Council on Crime and Justice

African American Males in the Criminal Justice System

Purpose and Background

The purpose of this report is to examine the experience of African American males in the criminal justice system. The focus is on males, 18 to 30 years old who are arrested, convicted, and sentenced in Hennepin County District Court. Data on arrests are from the Minneapolis Police Department and the Bureau of Criminal Apprehension (BCA). Data on jail bookings were obtained from the Hennepin County Sheriff. Data on court dispositions and sentences were provided by Hennepin County District Court.

The information contained in this report reflects some of the data being compiled as part of a larger effort to examine the nature, extent, and causes of racial disparities throughout Minnesota's criminal justice system. Compared to other states, Minnesota has the greatest black-to-white disparity in imprisonment rates. In 1997, the most recent year for which state-by-state data are available, the ratio of African Americans to whites in state prison was 25.09 to 1. This is the highest ratio of all states. In 2000, 37.2% of the state's prisoners were African American. By comparison only 3.5% of the population of Minnesota was African American. The disparities are not limited to the "back end" of the criminal justice system. For violent offenses, the arrest rate of African Americans in 1999 was 1,621 per 100,000. The comparable arrest rate for whites was 76 per 100,000 resulting in African Americans being 21 times more likely to be arrested for violent crimes than whites.

In Hennepin County in 1999, African Americans represented over half (51.5%) of the arrests for violent crimes[1] and whites represented 29.5% of violent crime arrests. Of all counties in Minnesota only Ramsey County was higher in the percentage of African Americans arrested for violent crimes (52.9%). African Americans accounted for a smaller percentage of arrests for property crimes (33.3%) than whites (40%). The percentage of African Americans arrested for violations of narcotic drug laws was twice as high as the percentage of whites arrested, 58.7% compared to 30%.

[1] Violent crimes include murder, rape, robbery and aggravated assault.

Data

The Council on Crime and Justice analyzed data on traffic stops collected by the Minneapolis Police Department during a six-month period from May to October 2000. The driver's race/ethnicity was identified, however data on the driver's gender and age were not collected. Findings from the report issued to the Minneapolis Police Department in April 2001 are included in the data presented here.

Data on adult arrests from the Minneapolis Police Department were analyzed separately from data for Hennepin County as a whole. Data on arrests from the Minneapolis Police Department were also combined with arrest data for the other Hennepin County law enforcement agencies obtained from the BCA. Arrests are reported using the FBI Uniform Crime Reporting Program (UCR) categories: Homicide, rape, robbery and aggravated assault, burglary, larceny-theft, motor vehicle theft, arson (Part I crimes). Also included are other assaults, forgery, fraud, embezzlement, stolen property, vandalism, weapons, prostitution, sex offenses, narcotic drug laws, gambling, offenses against family and children, driving under the influence, liquor laws, disorderly conduct, vagrancy, and all other offenses excluding traffic (Part II crimes).

Data from the Hennepin County Adult Detention Center on all 18 – 30 year old males booked and released between January 1, 2000 and January 14, 2001 were obtained and analyzed by the Office of Planning and Development. Data on factors that contribute to the length of stay (prior criminal record, current number of charges, ability to pay bail, and length of residence in Minnesota, among others) are not included in the analysis.

Data on court dispositions and sentences include all charges disposed in 1998 in the Fourth Judicial District criminal court (Hennepin County). Sentences for cases involving multiple criminal charges reflect the most punitive sentence. To allow for a comparison to arrests, dispositions and sentences are categorized according to the UCR crime types listed above. Data on defendants' criminal histories, a factor used in determining sentence length, are not included in the data presented.

Analysis and Findings

Traffic Stops

Between May and October 2000, African Americans accounted for 37% of traffic stops citywide, compared to 18% of the population in 2000. White drivers represented 43% of drivers stopped, and just under two-thirds of the 2000 resident population. Although they were not stopped more often than whites, African Americans were over-represented when compared to their population percentage.

Table 1. Minneapolis Traffic Stops and Population by Race

Race	Vehicle Stops	2000 Population	Variation
White	43%	65%	- 22.0
Black	37%	18%	+ 19.0

Since the baseline for comparison is the racial composition of the resident population, the exact cause of the overrepresentation of African Americans in traffic stops cannot be determined. Ideally the baseline for comparison would be the racial composition of traffic violators or of the driving population. None of these data were available for this analysis. The racial difference in traffic stops may be the result of police action that relies in some way on the race of the individual rather than on an individual's behavior—racial profiling. Although racial profiling is one of the possible explanations, the racial disparity in traffic stops could also be explained by other factors such as differences in driver behavior or vehicle condition. The data needed to determine whether these differences exist are not available.

Another possible explanation of the racial disparity in traffic stops between African Americans and whites is the geographic concentration of policing activity. Calls for police service, also referred to as Computer Assisted Dispatch (CAD) events, are an indicator of police activity. If police activity is focused in neighborhoods that also have relatively large African American populations, the likelihood of being stopped would be higher in these neighborhoods than in others.

Of the 182,801 CAD events from May to October 2000, excluding officer-initiated traffic stops, 50% were concentrated in 12 neighborhoods. Five of these neighborhoods were home to a quarter (25.7%) of the African Americans living in the City of Minneapolis in 2000. Approximately 4 of every 10 (39.5%) traffic-stops in which the driver was Black occurred in these five neighborhoods. The remainder (60%) of the Blacks stopped were disbursed among 74 neighborhoods, 11 of these neighborhoods each accounted for 2% – 5% of Blacks stopped and the other 63 neighborhoods each accounted for less than 2% of Blacks stopped.

Further analysis is needed before concluding that the observed concentration of police activity is responsible for African Americans being stopped more often than whites. The concentration of police activity may not explain why traffic stops of African Americans are disproportionally higher than their representation in the population. The five neighborhoods that accounted for 40% of all African Americans stopped are among the neighborhoods where the percentage of African Americans stopped was higher than the population percentage.

Table 2. Five Neighborhoods Accounting for 40% of Blacks Stopped

	Percent of Citywide CAD Events*	Percent of Citywide Traffic Stops	Percent of Citywide Total Population	Percent of Citywide Black Population	Percent of Total Blacks Stopped
Phillips	11.3%	9.8%	5.2%	8.5%	11.7%
Downtown West	6.7%	7.0%	1.2%	1.5%	6.1%
Whittier	4.7%	6.7%	4.0%	4.4%	5.6%
Jordan	4.5%	4.2%	2.4%	6.6%	8.0%
Hawthorne	4.4%	4.7%	1.7%	4.7%	8.1%
Total	**31.6%**	**32.3%**	**14.4%**	**25.7%**	**39.5%**

Arrest

In 1999 a higher percentage of African American males were arrested in Hennepin County for violent crimes than white males, 48.8% compared to 30.2%. White males accounted for a higher percentage of arrests for property crime (44.5%) compared to African American males (28.9%). Comparing rates of arrest, African American males age 18 to 30 were arrested at a rate of 3779 per 100,000 for the most serious violent crimes, the violent crime arrest rate for whites males age 18 to 30 was 323. For the most serious property crimes, African American males age 18 to 30 were arrested at a rate 4.7 times the rate for white males of the same age. Using the UCR categories for crimes, narcotic drug law offenses are included among the 20 "less serious" crimes. More than twice as many African American males were arrested for narcotic drug laws than white males. The arrest rate of African American males 18 – 30 years old for narcotics offenses (18,568) is fifteen times the arrest rate of the same age white males (1236). See Table 4. below for the percentages of African American males and white males arrested in Hennepin County for specific offenses.

Table 3. 1999 Arrests of 18 – 30 Year Old Males by Race and Crime Type Hennepin County

	African American Males		**White Males**	
UCR Type	Number	Percent %	Number	Percent %
Part I Violent	415	48.8	257	30.2
Part I Property	498	28.9	768	44.5
Part II	7842	40.4	8329	43.0

Table 4. 1999 Arrests of 18 – 30 Year Old Males by Race and Offense Type
Hennepin County

	African American Males		White Males	
UCR Category	Number	Percent %	Number	Percent %
Murder	12	42.9	7	25.0
Rape	44	41.5	41	38.7
Robbery	131	63.6	37	18.0
Aggravated Assault	228	44.6	172	33.7
Burglary	68	28.0	139	57.2
Larceny	353	27.5	561	43.7
Other Assaults	976	47.7	620	30.3
Forgery	89	37.2	82	34.3
Fraud	53	21.2	127	50.8
Stolen Property	132	47.1	89	31.8
Vandalism	300	42.0	274	38.4
Weapons	331	61.5	117	21.7
Prostitution	160	49.8	58	18.1
Sex Offenses	18	24.7	39	53.4
Narcotic Drug Laws	2039	60.0	985	29.0
DUI	194	8.1	1852	77.3
Liquor Laws	481	17.9	1806	67.1
Disorderly Conduct	951	43.2	922	41.9
Other Offenses	2024	49.6	1319	32.3

In Minneapolis a higher percentage of African American males were arrested for violent, property and drug crimes than in Hennepin County overall. In 1999, African American males accounted for more than two-thirds (67.4%) of the arrests for violent crimes in Minneapolis and more than half (57.4%) of the arrests for property crimes. African American males also accounted for over three-fourths of the arrests for narcotic drug laws in Minneapolis (77.1%). In the same year, white males represented only 13.8% of the narcotic drug law arrests. The percentages of African American and white males arrested in Minneapolis appear in Tables 5 and 6.

Table 5. 1999 Arrests of 18 – 30 Year Old Males by Race and Crime Type
Minneapolis

	African American Males		White Males	
UCR Type	Number	Percent %	Number	Percent %
Part I Violent	346	67.4	66	12.9
Part I Property	291	57.4	132	26.0
Part II	6903	60.3	2712	23.7

Table 6. 1999 Arrests of 18 – 30 Year Old Males by Race and Offense Type
Minneapolis

	African American Males		White Males	
UCR Category	Number	Percent %	Number	Percent %
Murder	11	47.8%	5	21.7%
Rape	33	62.3%	9	17.0%
Robbery	101	79.5%	10	7.9%
Aggravated Assault	201	64.8%	42	13.5%
Burglary	48	42.9%	44	39.3%
Larceny	184	59.5%	78	25.2%
Vehicle Theft	53	67.1%	9	11.4%
Other Assaults	775	56.9%	288	21.2%
Forgery	69	57.5%	26	21.7%
Fraud	32	62.7%	13	25.5%
Stolen Property	94	68.1%	23	16.7%
Vandalism	270	53.9%	140	27.9%
Weapons	325	70.3%	64	13.9%
Prostitution	160	50.2%	57	17.9%
Sex Offenses	15	50.0%	8	26.7%
Narcotic Drug Laws	1885	77.1%	338	13.8%
DUI	90	18.3%	278	56.6%
Liquor Laws	431	33.6%	552	43.0%
Disorderly Conduct	866	51.9%	581	34.8%
All Others	1798	74.0%	317	13.1%

Jail Bookings and Length of Stay

The total number of jail bookings for 18 – 30 year old black men was 1.8 times higher than jail bookings of white men of the same age, 12,726 total bookings for blacks and 6934 total bookings for whites. These numbers reflect booking episodes, a individual person may be booked multiple times with each of those bookings counted in the total. The 15 most common charges for which African Americans were booked are given in Table X. Three of the charges (weapons, lurking, and trespassing) are not among the 15 charges with the most bookings for whites. The 15 charges with the most bookings for whites include DWI, aggravated DWI, aggravated driving and public consumption, charges that are not included in the top 15 for blacks.

The length of time that 18 to 30 year-old African Americans stay in jail is longer than whites. This is particularly true for certain crimes such as narcotics, crimes against the person, property crimes and weapon violations. This is true for both the unadjusted and the adjusted averages. The adjusted average was calculated by removing cases that exceed three standard deviations from the unadjusted mean.

Table 7. 2000 Main Booking Charge and Unadjusted Average Length of Jail Stay

AVERAGE LENTH OF STAY IN HOURS

Main Booking Charge	Black (non-Hispanic)		White (non-Hispanic)	
	Number	Avg. LOS	Number	Avg. LOS
ALL CRIMES*	12,726	96.86	6,934	67.22
NARCOTICS (FELONY)*	2,164	108.02	519	69.09
DAS/DAR/DAC (TRAFFIC)	1,207	13.33	412	14.24
DOMESTIC VIOLENCE (MISDEMEANOR)	821	80.46	430	60.04
CRIME/PERSON (FELONY)*	807	358.67	391	251.93
NO VALID DL (TRAFFIC)*	663	14.65	178	9.76
CRIME/PROPERTY (FELONY)*	440	224.25	388	127.05
DISORDERLY CONDUCT (MISDEMEANOR)*	425	27.30	321	15.21
HOLD FOR OTHER MISDEMEANOR	408	18.33	542	18.08
UUOMV/AUTO THEFT (FELONY)*	365	105.99	89	150.66
OTHER TRAFFIC*	361	21.12	180	17.46
LURKING (MISDEMEANOR)	283	22.11	54	15.26
WEAPONS (FELONY)*	270	307.92	58	186.35
TRESPASSING (MISDEMEANOR)	248	31.88	57	28.81
INSURANCE (TRAFFIC)	231	11.56	167	11.86
THEFT (MISDEMEANOR)	228	33.50	100	20.36

*indicates statistically significant differences between means

Table 8. 2000 Main Book Charge and Adjusted Length of Stay

Main Booking Charge	Black (non-Hispanic)		White (non-Hispanic)	
	Number	Avg. LOS	Number	Avg. LOS
ALL CRIMES*	12,507	59.2104	6,837	41.6112
NARCOTICS (FELONY)*	2,132	83.52	507	54.4704
DAS/DAR/DAC (TRAFFIC)	1,193	10.8216	406	12.1872
DOMESTIC VIOLENCE (MISDEMEANOR)*	808	59.0688	424	40.9224
CRIME/PERSON (FELONY)*	787	271.488	379	154.3968
NO VALID DL (TRAFFIC)*	655	11.268	173	7.6416
CRIME/PROPERTY (FELONY)*	424	139.4208	379	90.636
DISORDERLY CONDUCT (MISDEMEANOR)*	421	18.7392	315	10.416
HOLD FOR OTHER MISDEMEANOR	402	16.9872	535	16.0152
UUOMV/AUTO THEFT (FELONY)*	354	73.1616	86	106.2912
OTHER TRAFFIC	351	17.58	175	15.3648
LURKING (MISDEMEANOR)	278	16.932	52	12.3264
WEAPONS (FELONY)*	259	203.7576	57	113.2464
TRESPASSING (MISDEMEANOR)	241	22.8792	56	16.5528
INSURANCE (TRAFFIC)	225	8.7504	164	10.0056
THEFT (MISDEMEANOR)*	227	23.6784	98	18.0312

*indicates statistically significant differences between means

Disposition and Sentence

Criminal cases charged in court are disposed of by conviction, acquittal, dismissal, continued for dismissal, or are referred for diversion. Conviction rates, or the percentage of cases disposed by conviction, are reported in the following table for UCR offenses by the race of the defendant. For cases disposed in 1998, the conviction rate for African American males was higher than for white males when the charge was rape or burglary. However, the conviction rate for African American males was lower than the rate for white males in murder, robbery and aggravated assault cases. Similar rates of conviction for African American and white defendants were observed for larceny – theft offenses. A higher percentage of white males compared to African American males were convicted on charges of vehicle theft. There does not appear to be a consistent pattern in the percentage of defendants convicted by race for violent and property offenses. In some instances the conviction rate is higher for African American males, in other instances the rate is higher for white males.

Table 9. Number and Percent Convicted on UCR Offenses by Race of Defendant

Crime	African American Males		White Males	
	Number	Percent %	Number	Percent %
Homicide	23	51.1	5	55.6
Rape	22	75.9	19	73.1
Robbery	73	73.7	20	80.0
Aggravated Assault	68	78.2	49	87.5
Burglary	33	75	46	69.7
Larceny*	220	58.8	251	60.9
Vehicle Theft	34	47.9	27	65.9
Simple Assault	252	27.5	248	42.8
Fraud	46	51.7	48	43.2
Vandalism	67	34.2	98	53.3
Weapons	126	69.6	54	65.9
Narcotics*	606	43.6	550	60.5
D.W.I.	166	64.8	806	83.5
Liquor Laws*	126	38.3	760	69.6
Disorderly Conduct	845	41.2	746	59.8
Other Offenses	116	67.4	115	75.7

* For these crime categories the race of the defendant is unknown for over 10% of the disposed cases.

Table 10. Number and Percent Sentenced to Prison by Race

UCR Category	African American Males		White Males	
	Number	Percent %	Number	Percent %
Homicide	21	91.3	5	100
Rape	14	63.6	4	21.1
Robbery	49	67.1	12	60.0
Aggravated Assault	23	33.8	20	40.8
Weapons	36	28.6	6	11.1
Narcotics	63	10.4	26	4.7

Table 11. Number and Percent Sentenced to County Workhouse* by Race

	African American Males		White Males	
UCR Category	Number	Percent %	Number	Percent %
Rape	4	18.2	12	63.2
Robbery	18	24.7	8	40.0
Aggravated Assault	40	58.8	27	55.1
Burglary	19	57.6	30	65.2
Larceny	106	48.2	87	34.7
Vehicle Theft	23	67.6	14	51.9
Simple Assault	164	65.3	115	46.4
Fraud	28	60.9	13	27.1
Vandalism	43	64.2	33	33.7
Weapons	64	50.8	28	51.9
Narcotics	268	44.2	92	16.7
D.W.I.	137	83.5	132	90.8
Liquor Laws	74	58.7	500	65.8
Disorderly Conduct	410	48.5	220	29.5
Other Offenses	95	73.6	72	50.3

* Including stayed prison sentences

Observations

1. The over-representation of 18-30 year old African American males in the criminal justice system is present at the point of traffic stops by police and continues through to conviction, including sentences that provide for either prison or workhouse time.

2. The over-representation of 18-30 year old African American males in arrests is generally true for most crimes; but it is particularly acute for certain crimes (robbery, drug offenses and weapons charges). For some crimes (driving under the influence and liquor law violations) African American males are under-represented in comparison to white males.

3. The conviction rate for the more serious crimes (homicide, rape, robbery, burglary) is generally comparable between African American and White males. However, the conviction rate for African American males is much lower for some of the less serious crimes such as vandalism, disorderly conduct and drug offenses. While numerous explanations may account for the lower conviction rates, e.g. better legal representation, one possible explanation that deserves further examination is whether police are making arrests of poor quality for these lesser crimes.

4. The traffic stop data shows that the neighborhoods with the highest percentage of stops of African Americans are also neighborhoods with a high volume of requests for police assistance, the so-called Computer Assisted Dispatch (CAD) calls. If police resources are more focused in neighborhoods with relatively large African American populations, this may explain the high disproportionality in arrests for the lower level nuisance crimes (the greater the police presence, the more likely that arrests will be made) and the lower conviction rate among African American males for those same offences.

5. Given the disparate involvement of young African American males in the criminal justice system in Hennepin County, it is highly likely that the level of trust for the justice system within the African American community is very low. (A 1999 survey by the National Center for State Courts found that almost 70% of African-American respondents said that African-Americans, as a group, receive "Somewhat Worse" or "Far Worse" treatment from the courts than other people.) The rebuilding of the trust level is important to the integrity of the justice system. Most importantly, it is important to the African American community whose own peace and safety is best served by a generally accepted respect for the rule-of-law, not by a disproportionate presence of the police and the criminal justice system.

6. Large gaps exist in the data currently available. This seriously hampers any rigorous analysis of the causes underlying the disproportionate involvement of African American males in the criminal justice system. For example, traffic stop

data is now limited in Hennepin County to the data collected by the Minneapolis Police Department. The data currently available from the Minneapolis Department is incomplete in that it does not include the reason for the stop (this data is now being collected). Further there are no data by race that would allow a systematic examination of police arrests brought to the prosecutor's office for review, nor for those cases brought forward, what cases are declined, changed or diverted.

Recommendations

1. Hennepin County, through its criminal justice entities, should explore the feasibility of a pilot project that would make additional options available to low-risk arrestees for release from detention prior to their first court appearance. These options should utilize community resources to provide safe housing, counseling services, and referrals to community programs. The options would build defendants' self-improvement skills and increase the likelihood that they will appear in court.

2. Efforts to recruit and retain personnel with culturally diverse backgrounds in the criminal justice system should be increased in order to better reflect the diversity of the clients. Cultural diversity training of criminal justice personnel should be increased to enhance their ability to work more effectively with clients from culturally diverse backgrounds.

3. Existing gaps in available data should be filled. All police departments in Hennepin County should minimally collect the following data:

    - location of the stop;
    - date and time of the stop;
    - age, race/ethnicity, and gender of the driver;
    - reason for the stop;
    - disposition of the stop (arrest, citation, warning, or no action);
    - whether a search was conducted of the driver, passengers or vehicle;
    - the authority for the search, if conducted
    - the result of the search—whether any contraband was discovered or seized and the nature of the contraband.

    Additionally, county and city prosecutors' offices should record the race of defendants in all cases reviewed and the decision to decline, charge, divert, etc.

4. A rigorous analysis of the causes underlying the disproportionate involvement of 18 to 30 year old African American males in the criminal justice system should be undertaken. To the extent that such an analysis is possible as part of the research being conducted by the Council on Crime and Justice, the Council's efforts

should be given the full support and cooperation of all stakeholders in the justice system in Hennepin County.