



Racial Justice:  
The Alarming Truth About Race In the  
Criminal Justice System

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LEADERSHIP AUSTIN 2018  
ELIZABETH A. HENNEKE



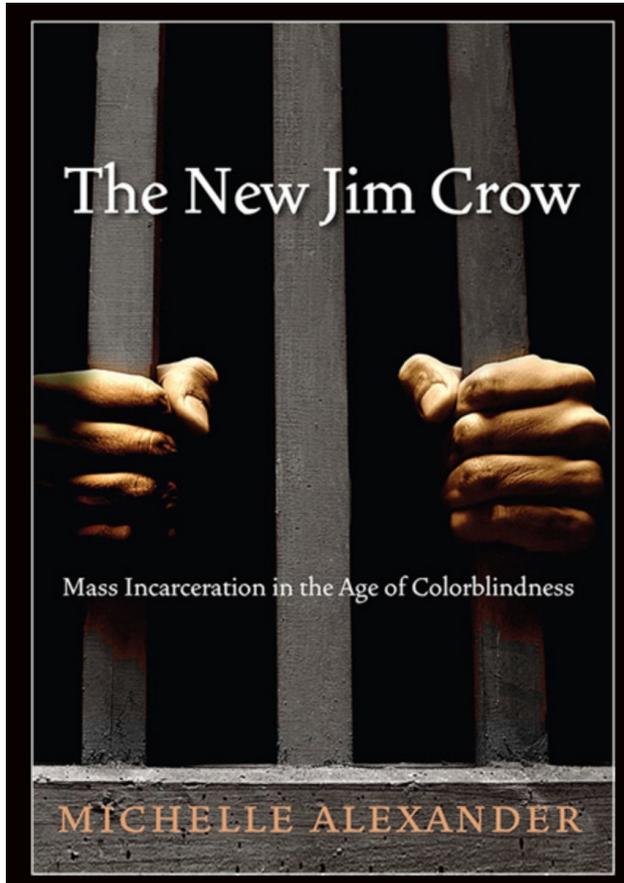
Why is this white girl . . .

from rural Texas . . .

the daughter of a corrections officer . . .

married to a prosecutor . . .

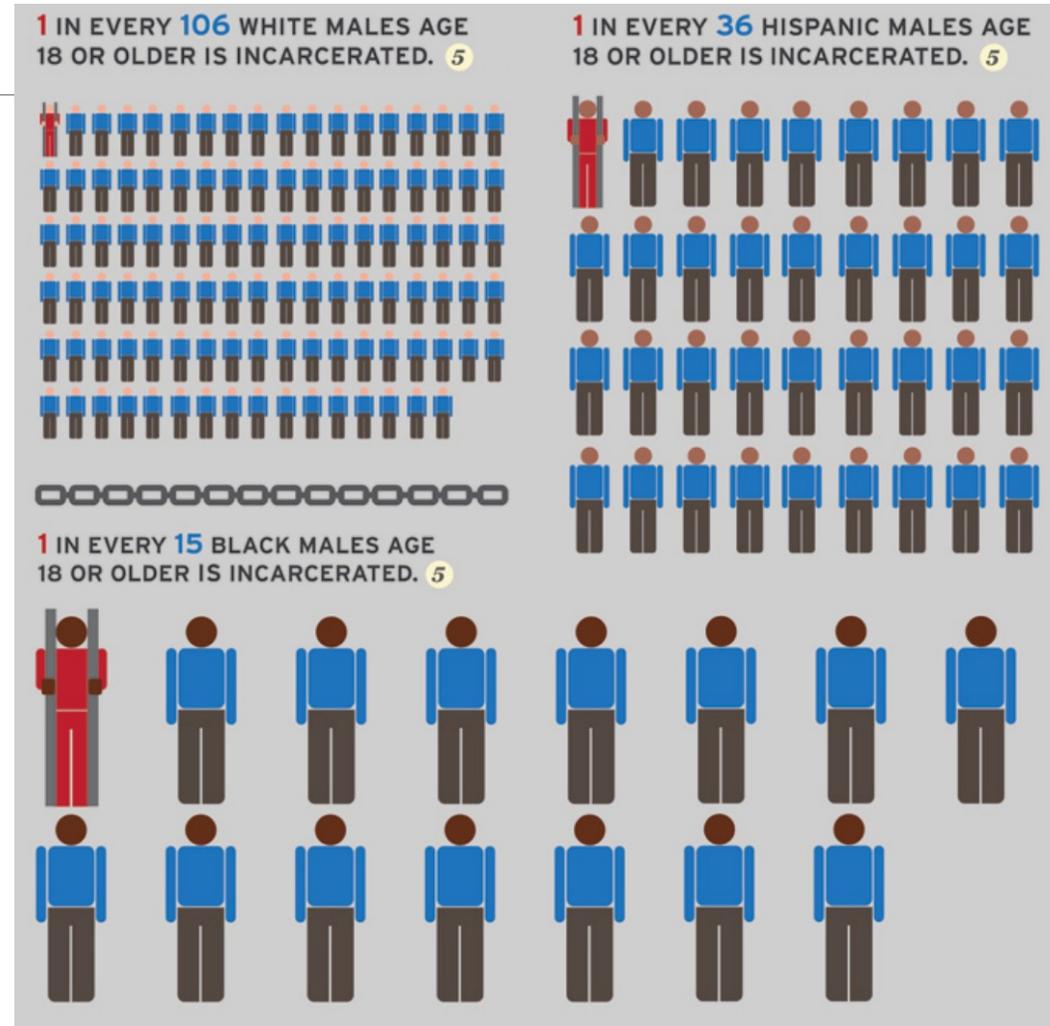
talking to me about race in the criminal  
justice system?



“QUITE BELATEDLY, I CAME TO SEE THAT MASS INCARCERATION IN THE UNITED STATES HAD, IN FACT, EMERGED AS A STUNNINGLY COMPREHENSIVE AND WELL-DISGUISED SYSTEM OF RACIALIZED SOCIAL CONTROL THAT FUNCTIONS IN A MANNER STRIKINGLY SIMILAR TO JIM CROW.”

Michelle Alexander  
The New Jim Crow: Mass Incarceration in the Age of Colorblindness

# 7 Million people in America are under some form of correctional control.



# Racial Disparities

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**1** in every **10** black men in his thirties is in **prison** or **jail** on any given day



# Blacks Commit Crime At Higher Rates . . . Or do they?

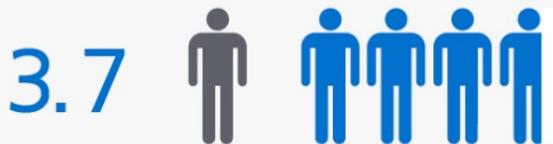
**Figure 10. Racial disparities in marijuana use in past month and marijuana possession arrests, 2010**

## Usage rates



Blacks used marijuana at 1.3 times the rate of whites.

## Arrest rates



Blacks were arrested for marijuana possession at 3.7 times the rate of whites.

*Source: Edwards, E. Bunting, W. Garcia, L. (2013). [The War on Marijuana in Black and White](#). New York, NY: American Civil Liberties Union. (p. 47); U.S. Department of Health and Human Services (2011). [Results from the 2010 Survey on Drug Use and Health: Detailed Tables](#). (Tbl. 1.28B).*

# Disproportionate Minority Contact

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❖ **2011 DOJ Investigation of Ferguson:** Data collected by the Ferguson Police Department from 2012 to 2014 shows that African Americans account for 85% of vehicle stops, 90% of citations, and 93% of arrests made by FPD officers, despite comprising only 67% of Ferguson's population. African Americans are more than twice as likely as white drivers to be searched during vehicle stops even after controlling for non-race based variables such as the reason the vehicle stop was initiated, but are found in possession of contraband 26% less often than white drivers, suggesting officers are impermissibly considering race as a factor when determining whether to search. African Americans are more likely to be cited and arrested following a stop regardless of why the stop was initiated and are more likely to receive multiple citations during a single incident.

❖ **2013 Federal District Court Ruling:** Between January 2004 and June 2012, the New York City conducted 4.4 million stops. Eighty-eight percent of those stops resulted in no further action, and 83 percent of the stopped population were black or Hispanic, despite the fact that those minority groups, together, made up just over half of the city's overall population.



# The Science of Policing Equity

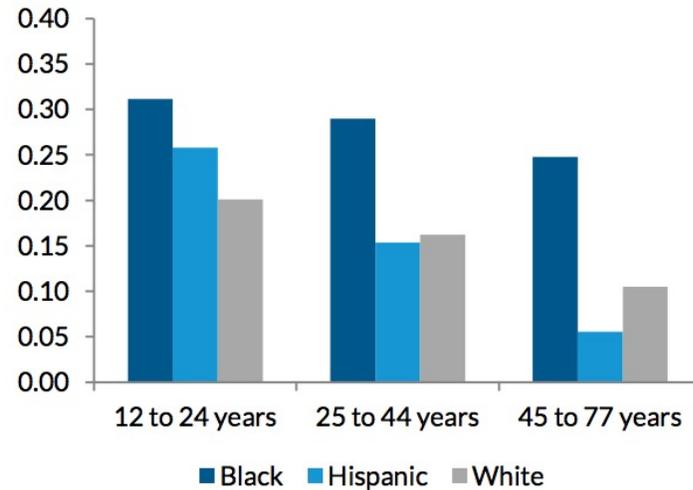
**Measuring Fairness in the Austin Police Department**

# Racial Disparities in Decision to Stop & Search

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FIGURE 9

Probability of Vehicle Search by Age and Race or Ethnicity, 2015



**Source:** Logistic regression model predicting vehicle search, among 7,870 APD vehicle stops ending in arrest in 2015.

**Note:** Model included drivers' race, age, gender, whether race was known before the stop, and interactions between race and age and between age and gender.

# In Austin, More Likely To Be Arrested If Black

FIGURE 5

Per Capita Stops Resulting in a Citation by Race or Ethnicity, 2015

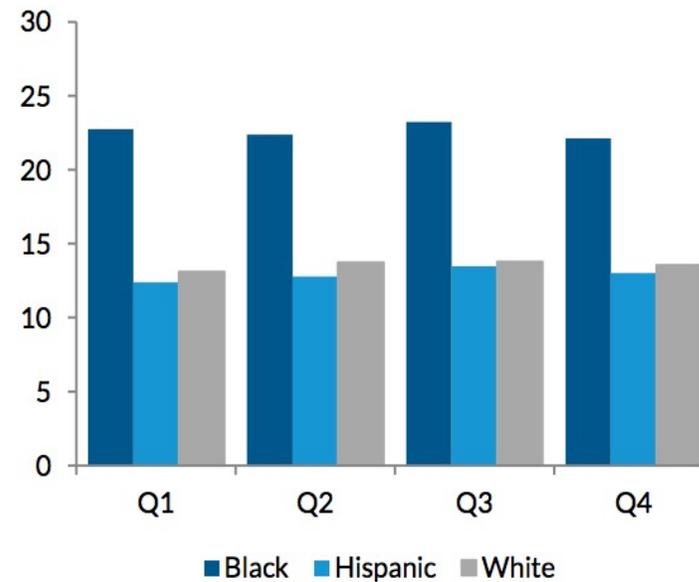
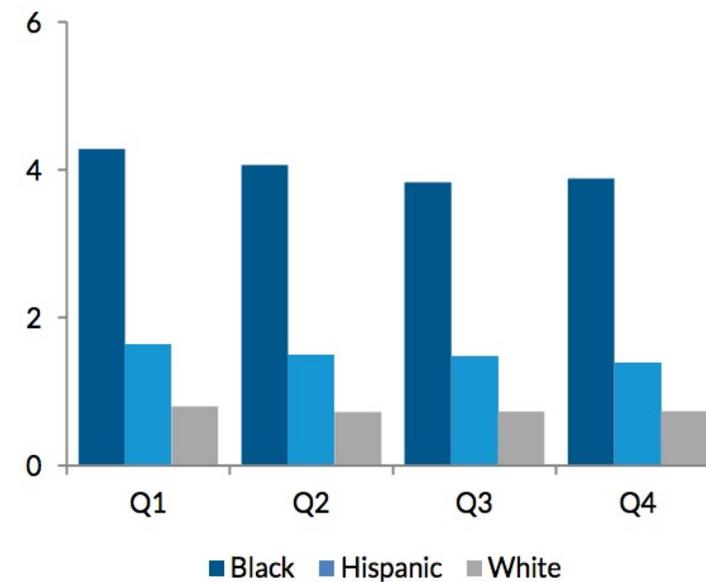


FIGURE 6

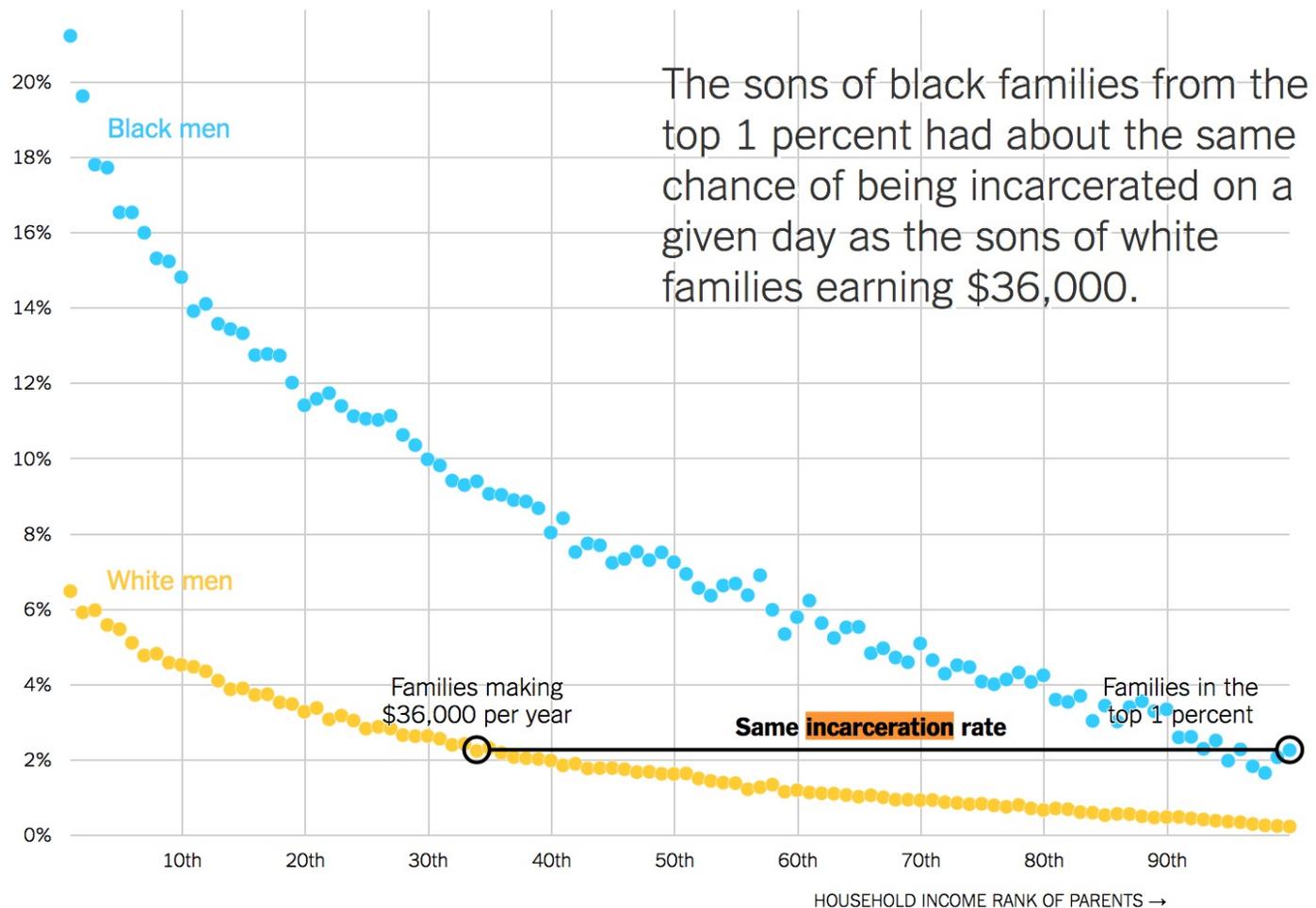
Per Capita Stops Resulting in an Arrest by Race or Ethnicity, 2015



Is race just a proxy for  
wealth?

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Share of the men incarcerated on April 1, 2010



EMILY BADGER, CLAIRE CAIN MILLER, ADAM PEARCE and KEVIN QUEALY, “Extensive Data Shows Punishing Reach of Racism for Black Boys” NYTimes (March 19, 2018)

<https://www.nytimes.com/interactive/2018/03/19/upshot/race-class-white-and-black-men.html>

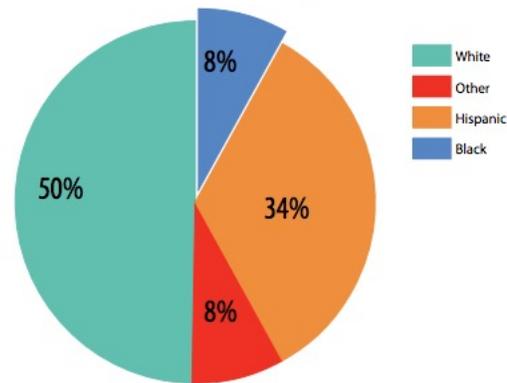
What does this look like  
in Travis County?

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# Grassroots Leadership Report

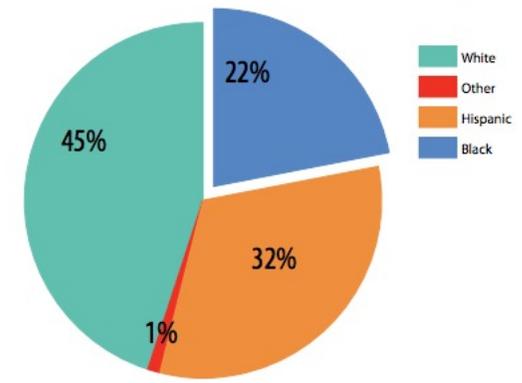


2015 Travis County Population



Source: The County Information Program, Texas Association of Counties

2015 Travis County Jail Bookings\*



Source: Community Advancement Network

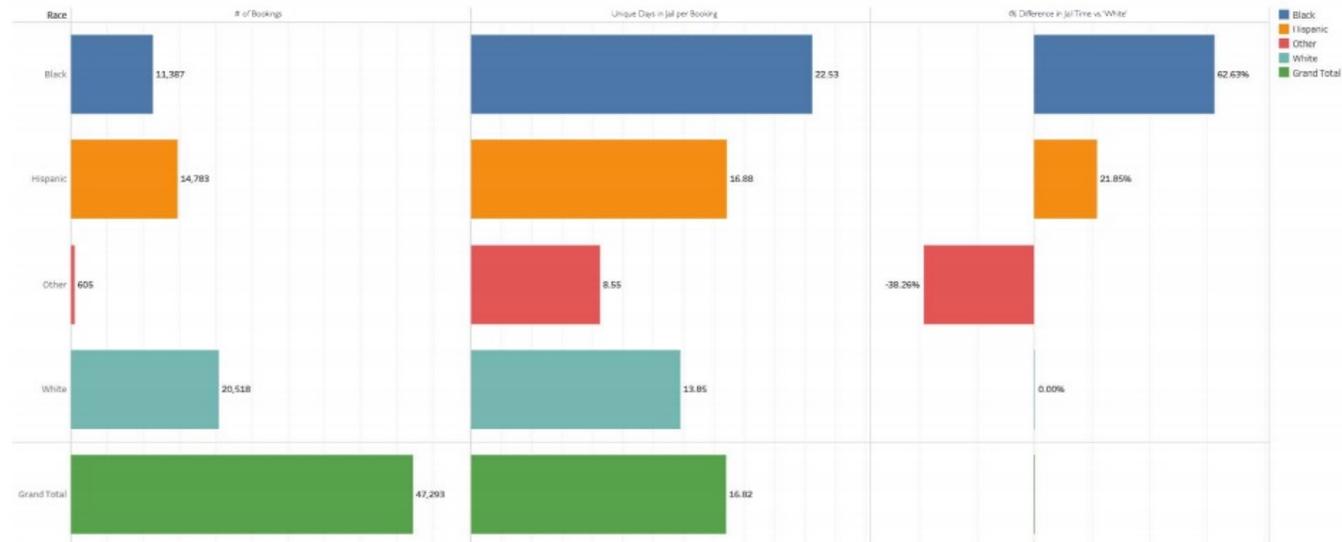
\*Unique Individuals

# Overall Jail Time By Race: Grassroots Leadership

**Figure 1** below provides counts for all bookings in 2015 by race and establishes that those documented as Black and Hispanic by Travis County in 2015 spent significantly more unique days in jail on average per booking.

*Note: # of Bookings, Unique Days in Jail per Booking and % Difference in Jail Time vs. 'White' for each Race. Color shows details about Race. # of Bookings counts each unique Booking # with a Release Date. Unique Days in Jail per Booking calculates the average number of unique days spent in jail per unique Booking # by subtracting the associated Booking Date from the Release Date. Bookings without a Release Date are excluded from this calculation. % Difference in Jail Time vs. 'White' calculates the percentage difference in the average Unique Days in Jail per Booking for each Race vs. the average for Whites.*

**Figure 1. 2015 Jail Time Average By Race**



# Discussion Questions

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- ❖ Does mass incarceration function as a mechanism of racialized social control in the United States today? If so, how?
- ❖ Does the criminal justice system perpetuate exclusions?
- ❖ What do we mean by justice? Innocent v. Guilty? Equality of Opportunity? Public Safety?
- ❖ Are we providing sufficient supports to communities of color?
- ❖ Should we prioritize recovery over punishment? Where does public safety fit in?

“Finally, I’ve come to believe that the true measure of our commitment to justice, the character of our society, our commitment to the rule of law, fairness, and equality cannot be measured by how we treat the rich, the powerful, the privileged, and the respected among us. **The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.**” — Bryan Stevenson, *Just Mercy: A Story of Justice and Redemption*

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