

Disproportionate Minority Representation in the U.S. Justice System

The overrepresentation of people of color in the nation's prisons, particularly African American men and women, has received much attention in recent years. Disproportionate representation of racial or ethnic minorities is also found in all stages of the juvenile justice system.

While public attention has tended to focus on the disproportionate number of youth of color in confinement, this overrepresentation is often a product of actions that occur at earlier points in the juvenile justice system, such as the decision to make the initial arrest, the decision to hold a youth in detention pending investigation, the decision to refer a case to juvenile court, the decision to waive a case to adult court, the prosecutor's decision to petition a case, and the judicial decision and subsequent sanction. Racial or ethnic differences tend to accumulate as youth are processed through the system.

This report presents recent data on disproportionate minority representation of youth and adults in the U.S. justice system.

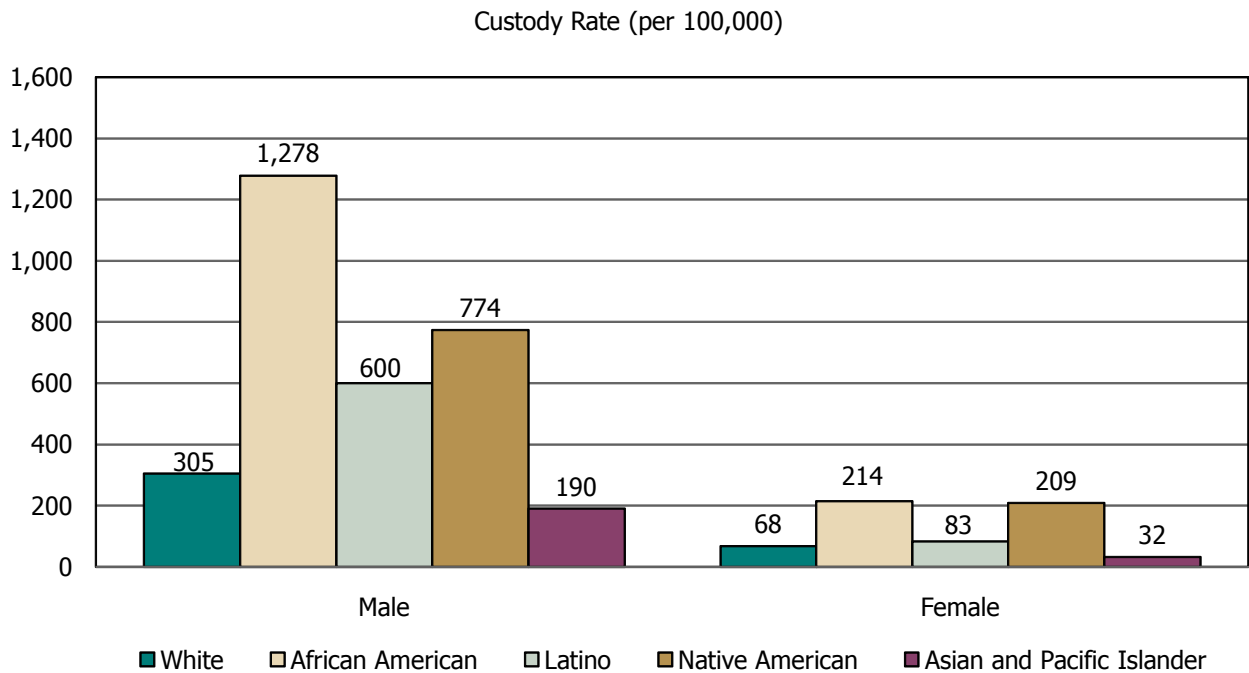
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Overview

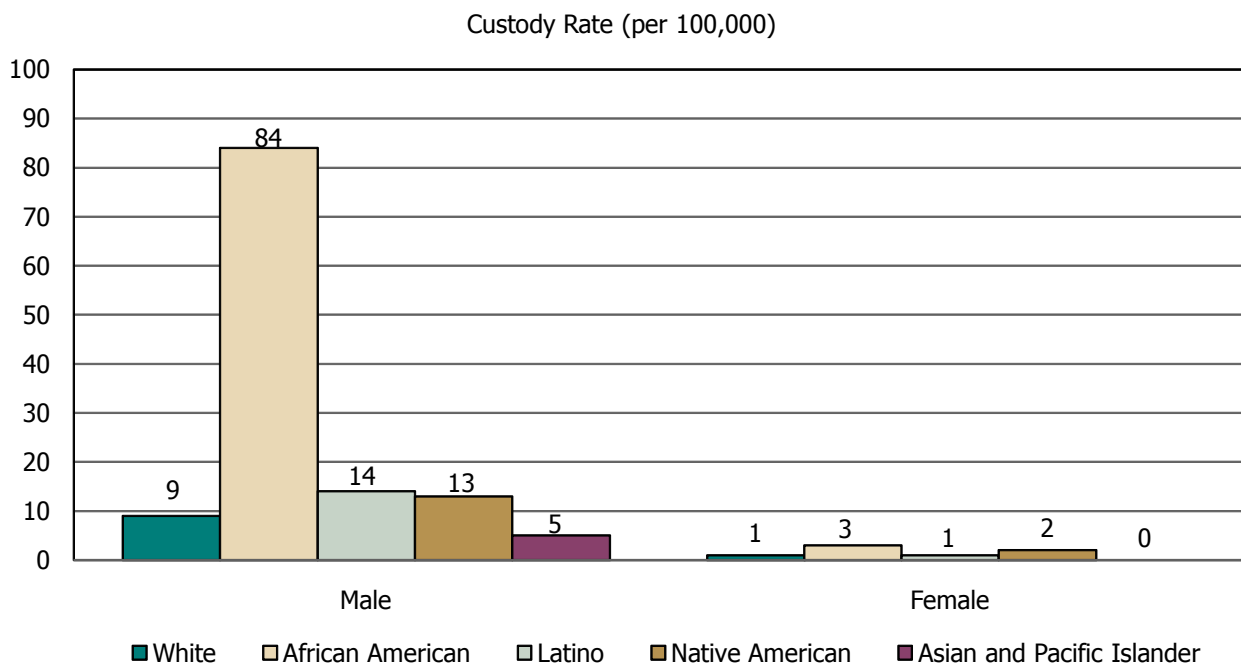
- In 2004, youth of color were overrepresented in the nation's detained population at 3.1 times the rate of White youth, among commitments to public facilities at 2.9 times the rate of White youth, and among private commitments at 2.0 times the rate of White youth.
- Overall, custody rates were 4 times greater for African American youth than for White youth. Custody rates for Latino and Native American youth were 1.8 and 2.6 times the custody rate for White youth, respectively.
- In 2002, an estimated 4,100 new admissions to adult prisons involved youth under the age of 18. Three out of four of these youths were youth of color.
- **In 2003, Wisconsin detained African American youth at a rate 18.4 times the rate for White youth; Latino youth were detained at a rate 3.9 times that for White youth.**
- **In Wisconsin, the custody rate for African American youth was approximately 10 times that for White youth.**

Figure 1: U.S. Residential Custody Rates by Sex and Race/Ethnicity, 2003



Source: *Easy Access to Juvenile Court Statistics, 1985–2003* [online analysis package]. OJJDP (2006).

Figure 2: Youth in Adult Prison: Rates of New Commitments to Prison by Sex and Race/Ethnicity, 2002



Note: Rates are calculated per 100,000 youth age 10 to 17 years of age in the general population. Persons of Latino origin may be of any race. Racial categories (e.g., White youth) do not include youth of Latino origin.

Source: National Corrections Reporting Program, 2002. Bureau of Justice Statistics. *Easy Access to Juvenile Populations, 1985–2003* [online analysis package]. OJJDP (2006).

Table 1: Indices of Overrepresentation of Youth of Color in Custody, 2003

	Ratio of youth of color to White rate			Ratio of youth of color to White rate			
	Committed			Committed			
	Detained	Public	Private	Detained	Public	Private	
U.S. Total	3.1	2.9	2.0				
Alabama	3.1	2.7	1.9	Missouri	6.4	2.9	5.5
Alaska	5.2	3.1	3.4	Montana	3.7	2.8	3.5
Arizona	1.3	2.0	1.0	Nebraska	5.5	4.9	2.5
Arkansas	2.5	2.8	3.1	Nevada	1.7	1.5	1.2
California	2.2	2.7	1.3	New Hampshire	2.3	3.5	0.6
Colorado	2.5	2.6	1.3	New Jersey	8.0	8.8	6.6
Connecticut	6.9	3.5	4.1	New Mexico	1.6	2.3	2.6
Delaware	7.4	5.7	5.6	New York	3.7	6.6	1.8
District of Columbia	8.7	--	0.5	North Carolina	3.6	4.6	1.0
Florida	1.6	1.2	1.7	North Dakota	5.5	7.4	3.8
Georgia	2.8	4.4	1.5	Ohio	3.9	3.8	2.9
Hawaii	0.6	6.6	--	Oklahoma	2.2	2.7	1.3
Idaho	2.1	2.4	0.8	Oregon	2.0	1.5	1.2
Illinois	4.3	2.7	1.8	Pennsylvania	5.9	6.6	7.4
Indiana	3.3	3.6	1.5	Rhode Island	--	3.6	2.6
Iowa	3.8	4.6	2.9	South Carolina	2.5	3.4	2.3
Kansas	4.0	4.0	3.1	South Dakota	7.9	4.2	6.0
Kentucky	5.0	4.0	3.0	Tennessee	4.0	2.8	3.6
Louisiana	2.4	4.5	2.4	Texas	2.3	2.0	2.4
Maine	1.6	2.0	0.0	Utah	3.9	2.4	1.3
Maryland	3.2	3.2	2.7	Vermont	2.7	0.0	0.0
Massachusetts	5.6	5.1	4.7	Virginia	4.4	3.7	5.7
Michigan	4.4	1.3	3.7	Washington	1.6	1.7	2.0
Minnesota	6.9	4.6	4.9	West Virginia	4.5	2.8	4.6
Mississippi	3.0	3.2	--	Wisconsin	10.3	6.3	3.6
				Wyoming	2.9	2.6	2.0

Note: The custody rate is the number of juvenile offenders in residential placement on October 22, 2003, per 100,000 juveniles age 10 through the upper age of jurisdiction in the general population of each state. U.S. totals include 1,398 youth in private facilities for whom state of offense was not reported and 124 youth in tribal facilities.

Source: *Juvenile Offenders and Victims: 2006 National Report*. OJJDP (2006).

Table 2: Likelihood of Commitment to State Public Facilities by Age 18 (Percent of Population Aged 10–17)

State	All	White	African American	Latino	Other
Ohio	1.55	0.83	6.53	1.2	0.26
Virginia	1.2	0.57	3.51	0.38	0.35
Missouri	1.08	0.74	3.32	N/A	0.39
Tennessee	1.07	0.7	2.6	N/A	0.24
Wisconsin	1.07	0.46	7.66	2.78	2.86
Louisiana	0.87	0.25	1.91	0	0.2
North Dakota	0.85	0.64	2.13	4.1	3.44
Texas	0.85	0.72	2.52	0.93	0.03
Utah	0.79	0.73	8.32	2.4	1.03
Iowa	0.73	0.62	4.54	1.85	1.17
Illinois	0.67	0.37	2.04	0.81	0.06
California	0.69	0.69	2.66	0.88	0.18
New Jersey	0.69	0.23	2.98	0.86	0.12
New York	0.69	0.35	2.2	1.18	0.11
New Hampshire	0.65	0.62	4.91	2.41	0.44
Massachusetts	0.56	0.28	2.73	1.68	1.95

Note: In some instances of this analysis, Latino youth may also be counted in the White and African American race groups. The “other” race category is a composite of youth identified as Native American, Asian American, other, or unknown racial background.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. NCCD (1993).

Table 3 uses the Relative Rate Index (RRI). The RRI measures the rate of one group compared to a baseline group, in this case Whites, expressed as an RRI of 1.0. Simply put, an RRI is a ratio of rates for people of color to rates of Whites.

Table 3: Relative Rate Index of National Arrests (Adult), 2006

	White	African American	AIAN*	API**
Total Arrests	7,270,214	2,924,724	130,589	112,093
National RRI	1.0	2.5	1.5	0.3
Violent Crime	1.0	3.4	1.7	0.3
Property Crime	1.0	2.6	1.2	0.3
Drug	1.0	3.5	0.8	0.2
Public Order	1.0	1.4	1.7	0.2

*AIAN = American Indians and Alaskan Natives; includes Native Americans.

**API = Asian/Pacific Islanders.

Source: *Crime in the United States*, FBI, 2006.