

The School-to-Prison Pipeline in Black and White

February 2015



American Civil Liberties Union of Rhode Island
128 Dorrance St., Suite 220
Providence, RI 02903
P: (401) 831-7171
F: (401) 831-7175
www.riaclu.org

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SUMMARY

Over the years, the ACLU of Rhode Island has issued a number of reports examining racial disparities in certain areas of public interaction with the government, including traffic stops and school suspension rates. Each report has revealed statistical evidence to back up the anecdotal evidence that black (and Latino) Rhode Islanders have been producing for decades: that significant and persistent racial disparities exist, and that community concerns about racial profiling have a basis in fact.

Despite this growing body of evidence and consistent work by many to address these disparities, Rhode Island has lacked a comprehensive, strong response to resolve these issues. Worse, even as these disparities persist in the background, too many people still refuse to acknowledge their presence and the damaging effects that flow from them.

Events across the nation in 2014, and particularly in Ferguson, Missouri, have highlighted the importance of addressing those disparities, and addressing them before the latent frustration with these inequities boils over into crisis. What follows is a series of charts highlighting the reality of what has been called the “school-to-prison-pipeline,” a governmental pattern of pushing students, usually racial minorities, out of school and into the criminal justice system. The disparities experienced in elementary school beget the ones in the juvenile justice system, are exacerbated by those in traffic stops, which in turn are connected to those in arrests and, finally, in the makeup of the prison population.

We anticipate this document will grow and change with time, as we continue to compile additional data to demonstrate what many already know: the experience of Rhode Islanders differs by skin color.

It is important to note that while much of what follows focuses on the different experiences of black and white Rhode Islanders, many of the statistics and conclusions apply to other non-white Rhode Islanders as well.

Black lives matter. It is our hope that in highlighting the connections between racial disparities and the impact they have from a young age forward, we can address racial disparity as a whole and strengthen equal treatment for all who live in our state.

SCHOOL DISCIPLINE

Across Rhode Island, black children face unwarranted racial disparities in their earliest years, with long-lasting consequences. The disparities begin in the classroom – and at a very early age. Despite the disastrous effects out-of-school suspensions can have, including the push into the “school-to-prison pipeline,” Rhode Island public schools suspend black children at a tremendous rate, shuttling them out of the classroom and toward the courtroom. During the 2011-2012 school year, for example, black students comprised over 16% of suspensions statewide – more than **twice** their student population.¹

As a result, a tremendous portion of the black student population is shunted out of the classroom and onto a track that can lead to a jail cell. Between 2004 and 2012, one out of every six black students – 17% of all black students who attended Rhode Island schools – received an out-of-school suspension along with their education. Just one in sixteen (6.25%) white students received the same treatment.

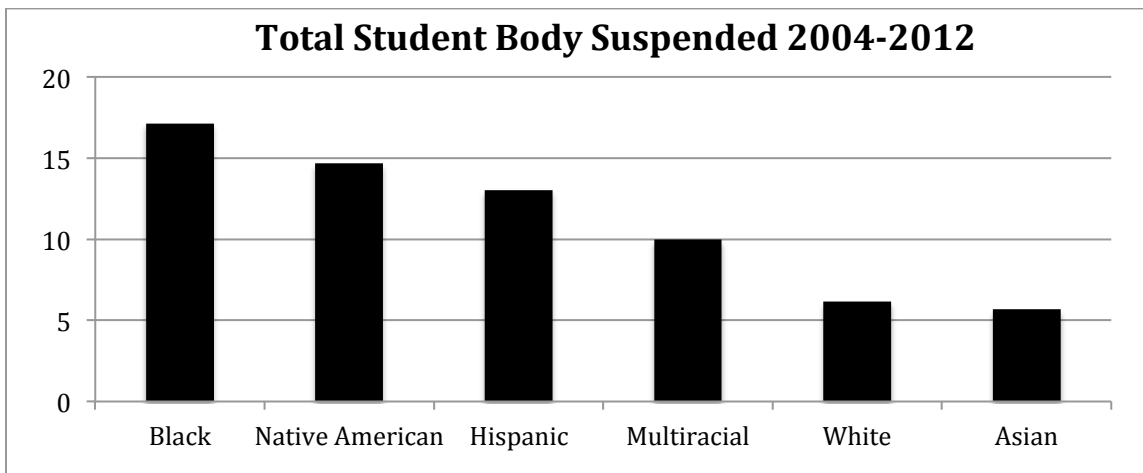


Figure 1. Percent of Race Group Student Body Suspended, 2004-2012

Worse, it is often the youngest children who suffer the most. While black high school students are twice as likely as white high school students to be suspended, **a black elementary school student is *six times as likely* as a white elementary school student to suffer the same fate.**²

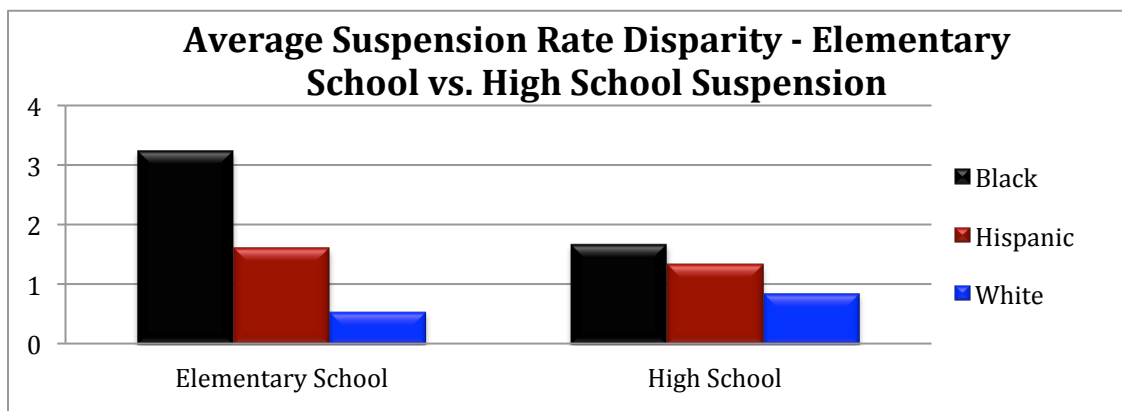


Figure 2. Suspension Disparity in Elementary School vs. High School, 2004-2012

Even though the negative consequences of suspensions are well known, Rhode Island's schools issued suspensions against *elementary school* students more than 17,000 times in eight years. Twenty-eight percent of those elementary school suspensions involved a black student, even though they made up just nine percent of the elementary school student body, on average.³

The disparity is highlighted when one focuses on so-called "subjective" offenses. These are the vague, generally less serious types of infractions – such as Disorderly Conduct, Harassment, Insubordination/Disrespect, and Obscene or Abusive Language Toward a Teacher or Student – that are dependent in part on the perceptions of those involved and where the decision to punish is largely discretionary. For those offenses between 2004 and 2012, black students were suspended, on average, 2.4 times as often as their representation in the population would predict. White students, on the other hand, were suspended for subjective offenses just 0.7 times as often as (i.e., less often than) their population suggests.⁴

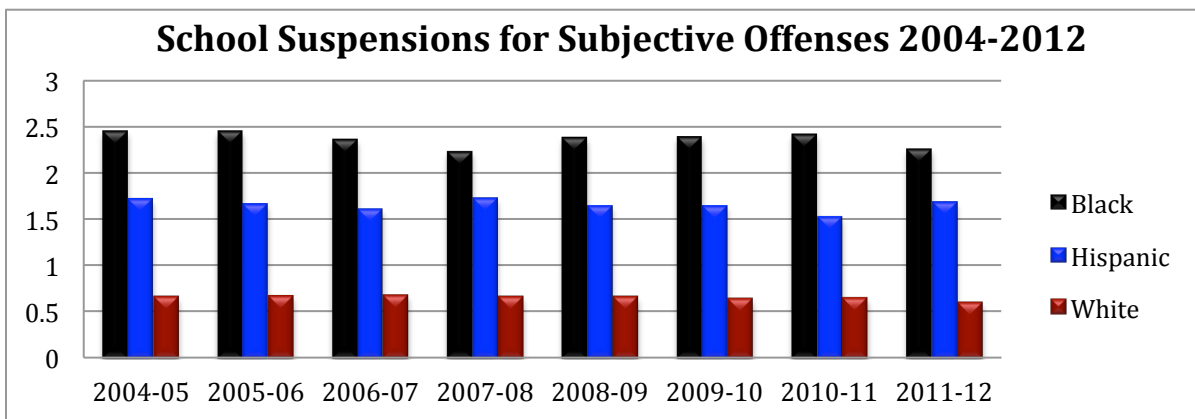


Figure 3. Suspension Rates for Subjective Offenses, by Race

The elementary school disparity is also striking when looking at the less-serious “subjective offenses,” particularly since they include the most frequent reasons students are suspended. Black elementary school students make up nearly one-third of suspended students in this category, while comprising just nine percent of the students in the classroom. That they are suspended nearly three and a half times what is expected is even more striking since white students, who also comprise a third of elementary school suspensions, are punished just half as often as would be expected.⁵

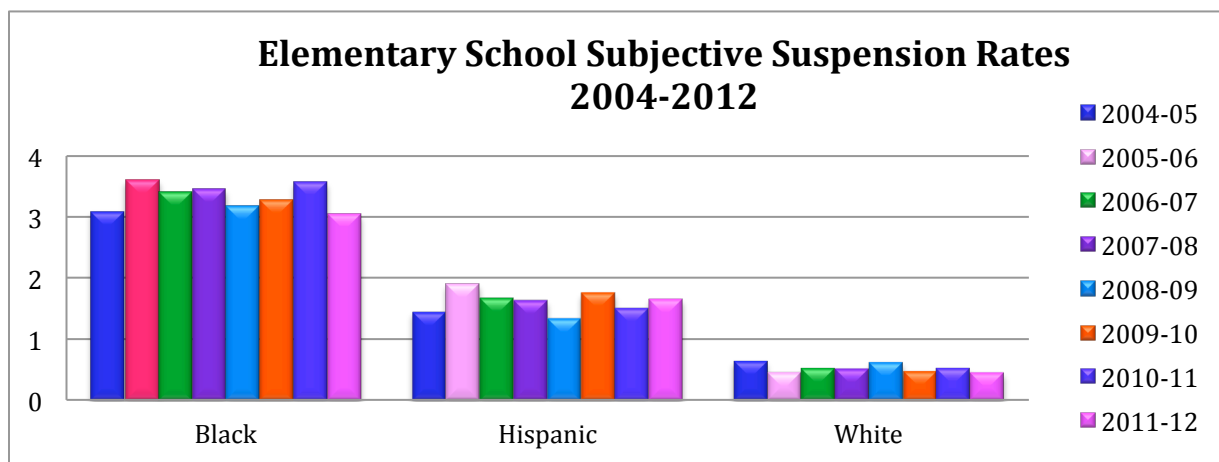


Figure 4. Suspension Disparity in Subjective Offenses, K-5

From their earliest days, then, black children are disproportionately singled out, told they are bad, and given punishments with serious and long-lasting consequences. These children leave school desensitized to the potential for a lifetime of unequal treatment.

JUVENILE JUSTICE

All suspended children face an increased risk of involvement in the juvenile justice system, either because of the behaviors they engage in when they are excluded from school or due to the referral of unruly students to school resource officers or other law enforcement personnel. On top of this, the juvenile justice system itself engages in the flawed, disparate imposition of penalties we see elsewhere. According to Rhode Island KIDS COUNT, “Minority youth (especially Latino and Black youth) are treated more harshly than White youth for the same type and severity of offenses, including detention, processing, and incarceration in juvenile and adult correctional facilities. **Rhode Island’s juvenile justice system has some of the widest placement disparities between White and minority youth in the nation.**”⁶ (emphasis ours)

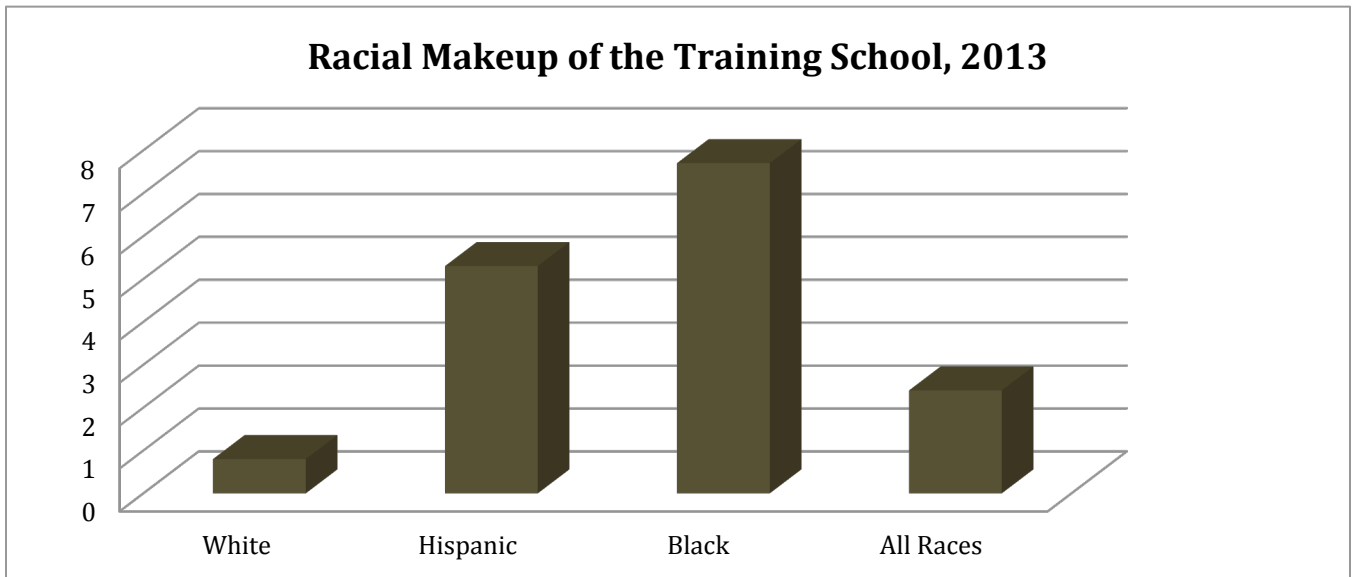


Figure 5. Juveniles at the Training School, Compared to Population, as of December 31, 2013

In Rhode Island, **black males are 9.3 times as likely as white males to end up in juvenile detention.** Despite a growing body of research indicating that incarceration of juveniles can, in fact, increase recidivism and exacerbate criminal behavior, black youth are disproportionately removed from their families and detained in ways that white children are not. Instead of education and redirection, these children enter adulthood with a criminal history, a new set of questionable skills learned from hardened offenders, and a belief that the justice system is wholly unfair. This belief is unlikely to be disproved.

RACIAL PROFILING IN TRAFFIC STOPS

In 2003, Northeastern University found that non-white drivers were more likely than white drivers to be stopped by police across Rhode Island, more likely to be searched once stopped, and yet less likely to be found with contraband.⁷ A second analysis, in 2006, came to the same conclusion.⁸ In 2014, a third report indicates that a decade after the General Assembly passed legislation banning racial profiling by law enforcement, these racial disparities continue.⁹

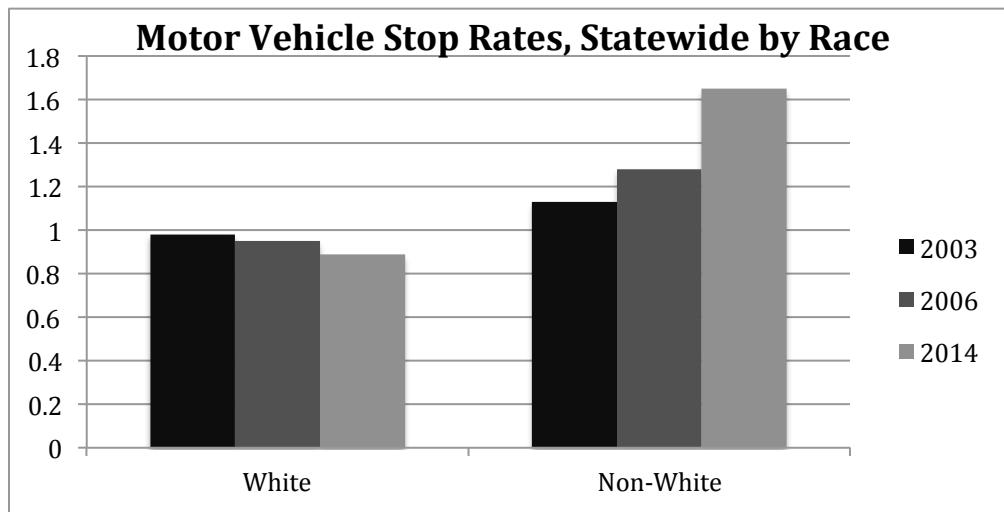


Figure 6. Ratio of Race Percentage of Stopped Drivers to Percentage of Population

In 2014, Northeastern University found that, “In 24 communities in Rhode Island, non-white residents were more likely to be stopped than their residential census figures would have predicted. In 4 of these communities ... the disparity is close to or greater than 10%.”¹⁰ A related fact reported in the 2014 study is that stopped non-white drivers were less likely to receive tickets stemming from their stop – raising serious questions as to the validity of those traffic stops in the first place.¹¹

A small sample size means Northeastern’s 2014 conclusions are not as statistically significant as the two earlier studies, and legitimate methodological questions can be raised about how one best determines the comparative racial population for purposes of analyzing the stop data. Nonetheless, almost across the board non-white drivers in Rhode Island are stopped more often than expected given their representation in the residential population, while white drivers are stopped less

often than expected. These persistent and consistent disparities over the course of a decade are impossible to ignore.

Perhaps more importantly, no such methodological questions can be raised about the *search* data, which present an even more compelling story. Once stopped, non-white drivers are more likely to be searched by law enforcement. This has persisted over a decade, ever since the first study was conducted in 2003. According to Northeastern University in 2014, “It is evident that in all but three Rhode Island communities, non-white drivers are more likely to be searched ... Twenty-seven jurisdictions continue to see racial disparities in searches, even after we exclude searches incident to arrest and searches incident to the inventory/tow of a vehicle.”¹²

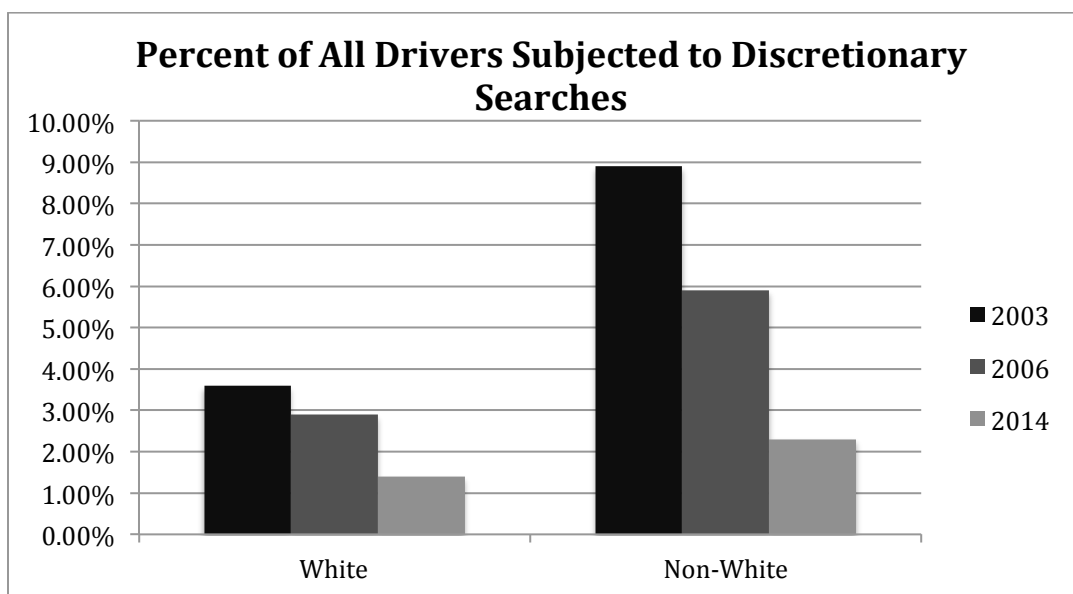


Figure 7. Discretionary Searches of Stopped Drivers, Statewide

This troubling disparity is made even more disconcerting when one examines another statistic: despite being subjected to searches less often, it is white individuals who are more likely to be found carrying contraband when they are searched after a traffic stop. Northeastern’s 2014 report noted: “When officers conduct searches for reasons other than incident to an arrest or an inventory/tow, whites are found with contraband 57.3% of the time, and non-whites are found with contraband only 44.7% of the time, on average.”¹³ This racial disparity, like those involving the stops and searches themselves, has held true throughout the traffic stop studies conducted over the years.

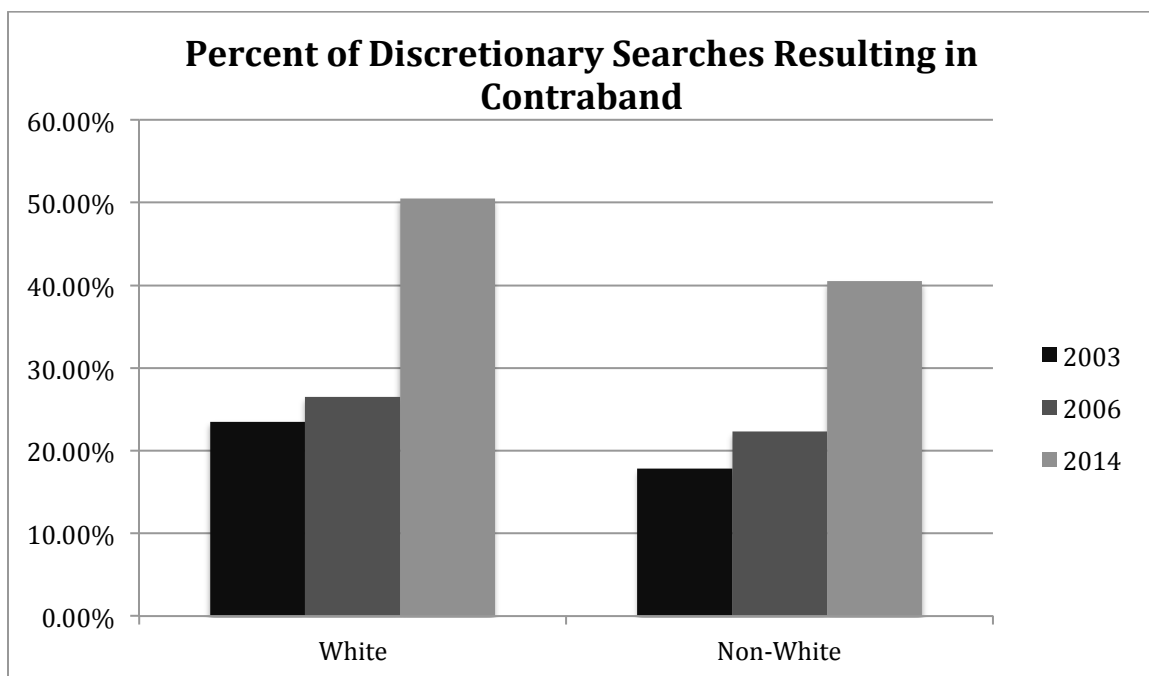


Figure 8. Percent of Searched Drivers Found with Contraband

In short, non-white people in Rhode Island are stopped, eyed with suspicion, and searched more than their white neighbors, even as the productivity of these searches is relatively low considering the “probable cause” or “reasonable suspicion” that purportedly prompts them. Adding insult to injury, the result of such searches on black drivers is less fruitful than searches conducted on white drivers.

Distressingly, but not unexpectedly, the racial disparity in traffic stop searches has not been alleviated over time. In 2005, the ACLU examined the ten police departments that, at the time of the study then being conducted, had stopped more than 2,000 drivers and/or engaged in more than 100 discretionary searches.¹⁴ The ACLU found that four of the ten departments experienced an increase in disparity from 2001-2002.

In 2014, the ACLU examined the racial disparities of those 10 departments again. Using data supplied by Northeastern University, the ACLU compared the percent of non-white drivers searched to white drivers searched, obtaining the ratios demonstrated below. Of those ten departments, the latest study shows that nine have experienced increases over their 2004-2005 rates. Further, all ten of the departments had a disparate search rate of minorities in each of the three periods studied.

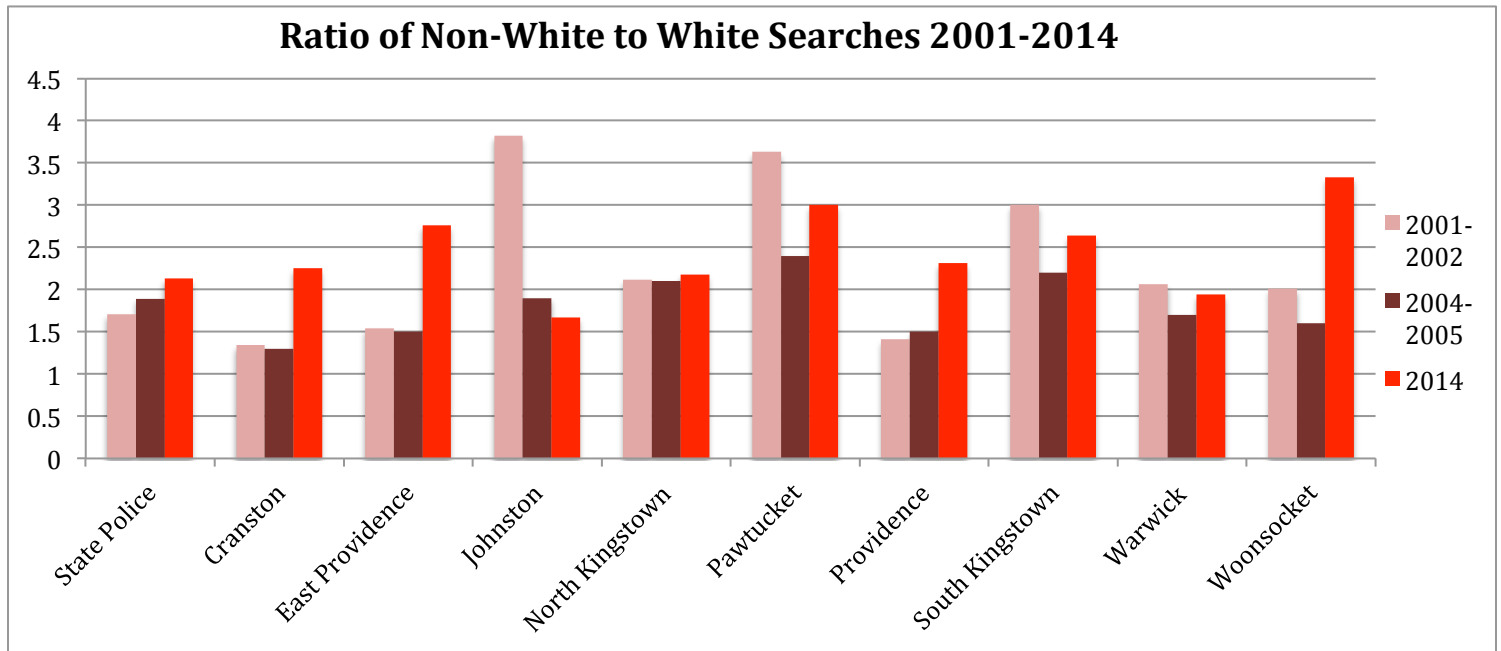


Figure 9. Racial Disparity in Discretionary Searches - Ratio of Non-White Searches to White Searches

The Town of Johnston – the only municipality among the ten that reported a decreased racial disparity in searches in 2014 – still searched non-whites 1.5 times more often than whites. In other cities and towns, the disparities are even more alarming. The State Police searched non-white individuals at a rate more than twice that of whites, while the Woonsocket police department searched non-white individuals more than three times as often as whites.

DISPROPORTIONATE ARREST RATES

Under all these circumstances, it should come as little surprise that arrest rates for black Rhode Islanders also generally eclipse those for non-black Rhode Islanders. In fact, these disparities are higher than in some of the cities and towns known nationwide as facing racial conflicts. In 2014, while the country watched the aftermath of long-simmering tensions in Ferguson, Missouri, *USA Today* issued a sobering report that contained data about arrest disparities in Rhode Island.¹⁵

Using data reported to the FBI by law enforcement in 2011 and 2012, *USA Today* examined thirteen Rhode Island police departments and found that every one of them disproportionately arrested blacks at rates vastly higher than the disparity found among arrests in Ferguson. In 2012, Ferguson police arrested black individuals at a rate 2.8 times higher than non-blacks based on the city's resident population. In stark contrast, the Rhode Island police departments that were analyzed arrested black individuals at rates up to 9.1 times higher than the rate for non-blacks, or, put another way, 331.8 black arrests per 1,000 residents compared to just 36.3 non-black arrests.

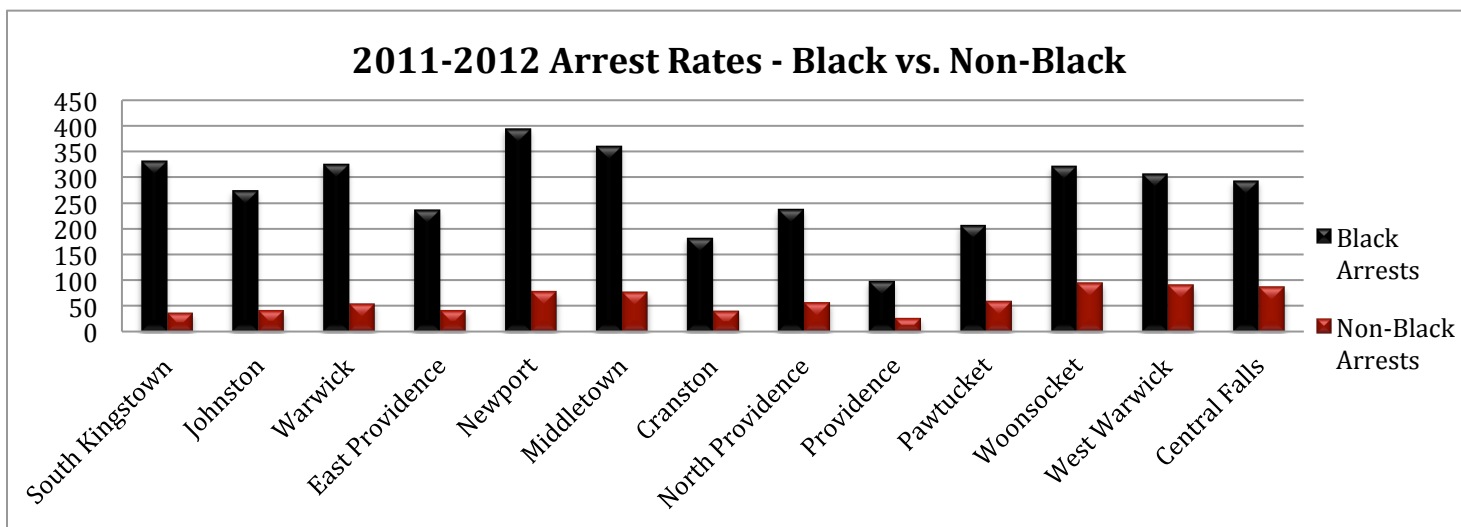


Figure 10. Overall Arrest Rate Per 1,000 Residents

That these disparities exist in so many major communities in Rhode Island and to such high extremes clearly suggests that an outside factor beyond faulty statistics or “bad apples” is at work.

A look at one particular crime offers rather startling evidence of this thesis. In 2010, according to a report by the ACLU, “14% of Blacks and 12% of whites reported using marijuana in the past year.”¹⁶ Were arrest rates for marijuana possession to reflect actual use, we would expect to see roughly equal arrest rates among black and white individuals, such as 200 arrests per 100,000 individuals.

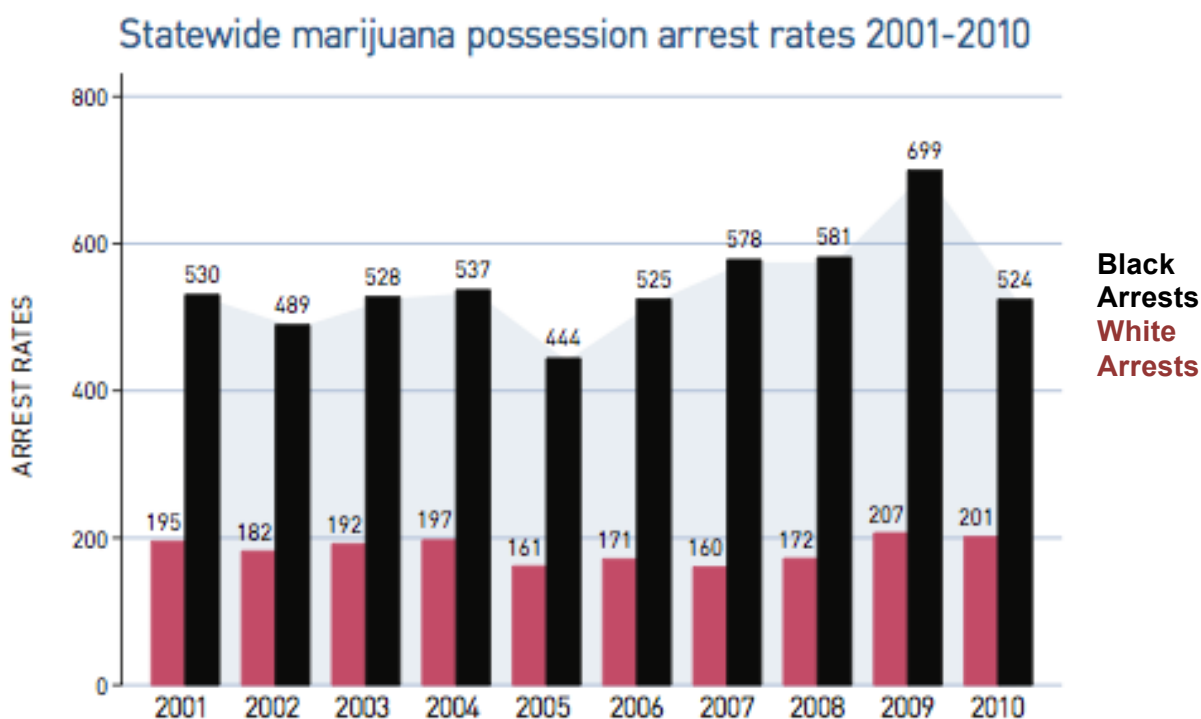


Figure 11. Rhode Island Marijuana Possession Arrest Rates Per 100,000 Individuals

It is only for white Rhode Islanders, however, that 200 arrests per 100,000 individuals is the truth. In 2010, 524 black Rhode Islanders were arrested for marijuana possession per 100,000 black individuals.¹⁷ This means that black Rhode Islanders statewide were 2.6 times as likely as whites to be arrested for marijuana possession. Looking at each county individually, the disparities go much higher; in Bristol County, **blacks were up to 7.4 times as likely to be arrested** for marijuana possession than a white individual living and using marijuana down the road.

The report further noted that these arrest rates were consistently high over the last decade.

DISPROPORTIONATE PRISON REPRESENTATION

The end result of all these disparities is the one that stems naturally from a racial disparity in arrest rates – the racial disparity in prison rates. **Although just six percent of Rhode Island’s population in 2010 was black, a whopping 30 percent of the incarcerated population was black.**¹⁸

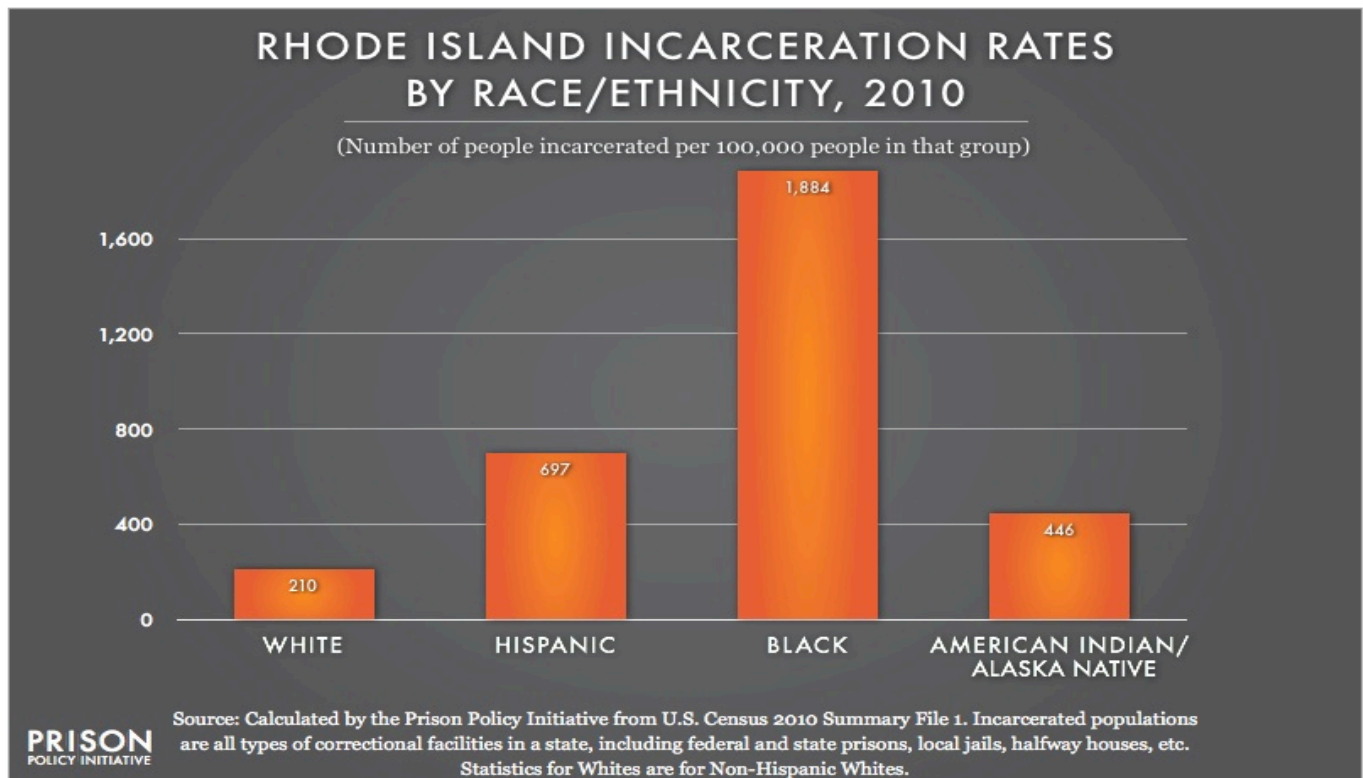


Figure 12. Incarceration Rates Per 100,000 Residents

The consequences of incarceration are well documented, not just for the individuals during their incarceration and afterward, but also for the deleterious effects felt by their families. The stigma surrounding criminal records means formerly-incarcerated individuals are less likely to be employed after incarceration. Although “Ban the Box” has provided some relief by prohibiting some ex-offenders from being immediately disqualified from job consideration, that law is undermined by increasingly strict laws disqualifying applicants based on criminal background checks. Individuals with criminal histories can also be disqualified from obtaining housing or other government assistance, having a further impact on their families. The myriad consequences that follow incarceration are disproportionately borne by the black community, capping off a lifetime of increased scrutiny and disparate treatment.

WHAT'S NEXT?

While addressing a lifetime of racial disparities may seem like a daunting task, there are a few immediate steps that can and should be taken to address some of the issues discussed in these charts.

These include:

- Passage by the General Assembly of legislation limiting the use of out-of-school suspensions and requiring school districts to look seriously at their racial disparities in meting out discipline and coming up with concrete ways to reduce them.
- Passage by the General Assembly of strong, comprehensive racial profiling legislation that seriously confronts racial disparities in traffic stops and searches.
- Passage of legislation – already enacted in a few states – to require the preparation of “racial impact statements” prior to the consideration of bills that would have the effect of increasing the prison population.
- An acknowledgement by state and municipal leaders that racial disparities are a significant problem that demands action.
- A commitment by state and municipal leaders, and particularly law enforcement personnel, to regularly examine policies, practices and procedures which appear to have a disparate impact on racial minorities, and to develop ways to minimize those disparities.
- The annual adoption of specific and measurable plans of action by school districts and law enforcement agencies to address the racial disparities documented in this report and in other data.

The charts contained in this report paint a vivid and disturbingly consistent picture. If we are to stop the untold damage caused by the school-to-prison pipeline, it is incumbent upon policy makers to publicly commit to addressing this problem. Only by taking concrete steps that promote accountability can there be any confidence that the next look at the statistics documented here will show improvement.¹⁹

APPENDIX

CHART CONCLUSIONS

Figure 1. This chart reflects the average percentage of the students of each race group who were suspended at least once between 2004 and 2012. On average, 17.4% of the black student body was suspended, as were 14.66% of Native American students, 13.03% of Hispanic students and 9.98% of Multiracial students, compared to 6.17% of white students and 5.67% of Asian students.

Figure 2. Demonstrates the average suspension disparity of elementary school and high school students between 2004 and 2012. Black elementary school students are suspended 3.24 times what is expected based on their population; black high school students are suspended 1.68 times what is expected. White students, on the other hand, are suspended less often than would be expected.

Figure 3. Reflects the average suspension rate for subjective offenses for all students between 2004 and 2012. Black students are suspended for subjective offenses between 2.26 and 2.45 times what is expected based on their population. White students are suspended for these offenses much less often than would be expected.

Figure 4. Reflects the subjective suspension rate for elementary school students for each school year between 2004 and 2012. Black elementary school students were suspended between 3.04 and 3.60 times what was expected given their representation in the population during this time. For each year, however, white elementary school students were suspended for these offenses much less than would be expected.

Figure 5. Reflects the incarceration rate of youth in the training school. In December 2013, black youth were 9.3 times as likely as white males to be in juvenile detention.

Figure 6. Demonstrates the rate at which white and non-white drivers are stopped. The number is obtained by dividing the percentage of stopped drivers of each race group (as noted in the Northeastern University report for the corresponding year) by the percentage of

the statewide population (as noted in the appropriate Census figures.) In the most recent report, non-white drivers were stopped 1.65 times as often as expected. For each of the years studied, white drivers were stopped less often than expected.

Figure 7. Demonstrates the percentage of drivers of each race group subjected to discretionary searches following a motor vehicle stop. In all the years studied, non-white drivers were searched much more often than white drivers. In the most recent report, non-white drivers were searched 2.3% of the time to white drivers' 1.4%.

Figure 8. Shows the percentage of drivers of each race group subjected to a discretionary search who were found to be carrying contraband. In the most recent study, non-white searched drivers had contraband 40.5% of the time, compared to white drivers' 50.5%.

Figure 9. Demonstrates the ratio of non-white discretionary searches to white discretionary searches. Nine of ten departments examined have seen their disproportionalities increase since the 2003 report. In each study, all ten departments disproportionately searched non-white drivers.

Figure 10. Demonstrates the disproportionate arrest rate of black individuals in thirteen Rhode Island communities, as analyzed by *USA Today*.

Figure 11. Demonstrates the black and white arrest rates for marijuana possession from 2001 to 2010. Black Rhode Islanders were 2.6 times as likely as white Rhode Islanders to be arrested for marijuana during that period.

Figure 12. Shows the number of individuals of each race group, per 100,000 Rhode Island residents, incarcerated at the ACI. In 2010, blacks were incarcerated at a rate nearly nine times that of the white population.

Endnotes

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- ¹ ACLU of Rhode Island. (2014) Blacklisted: Racial Bias in School Suspensions in Rhode Island. Page 8.
<http://riaclu.org/images/uploads/Blacklisted-_Racial_Bias_in_School_Suspensions_in_Rhode_Island.pdf>
- ² Ibid., p. 15.
- ³ Ibid., p. 14.
- ⁴ Ibid., p. 11-12.
- ⁵ Ibid.
- ⁶ Rhode Island KIDS COUNT. (2014) "Racial and Ethnic Disparities." *Rhode Island KIDS COUNT Factbook*.
<<http://www.rikidscount.org/matriarch/documents/Ind6.pdf>>
- ⁷ Farrell, Amy; McDevitt, Jack; Cronin, Shea; and Pierce, Erica. "Rhode Island Traffic Stops Statistics Act: final report" (2003) *Institute on Race and Justice Publications*. Paper 15
- ⁸ Farrell, Amy and McDevitt, Jack. "Rhode Island traffic stop statistics data collection study 2004-2005: final report" (2006). *Institute on Race and Justice Publications*. Paper 11.
- ⁹ McDevitt, Jack; Iwama, Janice; and Bailey-Laguerre, Lisa. "Rhode Island Traffic Stop Statistics Data Collection Study." (2014) *Northeastern University Institute on Race and Justice*.
- ¹⁰ Ibid., p. 44.
- ¹¹ Ibid., p. 48.
- ¹² Ibid., p. 74.
- ¹³ Ibid., p. 85.
- ¹⁴ ACLU of Rhode Island. *The Persistence of Racial Profiling in Rhode Island: An Analysis and Recommendations*. (2005) <<http://riaclu.org/images/uploads/racialprofilingreportMay05.pdf>>
- ¹⁵ Heath, Brad. "Racial gap in U.S. arrest rates: 'Staggering disparity'." *USA Today*. November 19, 2014.
< <http://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207>>
- ¹⁶ American Civil Liberties Union. *The War on Marijuana in Black and White*. (2013) Page 21.
< http://riaclu.org/images/uploads/The_War_on_Marijuana_in_Black_and_White.pdf>
- ¹⁷ Ibid., p. 174.
- ¹⁸ Prison Policy Initiative. "Rhode Island profile." Accessed January 14, 2015.
<<http://www.prisonpolicy.org/profiles/RI.html>>
- ¹⁹ This report was prepared by ACLU of Rhode Island policy associate Hillary Davis.



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