

**YORK COLLEGE
CRIMINOLOGY AND
CRIMINAL JUSTICE
FORUM**

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York College Criminology and Criminal Justice Forum Posting

The current York College Criminology and Criminal Justice Forum posting comes from Dr. Pete Leasure and highlights two pieces on racial disparities within the U.S. criminal justice system.

The first piece, a study published in the *Journal of the American Statistical Association*, was titled *An Analysis of the New York City Police Department's "Stop-and-Frisk" Policy in the Context of Claims of Racial Bias* and authored by Andrew Gelman, Jeffrey Fagan, and Alex Kiss. The abstract of the study is presented below.

Recent studies by police departments and researchers confirm that police stop persons of racial and ethnic minority groups more often than whites relative to their proportions in the population. However, it has been argued that stop rates more accurately reflect rates of crimes committed by each ethnic group, or that stop rates reflect elevated rates in specific social areas, such as neighborhoods or precincts. Most of the research on stop rates and police–citizen interactions has focused on traffic stops, and analyses of pedestrian stops are rare. In this article we analyze data from 125,000 pedestrian stops by the New York Police Department over a 15-month period. We disaggregate stops by police precinct and compare stop rates by racial and ethnic group, controlling for previous race-specific arrest rates. We use hierarchical multilevel models to adjust for precinct-level variability, thus directly addressing the question of geographic heterogeneity that arises in the analysis of pedestrian stops. We find that persons of African and Hispanic descent were stopped more frequently than whites, even after controlling for precinct variability and race-specific estimates of crime participation.

The study is available at this link:

<https://amstat.tandfonline.com/doi/pdf/10.1198/016214506000001040>.

Worthy of note, the New York “Stop and Frisk” policy was later ruled unconstitutional in *Floyd v. City of N.Y.* - 959 F. Supp. 2d 540 (S.D.N.Y. 2013) because the court found in part that the policy resulted in indirect racial profiling. A link to a summary of the case is available at this link: <https://www.lexisnexis.com/community/casebrief/p/casebrief-floyd-v-city-of-n-y>.

The second piece, a report titled *The Growth of Incarceration in the United States: Exploring Causes and Consequences* and authored by Jeremy Travis (editor), Bruce Western (editor), Steve Redburn (editor), Committee on Causes and Consequences of High Rates of Incarceration, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education, and the National Research Council, was published by the National Academy of Sciences. The report’s main goal was to identify the causes and consequences of the high levels of incarceration in the U.S. However, the report also discussed research on racial disparities in imprisonment.

The report (pg. 93) noted that

the combined federal and state incarceration rate for non-Hispanic black men (3,023 per 100,000) was more than six times higher than that for non-Hispanic white men (478). The Hispanic rate (1,238) was slightly more than two-and-one half times the white rate (Carson and Sabol, 2012, Table 8).

However, was this racial disparity in imprisonment caused by higher minority crime rates? One way to address this question is to examine if arrest rates are higher for minorities, thus explaining the higher incarceration rate. The report (pg. 93) noted that

[i]n the 1980s and early 1990s, racial differences in arrests appeared to correspond closely to racial differences in imprisonment for serious violent crimes but not for property or drug crimes (Blumstein, 1982, 1993). In the 2000s, racial differences in arrests do not correspond closely to racial differences in imprisonment for violent, property, or drug crimes (Tonry and Melewski, 2008; Baumer, 2010).

Therefore, racial differences in arrests could not fully explain the racial disparities in incarceration. The report (pgs. 93-94) also detailed a long line of research finding

that blacks are more likely than whites to be confined awaiting trial (which increases the probability that an incarcerative sentence will be imposed), to receive incarcerative rather than community sentences, and to receive longer sentences. Racial differences found at each stage are typically modest, but their cumulative effect is significant (Tonry, 2011a; Spohn, 2013).

The report is available at this link: <https://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.

Both of the above pieces show the presence of racial disparities in the U.S. criminal justice system. However, many questions remain unanswered, including how to eliminate these disparities. The goal of the criminal justice system is to seek justice for all, and these continuing disparities show that this goal is not being met.

Given the importance of this topic, the Criminology and Criminal Justice Department will be introducing a dedicated course which comprehensively examines racial disparities in the U.S. criminal justice system. The course will provide a detailed review of the causes and consequences of racial disparities in the criminal justice system as well as the effectiveness of mechanisms aimed to reduce racial disparity. The course will also challenge students to identify new and innovative policies which could reduce racial disparities in the criminal justice system.

For questions or comments about this post, Dr. Leasure can be reached at pleasure@ycp.edu.