

Race & Justice News: One-Third of Black Men Have Felony Convictions

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The number of black men with felony convictions has significantly increased over the past 30 years, American Indian and Alaska Native jail counts have doubled since the late 1990s, and more in *Race and Justice News*.

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The “Driving-to-Deportation Pipeline” in Nashville, TN

A new book, *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement* (<https://www.ucpress.edu/book.php?isbn=9780520296305>), examines how the intersection of local law enforcement, state regulations, and federal immigration law created a “driving-to-deportation pipeline” for Nashville’s Latino community. Amada Armenta, Assistant Professor of Sociology at the University of Pennsylvania, writes that beginning in 2004, a new police chief encouraged the Metropolitan Nashville Police Department to dramatically increase traffic stops, with the goal of impeding more serious crimes. Given the essential role of driving in most communities, undocumented residents’ inability under Tennessee law to obtain a driver’s license meant their daily existence constituted an ongoing crime that made them eligible for deportation.

For five years beginning in 2007, the Davidson County Sheriff’s Office participated in the federal 287(g) program that deputized local law enforcement officials to identify deportable immigrants. Armenta spent almost two years in Nashville, interviewing and observing law enforcement officials and local residents impacted by these policies. She writes: “While the confluence of these laws, policies, and practices appears to be race-neutral, it conveys powerful messages about race, citizenship, and belonging and reinforces Latinos’ subordinate status in the racial hierarchy.”

One-Third of Black Men Have Felony Convictions

In “Growth in the U.S. Ex-Felon and Ex-Prisoner Population, 1948 to 2010,” (https://link.springer.com/epdf/10.1007/s13524-017-0611-1?author_access_token=jXD6ohexE1c1ur2WRWhpkfe4RwiQNchNByi7wbcMAY4uMYrYnkMZx911WjnbPAWM-g13AQlmw4x8-VaL1oT3wS1z7bR6McpJuw6uJspKuWHTd1allFBkHajdo4QVT1CPUCL7C_5xQhC8-ZXzjA6g%3D%3D) Sarah Shannon and colleagues estimate that one-third of black men had a felony conviction in 2010—a significant increase over the past 30 years and far above the rate for white men. Published in *Demography*, the study develops national and state-level estimates for the frequency of both felony convictions and incarceration.

The researchers found that the percentage of black men with a felony conviction increased from 13% in 1980 to 33% in 2010 (compared to 5% and 13% for all adult men during these periods, respectively). They also estimate that the percentage of black men who had experienced imprisonment increased from 6% in 1980 to 15% in 2010 (compared to 2% and 6% for all adult men during these periods, respectively). These estimates are “the first attempt to provide state-level demographic information about people with felony convictions in the United States, a population defined by incomplete citizenship and the temporary or permanent suspension of many rights and privileges.”

Racial Disparity in Charlottesville Traffic Stops

ThinkProgress (<https://thinkprogress.org/cville-stop-and-frisk-e884d2504656/>) reports on new data showing persistent racial disparities in police investigative detentions, or “stop-and-frisks,” in Charlottesville, Virginia, a city recovering from a deadly attack (<https://www.nytimes.com/2017/08/13/us/charlottesville-virginia-overview.html?mcubz=0>) on anti-racism protesters. Of the 101 investigative detentions conducted in the first six months of 2017, 71% of the individuals stopped were black while 28% were white, making black residents nine times more likely to experience investigative detentions than their white counterparts.

Yet police found cause to arrest or issue a summons (http://www.dailyprogress.com/news/local/stop-and-frisk-data-show-african-americans-disproportionately-detained/article_1b606292-886e-11e7-960b-57d65b2b63d4.html) to 30% of black residents who they

detained, compared to 39% of white residents—and most of these charges were for driving violations, rather than for drug or gun possession. These investigative detention figures, which echo those from last year (http://www.dailyprogress.com/news/local/data-show-that-nearly-percent-of-those-stopped-by-city/article_08ad2d33-867d-5038-8d6c-7c79c5af0df8.html), help to explain why local black activists say “white supremacy colored their daily lives long before torches and Nazi flags descended on Charlottesville.”

Racial Disparities Persist in Boston Police Stops

“The number of people singled out for street investigations by Boston police dropped significantly in 2016, but blacks continue to make up a disproportionate share, despite the department’s efforts to reduce racial disparity,” reports Jan Ransom for the *Boston Globe* (<https://www.bostonglobe.com/metro/2017/08/28/blacks-remain-focus-boston-police-investigations-searches/PDbFr2QZexCEi3zJT09mOJ/story.html>). While the number of police observations, interrogations, and searches declined by 30% in 2016, African Americans comprised 70% of the 15,000 such incidents. Boston’s population is 25% African American.

In response to a 2014 ACLU report (<https://www.bostonglobe.com/metro/2014/10/08/aclu-charges-boston-police-engaged-racially-biased-tactics-police-call-report-inaccurate/Zev3p7jvRVQ2loKSWncu2H/story.html>) on the high rate at which African Americans experienced such Field Interrogations and Observations, Boston police instituted racial profiling and bias training and explicitly banned policing based on race. Police officials claim that the recent data exaggerate racial disparity because of the department’s frequent targeting of people known to be engaged in crime and who are gang members. The department is awaiting a report from Anthony Braga, director of Northeastern University’s School of Criminology and Criminal Justice, examining stops relative to neighborhood crime levels, officer deployment, and criminal history and gang status.

Use-of-Force Disparities Increase After Black Suspects Kill Police Officers

The New York City Police Department increased its use of force against African Americans after black suspects killed police officers, while use of force against whites and Hispanics remained unchanged, according to Joscha Legewie’s article in the *American Journal of Sociology*. In “Racial Profiling and Use of Force in Police Stops: How Local Events Trigger Periods of Increased Discrimination,” (<http://jlegewie.com/files/Legewie-2016-Racial-Profiling-and-Use-of-Force-in-Police-Stops.pdf>) Legewie examines 3.9 million time- and geocoded police stops of pedestrians in New York City between 2006 and 2012. He found that while use-of-force disparities increased after two NYPD police officers were fatally shot by black suspects, they did not change after three other officers were killed in two separate incidents by a Hispanic and a white suspect. Legewie concludes that “racial bias in policing and discrimination more broadly is not static but fluctuates, partly driven by significant events that provoke intergroup conflict and foreground racial stereotypes.”

Most American Indian Tribes Have Opted Out of Death Penalty

Nearly all American Indian tribes have rejected the option of pursuing the death penalty against their citizens for federal crimes committed on their land, reports the *Associated Press* (<https://apnews.com/86b9734f456846e9b0df9faa0237122f/Most-American-Indian-tribes-opt-out-of-federal-death-penalty>). “Congress expanded the list of death-penalty eligible crimes in the mid-1990s, allowing tribes to decide if they wanted their citizens subject to the death penalty,” explain reporters Felicia Fonseca and Russell Contreras. But since 1994 only one tribe, the Sac and Fox Nation of Oklahoma, has opted in for the death penalty. A tribe’s decision to opt out of the federal death penalty is not made on a case-by-case basis but rather is an overarching policy. Tribes have opted out for reasons including (<http://fsr.ucpress.edu/content/14/1/28.full.pdf+html>) cultural and religious views, past treatment of American Indians, and lack of fairness in the justice system. For example, as Tribal Council Speaker LoRenzo Bates explains: “Navajos see life as precious, good or bad, and so we don’t pick and choose... All life is precious.”

Still, American Indians are not fully exempt from executions. Since 1976, 16 Native Americans have been executed for crimes committed off tribal land or in states where the federal government does not have jurisdiction over major crimes committed on reservations. In addition, tribes cannot opt out of the death penalty for certain federal crimes including carjacking or kidnapping resulting in death, or killing a federal officer on reservation land.

American Indian and Alaska Native Jail Count Doubles Since Late 1990s

The number of American Indians and Alaska Natives (AIAN) held in local jails nearly doubled from between 1999 and 2014, according to a Bureau of Justice Statistics (<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6066>) analysis covered by *The Crime Report* (<https://thecrimereport.org/2017/09/07/american-indian-alaska-native-jail-count-doubles/>). During this period, the AIAN population in jails outside of Indian country increased by an average of 4.3% per year, compared to an increase of 1.4% per year for all other races combined.

While the AIAN population in jails was half as likely as the non-AIAN population to be held for a drug offense (12% versus 24%), they were over twice as likely to be held for a DWI/DUI of alcohol or drugs (14% versus 6%). In total over 34,000 American Indian and Alaska Natives were held in jails within and outside of Indian country and in state and federal prisons in 2014.