



# Summary

Some of the most dramatic factors of the criminal justice system in the Northeastern states – Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont – are connected with racial disparity in the rates of imprisonment. The drama is compounded by the differences from county to county within the region. The Synod of the Northeast, Presbyterian Church USA, commissioned a study of those rates of incarceration.

These are the facts for imprisonment in *state prisons* in the urban states of the Synod of the Northeast (Connecticut, Massachusetts, New Jersey, New York):

- Whites are imprisoned at very similar rates in each of these states, varying from 52 per 100,000 in Connecticut to 67 per 100,000 in Massachusetts – rates resembling those for Western Europe (Table 1).
- Minorities, also, are imprisoned at similar rates in each of these states, but varying from 642 per 100,000 in Massachusetts and New Jersey to 836 per 100,000 in Connecticut. Most startling is the fact that in all of these urban states minority incarceration rates are from 10 to 16 times higher than for whites. They match or exceed the rates of imprisonment for minorities in South Africa (Figure 1).
- Among minorities, there is a greater range for hispanics with New York imprisoning 266 per 100,000 and Connecticut 809 per 100,000. For blacks, the range is from 674 per 100,000 in Massachusetts to 847 per 100,000 in Connecticut.
- Within the Counties of the region, differences are even greater. Minorities are sentenced to prison at rates : 20 times higher than whites for New York's Nassau and New York Counties; 50 times higher than whites for Connecticut's New Haven and Fairfield Counties; and 69 times higher than whites for New Jersey's Sussex County.
- There is a direct correlation between the size of the minority population of a state and incarceration rate.
- While most violent crime is committed by whites, minorities make up the bulk of prison populations.
- There are three times as many whites on felony probation as in New York's prison system; Black males were more likely to be in prison than on felony probation.
- Whites make up 47% of all clients in state-funded drug treatment but only 9% of drug admission to prison.

These facts are not only dramatic. They are also not reported in the official documents of federal and state criminal justice agencies.

After outlining the data, we draw some conclusions and implications for criminal justice policy.

# Background

In January of 1987, the New York State Coalition for Criminal Justice released a short study, "A Question of Race: Minority/White Incarceration in New York State," which looked at the racial disparity in sentencing of whites and blacks in New York State and in 23 counties of New York with populations greater than 100,000.

Generally, the total jail or prison population is divided by the total population. For example, New York with 38,449 inmates on December 31, 1986 and an estimated population of 17,772,000 would have an imprisonment (or incarceration) rate of 216 per 100,000 population and that is the figure used by the *Sourcebook of Criminal Justice Statistics* for 1987, which is the official publication of the Department of Justice (Table 6.18, p. 487).

A completely different picture emerged when rates were figured by the numbers of each race in the total population\* and not just the total population. Our previous study estimated New York's white imprisonment rate at 72 for every 100,000 whites in the population and its black imprisonment rate at 837 for every 100,000 blacks in the population. Simply and dramatically put, we asserted that:

Criminal justice in New York state is the story of two nations: one white, the other black; one resembling the European justice system which incarcerates at relatively low rates, the other exceeding South Africa in its rate of black imprisonment.

The data showed that:

New York state's prison system saw a dramatic increase of incarceration for whites between 1975-1985 from 31 to 67 per 100,000. [New York's 1985 rate of 776 blacks imprisoned per 100,000 is 1½ times greater than South Africa's and more than ten times the rates for whites.]

The largest counties of the state showed real differences in their rates of incarceration for both blacks and whites...but within each county there were dramatic racial differences.

...when one compares the rate of felony probation caseloads by county and by race to rates of incarceration...there were three times as many whites on probation as there were in prison...there were more black males in prison than on felony probation.

Of course, facts may be interpreted in a number of ways, but the role that bias plays was shown by several cited studies. Bias need not be overt. Although subtle and institutional, it is nonetheless damaging. We argued:

No doubt the issue of race and imprisonment merits further investigation, but we already know enough to question the wisdom and fairness of policies that send so many blacks to prison.

We stressed the need to consider the implications of such a racial disparity in sentencing and to connect criminal justice policies to broader social policies issues such as the prevention and treatment of substance abuse, and the issues of employment, housing, education and access to basic supportive

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\*Numbers of whites, blacks, or hispanics imprisoned are divided by their numbers in the total population; the result is multiplied by 100,000 to get the imprisonment rate. This rate allows for comparisons based on the race or ethnicity even if the population is less than 100,000.

services. After all, we concluded, how many cells will be enough and what will it profit us to build them when so many minority children are poor and at risk and dropout and unemployment rates for minority young men approach or exceed two thirds?

Our report, although modest, received positive attention and has proved useful to church and community groups across the state. In addition, doing the report provoked observations and questions leading to the possibility of other such reports. Using existing data and asking what we believe to be the right questions allows the Coalition to help policymakers see the race/poverty/minority connection in their criminal justice policy considerations.

That observation raised the question: Could we learn anything from updating and extending our study within New York and by studying the neighboring states?

New York uses imprisonment at a much greater rate than other Northeastern states. Figures collected by the FBI already showed that difference in the rates of imprisonment:

**Rate of imprisonment per 100,000 resident population in 1986**

Nationwide	216
Northeast	158
Connecticut	135
Massachusetts	97
New Jersey	157
New York	216
Pennsylvania	128
Vermont	88

How would New York and its counties compare to the neighboring states and similar regions if we were able to make the comparison on rates for blacks, whites and hispanics?

## Methodology

We broke down that 1987 criminal justice statistics for the northeastern states according to population data, reported crimes, arrests, and imprisonment by size of county populations: (1) over 1 million; (2) from 300,000 to 1,000,000; (3) from 100,000 to 300,000; and (4) Vermont, New Hampshire, Rhode Island, and Maine.

We found limits as we proceeded. Data collection systems in New York were not matched by all of the other states:

- We had to use the 1987 data in order to make the intra-state comparisons, even though more recent prison data is available from New York state, New Jersey, Massachusetts and Connecticut.
- County census estimates were based on 1985 US Census material. State data was based on recently released (6/89) Census material on minority populations. Hispanic data is divided among the racial categories of White, Black and Other. Estimates of those numbers were based on the 1980 Census breakdowns. White & Minority categories were used for most comparisons.

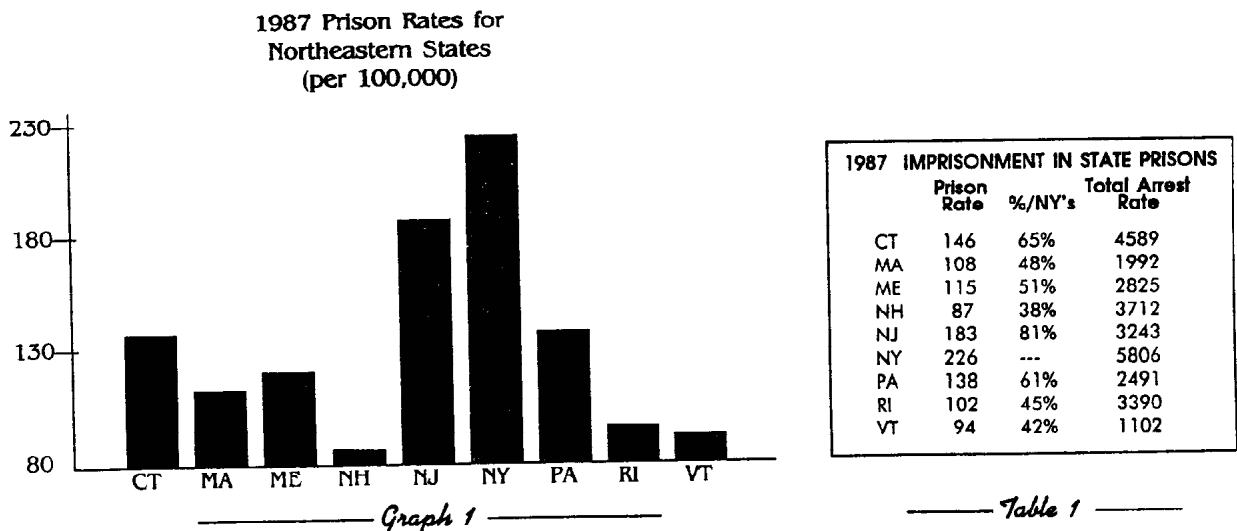
- Maine, Vermont, New Hampshire and Rhode Island do not keep racial records for imprisonment. By phone, officials in these states said that there were few minorities, Maine and Vermont claiming under 20 minority inmates.
- New Jersey keeps racial records for its prison populations, but not for its county Jail populations. Thus, county jail estimates were based on the minority composition of the county's prison population.
- Connecticut (Vermont as well) has a state not a county system and does not keep county records. County prison populations were computed by totaling the numbers in the system by town. Since there are no county jails, Connecticut jail data was estimated as 18% of the total system population, as the result of conversations with Connecticut officials. Thus, Connecticut's prison system is divided 82% state prison, 18% local jail.
- For New York, the jail racial data which is kept by total admissions and not on a one day count, was estimated by the admission percentages multiplied by the 12/31/87 county population.
- We were unable to get sufficient data on the region's probation and parole systems for a comparison.

Despite these limits, we believe the information is both useful and surprising.

## Findings

### The Official Reports

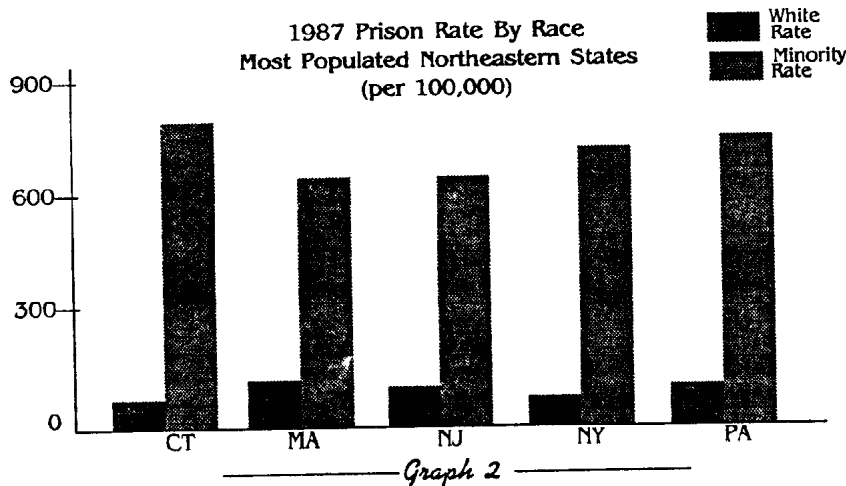
As mentioned above, the federal government reports on the imprisonment rates for each of the United States on the basis of the rate per total population. Graph & Table 1 show what the picture of the Northeast's 1987 rates of imprisonment look like from that point of view (Table 1 also includes state arrest rates).



New York state stands out—an imprisonment rate more than twice that of Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island and 20% greater than New Jersey, its closest rival. It might seem natural that New York state with the biggest urban areas, higher rates of crime, and more mandatory sentencing than any other state in the Northeast would naturally have the highest rate of imprisonment.

## A Closer Analysis

The official reports are very misleading. As Graph & Table 2 show, the most populated states imprison at similar rates when one factor is taken into account. *That factor is race.* When the rates per 100,000 of prison populations in the urban states of the Northeast are computed on the basis of race, a completely different picture emerges. Imprisonment for whites and minorities are about the same for each of the states. For examples, white imprisonment is 1.2 times higher for the leading state, Pennsylvania, than for Connecticut, the lowest. Minority imprisonment varies by 1.3 from Massachusetts and New Jersey, the lowest, to Connecticut the highest. CONCLUSION: the rates are similar.

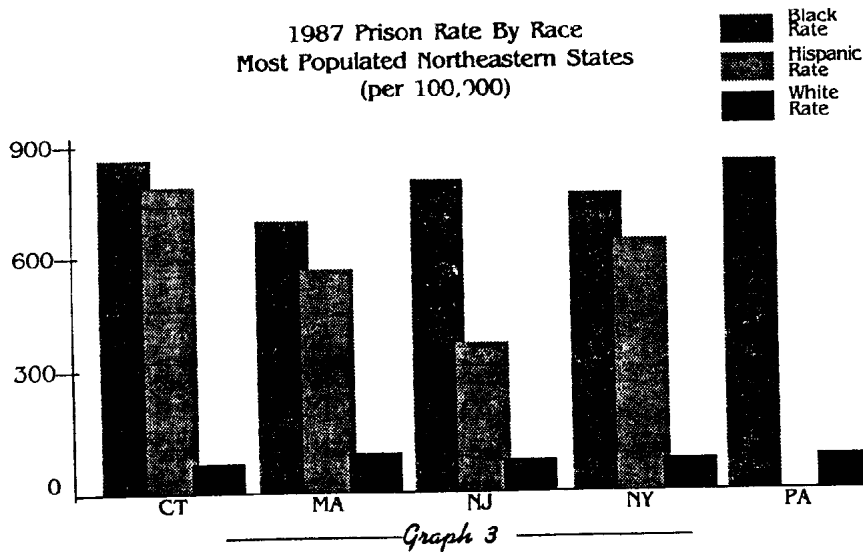


	Wht	Min	Min/Wht Ratio
CT	52	836	16 times
MA	67	642	10 times
NJ	60	642	11 times
NY	59	706	12 times
PA	67	733	11 times

*Table 2*

What is startling is the enormous difference between those rates. Within these northeastern states, minorities are imprisoned at rates from 10 to 16 times greater than whites, Massachusetts being the lowest and Connecticut the highest.

Looking at the rates by breaking out the hispanic and black population (Graph and Table 3) reveals a similar pattern, although there is a wider variation in the imprisonment of hispanics (4.5 to 15.5 times greater than for whites).



	Wht	Blk	Hisp
CT	52	847	809
MA	67	674	569
NJ	60	795	366
NY	59	736	266
PA	67	837	n.a.

*Table 3*

Adding a conservative estimate of the December 31, 1987, county jail populations for each of the states compounds the disparity (Table 4).

COMBINED PRISON AND JAIL RATES				
	Total Pr+Jl	Wht Pr+Jl	Min Pr+Jl	Min/Wht Ratio
CT	207	73	1183	16 times
MA	294	219	1276	6 times
NJ	317	119	1054	9 times
NY	357	117	1034	9 times

— Table 4 —

Even conservatively estimating the minority population in the county jails of these northeastern states leads to a minority imprisonment rate that exceeds 1% of the minority population and rates from 6 to 16 times greater than those for whites.

The original picture of New York leading the pack changes. It turns out that New York ranks 3rd not 1st for the northeast when the rate of state prison populations for whites and minorities are compared. New York's imprisonment of hispanics is the lowest of the four states. The combined prison and jail rate is less precise, but continues the two tiered level of imprisonment.

### A Direct Comparison

A simple, direct comparison of these states' percentages of minority population with their imprisonment rates is immediately instructive:

MINORITY POPULATION/IMPRISONMENT RATES		
	MP	IR
CT	12%	146
MA	7%	108
NJ	21%	183

— Table 5 —

## Conclusions

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On the face of it, it would appear that the minority population of these northeastern states is the greatest indicator of the size of its prison population.

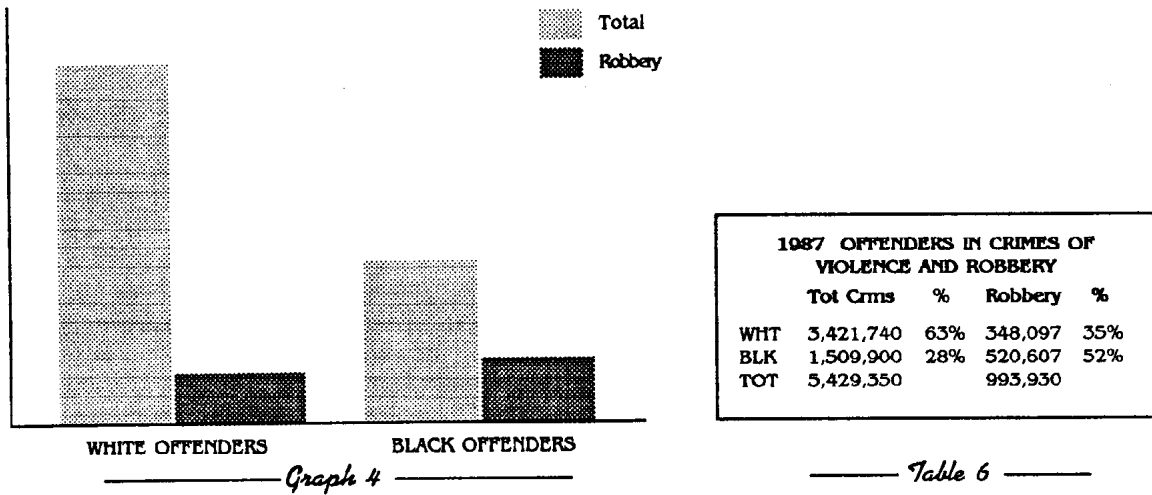
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New York's higher rate of state prison populations is more easily explained by New York's higher population of minorities than by more complex reasons.

This is not to deny the importance of mandatory or longer sentencing schemes and the impact they have on prison populations. Rather, it is to acknowledge the glaring, but largely ignored factor of race.

Some people will think they know why race plays such a large role: because they believe that minorities commit more crimes and more serious crimes, are more often arrested, etc. The actual data are instructive here, also:

**1987 TOTALS Crime-of-Violence Offenders  
Criminal Victimization in the U.S.**



Looking at these federal statistics that survey violent crime victimization and race of offenders, we notice that close to two-thirds of violent offenders were identified as white. Black offenders were a majority only in the case of robbery, but the numbers were not sufficiently large to justify the difference in imprisonment rates.

It is also important to note that although whites commit most violent crime, most arrests are of minorities:

	1987 PART 1 ARRESTS			
	Tot Pt1	Wht Pt1	Min Pt1	M/W Ratio
CT	925	646	3875	6
MA	489	372	2262	6
NJ	613	384	1878	5
NY	839	505	2378	5
PA	503	314	2180	7

*Table 7*

Even so, the 5-7 to 1 minority/white arrest ratio cannot explain the 10-16 to 1 imprisonment rate.



## Other Sanctions

While we do not have the figures for our targeted states, our earlier report for New York (*A Question of Race*) showed that the use of felony probation is quite different for blacks and whites. In 1986 (and 1988), there were three times as many whites on felony probation as in NY's prison system. Black males were more likely to be in prison than on felony probation.

Our more recent report on the New York's war on drugs (*Update*, September 1989) notes the racial disparity in access to drug treatment and imprisonment for whites, hispanics and blacks. In 1988, Whites made up 47% of all clients in state-funded drug treatment while only 9% of drug admissions to state prison.

## Implications

While the purpose of this report is to draw attention to our two-tiered imprisonment system and to dispel the immediate reaction that the disparity can be traced to the number of crimes committed by minorities, the very lack of attention to such glaring differences in imprisonment suggests a more profound explanation—a lack of attention to injustice, discrimination, and unequal opportunities that amounts to a serious case of social neglect.

### Poverty

Altogether too high for the country at large, poverty has continued to be especially hard for the minority community, remaining at levels that white Americans associate with the Great Depression of the 1930's. Census figures (*NY Times* 10/19/89) estimate 32 million Americans in poverty. By race and ethnicity, poverty affects 10.1% of whites, 31.6% of blacks and 26.8% of hispanics, and 40% of these impoverished Americans are under 18 years of age. A so called "booming economy" has left millions of Americans behind.

Hard-core poverty has become even more desperate with total appropriations for subsidized housing, health services, social services and job training falling by 54% from 1981 to 1988, as noted by Dr. William Julius Wilson, a sociologist at the University of Chicago. There is a growing gap in the life expectancy of blacks and whites (National Center for Health Statistics- 1989) and infant mortality for blacks had increased from 1.8 times to 2.1 times that for whites from 1973 to 1987 (Children's Defense Fund). Another recent report estimated Harlem black male life expectancy as lower than that of males in Bangladesh.

Other statistics on drop-outs, decreased weight of newborns, and especially the effects of drugs on children, families, and communities document conditions that make inner city neighborhoods nightmares with even fewer supports and stability than in earlier times. Attentive reading of the paper will uncover other outrages. Some even say that remedying these conditions is a lost cause, thus justifying further neglect. Others like Dr. Herbert Nickens, Director of the Division of minority health at the American Association of Medical Colleges are more on target: "Most people have a sense that things are spinning out of control. There is a bleak outlook and a locked in quality to these conditions. No one since Lyndon Johnson has stood up and said, 'We're going to fix this.' We simply have not had a national resolve."

Poverty is not the only factor worth considering.

### Discrimination

Unequal access to services (particularly to quality defense) is nonetheless real for being subtle rather than overt. It affects the quality of life and justice for us all.

Examples of discrimination abound: Youth unemployment is at 15% for whites and 34% for blacks. The greater number of high school drop-outs and decrease in admissions to colleges and universities for

minorities reflects not only the decrease in financial assistance but the increased perception that success and employment are not tied to educational effort. A failure to incorporate sensitivity to cultural diversity as well as blatant housing practices such as redlining—and, perhaps, greater attention to “correction” than to “prevention”—keep us from creating a safer and more wholesome society for everyone.

Our nation, including its northeastern states have relegated the fight for justice and equality to a secondary position. The best efforts have not kept up with the hardening of poverty and desperate conditions particularly within the core cities. These conditions and the hopelessness that they produce, I believe, are more profitable avenues to explore for some explanation of what has been happening with imprisonment. They also suggest a way to lessen the financial and human costs.

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