



ABFE

A Philanthropic Partnership
for Black Communities



Criminal Justice

Fact Sheet

Overview

Race and socio-economic status are significant factors in how the criminal justice system operates and why Black people are disproportionately impacted by it. From the school to prison pipeline to the skyrocketing population of people ensnared in the system via parole and probation, Black communities have borne the brunt of harsh mandatory sentencing and crippling post-prison restrictions. The long reach of the criminal justice system destabilizes households and communities with low paying/scarce job opportunities and voter disenfranchisement.

This factsheet is intended to contextualize the current criminal justice system in the United States through a racial justice/impact lens. Utilize the contents to create optimal assessments, strategies, and resource deployment.

ABFE is a membership-based philanthropic organization that advocates for responsive and transformative investments in Black communities. Partnering with foundations, nonprofits and individuals, ABFE provides its members with professional development and technical assistance resources that further the philanthropic sector's connection and responsiveness to issues of equity, diversity and inclusion.

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Barriers

Police Contact, Arrests, and Killings

The first point of interaction with the criminal justice involves the police. Table 1 demonstrates the number and percent of residents age 16 or older with any

police contact. Nearly 23% of all White residents had police contact, followed by nearly 20% of all Black residents.

Table 1: Number and Percent of Resident Age 16 or older with any Policy contact: 2015

	US Population	Number	Percent
White	164,813,500	37,334,200	22.7%
Black	31,056,200	6,146,400	19.8%
Latinx	39,697,500	6,680,700	16.8%
Other	18,020,200	3,307,900	18.4%

Source: Bureau of Justice Statistics. Retrieved from: <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>

Figures from the Bureau of Justice Statistics show that Black residents are 15% more likely than their white and Latinx counterparts to be pulled over by the police, 76% more likely to experience a street stop, and 89% more likely to be arrested.¹ When it comes to prison, Figure 1 illustrates that Black men and women have the highest likelihood of imprisonment. Black men have a one in three chance of being imprisoned while that statistic is one in 17

for white men.² Given the increased points of police contact and arrests for Black people, the drastically higher incarceration rates are expected.

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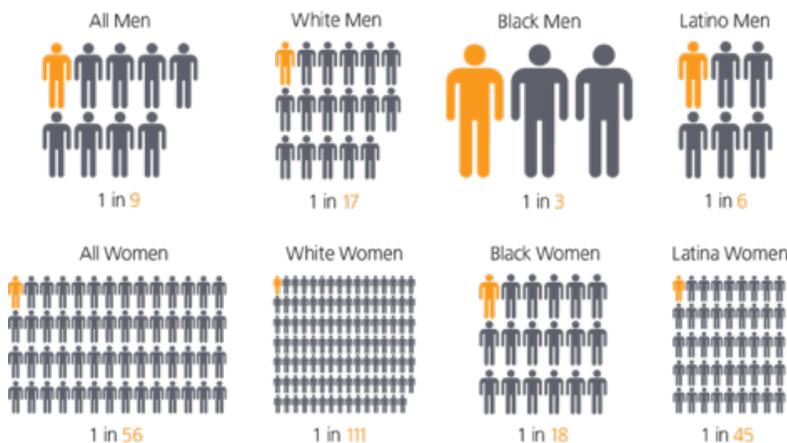


Figure 1: Likelihood of imprisonment

For U.S. residents born in 2001, the likelihood of imprisonment²

¹ <https://www.congress.gov/bill/115th-congress/house-bill/5682/text>

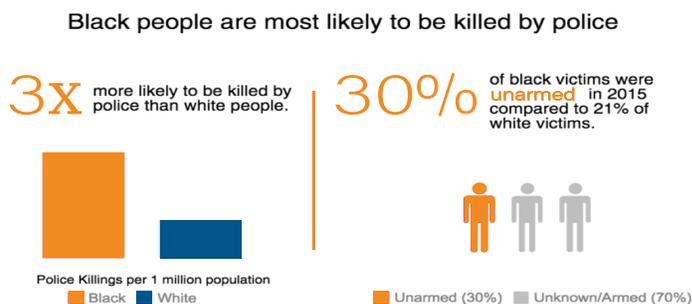
² <https://www.sentencingproject.org/criminal-justice-facts/>

A growing concern is the nature to which police contact leads to death. One year after Michael Brown's 2014 shooting, reporters at the Washington Post began their own database³, providing a running tally of fatal statistics using information from news and law enforcement reports, social media and independent sources. In 2015, the publication documented twice as many fatal shootings as the FBI and Center for Disease Control and Prevention.

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Figure 2: Likelihood of being killed by police



Source: <https://mappingpoliceviolence.org/>

Court Systems and Sentencing

The majority of defendants in the court system are racial/ethnic minority groups. In 2016, Latinx made up the largest percentage of federal defendants, followed by white and Black defendants virtually tied in the second position.⁴

Black male offenders received sentences on average 19.1% longer than similarly situated white male offenders between 2012-2016 (USSC, 2016). Also, Black male offenders received sentences on average 20.4% longer than similarly situated white male offenders, accounting for violence in an offender's past. (USSC, 2016).

Incarceration

The federal prison population has increased by almost 790 percent since 1980. (Figure 3) The majority of people in prison are due to drug related offenses.

In the United States, a Black person is 3.73 times more likely to be arrested for marijuana possession than a white person is, despite approximately equal rates of use.

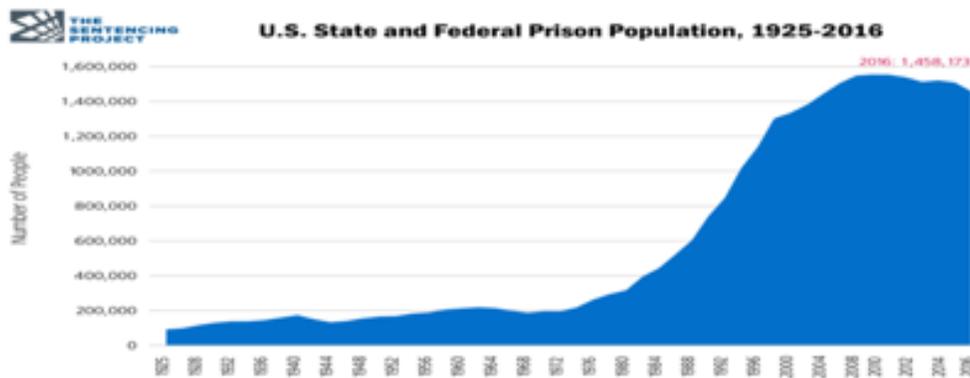


Figure 3: Incarceration rates 1925-2016

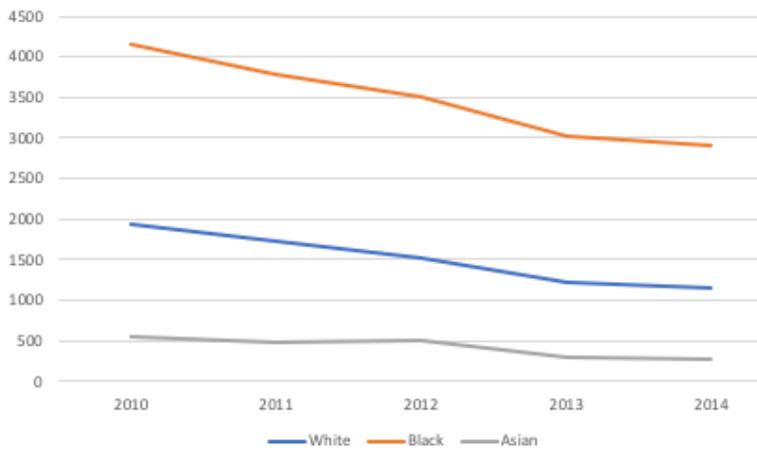
³ <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

⁴ <https://www.bjs.gov/content/pub/pdf/cpp15.pdf>

Criminal Justice and Juvenile Justice

In 2016 the number of Juvenile Justice cases recorded by the court system continued to decline. In 2012, there were 1,120,400 referrals. This number dropped by 24% to 850,500 referrals. With regard to race and ethnicity the change is similar. From 2012 to 2016 Asian/Pacific Islander Juveniles experienced the greatest decrease in court referrals at 34%, followed by 27% for White Juveniles, 23% for Hispanic Juveniles, 20% for Black Juveniles, and 17% for American Indian/Alaskan Juveniles. A closer look at juvenile arrests over time demonstrates rates are decreasing among all groups, however Black and White youth difference is maintained during the 2010-2014 decrease.

Figure 4: Juvenile Arrest Rates by Race: 2010-2014



Paths Toward Equity

The First Step Act

The revised First Step Act was signed into federal law in 2018 and focused attention on criminal and juvenile justice legislation. There is great support because of the reduction of sentencing mandates, and the provision of vocational training for incarcerated individuals, especially adjudicated youth. Of concern is how this legislation will be interpreted on the state level for recidivism reduction programs. Furthermore, the requested \$75 million dollar per year for five years funding allocation was reduced to \$14 million in President Trump most recent budget.⁴

Restoration of the Vote

After serving time, the right to vote should be restored to the formerly incarcerated. Voting rights restoration varies widely across the country—from states that permanently disenfranchise people with felony convictions to states that never take away voting rights regardless of criminal conviction status.⁵ As of 2020, approximately⁵ 17 million people in

the United States are disenfranchised due to felony convictions.⁶ Voting rights for this population could significantly impact local elections, especially in states like Florida that have a substantial amount of convicted felons.

Reduce/Eliminate Mandatory Minimums

Mandatory minimums are inherently unfair with regard to drug offenses because they are based on the drug product, not the individual. This also undermines the role of the judge to and the balance of the court system and process.⁷

Reduce Cash Bail/Monitor Prosecutorial Discretion

Prosecutorial discretion should be monitored and limited. By restoring and supporting the role of the judge, fewer juveniles will be tried as adults, few drug offenders would be tried as federal offenders and fewer individuals would be incarcerated because of the inability to pay bail.⁸



References

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