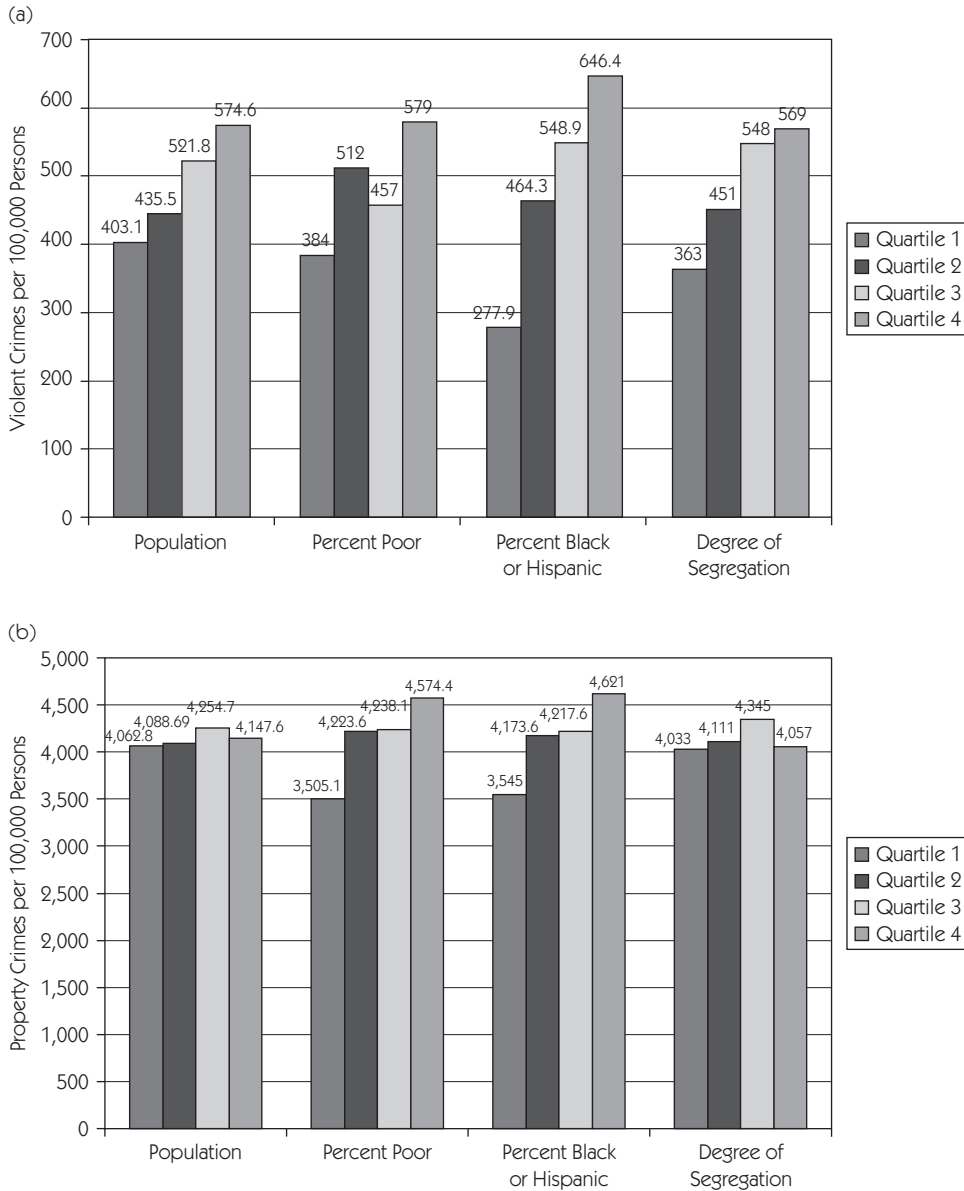
### 30.2.2 Variation in crime rates between and within US metropolitan areas

In addition to differences in criminal victimization rates by race, income, gender, and age, there are substantial differences across metropolitan areas and across neighborhoods within metropolitan areas in the likelihood of becoming a crime victim. In general, large cities have higher crime rates than smaller cities, urban areas have higher crime rates than suburban and rural areas, and poor, largely minority neighborhoods have higher crime rates than more affluent white neighborhoods. Here, we document these differences.

**CROSS-AREA PATTERNS** Figures 30.1(a) and (b) present average metropolitan area violent and property crime rates, where the 300 plus metropolitan areas of the USA are stratified along a number of dimensions. The first set of figures presents crime rates for areas separated into four population-size quartiles. The second group of figures presents crime rates by the percentage of metropolitan area residents who are poor. The third set of figures presents crime rates by the percentage of the area population that is black or Hispanic. The final set presents crime rates by the degree of black–white residential segregation in the metropolitan area (where the index of dissimilarity is used to characterize the degree of housing segregation). In Figure 30.1(a), we see a uniformly positive relationship between violent crime and metropolitan area population, the percentage black or Hispanic, and the degree of black–white segregation. While there is not a uniform relationship between violent crime and poverty, low-poverty metropolitan areas generally have lower crime rates than high-poverty metropolitan areas. Similar, yet less pronounced, patterns are observed for overall property crimes in Figure 30.1(b). Property crime is somewhat higher in large areas, poor metropolitan areas, predominantly black and Hispanic metropolitan areas, and segregated areas.

All four of these dimensions are correlated with one another; that is, large metropolitan areas have higher poverty rates, larger minority populations, and generally higher levels of black–white segregation. Hence, an understanding of why crime is higher in large cities is likely to explain the relationship between crime and many of these area-level characteristics.

A recent empirical study by Glaeser and Sacerdote (1999) seeks to answer this question. The authors hypothesize a number of avenues by which city size is likely to influence crime rates. First, they speculate that the density of cities brings potential offenders into relatively closer contact with potential victims, including wealthy victims. This relatively close contact may increase the expected payoff to criminal activity, and thus generate more crime in large, dense metropolitan areas. Second, the authors demonstrate that the likelihood of being arrested conditional on committing a crime is lower in large cities. An increase in the expected payoff to crime through, for example, a reduction in the likelihood of being arrested is likely to increase the number of potential offenders and the amount of offending by a given active criminal. Finally, the authors posit that



**Figure 30.1** Average (a) violent and (b) property crime rates for metropolitan areas stratified by population, percent poor, and percent black or Hispanic, and by the degree of black–white segregation, 2001.



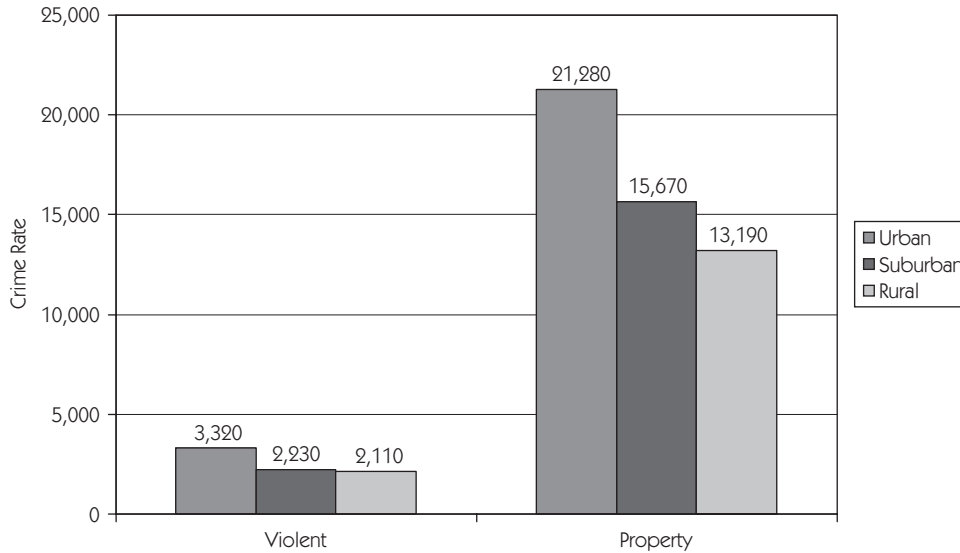
large cities are more likely to be the homes of those who are particularly predisposed toward committing crime.

In their cross-city analysis of crime rates, Glaeser and Sacerdote find that roughly one-quarter of the relationship between crime and city size is attributable to the relatively higher payoffs to crime in large cities. The lower probability of being arrested accounts for approximately 20 percent of this relationship. Finally, the authors conclude that nearly one-half of the relationship between crime and city size is attributable to a high preponderance of criminally prone individuals residing in large cities.

**VARIATION WITHIN CITIES** Within metropolitan areas, there is a great degree of variation in crime rates across neighborhoods. Generally, crime is particularly high in poor, minority neighborhoods. For example, the murder rate in the city of Oakland, California, was roughly 20 homicides per 100,000 residents in the year 2001. This is much higher than the national average of 6.1 per 100,000 for that year, and is at the 91st percentile of the distribution of murder rates for cities with greater than 100,000 residents. Despite this high murder rate, there are many neighborhoods within the city where there wasn't a single homicide in 2001. Nearly all of the higher-income residential areas in the Oakland hills and the more middle-income communities of north Oakland were homicide free during 2001. Conversely, the poor, predominantly black and Latino residential areas in the flats of east and west Oakland accounted for nearly all of the city's homicide count.

Crime rates are generally higher in the central city of a metropolitan statistical area (MSA) than in the suburbs. Figure 30.2 presents a comparison of overall violent and property crime rates for 2001 in three geographical areas: urban areas (the central city of the metropolitan area), suburban areas (areas within the MSA but outside of the central city), and rural areas (areas located outside of an MSA). These figures are calculated using victimization data. The violent crime rate for urban areas is 1.49 times that of suburban neighborhoods and 1.57 times that of rural areas. Similarly, property crime rates in urban areas are 1.36 times the comparable rate for suburban areas and 1.61 times the comparable rate for rural areas.

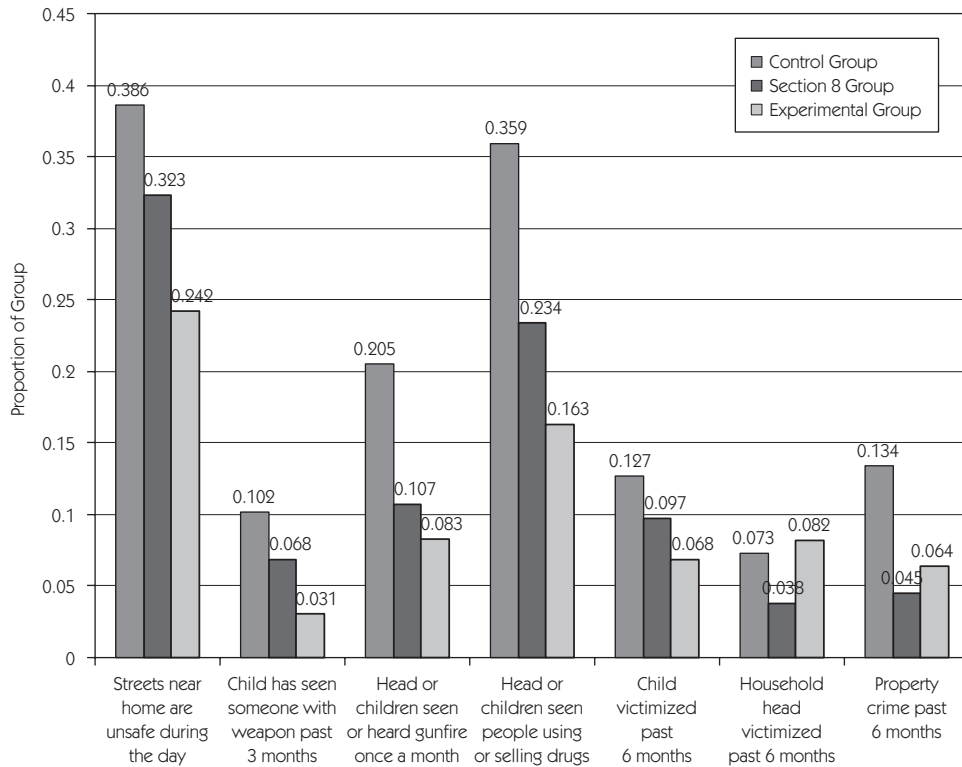
In most US metropolitan areas, racial and ethnic minorities reside in central urban communities, while white households tend to reside in metropolitan area suburbs. In addition, poverty rates tend to be higher in central urban communities than in residential areas located on suburban fringes. In the light of these segregated housing patterns, the higher central-city crime rates depicted in Figure 30.2 would appear to imply that minorities and the poor face higher neighborhood crime rates than do white households and nonpoor households. In fact, this is very much the case. Analysis of variation in crime rates across neighborhoods within a given city tends to find that white neighborhoods have by far the fewest number of criminal victimizations per 100,000 residents, black neighborhoods tend to have the highest crime rates, and the crime rates in predominantly Hispanic neighborhoods lie between those for blacks and whites. Not surprisingly, crime is a particular severe problem in predominantly poor neighborhoods of urban areas.



**Figure 30.2** Violent and property crime victimization rates by household location within metropolitan areas and for rural areas, 2001.

The disproportionate impact of urban crime on predominantly minority and poor neighborhoods, and the consequent adverse effects on the poor, was recently demonstrated in a fairly stark manner by a housing mobility experiment funded by the US Department of Housing and Urban Development (HUD). The Moving to Opportunities (MTO) housing mobility experiment was designed to analyze the effects of moving predominantly poor, minority, and female-headed households out of central city public housing projects located in high-poverty neighborhoods and into private rental housing in neighborhoods with lower poverty rates and greater socioeconomic diversity. The program enlisted a large group of public-housing households and randomly assigned each household into one of three groups: (1) a treatment group that was given a Section 8 housing voucher, which could be used to rent housing in the private market but could only be used in neighborhood with a poverty rate lower than 10 percent; a (2) Section 8 only group that was given a rental voucher with no restriction on where it could be used; and (3) a control group that was offered nothing in terms of housing assistance above and beyond what the household was already receiving.

Several teams of researchers analyzed the results of several post-move outcomes, including measures of employment, child educational outcomes, and health status. The research team analyzing MTO in Boston conducted a thorough analysis of the impact of the program on measures of personal safety from crime and the likelihood of being victimized (Katz, Kling & Lieberman 2001). Figure 30.3 presents the average post-program responses to a series of questions regarding exposure to crime and victimization administered to the program participants in the Boston



**Figure 30.3** Intent-to-treat effects of the Moving to Opportunities program on various measures of exposure to crime for Boston participants.

MTO program. Each bar gives the proportion of the respondents in each group that answered affirmatively to the questions listed along the bottom of the chart.

The results from this study are stunning. While nearly 40 percent of control group households indicated that the streets near their home were unsafe during the day, only 32 percent of the Section 8 group and 24 percent of the experimental felt unsafe. Members of the Section 8 only group and the experimental groups were less likely to have seen someone carrying a gun, heard or seen gunfire in the past month, or witnessed drug dealing. Treatment group households were also considerably less likely to have been victimized by crime in the recent past.

### 30.3 RACE AND THE CRIMINAL JUSTICE SYSTEM

Crime in the USA has a disproportionate effect on African-Americans. As we have already seen, African-Americans are victimized by crime at higher levels than members of other racial and ethnic groups. As we will soon see, African-Americans are also incarcerated in prisons and jails at rates that far exceed the incarceration rates of other groups. Explanations of the relatively high incarceration





rate for black males usually fall within one of two categories: explanations based on a relatively high black rate of participation in criminal activity, and explanations based on the differential treatment of blacks by the criminal justice system. While these are enormous topics of research in criminology, economics, and the social sciences more generally, about which volumes have been written, here we will highlight a few elements of this debate and some key empirical research.

In this section, we will first document incarceration trends over the past three decades, with a focus on two measures of incarceration. We will then turn to a broad discussion of the explanations of these trends. Our assessment is that both a greater propensity to commit crime as well as differential treatment by the criminal justice system are important contributors to the relatively high rate of incarceration for African-Americans in the USA.

### 30.3.1 Documenting trends in institutionalization from the US Census

The decennial Census of Population and Housing enumerates both the institutionalized as well as the noninstitutionalized population. The Public Use Microdata Samples (PUMS) for each census includes information on whether an individual is institutionalized as well as micro-level information on age, education, race, and a number of other demographic characteristics. Within the institutionalized population, one can separately identify individuals residing in nonmilitary institutions. This category includes inmates of federal and state prisons, local jail inmates, residents of inpatient mental hospitals, and residents of other nonaged institutions. Here, we document trends in male incarceration rates using these data.

Table 30.2 documents employment and incarceration trends for men by race and educational attainment using data from the 1970, 1980, 1990, and 2000 US Censuses of Population and Housing. The table presents the proportion of non-Hispanic black and white males aged between 18 and 65 that are employed, that are not working and yet not institutionalized, that are in the armed forces, and that are institutionalized. For all black men, the proportion employed declines markedly over this 30-year period, from 0.73 in 1970 to 0.57 in the year 2000. This decline occurs within all education groups, although the drop is largest for black high school dropouts (from 0.71 to 0.34). Employment rates decline slightly for white males overall, and decline substantially for white high school dropouts. However, these changes are small in comparison to those observed for blacks.

Over the 30-year period, the proportion of black men that are institutionalized increases considerably, especially for less educated black men. For all black males, the proportion institutionalized increases nearly threefold, from 0.03 in 1970 to 0.08 in 2000. For black high school dropouts, the institutionalization rate increases nearly fivefold. At the end of the century, roughly one-fifth of black men with less than a high school degree are institutionalized. There is no increase in institutionalization among black males with at least a college degree. Among whites, changes in institutionalization rates, overall and within educational groups, are considerably smaller by comparison.

**Table 30.2** Employment and institutionalization status for non-Hispanic black males and non-Hispanic white males by educational attainment, 1970–2000

	<i>Black males</i>				<i>White males</i>			
	1970	1980	1990	2000	1970	1980	1990	2000
All								
Employed	0.73	0.64	0.63	0.57	0.82	0.80	0.80	0.79
NILF	0.20	0.29	0.30	0.33	0.13	0.17	0.17	0.18
Armed forces	0.04	0.04	0.03	0.02	0.04	0.02	0.02	0.01
Institutionalized	0.03	0.03	0.04	0.08	0.01	0.01	0.01	0.01
Less than high school								
Employed	0.71	0.57	0.46	0.34	0.80	0.69	0.63	0.59
NILF	0.23	0.38	0.44	0.47	0.17	0.28	0.34	0.37
Armed forces	0.01	0.01	0.00	0.00	0.01	0.01	0.00	0.00
Institutionalized	0.04	0.05	0.10	0.19	0.02	0.02	0.03	0.04
High school graduate								
Employed	0.75	0.66	0.63	0.56	0.85	0.81	0.80	0.77
NILF	0.15	0.25	0.28	0.35	0.10	0.15	0.17	0.20
Armed forces	0.08	0.06	0.04	0.02	0.05	0.03	0.02	0.01
Institutionalized	0.02	0.03	0.05	0.08	0.01	0.01	0.01	0.02
Some college								
Employed	0.71	0.69	0.68	0.66	0.77	0.81	0.81	0.80
NILF	0.22	0.25	0.23	0.26	0.18	0.17	0.16	0.17
Armed forces	0.06	0.04	0.05	0.03	0.04	0.02	0.02	0.02
Institutionalized	0.01	0.02	0.05	0.05	0.00	0.00	0.01	0.01
College plus								
Employed	0.87	0.84	0.85	0.81	0.89	0.91	0.90	0.89
NILF	0.09	0.13	0.11	0.16	0.07	0.07	0.08	0.10
Armed forces	0.04	0.02	0.03	0.01	0.04	0.02	0.02	0.01
Institutionalized	0.01	0.01	0.01	0.01	0.00	0.00	0.00	0.00

*Source:* Figures are tabulated from the 1970, 1980, 1990, and 2000 Public Use Microdata Samples from the US Census of Population and Housing

Table 30.3 presents similar tabulations by age. For black men, the proportion institutionalized increases within every age group, with the most pronounced increases for the young. In 2000, roughly 11 percent of black men aged between 18 and 40 are institutionalized. Again, while there are slight increases in the proportion institutionalized among young white men, the changes are small in comparison to what we observe among African-Americans.

Tables 30.2 and 30.3 indicate that both age and educational attainment are strong predictors of current incarceration. Table 30.4 explores the interaction between these two dimensions for black men only. The table presents comparable



**Table 30.3** Employment and institutionalization status for non-Hispanic black males and non-Hispanic white males by age, 1970–2000

	<i>Black males</i>				<i>White males</i>			
	1970	1980	1990	2000	1970	1980	1990	2000
18–25 years								
Employed	0.55	0.48	0.46	0.43	0.63	0.69	0.68	0.68
NILF	0.32	0.40	0.41	0.43	0.26	0.26	0.25	0.27
Armed forces	0.08	0.08	0.06	0.03	0.10	0.04	0.05	0.03
Institutionalized	0.05	0.04	0.07	0.11	0.01	0.01	0.01	0.02
26–30 years								
Employed	0.80	0.69	0.64	0.61	0.89	0.86	0.86	0.85
NILF	0.13	0.22	0.23	0.25	0.07	0.10	0.10	0.11
Armed forces	0.04	0.04	0.04	0.02	0.04	0.02	0.03	0.02
Institutionalized	0.04	0.05	0.09	0.12	0.01	0.01	0.01	0.02
31–40 years								
Employed	0.82	0.76	0.70	0.64	0.91	0.90	0.89	0.87
NILF	0.11	0.18	0.21	0.23	0.05	0.07	0.08	0.10
Armed forces	0.04	0.03	0.03	0.02	0.03	0.02	0.02	0.01
Institutionalized	0.03	0.03	0.06	0.11	0.01	0.01	0.01	0.02
41–50 years								
Employed	0.83	0.77	0.74	0.65	0.92	0.90	0.90	0.86
NILF	0.14	0.21	0.21	0.28	0.06	0.09	0.10	0.12
Armed forces	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.00
Institutionalized	0.02	0.02	0.04	0.06	0.01	0.01	0.01	0.01
51–65 years								
Employed	0.72	0.61	0.58	0.53	0.81	0.72	0.69	0.70
NILF	0.26	0.37	0.40	0.44	0.18	0.27	0.31	0.29
Armed forces	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Institutionalized	0.02	0.01	0.02	0.03	0.01	0.01	0.01	0.01

*Source:* Figures are tabulated from the 1970, 1980, 1990, and 2000 Public Use Microdata Samples from the US Census of Population and Housing

tabulations for the subset of relatively young (under 40) and relatively less educated (dropouts and high school graduates) black men. For young high school dropouts, the declines in the proportion employed are considerably more drastic than the declines in employment for black male high school dropouts overall. For dropouts aged between 18 and 25, the employment rate declines from 0.50 to 0.27. For those aged 26 to 30, the proportion employed declines from 0.76 to 0.30, while for 31–40 year olds, employment rates decline from 0.81 to 0.35.

Similarly, increases in the proportions institutionalized are much larger than those observed for dropouts overall. For dropouts aged between 18 and 25, the

**Table 30.4** Employment and institutionalization status for non-Hispanic black males aged 40 and under with a high school education or less, 1970–2000

	<i>High school dropouts</i>				<i>High school graduates</i>			
	1970	1980	1990	2000	1970	1980	1990	2000
18–25 years								
Employed	0.50	0.38	0.30	0.27	0.62	0.52	0.49	0.44
NILF	0.38	0.51	0.55	0.50	0.23	0.32	0.36	0.44
Armed forces	0.04	0.04	0.00	0.00	0.13	0.13	0.10	0.04
Institutionalized	0.08	0.08	0.15	0.23	0.02	0.03	0.06	0.09
26–30 years								
Employed	0.76	0.58	0.40	0.30	0.83	0.70	0.64	0.58
NILF	0.16	0.32	0.38	0.36	0.09	0.21	0.24	0.29
Armed forces	0.01	0.01	0.00	0.00	0.06	0.05	0.04	0.02
Institutionalized	0.06	0.10	0.22	0.34	0.02	0.04	0.08	0.12
31–40 years								
Employed	0.81	0.70	0.52	0.35	0.82	0.76	0.69	0.62
NILF	0.13	0.25	0.34	0.37	0.08	0.17	0.24	0.27
Armed forces	0.01	0.00	0.00	0.00	0.08	0.04	0.02	0.01
Institutionalized	0.05	0.05	0.13	0.28	0.02	0.03	0.06	0.11

*Source:* Figures are tabulated from the 1970, 1980, 1990, and 2000 Public Use Microdata Samples from the US Census of Population and Housing

institutionalization rate increases from 8 percent to 23 percent. For those aged between 26 and 40, the institutionalization rates increases from approximately 5 percent to 30 percent. For all dropouts less than 40 years of age, the institutionalized population is only slightly smaller than the population of employed men from this demographic group. For black dropouts aged between 26 and 30, there are actually more institutionalized than employed. Comparable, although somewhat muted, patterns are observed for black high school graduates.

Tables 30.2 through 30.4 demonstrate the relatively high rate at which black men are incarcerated. If we turn our focus to the proportion ever having served time, the racial disparities are even larger. This is due primarily to the high turnover rates in state and federal prisons driven by relatively short median sentences. For example, the median sentence for new prison admissions in the USA in 1999 was roughly 3 years for the maximum sentence and 13 months for the minimum sentences. Moreover, many inmates will serve considerably less time than their maximum sentences (see Raphael & Stoll 2004).

Gauging the population of former prison inmates is difficult, due to the fact that none of the major household surveys in the USA ask respondents whether they have served time. Thus, estimating the size of this population requires indirect



methods. The BJS estimates the number of former inmates by combining population data, birth cohort estimates of the likelihood of entering prison for the first time at each age (often separately by race and gender), and cohort and age-specific mortality rates (Bonczar 2003). Based on this methodology, the BJS estimates that in addition to the 1.3 million current inmates in 2001, an additional 4.3 million noninstitutionalized persons had served a prison term in the past. Combined, current and former prison inmates account for 4.9 percent of the adult male population in 2001.

Of course, there are large differences by race and ethnicity. The same set of estimates indicate that 2.6 percent of non-Hispanic white males, 16.6 percent of non-Hispanic black males, and 7.7 percent of Hispanic males have served prison time (figures that are roughly double the institutionalization rates listed in Table 30.3). The comparable figures for whites, blacks, and Hispanics for 1974 were 1.4, 8.7, and 2.3 percent, respectively (for more detailed calculations by age and educational attainment, see Raphael 2006).

The BJS also uses this methodology to calculate lifetime probabilities of entering either the state or federal prison system. Given that the risk of incarceration has increased over the past three decades, lifetime probabilities should exceed the current proportion of a specific population that is either currently incarcerated or formerly incarcerated. For white males, the lifetime likelihood of going to prison for men born in 1974 is estimated to be 2.2 percent. For those born in 2001, the risk increases to 5.9 percent. For black males, this likelihood increases from 13.2 percent to 32.2 percent, while for Hispanics the likelihood increases from 4 percent to 17.2 percent.

Thus, institutionalization rates for black men have increased considerably since 1970. These increases have been largest for the young and the relatively less educated. We now turn to a discussion of possible explanations for these patterns.

### 30.3.2 A differential propensity to commit crime

There are several patterns that strongly indicate that black males offend at higher rates than other groups. Perhaps the most persuasive empirical evidence supporting this proposition comes from victim accounts of the perceived race of the offender and the high rates of intraracial homicide. Concerning victim accounts, 14 percent of white victims of violent crimes involving a single offender reported that the offender was black in 2001. Black victims of comparable violent crime reported that the offender was black in 83 percent of all cases. Together, these two rates imply that for black and white victims of violent crime, the likelihood that the offender is black is roughly 25 percent.

These figures have several implications. First, one should emphasize that black offenders commit only a fraction of the total amount of violent crime in the USA (roughly 25 percent). However, given that African-Americans account for roughly 13 percent of the population, the patterns evident in victim reports suggest that blacks offend at a relatively high rate. Moreover, once one accounts for the fact that most crimes (especially violent crimes) are committed by males, the disproportionate presence of black male offenders becomes even more pronounced.



The relatively high homicide rates for blacks coupled with the high proportion of homicide that is intraracial (i.e., black-on-black or white-on-white) also indicate that blacks offend at a relatively high rate. We have already noted that blacks are roughly six times more likely to be murdered than whites. What we have yet to discuss is the characteristics of those who commit murder in relation to homicide victims. Roughly 86 percent of white homicide victims are murdered by a white offender. Roughly 94 percent of black homicide victims are murdered by a black offender. Given the high murder rates for blacks, these figures translate directly into a relatively high rate of offending (for this particular crime) for African-Americans.

An alternative measure of criminal involvement that is, perhaps, the most frequently cited is the arrest rate. Black offenders are certainly overrepresented among the pool of those arrested in any given year. Black offenders constitute 28 percent of those arrested, yet only 13 percent of the general population in 2000. Assuming that arrests are a valid proxy for criminal involvement, then these figures, like the victimization and homicide reports, suggest that higher levels of criminal involvement explain some part of disproportionate incarceration rates.

Blumstein (1982) presents the first evaluation of the relative culpability of the high black arrest rate in explaining the high black incarceration rates. Using national data for 1974, Blumstein finds that differential arrest rates explain roughly 80 percent of the racial difference in incarceration rates. However, arrest rates explain a larger share of this differential for more serious offenses. For example, arrest rates explained 97 percent of the disproportional incarceration for homicide and 95 percent for aggravated assault, but only 46 percent for auto theft and 49 percent for drug offenses. Blumstein hypothesized that where there is more discretion at the various stages of the criminal justice process (when the offense is less serious), there would be more opportunities for bias and racial prejudice to influence the decisions of agents of the criminal justice system.

More recent studies using various methodological approaches generally confirm the finding that the relatively high rates at which blacks commit crime explains much of the difference in incarceration rates. These latter studies also find that the seriousness of the offense and the prior record of the arrestee are also important indicators of incarceration and sentencing. However, this research finds tremendous variation across states and offense categories in the ability of racial differences in arrest rates to explain racial differences in incarceration. Moreover, there are those who would argue that arrest rates in themselves reflect the differential treatment of African-American by the police and are therefore poor measures of a differential propensity to commit crime. This brings us to the next topic of discussion.

**DOES THE CRIMINAL JUSTICE SYSTEM TREAT BLACKS DIFFERENTLY?** The implementation of criminal justice policy may result in blacks being treated differently for a number of reasons. Perhaps the most obvious source is the influence of racial prejudice and bias on the decisions made by police, prosecutors, judges, and juries. The process leading from arrest for an offense to conviction and incarceration is loaded with decision points at which agents of the criminal justice system exercise broad discretion and at which personal beliefs concerning race and criminality may come into play. The police decide whether to stop a car or



question someone in the street, prosecutors decide whether to prosecute an offense and, in some instances, whether to charge the offender in state or federal court where the sentences are likely to differ substantially, juries ultimately weigh the evidence and assess guilt, while judges often have great influence over the ultimate punishment. To be sure, police, prosecutors, judges, and juries must exercise discretion in order for the criminal justice system to function. However, to the extent that beliefs concerning race and crime (whether or not they are accurate) that are prevalent among the general population also influence the cognitive process and decisions of these agents, discriminatory treatment may adversely affect African-American defendants.

There are many who contend that the police “racially profile” blacks, in that they stop, question, and search minorities solely on the basis of race or ethnicity. Even if blacks and whites commit crimes at the same rate, stopping blacks more frequently than others will result in a higher black arrest rate and, ultimately, incarceration rate. With respect to traffic stops, there is empirical evidence that the police stop black drivers at a relatively high rate. Using data from the NCVS, the Bureau of Justice Statistics estimates that while the police stopped 10.4 percent of white licensed drivers at least once during 1999, the comparable figure for blacks was 12.3 percent (see Schmitt, Langan & Durose 2002). Moreover, on average, African-American drivers travel 2,200 fewer miles per year than white drivers, a fact that renders the higher stop rates more surprising. Moreover, African-American households are considerably less likely to own a car, and own fewer cars on average than white households (Raphael & Stoll 2001). The BJS also found that of those drivers stopped for speeding, 76 percent of blacks were ticketed compared with 67 percent of whites. The survey also revealed that only 74 percent of blacks stopped by the police felt that they had been stopped for a legitimate reason, compared with 86 percent of whites, and that the vehicles of black drivers were significantly more likely to be searched.

Racial profiling, however, may extend beyond traffic stops. For example, Fagan and Davis (2000) examined New York City police stop and arrest data, and found that police stopped 22.6 black residents per 1,000, while stopping only 4.8 white residents per 1,000. There were 7.3 black stops for every black arrest and only 4.6 stops for every white arrest. This latter pattern indicates that police are either worse at predicting criminal activity when they stop blacks or they target blacks for stops more broadly and indiscriminately.

To the extent that the police scrutinize the behavior of African-Americans at a higher level than others, then part of the racial disparity in arrest rates and ultimately incarceration rates will be accounted for by explicit differential treatment. In addition to the behavior of the police, however, differences in treatment may occur during the adjudication process after an arrest. As we have already mentioned, differential treatment may occur in the decision to prosecute, where to prosecute, what charges to bring, jury deliberations, and sentencing. While we will not review the large body of research investigating this question, research findings generally support the contention that blacks are treated differently during the post-arrest phases of a criminal prosecution, and to their detriment (for an excellent entry into this body of literature, see the study by Mustard 2001).



### 30.3.3 Sentencing policies that have racially disparate impacts

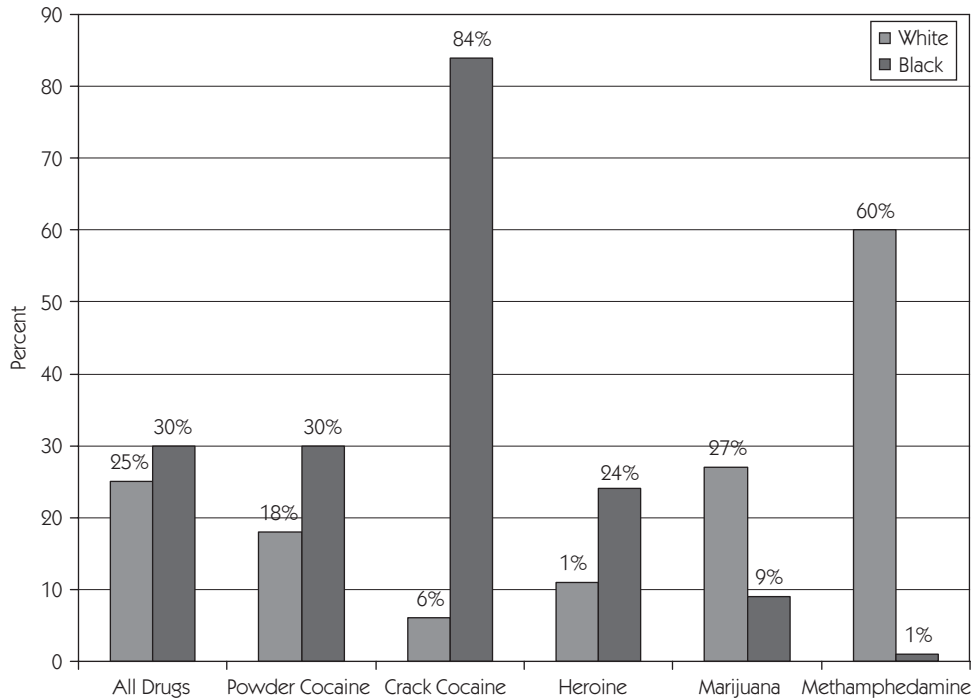
The discussion in this section thus far has focused on how the differential treatment of black defendants and black citizens more generally is likely to influence arrest rates and incarceration rates independently of the any racial differences in the propensity to commit crime. The discussion has emphasized avenues that are based on the discretionary behavior of agents of the criminal justice system. An alternative path that may lead to a relatively high black incarceration rate concerns the race-neutral application of criminal justice policy that has racially disparate impacts. For example, to the extent that poor urban drug users consume drugs outdoors while wealthier suburban drug users consume in the privacy of their homes, police strategies that crack down on visible drug use will disproportionately net urban, poor, and largely minority drug users.

Alternatively, policy-makers may target police enforcement efforts on certain kinds of drugs and enhance the penalties for drug violations accordingly. To the extent that black drug users consume different drugs than white users, and that blacks consume the more heavily penalized narcotics, race-neutral applications of public policy will result in higher arrest and incarceration rates for blacks.

Black drug users are surely disproportionately represented among drug arrests in the USA. While African-Americans account for only 17 percent of drug users nationwide, they represent 37 percent of those arrested for drug use. The opposite is true for whites, who account for 82 percent of drug users yet only 62 percent of drug arrests.

The disproportionate representation of blacks among drug arrests is linked to the increased law enforcement focus over the past two decades on fighting the use of crack cocaine. The “War on Drugs,” which officially began in the mid-1980s, redirected law enforcement resources toward illicit drug markets. Among the policy changes, crack was criminalized at a much higher level than powder cocaine or other drugs, funding for the anti-drug activities of police departments was increased, and arrest rates and prosecutions for drug offenses were enhanced. As a result, the proportion of federal prisoners incarcerated for drug offenses skyrocketed from 23 percent in 1980 to about 60 percent in 2000. While arrest rates for white drug offenders increased slightly, the majority of the increase in drug incarceration was born by blacks (Tonry 1995). This latter fact was driven nearly in its entirety by the fact that blacks consume crack at a higher rate than whites. Figure 30.4 shows the racial composition of drug offenders sentenced in federal courts by type of drug, and indicates that blacks are far more likely to be sentenced to prison for crack cocaine than whites.

Those who possess or sell crack cocaine are currently subject to a punishment in terms of sentence length that far exceeds the punishment for being caught with similar quantities of powder cocaine. For example, a drug offender apprehended with 5 g of crack cocaine will face the same mandatory sentence as a drug offender with 500 g of powder cocaine (an illustration of the 100:1 rule). Thus, lower-level users and sellers are likely to be sentenced for crack cocaine



**Figure 30.4** The percentage of drugs offenders that are white or black, by drug type, 2000.

Source: US Sentencing Commission

than for powder cocaine or any other drug. Moreover, black offenders are clearly differentially impacted.

### 30.3.4 Summary

The empirical research that we have reviewed indicates that higher rates of incarceration for African-Americans is likely linked to both a high rate of offending as well as differential treatment by the criminal justice system. In addition, certain policies that fall under the title of the US War on Drugs, while perhaps racially neutral in their implementation, have had racially disparate impacts to the detriment of African-Americans.

High rates of incarceration have economic, social, and political implications for black men, black families, and black communities. Criminal records tend to negatively impact employment opportunities and wages, thus reducing the attractiveness of legal work relative to criminal activity. Incarceration rates are highest for African-American men aged 20–39 years, the ages during which men are most likely to begin families and have children. These high rates of incarceration are socially devastating for black families and communities, as fewer black males are





available to fill fatherhood and leadership roles. Disproportionately high incarceration rates may also be politically damaging for black communities, as felons are disenfranchised for the duration of their incarceration in most states, and permanently disenfranchised in some. Addressing the high rate of black incarceration is a terribly pressing policy problem that the USA must grapple with for many years to come.

### 30.4 CONCLUSION

The importance of crime control and the impact of criminal victimization on cities nationwide are self-evident. As we have reviewed, in the USA crime imposes enormous costs on society, especially for the most marginalized and fragile communities in the nation's urban areas. We have also seen that those who commit crimes tend to be from the same groups that are most likely to be victimized. This carries serious implications for poor urban communities and for the offenders themselves. Being officially branded an ex-felon is likely to hamper future employment prospects and one's general ability to function as a law-abiding, noninstitutionalized citizen.

Of course, systematic studies of crime and the motivations behind criminal activity are likely to shed light on new possibilities for controlling crime, diverting potential offenders to more productive activity, and lessening the burden on society.

### Bibliography

- Blumstein, A. 1982: On the racial disproportionality of United States prison populations. *Journal of Criminal Law and Criminology*, 73(3), 1,259–81.
- Bonczar, T. P. 2003: *Prevalence of Imprisonment in the U.S. Population, 1974–2001*. Bureau of Justice Statistics Special Report, NCJ 197976.
- Bureau of Justice Statistics 2003: Key facts at a glance: direct expenditures by level of government; [www.ojp.usdoj.gov/bjs/glance/tables/expgovtab.html](http://www.ojp.usdoj.gov/bjs/glance/tables/expgovtab.html)
- Fagan, J. and Davies, G. 2000: Street stops and broken windows: Terry, race, and disorder in New York City. *Fordham Urban Law Journal*, 28, 457.
- Freeman, R. B. 1996: Why do so many young American men commit crimes and what might we do about it? *Journal of Economic Perspectives*, 10(1), 25–42.
- Glaeser, E. L. and Sacerdote, B. 1999: Why is there more crime in cities? *Journal of Political Economy*, 107(6), S225–57.
- Katz, L. H., Kling, J. R., and Liebman, J. B. 2001: Moving to Opportunity in Boston: early results of a randomized mobility experiment. *Quarterly Journal of Economics*, 116(2), 607–74.
- Mustard, D. B. 2001: Racial, ethnic, and gender disparities in sentencing: evidence from the U.S. Federal courts. *Journal of Law and Economics*, XLIV, 285–314.
- Raphael, S. 2006: The socioeconomic status of black males: the increasing importance of incarceration. In A. Auerbach, D. Card, and J. Quigley (eds.), *Poverty, the Distribution of Income, and Public Policy*. New York: Russell Sage Foundation, forthcoming.
- and Stoll, M. A. 2001: Can boosting minority car-ownership rates narrow inter-racial employment gaps? In W. G. Gale and J. Rothenberg Pack (eds.), *The Brookings–Wharton Papers on Urban Affairs*, vol. 2. Washington, DC: The Brookings Institution, 99–145.



- and — 2004: The effect of prison releases on regional crime rates. In W. G. Gale and J. Rothenberg Pack (eds.), *The Brookings-Wharton Papers on Urban Affairs*, vol. 5. Washington, DC: The Brookings Institution, 207–55.
- Rennison, C. 2002: Criminal victimization 2001: changes 2000–01 with trends 1993–2001. Bureau of Justice Statistics National Crime Victimization Survey, NCJ 194610.
- Schmitt, E. L., Langan, P. A., and Durose, M. R. 2002: Characteristics of drivers stopped by police, 1999. Bureau of Justice Statistics, NCJ 191548.
- Tonry, M. 1995: *Malign Neglect: Race, Crime, and Punishment in America*. New York: Oxford University Press.

