

The background is a dark, textured surface. Two horizontal bars, one light blue and one white, are positioned at the top. On the right side, a hand is shown holding a lit match, with the flame and smoke visible. The overall mood is somber and focused on the theme of justice.

JUSTICE SYSTEM DISPARITIES

Black-White National Imprisonment Trends,
2000 to 2020

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ABOUT THIS PROJECT

In 2019, the Council on Criminal Justice published its [first report](#) on national disparity trends in correctional control by race and sex. It focused on data from 2000 to 2016, the most current then available. This report updates and extends the original analysis through 2020 (and through 2019 for analyses involving offense-specific data) using newly released data.

This report examines the relationship between Black-White disparity in state imprisonment and:

1. Imprisonment rates by type of offense (drug, property, public order, or violent);
2. Factors that influence disparities that are within the control of the criminal justice system, such as arrests, prison admissions, and prison time served; and
3. External factors that influence disparities, such as changes in crime rates or the adult resident population.

Subsequent reports will explore trends in disparity among female populations and by ethnicity, assess disparity trends in several states, and seek to identify what, if any, policy changes may have contributed to reductions in racial disparities.

Key Findings

- + Over the first two decades of the 21st century, the disparity in Black and White state imprisonment rates (the ratio of Black-to-White rates) fell 40%; in 2020, Black adults were imprisoned at 4.9 times the rate of White adults, down from 8.2 times in 2000.
 - o The Black imprisonment rate fell faster than the White imprisonment rate (47% vs. 11%).
 - o The number of Black people in prison decreased by 27%, while the number of White people in prison increased by 4%.
- + Half of the disparity reduction occurred in the first five years of the 20-year period, as the rate of narrowing slowed in more recent years. In 2020, responses to the COVID-19 pandemic led to an unprecedented 15% drop in state prison populations, but that historic decline did not result in a change in Black-White imprisonment disparities.

- + Black-White disparities in state imprisonment rates fell across all four offense categories—violent, property, drug, and public order—with the largest decrease occurring for drug crimes. Disparity in drug imprisonment rates fell by 75%; that drop accounted for about half of the overall decrease in the Black-White imprisonment rate disparity.
- + Black-White disparity in new court commitments to prison per arrest fell to near parity for property and drug crimes in 2019. Disparities in arrest rates per resident for these offense categories fell to about 2-to-1. Disparity in prison admission for technical violations per person on parole also fell. In combination, these results suggest that Black adults are overrepresented in prison admissions relative to White adults because they are arrested at higher population-based rates, not because their arrests are more likely to result in imprisonment.
- + Racial disparity in violent crime imprisonment rates arose from racial differences in offending rates (as indicated by accounts of victims of violent crimes, most of which are intra-racial); admissions per arrest; and length of stay.
- + The Black-White disparity in prison admission rates declined, while disparity in length of stay in prison increased. Disparity in admissions rates fell from 7.2 in 2000 to 3.2 in 2020. Expected length of stay in prison for Black adults increased from 2.2 years to 2.5 years, while for White adults it fell from 2 to 1.8 years. Despite these changes, racial differences in prison admissions rates accounted for nearly three quarters of the Black-White imprisonment rate disparity in 2020.
- + In 2000, Black people on parole were more likely to be returned to prison for breaking the rules of their supervision (“technical violations”) than White people; by 2020 White people were more likely to be returned to prison for this reason. The changes in technical violation rates contributed to decreasing the disparity in total admissions.
- + Racial disparities in imprisonment will persist without significant reductions in:
 - The disparity in rates of violent offending;
 - The disparity in prison time served; and/or,
 - The role of criminal history in sentencing and release decisions.

KEY TERMS

Scope of Study Period: For most analyses, this report compares changes from 2000 to 2020. For offense-specific analyses, the end year is 2019, due to the availability of data at the time the analyses were conducted.

Prison Admissions and Arrest Rates: Unless otherwise specified, these refer to rates per 100,000 U.S. adult residents.

Black-White Disparity: Unless otherwise specified, this refers to the ratio of Black rates to White rates, including adult imprisonment rates, admissions rates, length of stay, admissions per arrest, and arrest rates. Disparity is reported as a number that indicates the number of times greater or less than a Black rate is relative to a White rate. A Black-White imprisonment ratio of 5-to-1, for example, shows that Black individuals are incarcerated at five times the rate of White individuals. A ratio value greater than one indicates a relatively larger Black-than-White rate, while a ratio less than one indicates a relatively larger White-than-Black rate. A disparity ratio of 1 means there is parity.

Imprisonment Rate: Unless otherwise specified, this refers to the rate per 100,000 U.S. adult residents held in state prisons under the authority of state correctional agencies.

Length of Stay: This term describes an estimate of the mean (average) time that a person entering prison will serve until release. The terms “expected time to serve” and “time to release” are synonymous with length of stay in this report. The Methodology section includes an explanation of why this measure was used, rather than the commonly reported “time served until release from prison.”

Race Groups: All references to Black and White people refer to non-Hispanic Black and non-Hispanic White individuals, even though the “non-Hispanic” modifier is not used. The Methodology section provides more details on the measurement of race in the prison data and U.S. adult resident population data used for this report.

DATA AND DISPARITY MEASUREMENT

This report focuses on adult state imprisonment rates by race and the disparity rate ratio (disparity), a measure that is the ratio of rates for two groups. The disparity measures used in this report series compare Black people to White people. A Black-White imprisonment disparity ratio of 5-to-1, for instance, shows that Black adults are incarcerated at five times the rate of White adults. A disparity of one indicates no difference between Black people or White people. A disparity ratio lower than one means

Black people are less likely to experience a particular outcome (e.g., admission rates). Each rate consists of a numerator—the number of persons within a racial group in a correctional population—and a denominator, the U.S. adult resident population (ages 18 and older) for each racial group. These resident population-based disparity ratios do not take into account differences in arrest and justice system case processing that may lead to disparities in imprisonment. The report analyzes race-specific trends in offenses, arrests, prison admissions, and length of stay to determine their contributions to imprisonment rate growth. The analyses do not examine people held in local jails or federal prisons, or the overall incarceration rate.

The data for this report cover the period from 2000 to 2020, the year the most recent Bureau of Justice Statistics (BJS) national data on prison populations were publicly available at the time the analyses were completed. Data related to prison admissions, length of stay, and to offense-specific results run through 2019. The sources of data used in this report (described more fully in the Data and Methodology Notes section) include: administrative data submitted annually to BJS by state departments of corrections, local jails, state and county probation offices, and state parole agencies; the Federal Bureau of Investigation's (FBI) Uniform Crime Reports' data on race of persons arrested; the National Center for Health Statistics' (NCHS) Bridged-Race Population Estimates; and the National Crime Victimization Survey's (NCVS) data on victims' descriptions of the race of the person described as their assailant in violent crimes.

The imprisonment rates and disparity ratios reported here are based on the administrative data that state departments of corrections report to BJS in the National Prisoners Statistics and other sources but may differ from statistics published by BJS.¹

Throughout this report, references to White and Black refer to non-Hispanic White and non-Hispanic Black, unless otherwise specified. The counts of non-Hispanic White and non-Hispanic Black people under correctional authority are based upon the counts provided in the administrative data systems of departments of corrections. The population denominators are based upon the NCHS Bridged-Race Population Estimates. See the Methodology for a discussion of these issues.

A detailed review of this report's methodology can be found [here](#).

¹ Differences from BJS published statistics on imprisonment rates arise from BJS's use of an adjustment to account for differences in self-report and administrative data on race of persons in prison and from BJS's limiting its prisoner count to persons with sentences of more than one year. As a result, the BJS official statistics show lower Black and White imprisonment rates than reported here, but they show similar trends in disparity ratios to those reported herein. The BJS methods for adjusting prisoner data on race is described in Prisoners in 2016. BJS does not adjust the data on race of persons in jails or on probation or parole.

Findings

Black-White disparity in imprisonment rates fell between 2000 and 2020, but the rate of decline slowed over time.

Black imprisonment rates fell almost continuously through the first two decades of the 21st century, dropping by 46%—from 2,443 per 100,000 Black adults to 1,316 per 100,000 (Figure 1).² Comparatively, the White imprisonment rate fell by 10%—from 297 to 267 per 100,000 White adults—from 2000 to 2020. The Black-White disparity ratio derived from these rates fell 40%, or from 8.2 to 4.9, over this period. From 2000 to 2020, the difference between Black and White imprisonment rates halved (51%), from 2,146 to 1,049 per 100,000 U.S. adult residents.³

About half of the total drop in Black-White disparity occurred from 2000 to 2005 and the remainder occurred from 2006 to 2020. From 2000 to 2005, the Black-White disparity ratio fell by 1.6 points (from 8.2 to 6.6), and from 2006 to 2020 it fell by 1.7 points (from 6.6 to 4.9). This means that **roughly the same decrease in disparity seen in the first five years of the study period took an additional 15 years to achieve** following the initial drop. The main reason for this is the pattern of change in the White imprisonment rate. From 2000 to 2005, the White imprisonment rate increased as the Black rate decreased. Between 2006 to 2020, the White rate decreased even as the Black rate decreased more rapidly than it had during the 2000 to 2005 period.

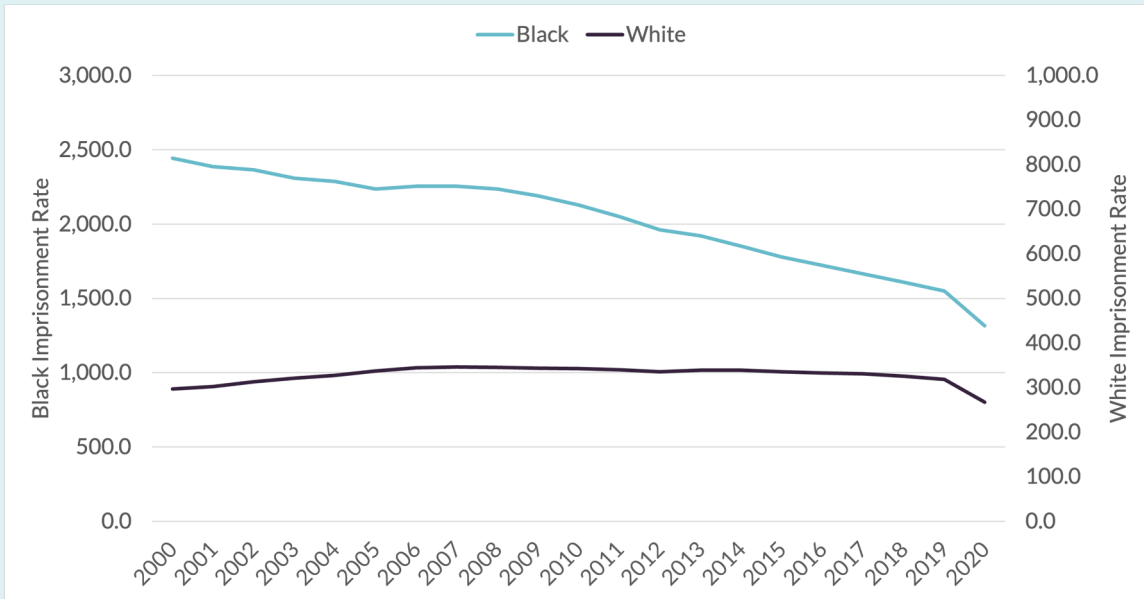
Specifically, from 2000 to 2005 the White imprisonment rate increased at an average rate of 2.6% per year as the Black rate fell by an average rate of 1.7% per year (Table 1). From 2006 to 2020, two major changes occurred: the Black imprisonment rate fell at twice its rate for the 2000 to 2005 period, or by 3.8% per year, on average; and the White imprisonment rate trend shifted from increase to decrease (or from positive growth to decline), falling by an average annual rate of 1.8% per year. This means that even though the pace of the decrease in the Black imprisonment rate accelerated during the 2006-2020 period, the shift in the White rate from increase to decrease slowed the rate of decrease in the disparity ratio.

² Although this report uses BJS data, estimates of race-specific imprisonment rates presented may differ from the published BJS estimates. This potential conflict is caused by differences in methodologies used to estimate the race of persons in prison and the U.S. adult resident population denominators used to calculate those rates. Despite differences in rates, this report's estimates of disparity align with those that can be calculated from imprisonment rates in BJS reports. See the Methodology section for additional details.

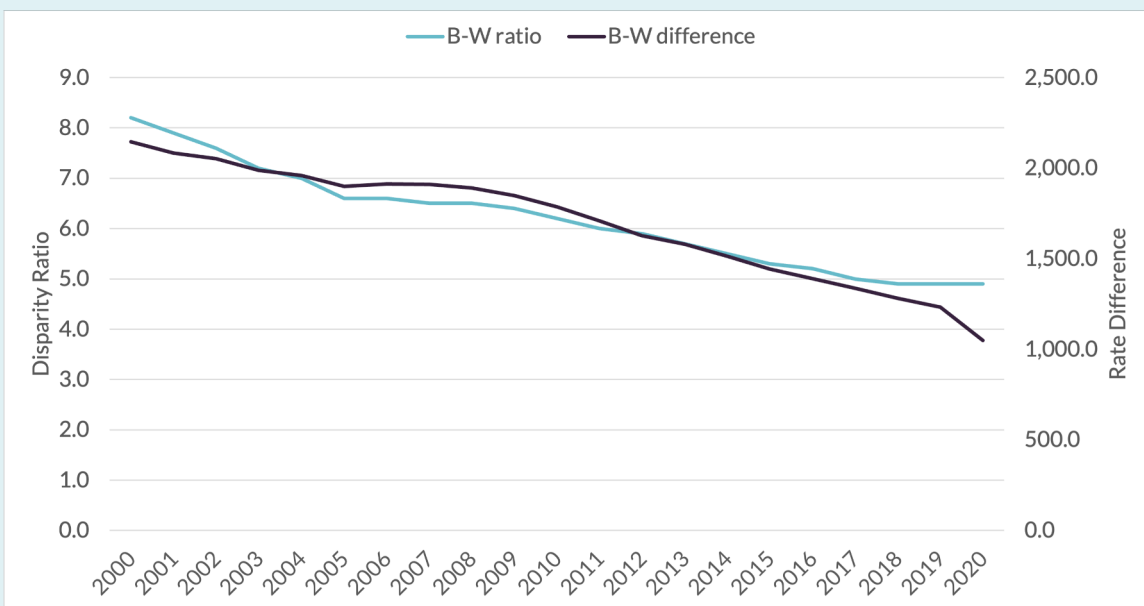
³ An alternative but equivalent way to express the difference in rates is in terms of the Black-White difference in the percent of the U.S. adult resident population imprisoned. In 2000, the Black-White difference in the percent of U.S. adult residents imprisoned was 2.1%; by 2020, the difference fell to 1%.

FIGURE 1

1A: Black and White Imprisonment Rates, 2000-2020



1B: Black-White Disparity Ratio and Difference in Rates, 2000-2020



In Figure 1a, the Black rate is read off the left-side axis and the White rate off the right-side axis. In Figure 1b, the disparity ratio is read off the left-side axis and the absolute difference off the right-side axis. In both cases, the double y-axis is used to show the changes in the respective trends that would be obscured if shown on a single y-axis in each graph because of the magnitude of the differences in them.

TABLE 1

Change in Black-White Disparity Ratio and Black and White Imprisonment Rate Growth, in Two Periods

Period	Difference in disparity ratio	Annualized Growth Rate* in Imprisonment Rates	
		White Individuals	Black Individuals
2000-2005	-1.6	2.6%	-1.7%
2006-2020	-1.7	-1.8%	-3.8%
2006-2019**	-1.7	-0.6%	-2.8%
Overall 2000-2020	-3.3	-0.5%	-3.0%

Source: Authors analysis of NPS and BR data.

Notes:

*A negative growth rate means a decrease in the imprisonment rate.

**Included given the unprecedently large, COVID-induced decrease in prison populations.

During 2020, the first year of the COVID-19 pandemic and its various societal responses, both Black and White imprisonment rates fell by large amounts.⁴ The Black imprisonment rate fell by 15% in 2020 while the White rate dropped by 16%. **There was no appreciable change in the disparity ratio during the first year of the COVID-19 pandemic; the 2020 disparity ratio of 4.9 mirrored its 2019 value.**⁵

Growth in Black U.S. adult resident population and decline in number of Black people in prison contributed to decline in the Black imprisonment rate.

Imprisonment rate changes that lead to change in Black-White disparity occur either when the number of individuals in prison (the numerator) or the residential population (the denominator) changes. Consequently, disparity ratios may change when any one of the four elements change (two each for Black people and White people). What follows is

⁴ BJS reported that the combined state and federal prison population decreased by 15% in 2020. See: (Carson) The 2020 decrease in prison populations was the largest single-year decrease in the 44 years since BJS began regularly reporting state-level data on incarcerated populations and the largest single-year change in absolute value (whether it was an increase or decrease) that BJS reported.

⁵ Technically, the Black-White disparity ratio increased by 1.3% in 2020, or from 4.86 to 4.93, but we do not report this difference herein. The 1.3% increase in the Black-White disparity ratio is consistent with the slightly larger percentage decrease in the White rate in 2020 (16.1%) vs. the Black rate (15.1%). The pandemic-induced drop in prison population was driven by a much larger decrease in admissions than by releases. As BJS reported, state prison admissions fell by 40% between 2019 and 2020, marked by a 43% decrease in the number of individuals admitted on a new court commitment and a 35% drop in admissions of those who had violated conditions of their release. By comparison, releases from state prisons dropped by 10% in 2020. See: (Carson)

an analysis of how the number of individuals held in prison relates to changes in imprisonment rates and disparity.

The number of Black people held in state prisons fell by 27% from 2000 to 2020, while the number of White people declined by 4%. By comparison, the Black imprisonment rate fell by 47% while the White imprisonment rate declined by 11% over the same period. The differences between the changes in the *number* of incarcerated people and the imprisonment *rates* arise from racial differences in the size and growth of the U.S. adult resident population. During the first two decades of the 21st century, the number of Black adults increased by about 38% and the number of White adults grew by about 8% (Table 2).⁶ **From 2000 to 2020, growth in the Black U.S. adult resident population accounted for half of the decrease in the Black imprisonment rate, and the decrease in the number of Black individuals incarcerated accounted for the other half of the reduction.**⁷ For White people, adult population change accounted for 43% of the increase in their rate and the increase in the number of incarcerated White individuals accounted for 57% of the change.⁸

TABLE 2

Number of Incarcerated People, Imprisonment Rates, and Adult Population by Race and Offense Category, 2000 and 2020

Year	Black Adults			White Adults		
	Imprisoned Population	Imprisonment Rate	Adult Resident Population	Imprisoned Population	Imprisonment Rate	Adult Resident Population
2000	579.9K	2,442.9	23,700.0K	452.5K	297.2	152,300.0K
2020	424.3K	1,293.7	32,798.8K	434.0K	265.2	163,673.2K
% change	-26.8%	-47.0%	38.4%	-4.1%	-10.8%	7.5%

Source: Authors' analysis of BJS's NPS and NCRP data, and NCHS Bridged Race Population Estimates data.

Notes:
 Counts of imprisoned population and adult resident population shown in thousands (K).

⁶ The population estimates do not consider biracial or multiracial individuals. The main reason for this is the limitation of the data on incarcerated individuals. In the NPS, less than one-half-of-one percent of the prison population is reported as individuals of two or more races, and the NCRP data do not allow for this distinction. Hence, estimates of population growth used in this report do not consider the effects of biracial or multiracial individuals on growth in the Black and White adult population. See Methodology for additional details.

⁷ See Methodology for a discussion of the decomposition method used to calculate these proportions.

⁸ But for the 2020 pandemic-induced decreases in the number of persons in prison, the number of White people in prison increased by 14% from 2000-2019 while the number of Black people decreased by 15%.

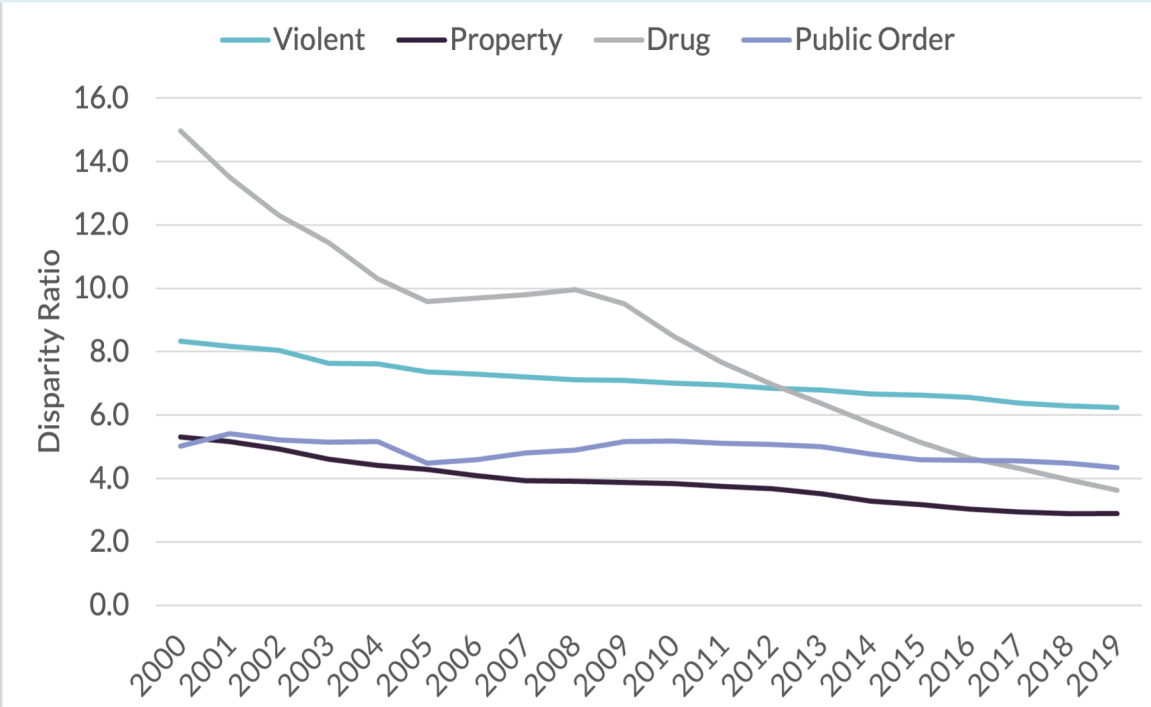
Disparity fell in each major offense category; the largest decrease was for drug crimes.

Black-White disparity in imprisonment rates fell in each of four major offense categories over the study period—violent, property, drug, and public order (a broad category that includes obstruction of justice, liquor law violations, bribery, disorderly conduct, DUI/DWI, and weapons possession). The largest decrease occurred for drug crimes (Figure 2).⁹ Black-White disparity in drug imprisonment rates fell by 75%, from 15 in 2000 to 3.6 in 2019. The imprisonment rate disparity for property offenses nearly halved over the study period, from 5.3 to 2.9, and for violent offenses it fell by a quarter, from 8.3 to 6.2.

Changes in offense-specific Black-White disparity ratios were not constant over the study period. Rather, for each offense category about half of the total decrease in disparity occurred between 2000 and 2005 (the first period) and about half occurred from 2006 to 2019 (the second period). This pattern mirrors that seen for the total disparity ratios and

FIGURE 2

Offense-Specific Disparity Ratios, 2000-2019



⁹ Due to availability of NCRP data at the time this report was prepared, offense-specific analyses run through 2019 and not 2020.

imprisonment rates calculated for this report and presented above. For violent offenses, the disparity ratio fell by 0.9 points (from 8.3 to 7.4) during the first period and dropped another 1.1 points (from 7.3 to 6.2) in the second period (Table 3). For property offenses, the disparity ratio fell by 1 point in the first period and 1.2 points in the second, and for drug offenses it fell by 5.4 points in the first period and 6 points in the second.

While the amount of change in disparity was about the same during each period, the first period decrease occurred over five years and the second period decrease over 10 years. The slower rate of decrease during the second period occurred as offense-specific decreases in Black imprisonment rates accelerated (compared to the first) but also as White imprisonment rates fell (compared to increasing during the first). For example, during the first period the Black imprisonment rate for property crimes fell by 2% per year, on average; this rate of decrease accelerated to 5% per year during the second period. For drug offenses, the Black imprisonment rate fell by 4.4% per year, on average, from 2000 to 2005, and the rate drop accelerated to 7.8% per year from 2006 to 2019.

TABLE 3

Change in Offense-Specific Black-White Disparity Ratios and Black and White Imprisonment Rate Growth, in Two Periods

Offense	2000-2005			2006-2019		
	Difference in disparity ratio	Annualized growth in imprisonment rate*		Difference in disparity ratio	Annualized growth in imprisonment rate*	
		Blacks Adults	White Adults		Black Adults	White Adults
Violent	-0.9	-0.9%	1.6%	-1.1	-1.1%	0.1%
Property	-1.0	-2.0%	2.3%	-1.2	-5.0%	-2.4%
Drug	-5.4	-4.4%	4.6%	-6.0	-7.8%	-0.5%
Public order	-0.5	2.1%	4.4%	-0.3	-0.4%	0.1%

Source: Authors analysis of NPS and BR data.

Notes:

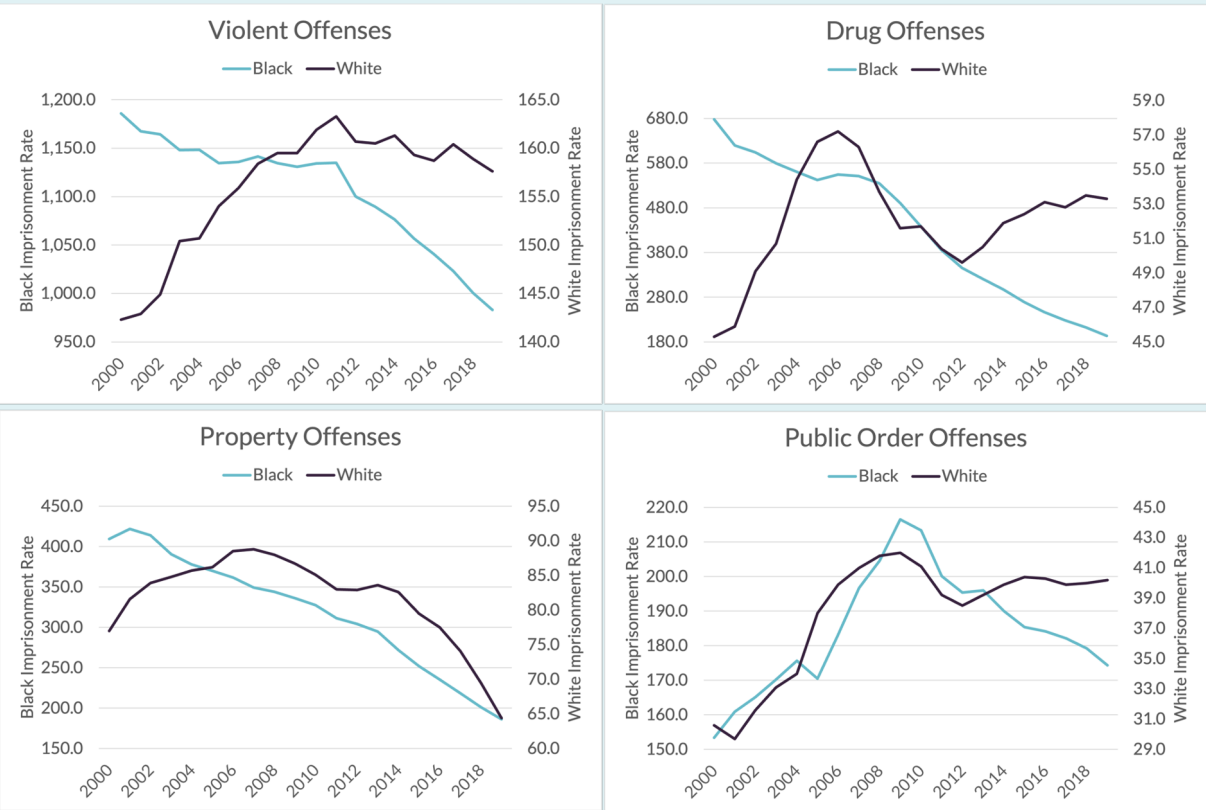
*A negative growth rate means a decrease in the imprisonment rate.

**Offense-specific data available through 2019.

Figure 3 illustrates the turning points in race-and-offense-specific imprisonment rates and in disparity ratios.¹⁰ For example, from 2000 to 2005, the Black imprisonment rate for violent crimes fell, then leveled off somewhat from 2006 to 2011 before continuing its decline. The White imprisonment rate for violent offenses increased from 2000 to 2011 before beginning to fall, albeit at a fluctuating rate. For property crimes, the Black rate declined continuously from about 2002 onward, while the White rate increased from 2000 to about 2006 before starting its decline. For drug offenses, the Black rate declined continuously from about 2002 onward, while the White rate increased from 2000 to about 2006 before starting its decline. For drug offenses, apart from a slowing in

FIGURE 3

Black and White Imprisonment Rates by Major Offense Category, 2000-2019



¹⁰ In Figure 3, the double y-axis format is used to illustrate the differences in the patterns and trends for Black and White people. If the Black and White rates were placed on a single, y-axis graph, the much larger Black rates would obscure the changes in the patterns in the White rates. Each panel of Figure 3 is also scaled differently to account for different levels of imprisonment rates across offense categories. Here too, if all offenses were put on the same scale—such as the scale for violent offenses—the changes for other offenses that had lower rates would be obscured. In all four panels of Figure 3, the magnitudes of the Black rate are given on the left-side axis and those for White people on the right-side axis.

the rate of decline around 2005, the Black rate fell nearly continuously throughout the study period, while the White rate exhibited a cyclical pattern; it peaked at 57 per 100,000 in 2005, declined to 50 per 100,000 in 2012, and then increased to 54 per 100,000 through 2019. For public order offenses, Black and White imprisonment rates followed roughly similar patterns of increase through 2010, followed by a decrease for the Black rate and an eventual leveling off of the White rate in 2015.

The differential trends in Black and White imprisonment rates illustrate at least two points. First, as relative numbers, disparity ratios do not reflect the levels of imprisonment for either group or changes in those levels. Rather, as shown, disparity fell (more rapidly) when Black imprisonment rates decreased and White imprisonment rates rose, as well as when rates for both groups fell. Second, changes in White imprisonment rates had larger impacts on disparity ratios than changes in Black imprisonment rates. During the first period the White imprisonment rate increased and disparity dropped by about the same amount as the second period, when the White rate decreased. Because of the decrease in the White imprisonment rate during the second period, it took about 15 years to achieve the same magnitude of disparity reduction achieved in the first five years.

Decrease in disparity for drug offenses drove the overall decline in Black-White imprisonment disparity.

More than half of the drop in the overall Black imprisonment rate came from the drop in the Black imprisonment rate for drug offenses (Figure 3). The Black imprisonment rate for drug crimes fell by 37% between 2000 and 2019, from 2,437 per 100,000 Black U.S. adult residents to 1,546.¹¹ The drop in the Black imprisonment rate for drug offenses accounted for 54% of the decline, while the drop in the rate for property crimes accounted for another 25% of the overall decrease. The decrease in the Black imprisonment rate for violent offenses accounted for 23% of the overall drop. **From 2000 to 2019-the years with offense-specific information-without the decrease in Black imprisonment for drug offenses, the total Black imprisonment rate would have fallen by 17%, rather than 37%.**

The change in White imprisonment rates for drug offenses were cyclical, increasing from 2000 to 2005 before decreasing through 2008 and then rising again through 2020. The changes in the White imprisonment rate for drug offenses correspond with increases in the use of methamphetamines during the early 21st century and growth in the use of opioids such as heroin and fentanyl starting around 2013 (Centers for Disease Control and Prevention; Han, Cotto and Etz; Hoopsick, Homish and Leonard).

¹¹ Offense-specific data run through 2019.

The number of Black adults in prison for violent offenses increased as the disparity ratio decreased.

The number of Black people held in state prisons for violent and public order offenses increased from 2000 to 2019, while the numbers of Black people held for property and drug offenses decreased. Over the same period, the Black imprisonment rate for violent, property, and drug offenses decreased. This decrease in the imprisonment rate for violent offenses occurred because the increase in the number of Black U.S. adult residents was larger than the increase in the number of Black people in prison for violent offenses.

Specifically, the Black violent offense imprisonment rate fell by 17% (Table 4) even as the number of Black people held for violent crimes increased by 12% from 2000 to 2019. By comparison, the number of White people held in prison for violent, drug, and public order offenses increased, as did their associated imprisonment rates. For example, the number of White adults held for violent crimes increased by 18% and their imprisonment rate increased by 11%. These divergent trends for Black and White people were caused by differential growth in the two groups' respective adult residential populations. The Black U.S. adult residential population increased more *rapidly* than did the number of Black people in prison for a violent offense; consequently, their imprisonment rate fell. The White U.S. adult residential population increased more *slowly* than the number of White adults in prison for violent offenses, causing their imprisonment rate to increase.

TABLE 4

Imprisoned Population and Imprisonment Rates Adult Resident Population by Race and Offense Category, 2000 and 2019

Black Adults										
Year	Violent		Property		Drug		Public order		Adult Resident Population	
	Imprisoned Population	Rate	Imprisoned Population	Rate	Imprisoned Population	Rate	Imprisoned population	Rate		
2000	281.5K	1,186.0	97.2K	409.3	161.0K	678.1	36.4K	153.4	24,000.0K	
2019	313.9K	982.9	59.5K	186.3	61.8K	193.6	61.8K	174.3	32,000.0K	
% change	11.5%	-17.1%	-38.8%	-54.5%	-61.6%	-71.4%	69.8%	13.6%	33.3%	
White Adults										
Year	Violent		Property		Drug		Public order		Adult Resident Population	
	Imprisoned Population	Rate	Imprisoned Population	Rate	Imprisoned Population	Rate	Imprisoned Population	Rate		
2000	216.8K	142.3	117.3K	77.0	69.0K	45.3	46.6K	30.6	152,400.0K	
2019	256.1K	157.6	104.7K	64.4	86.6K	53.3	65.4K	40.2	163,300.0K	
% change	18.2%	10.8%	-10.7%	-16.4%	25.6%	17.7%	40.4%	31.4%	7.2%	

Source: Authors' analysis of BJS's NPS and NCRP data, and NCHS Bridged Race Population Estimates data.

Notes:

Counts of imprisoned population shown in thousands (K).

The changes in Black and White imprisonment rates for violent offenses led to the decrease in the racial disparity for violent offenses, which fell from 8.3 in 2000 to 6.2 in 2019. At the same time, the actual number of Black adults in prison for violent offenses increased; by 2019, the number of Black people serving state prison time for violent crimes was 22% larger than the number of White adults imprisoned for such offenses.

The pattern seen for violent crimes differed from the pattern of change in the other offense categories. In 2019, there were fewer Black adults held for property, drug, and public order offenses than the number of White people held for these crimes. For property and drug offenses, the number of Black people in prison fell by 39% and 62%, respectively; the number of White people imprisoned for property crimes fell by 11% while the number of White adults in prison for drug offenses increased by 26%.

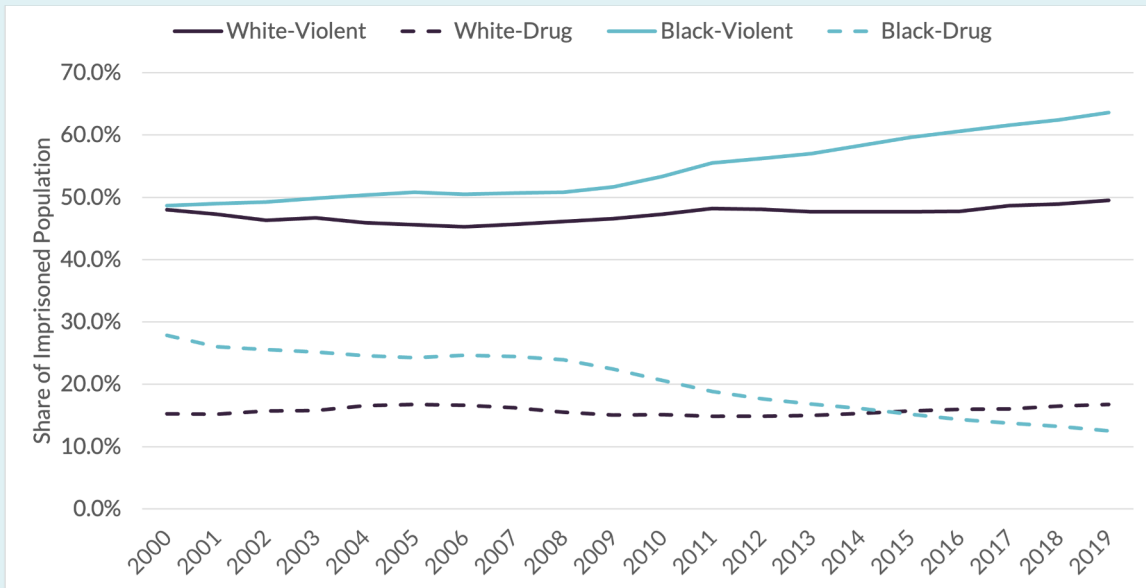
By 2019, nearly two-thirds of Black adults in state prisons were held for violent offenses.

Due to the differential rates of change in the number of people in prison for each specific offense category, **the concentration of individuals held for violent offenses increased over time**. This was more pronounced for Black adults than White adults. For Black people, the overall population in prison fell between 2000 and 2019, as did the percentages of Black people imprisoned for property and drug crimes; the percentage (and number) of people held for violent and public order offenses increased. As a result, the share of Black people in state prisons held for violent offenses increased from 49% in 2000 to 64% in 2019 (Figure 4). The share of Black people held for drug offenses fell to about 12% by 2019, from a base of 28% in 2000.

By comparison, the share of White people held for violent offenses also increased between 2000 and 2019, especially after 2006. That year, the share of White adults held for violent offenses reached a low of 45%; by 2019, it had increased to 50%. The share of White people held for drug offenses fluctuated between 15% and 17%, but trended slightly upward after 2011.

FIGURE 4

Shares of Black and White Incarcerated Populations Imprisoned for Violent and Drug Offenses, 2000-2019



Prison admissions accounted for more of the change in disparity than did time served in prison.

The size of prison populations is a function of the number of individuals admitted into prison and how long they stay there.¹² Because the number of people in prison is the product of these two factors, either factor can exert upward or downward influence on disparity over time, depending upon how each may change. From 2000 to 2020, Black-White racial differences in admissions rates (overall and for the four major offense categories) accounted for most of the change in Black and White imprisonment rates and, consequently, for the change in disparity. Race-specific changes in admissions rates exerted downward influence on Black-White disparity, while changes in length of stay caused disparity to grow.

¹² Technically, this is true only under assumptions of a “stationary” prison population, where a stationary population arises when admissions rates and duration-specific attrition rates are constant over time. When populations are not stationary, this basic formulation needs to be adjusted. See: (Patterson and Preston)

Disparity in total admissions fell, most prominently for drug offenses.

Racial differences were evident in the level of all admissions per population (the admissions rate) throughout the study period, but the racial difference in the admissions rate fell. The Black-adult admissions rate fell by half (from 1,098 per 100,000 Black U.S. adult residents in 2000 to 538 per 100,000 in 2019), while the White admissions rate increased by about 11% (from 149 to 166 per 100,000 White U.S. adult residents). **This led to a decrease in the Black-White racial disparity in admissions rates from 7.4 to 3.2, a drop of 57%** (Figure 5). The decrease in the overall Black admissions rate was led by a 75% decrease in the Black admissions rate for drug offenses (which fell from 442 to 109 per 100,000 persons), followed by a 60% decrease in the Black admissions rate for property offenses (which fell from 266 to 108 per 100,000 persons), and a 30% drop in the Black admissions rate for violent offenses (which fell from 296 to 206 per 100,000 persons; Figure 6). By comparison, the overall increase in the admissions rate for White adults was led by a 25% increase in their drug admissions rate (from 37 to 47 per 100,000 people) and an additional 8% increase in their violent crime admissions rate (which increased from 37 to 40 per 100,000 adults).¹³ The decrease in disparity for all admissions by offense category indicates that changes in admissions for Black and White people contributed to reducing disparity in the prison population.

FIGURE 5

Black and White Total Admissions Rate and Admissions Disparity Ratio, 2000-2019

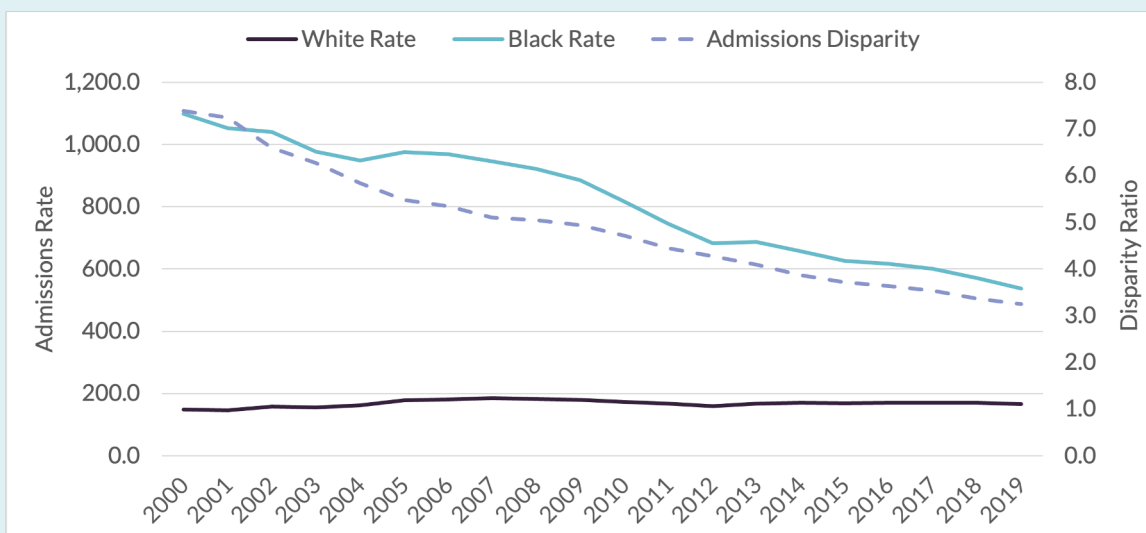
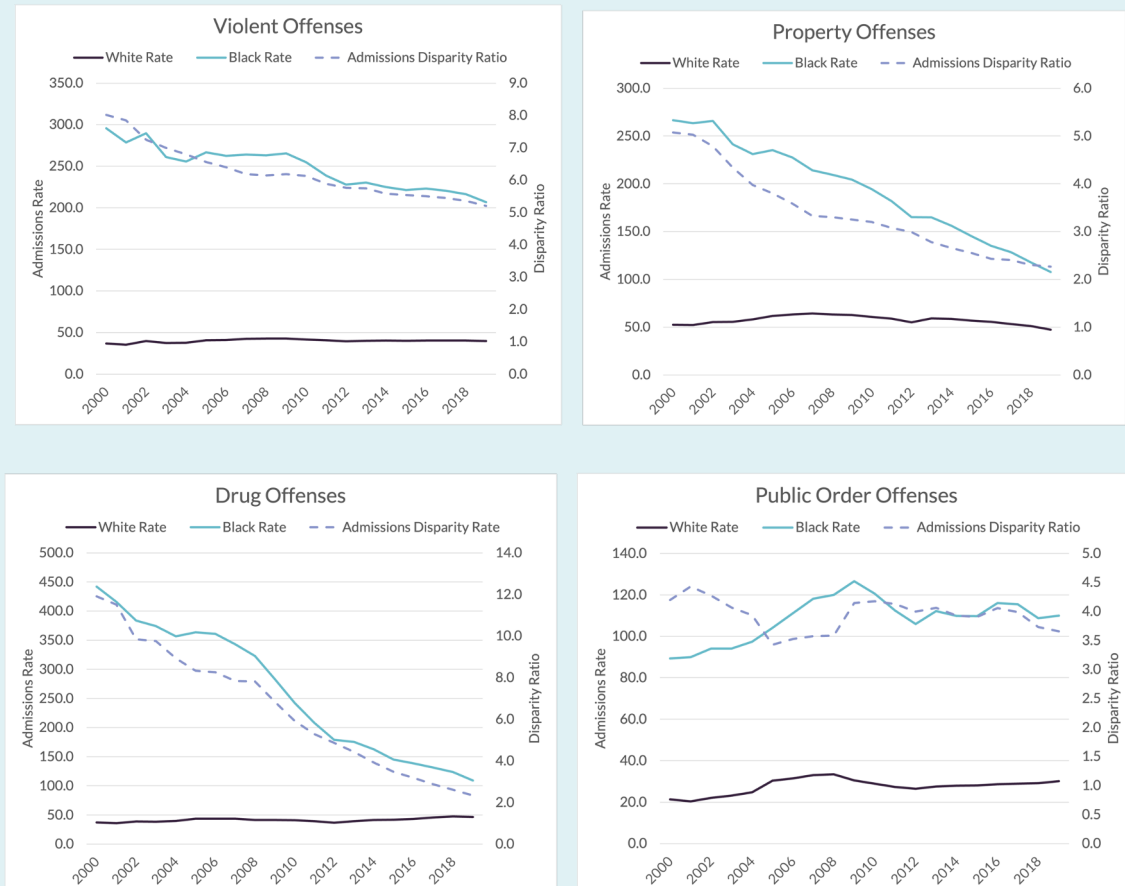


FIGURE 6

Black and White Admissions Rates and Disparity Ratios by Offense Category, 2000-2019



Underlying the changes in both Black and White admissions rates was an increase in the share of all admissions that were for new criminal convictions, so-called “new court commitments.” The new court commitment share of Black admissions increased from 61% to 71%; it grew by a similar amount for Whites, from 63% to 72% (not shown in a table). These trends held when examining new court commitments by offense category. The growing shares of admissions stemming from new court commitments indicate that technical violations of parole or other post-custody community supervision—the other category of prison admissions—became a less common pathway into prison.

Prison admissions for technical violations of parole reached parity.

Admissions of Black and White adults who violated their conditions of parole supervision (typically called technical violations) fell from 2000 to 2019.¹⁴ When compared to their respective numbers of individuals on parole, **the rates of prison admissions for technical violations were fairly comparable between Black and White people.** For Black people, the ratio of parole violator admissions to the population of Black individuals on parole was 35 per 100 in 2000, or 35%; for White people, it was 29%. Between 2000 and 2019, these ratios decreased—by 57% for Black adults and by 37% for White adults.¹⁵ By 2019, this ratio had fallen to 15% for Black people and 19% for White people. These ratios imply a decrease in the Black-White disparity in the rate of admissions for parole violations from 1.2 in 2000 to 0.8 in 2019; that finding, in turn, means that by 2019, White people faced a somewhat higher rate of prison admission on a technical violation than did Black people. This outcome further indicates that racial differences in prison admissions for parole violations exerted a downward influence on the Black-White prison admissions disparity.

Black-White disparity in length of stay increased overall and for drug offenses.

Findings from the analysis also indicate that the Black-White disparity in prison admissions rates fell below the level of disparity in imprisonment rates over the study period. This means that changes in length of stay contributed to increasing the disparity in imprisonment rates, offsetting the downward influence of admissions. **Across all four offense categories, the average expected length of stay across upon admission for Black people increased from 2.2 years to 2.5 years from 2000 to 2019 (Table 5). For**

¹⁴ Technical violations are violations of conditions of parole supervision, such as failures on drug tests, failures to appear for treatment sessions or meetings with parole officers, failure to notify officers of a change of address, or violations of any other conditions imposed by court. People who violate conditions may have their supervision (parole) revoked. At the same time, a person on parole who commits a new crime and is arrested not only violates conditions of supervision, but also may be charged and prosecuted for the new offense. While a return to prison for a new-crime arrest, especially a felony arrest, is a technical violation, it is the arrest for the new crime itself that is the reason for revoking supervision. The administrative data used for this report do not sufficiently distinguish between these two distinctive scenarios that result in returns to prison for technical violations. However, a BJS survey of state prison inmates conducted in 2004 showed that 68.3% of those who were returned to prison for a technical violation reported that the technical violation followed an arrest or conviction for the commission of a new offense. That proportion was only slightly less than the 70% who reported a similar situation in the 1997 iteration of the survey. See: (Pfaff)

¹⁵ While many states have changed policies and practices regarding parole violations, one potential major source of the decrease in admissions for parole violations is the “realignment” that occurred in California after the May 2011 U.S. Supreme Court decision in *Brown v. Plata*, which required the state to reduce prison overcrowding. In response to the decision, California enacted legislation that affected parole populations, requiring that parole revocations be served in county jails and not state prisons and limiting punishment to terms of 180 days. See, e.g., (California Department of Correction and Rehabilitation). One consequence of California’s change was that nationally, the total number of parole violator admissions into state prisons across all states fell by more than one third after 2011. This decrease was led by a more than 85% drop in parole violator admissions in California.

White people admitted across all four offense categories, average expected length of stay fell from 2 to 1.8 years over the same period. Offense-specific variation in mean expected length of stay, however, did occur. Length of stay for Black individuals increased for violent, property, and drug offenses, while falling slightly for public order crimes. For White individuals, length of stay increased for violent and property crimes and fell for drug and public order offenses. For example, from 2000 to 2019, mean length of stay for Black adults imprisoned for violent offenses increased from 4 years to 4.9 years (or by about a year), while for White people held for violent offenses it increased from 3.9 to 4.2 years (or by about four months). For drug crimes, Black people’s expected length of stay increased from 1.5 years to 2.1 years, while for White individuals it decreased from 1.2 to 1.1 years.

TABLE 5

Growth-Rate Adjusted Estimates of Average Length of Stay in Years, by Race and Offense, 2000 and 2019

	2000	2019	Change
Black			
All prisoners	2.2	2.5	0.3
Violent	4.0	4.9	1.0
Property	1.5	2.1	0.6
Drugs	1.5	2.1	0.6
Public order	1.7	1.6	-0.1
White			
All prisoners	2.0	1.8	-0.2
Violent	3.9	4.2	0.3
Property	1.5	1.6	0.1
Drugs	1.2	1.1	-0.1
Public order	1.4	1.3	-0.1
Black-White difference			
All prisoners	0.2	0.7	0.5
Violent	0.1	0.8	0.7
Property	0.1	0.5	0.4
Drugs	0.3	1.0	0.7
Public order	0.3	0.3	0
Racial disparity			
All prisoners	1.1	1.4	0.3
Violent	1.0	1.2	0.2
Property	1.0	1.3	0.3
Drugs	1.2	1.8	0.6
Public order	1.2	1.2	0

Source: Authors' analysis of BJS's NPS and NCRP data.

The Black-White differences in length of stay increased the most for violent and drug offenses. In 2000, there was a one-tenth of a year difference in mean length of stay between Black and White people in prison for violent offenses (or 4 years compared to 3.9 years, respectively). By 2019, this gap had increased to about eight-tenths of a year (or 4.9 years for Black adults and 4.2 years for White adults).¹⁶ For drug offenses, the Black-White differences in length of stay increased from three-tenths of a year in 2000 to one year in 2019. This means that by 2019, Black adults convicted of drug crimes could expect to serve 2.1 years upon admission while their White counterparts could expect to serve 1.1 years. In 2000, the racial disparity in length of stay was largest for drug and public order offenses; by 2019, the disparity in length of stay for drug offenses had increased, but the disparity for public order crimes remained the same. By 2019, Black people imprisoned for drug offenses could expect to serve 80% longer than White people; that marked a jump from 2000, when the expected length of stay for Black adults held for drug crimes was 20% longer than it was for White adults.

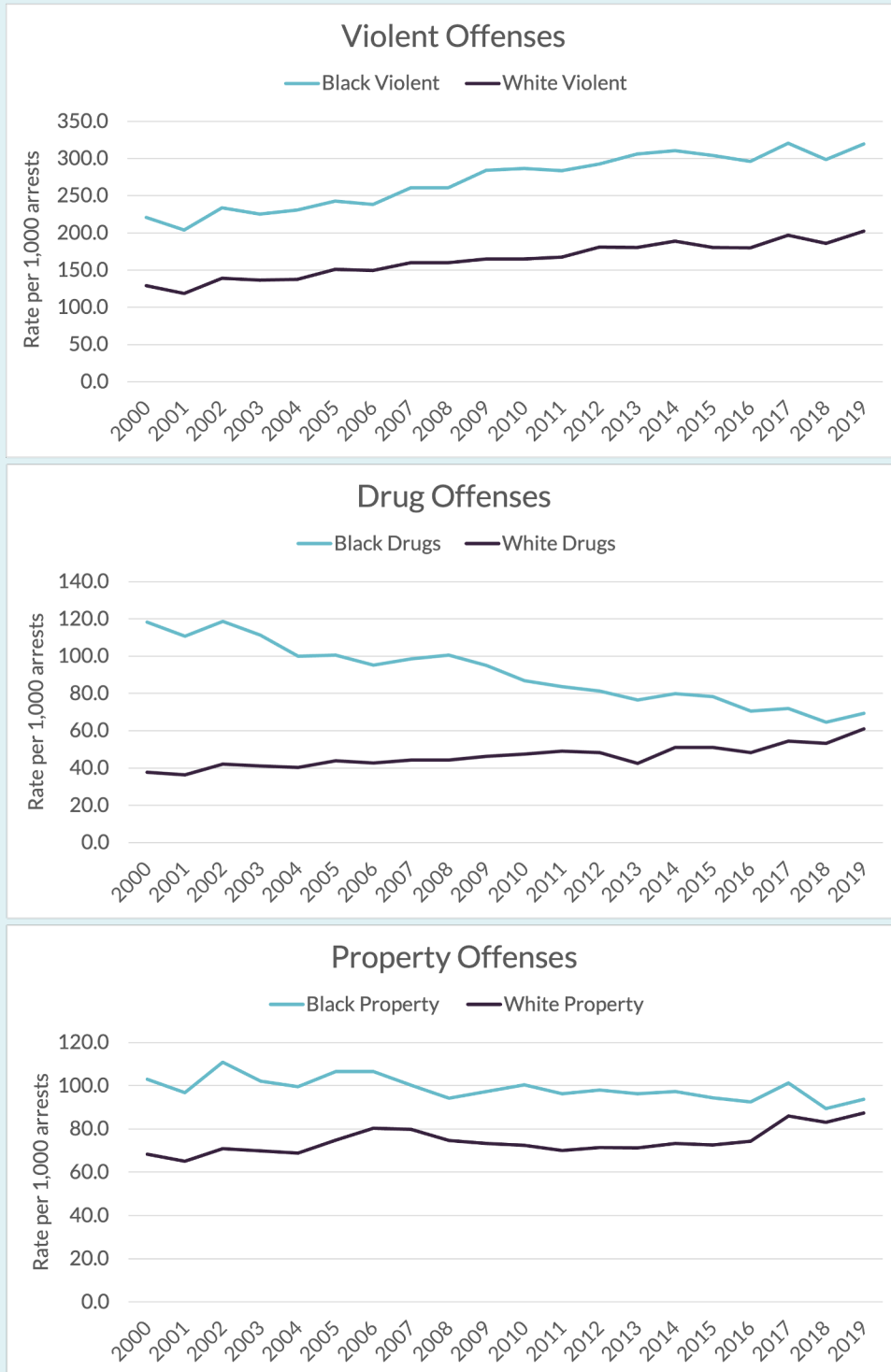
The length of prison sentences imposed and served is chiefly a function of the nature of the current offense and the severity of the person's prior criminal record. A longer and more serious criminal history makes it more likely that someone will be sentenced to prison and serve a longer term behind bars. These longer prior criminal records can result from higher rates of offending and/or higher rates of arrest or conviction per offense.

A variety of analyses confirm that the proportion of Black people with criminal histories is larger than that for Whites. For example, self-report data in longitudinal surveys show that by the time people reach young adulthood (circa age 23), there is about a 10-percentage point difference in the proportions of Blacks and Whites who report having been arrested at least once for any type of crime (Brame, Bushway and Paternoster; Nichol Gase, Glenn and Gomez). One such survey puts the proportions at 49% of Black males compared to 38% of White males. Studies using official criminal history records also show larger percentages of Black versus White youth with arrest records, with varying proportions of the differences attributable to types of crimes and racial segregation in residential population (Raphael and Rozo).

¹⁶ The exact differences are obscured by rounding in Table 2.

FIGURE 7

Black and White Rates of New Court Commitments by Offense, 2000-2019



Racial differences in time served accounted for an increasing portion of disparity in imprisonment, but racial differences in admissions accounted for the majority of the disparity.

To add another dimension to the analysis, this report estimates the contributions of race-specific measures of length of stay and race-specific admissions rates to the difference in Black-White imprisonment rates.¹⁷ **In 2000, length of stay accounted for about 6% of the difference in Black-White imprisonment rates, while admissions accounted for 94% of the difference. By 2019, however, length of stay accounted for 27% of the difference in Black-White imprisonment rates, and admissions rates accounted for 73% of the difference.**

Over time, the decrease in the Black-White difference in admissions rates exerted a downward influence on imprisonment disparity, but the increase in disparity in length of stay had the opposite effect, driving disparity upward. The relative contributions of admissions and length of stay to Black-White imprisonment rates varied by offense type. But in each case, the racial disparity in population-based admission rates accounted for a greater amount of the racial gap in imprisonment rates than did length of stay, even as the contribution of length of stay to imprisonment differences increased over time.

Disparity in prison admissions per arrest for property and drug offenses fell, but remained relatively constant for violent offenses.

Prison admissions stem from arrest, prosecution, and sentencing decisions. This report uses the ratio of new court prison admissions to arrest to calculate the probability that an arrested person received a prison sentence.¹⁸ The analysis distinguishes this commitment per arrest ratio from the admissions rate per population discussed earlier and uses the commitments per arrest measure to indicate post-arrest case-processing decisions leading to imprisonment.

For violent, property, and drug offenses, the trends in the ratio of new court commitments per arrest differed, but the ratio for Black people exceeded that for White people

¹⁷ See Methodology.

¹⁸ The focus here is on the ratio of new court commitments to arrests, given our finding above about the decrease in disparity in parole violation admissions. For several reasons, this ratio of new court commitments to arrests is not a perfect indicator of the probability of a new prison sentence, as arrest data count persons arrested and allow for a unique person to be arrested more than once or on several charges, classified according to a hierarchy that selects a most serious charge. For example, a person arrested for a drug and weapons charge might be classified as a drug arrest but during case processing may be convicted and sentenced on the weapons charge. Some arrests are of people who violate conditions of supervision who may not be charged and sentenced on the arrested offense until a much later time. Plea bargaining can result in charge changes that differ from the arrest charge.

throughout the study period (Figure 7). For violent offenses, the Black and White trends were roughly comparable, as the ratio of new court commitments per arrest both trended upward and showed little indication of converging over time. For example, in 2000, the rate of new court commitments to arrests for Black adults was 221 per 1,000 arrests and the White rate was 129 per 1,000; by 2019 the respective rates were 319 and 202 per 1,000 arrests. Within the violent crime category, the new court commitment-to-arrest ratio for Black people increased by about 46% from 2000 to 2019, while for White people, it increased by about 57%.

The race-specific trends in new court commitments per arrest for property and drug offenses differed from those for violent offenses. For property crimes, the Black-White trends converged, primarily due to an increase in the ratio of new court commitments per arrest for White adults that occurred late in the study period, combined with a small, downward trend in that ratio for Black people. Specifically, between 2000 and 2019, the ratio of new court commitments per arrest for Black people fell by 9%, from 103 to 94 per 1,000 property crime arrests, while for White people it increased by 28%, from 63 to 87 per 1,000 arrests. **The Black and White rates of new court commitments per arrest also converged for property crimes, nearly equalizing.** Specifically, the ratio for Black adults fell by 49%, from 118 to 69 per 1,000 arrests of Black adults for drug offenses, while the admissions ratio for White people for drug offenses increased by 62%, from 38 to 61 per 1,000 arrests.

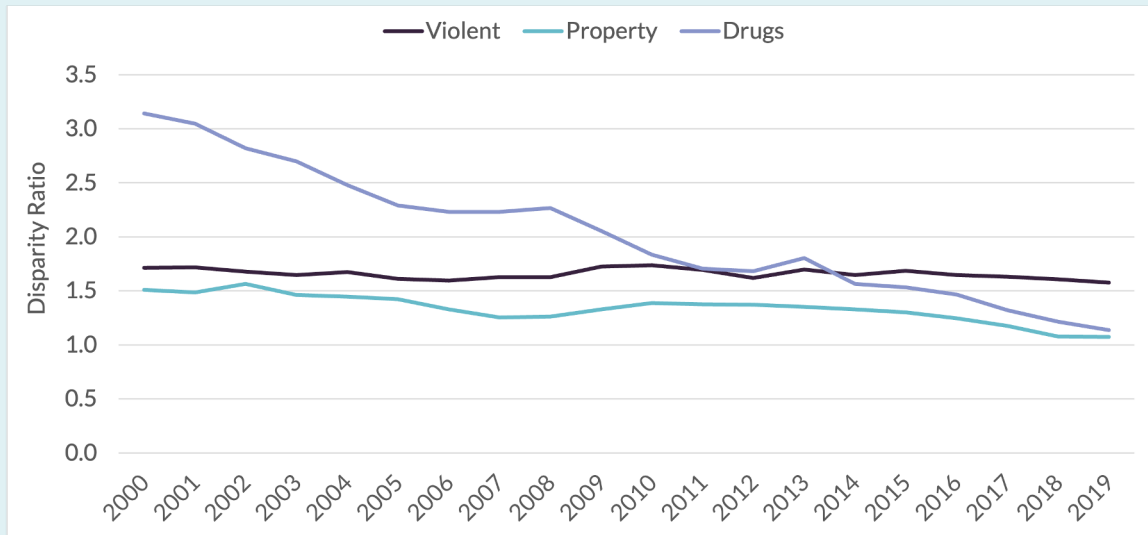
The changes in Black-White disparities in new court commitments per arrest are more apparent in Figure 8. For violent offenses, the Black-White rates generally held steady, with year-to-year fluctuations around 1.6. This indicates that Black adults arrested for a violent crime across the study period were 60% more likely than White people to be sentenced to prison. For property and drug offenses, however, differences in new court commitments per arrest nearly equalized.¹⁹

Due to data limitations, this report does not further assess the Black-White disparity in new court commitments per arrest for violent offenses by exploring specific types of violent crimes. For example, if the probability of a prison term is higher for robbery than assault, and Black people are arrested for robbery at higher rates than White people, then even if the rates of prison term per robbery were comparable, a higher Black representation in robbery offenses would contribute to a higher overall rate of new court commitments for Black people across all violent offenses. Additionally, if Black people

¹⁹ This analysis was replicated using all prison admissions and not just new court commitments. The results are essentially the same, with some minor differences in each direction in disparity. Notably, the Black and White property and drug admissions per arrest nearly equalized and the Black-White gap in all admissions per arrest in 2019 fell to 1.7 and not 1.6.

FIGURE 8

Black-White Disparity Ratio in New Court Commitments Per Arrest by Major Offense Category, 2000-2019



charged with robbery are prosecuted at higher rates than White people, then that might also contribute to comparatively higher rates of commitment per arrest for violent offenses for Black individuals. Alternatively, other considerations such as prior criminal history, witnesses, evidence, and the quality of an individual's defense could also contribute to the observed aggregate differences.²⁰

Racial differences in arrest rates for property and drug crimes accounted for almost all of the remaining disparity in total prison admissions for these two offense categories.

While near-parity in new court commitments per arrest (and all admissions per arrest) for property and drug offenses was reached by 2019, a gap remained in the offense-specific Black-White admissions rates per 100,000 U.S. adult residents. If disparity in admissions per arrest equalized but disparity in admissions per population did not, then racial differences in arrest rates would account for the disparity that remained in the population-based admissions rate for these two offenses. As reported above, by the end of the study period the racial disparity in the population-based prison admissions rate for

²⁰ For a point in time estimate of the analysis of specific types of violent crimes, see: (Beck and Blumstein, Racial disproportionality in U.S. state prisons: Accounting for the effects of racial and ethnic differences in criminal involvement, arrests, sentencing, and time served)

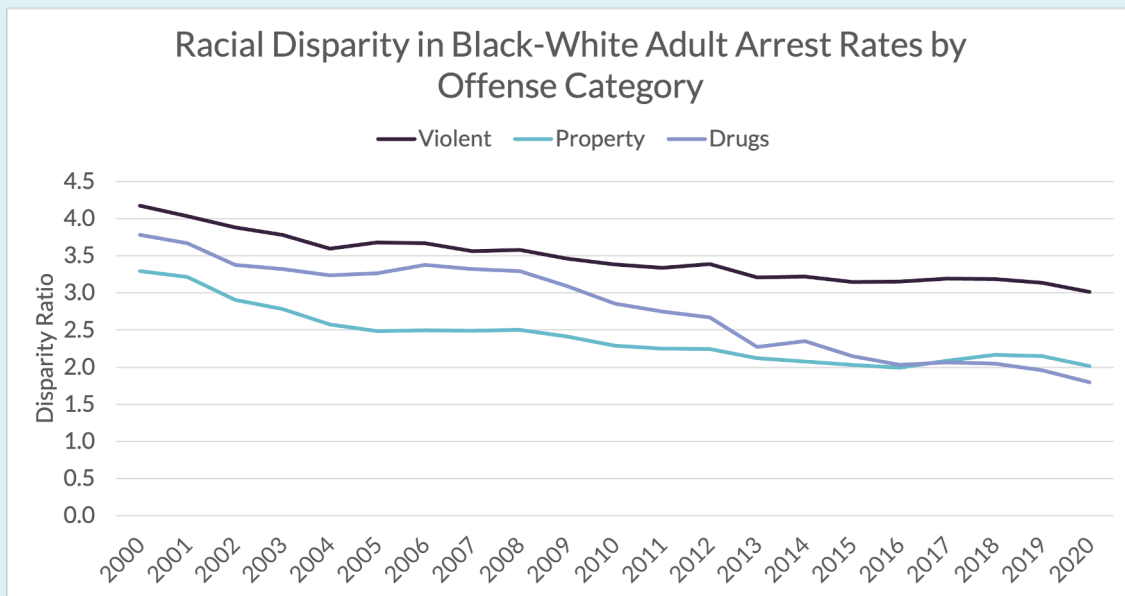
property and drug offenses stood at 2.3, down from 5 and 12 for the two crime types in 2000, respectively. **While racial differences in arrest rates per 100,000 U.S. adult residents in these offense categories fell, by late in the study period disparities remained; those remaining arrest disparities account for most of the disparity in the population-based admissions rates.**

For Black adults, property crime arrest rates fell by 47%, from 1,470 to 784 per 100,000 residents, from 2000 to 2019. For White adults, the decrease was not as steep; the White property crime arrest rate fell by 18% from 446 to 365 per 100,000 residents. Similarly for drug offenses, the Black drug arrest rate per resident population fell more rapidly than did the White drug arrest rate. Specifically, in 2000 the Black drug arrest rate was 2,220 per 100,000 U.S. adult residents, and by 2019 it had fallen by 52% to 1,070 per 100,000 residents. The White drug arrest rate fell by 7%, from 585 to 546 per 100,000, but (not shown in a figure) it peaked in 2013 at nearly 700 per 100,000 before reversing course and falling to its 2019 level.

These changes in property and drug arrest rates led to decreases in the racial disparity in overall arrest rates. For property offenses, the ratio of Black-to-White population-based arrest rates fell from 3.3 in 2000 to 2.1 in 2019; for drug offenses, it fell from 3.8 to 2.0 (Figure 9). Taken together, for property and drug crimes, the near equality in the admission per arrest ratio in 2019 means that the remaining disparity in the population-

FIGURE 9

Racial Disparity in Black-White Adult Arrest Rates by Offense Category, 2000-2020



based admissions rate must have been produced by the disparity in arrest rates for these two offense categories.

For violent offenses, the arrest rate disparity fell from 4.2 in 2000 to 3.1 in 2019. By comparison, the population-based prison admission disparity for violent offenses stood at 5.2 in 2019. This means that racial differences in arrests explain most of the remaining disparity in population-based admissions rates, but not all of the disparity in admission rates for violent offenses. Some of the remaining disparity in total prison admissions for violent crimes could have arisen from differences in arrest rates for specific subcategories of violent crimes, such as homicide, rape, robbery, and aggravated assault. Due to data limitations, this report did not examine the differences for those specific offenses.

Racial differences in offending rates for violent crimes were associated with racial differences in arrests.

Racial differences in arrest rates may arise from racial differences in offense rates or from disparities in enforcement. To assess Black-White disparity in rates of offending, this report relies on the U.S. Department of Justice National Crime Victimization Survey (NCVS). The NCVS asks victims of nonfatal violent offenses reported to police – rapes, robberies, and assaults – to describe assailant characteristics, including race.²¹ This section of the report presents the rate of violent offenses by race, rather than identifying the number of individuals of any race who commit violent crimes.²²

The NCVS estimates of offenders are conditioned by several factors, including:

- + **Incomplete reporting of offenses to police:** Not all violent victimizations are reported to the police (about 44% of them were during the study period for this report); Black victims indicated that they reported violent victimizations to the police at a higher rate (five percentage points higher) than did White victims.
- + **Victim perceptions of race:** Victims were able to report the race or ethnicity of offenders in more than 85% of non-fatal violent crime incidents. More than two-thirds of victims in incidents involving a single offender said they knew or had seen the offender before; in multiple-offender victimizations, this percentage was about one-

²¹ The authors of this analysis used victimizations reported to the police to account for victim behavior in choosing to report a victimization or handle it by another means, and practically, only those offenses reported to the police would result in an arrest and subsequent prosecution.

²² The approach to using the NCVS for this report's estimates follows that used in prior research, especially research comparing offenders to arrestees, and in statistical reports prepared by BJS. See: (Beck, Race and Ethnicity of Violent Crime Offenders and Arrestees, 2018)

third. The greater a victim's familiarity with his or her assailant, the more accurate the victim's perception and account of the race of the assailant.

- + **Repeat offending:** NCVS estimates do not account for the fact that some individuals commit more than one crime and, theoretically, could be counted more than once. Racial differences in individual rates of offending would affect comparisons of the rates.²³

NCVS estimates have proven to be reliable and to align with other measures of the characteristics of offenders (Mosher and Miethe). For example, BJS reports based on the NCVS estimates show that violent victimizations are primarily intra-racial and that the majority of victims report their perpetrators to be of the same race (Rennison; Morgan).

In 2000, NCVS estimates suggested that the rate of nonfatal violent offenses for Black people was three times higher than for white people. This Black-White disparity trended upward over the study period, reaching 4 in 2019 (Figure 10).²⁴ The rate of nonfatal violent offenses per 100,000 people grew for both Black and White populations, but the increase for Black people (55%) was somewhat smaller than for White people (59%).²⁵

This finding aligns with other analyses of crime victimization and offending in Black populations. For example, homicide offenses account for 30% of all violent offenses in state prison. According to police data reported to the FBI, in 2020, Black individuals comprised approximately 13% of U.S. residents but accounted for 56% of homicide victims and 39% of those arrested for homicide (Federal Bureau of Investigation). According to FBI homicide data, Black individuals were convicted in more than half (56%) of homicides in cases with a known assailant, a value roughly four times higher than their representation in the U.S. adult resident population. A BJS report on the race and ethnicity of people arrested in 2018 for nonfatal violent crimes indicated that Black

individuals (who made up 12.5% of the resident population in that report) accounted for 35% of offenders in NCVS incidents reported to the police, 33% of all nonfatal violent crime arrests, and 36% of arrests for rape, robbery, and aggravated assault. UCR

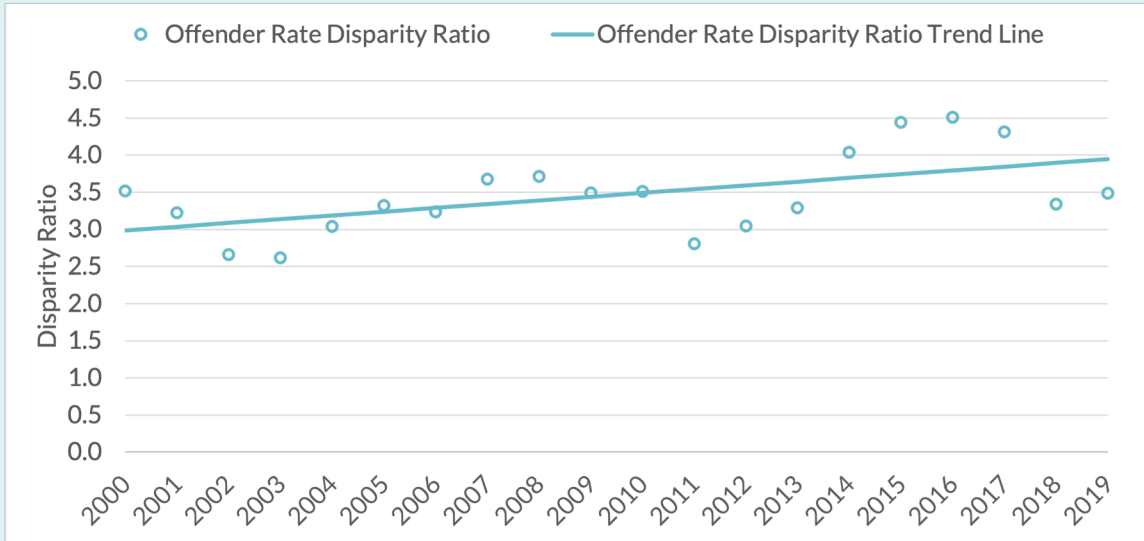
²³ This is not unlike the problem arising when using Uniform Crime Report (UCR) arrest data, which are counts of individuals arrested. In the UCR arrest data, a unique person who is arrested more than once during a year is counted every time he or she is arrested. If there are racial differences in either the rate of repeat offending or arrest rates, then the estimates of differences in offenders and arrests may be biased. For example, if a larger share of White people committed multiple offenses, then estimates of White offending levels would overstate the number of unique individuals who committed offenses; the same would hold for Black individuals.

²⁴ The yearly disparity ratios fluctuated around this trend, but reflect sampling variation, response rate differences, and other sources of error that can affect the precision of any single yearly estimate.

²⁵ As pointed out in CCJ's 2019 report, the NCVS-based Black violent crime offender rates fell by about 3% per year on average during the 2000-2016 period covered by that analysis. See: (Sabol, Johnson and Caccavale)

FIGURE 10

Disparity in Estimated Black-White Nonfatal Violent Offender Rates Based on Victim Perceptions of the Race of their Assailant, 2000-2019



expanded homicide data support NCVS findings on differential violent offending among Black residents. Like the Black-White disparity ratio formula, this UCR report calculated Black and White homicide offending rates per 100,000 residents based on victim and offender data with race information. These ratios indicate that the Black homicide offending rate was 6.9 times higher than the White rate in 2020. Importantly, these same data show 91.6% of Black homicide victims were killed by a Black person in cases involving a single victim and offender.

Scholars across various fields and eras have concluded that higher levels of Black victimization and offending largely stem from disproportionate exposure to a nexus of discriminatory historical, structural, and economic factors (Currie; Sampson; Sheats, Irving and Mercy).

If racial differences in arrest rates align with racial differences in offending rates, then one would expect there to be little to no disparity in offender-based arrest rates. Two methods of analysis²⁶ showed that disparity in arrests per offender in nonfatal violent offenses trended downward and, over time, leveled off at or below a disparity ratio of one (where one is parity). The first method takes the race-specific ratios of UCR arrests to

²⁶ See Methodology for additional details.

NCVS estimated offenders. This ratio fell from 1.4 in 2000 to below 1 in 2019 (Figure 11). The second analysis uses the race-specific ratio of victims' reports that an arrest was made to the number of offenders; that ratio was constant over the study period, and it hovered at about 0.8.²⁷

The trend lines in Figure 11 show convergence over time in the two arrest disparity ratios. Although these two indicators are somewhat imprecise measures of arrest disparity, they present a consistent picture of Black-White disparity in arrest for violent offenses – and suggest that Black and White arrest rates for nonfatal violence corresponds with Black and White involvement in these offenses, as reported to police and described by victims.²⁸

Assessing the impact of offense and arrest ratios on Black-White disparity in imprisonment, it appears that for violent offenses, the observed racial differences in offending rates account for more of the imprisonment disparity than do racial differences in arrest rates. This can be illustrated using data from 2019: in the later years of the study period, a disparity of about 4 emerged in the Black-White violent offending rate. If one assumes that all post-offending decisions were made in a race-neutral manner, the disparity in offending would imply a 4-to-1 disparity in imprisonment. However, the actual disparity in imprisonment was 6.2-to-1.

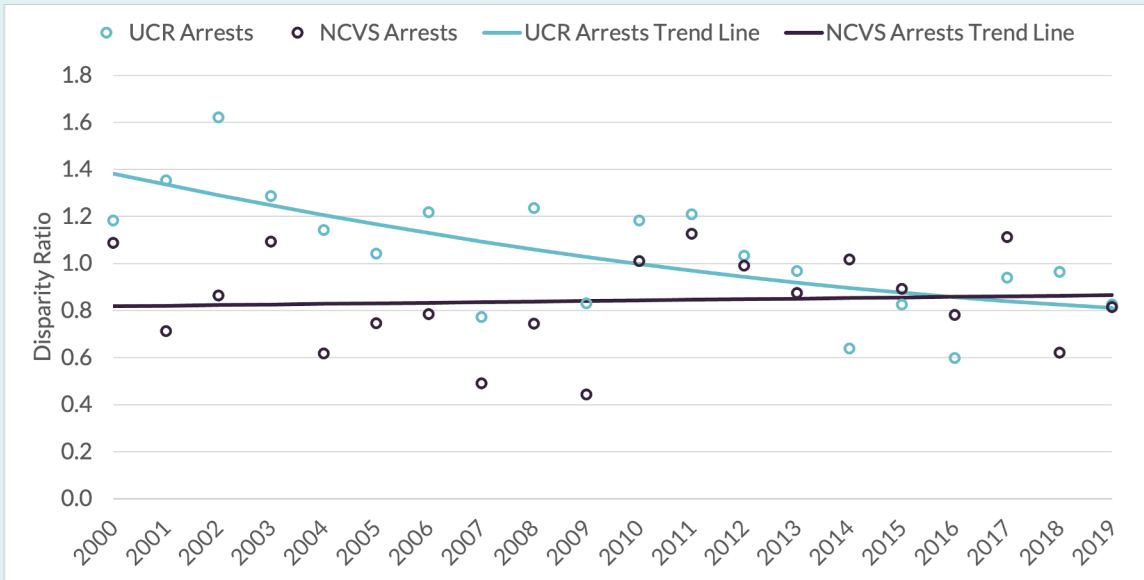
The contribution of the offending rate to imprisonment disparity for violent crimes increased over the study period. **In 2000, about 40% of the Black-White violent offense imprisonment disparity could be explained by differences in offending rates, as estimated by the NCVS. In 2019, about 55% could be explained by estimated offense differences.**

²⁷ Arrest-to-offender disparity ratios of less than one may occur for several reasons. As noted above, there may be racial differences in individual offending rates, such that one arrested person accounts for multiple offenses. Depending upon which racial group has more members with higher individual offending rates, the arrest-to-offender disparity ratio could move up or down. That is, if more Black offenders—or more White offenders—commit multiple crimes and are arrested, then the arrest-to-offender ratio would be driven down. The race of victims may help to determine this. Most nonfatal violent offending is intraracial—victims and assailants are likely to be of the same race. Thus, if the arrests are less (or more) likely to occur based on the race of the victim and offender, this would drive the arrest-to-offender disparity ratio down (or up). Crimes such as robbery are intra- and inter-racial crimes, meaning that individuals who commit them may victimize members of their own race or a different one. For these crimes, the effect on likelihood of an arrest is uncertain. Ultimately, the observed racial differences in the arrest-to-offender ratios for robbery may be due to a variety of factors, including but not limited to the willingness of victims to report, differences in the amount/value of stolen goods, or differences in the amount of violence used during the crime.

²⁸ These findings are also consistent with: (Beck, Race and Ethnicity of Violent Crime Offenders and Arrestees, 2018)

FIGURE 11

Racial Disparity in Black-White Arrests per Offender in Violent Victimitizations Reported to Police, 2000-2019



These analyses imply that some post-offending decisions by criminal justice actors pushed the disparity ratio higher than it would have been given disparities in offending, though that effect has diminished over time. Findings in this report shed light on the contributions of various justice system decision points to imprisonment disparities:

- + **Arrest:** As noted above, the arrest-to-offender rate disparity was 1 or below, which indicates that increased arrests of Black individuals are likely not contributing upward pressure on imprisonment disparity.
- + **Admission:** Findings show a Black-White disparity in prison admissions for violent offenses of 1.6, contributing upward pressure on the racial disparity in imprisonment.
- + **Sentencing and Release:** Analyses revealed a Black-White disparity of 1.2 in expected length of stay for violent offenses.

These findings indicate that differences in admissions and length of stay helped drive the disparity in imprisonment above what it would have been given observed offending rates in the NCVS.

Policy Implications & Discussion

Incarcerated populations are determined by two mathematical factors: the number of individuals who are admitted to prison and how long they stay there. Policymakers have a number of tools to control admissions to prison, such as probationary sentences and other diversion programs. However, since the disparity gap in prison admissions per arrest for property and drug offenses has narrowed during the first 20 years of this century—and the gap for admissions for technical revocations has been eliminated—it is unlikely that such admissions-focused measures will produce substantial additional reductions in imprisonment disparity.

Based on these and other findings, further reductions in Black-White imprisonment disparities would require one or more of the following:

- + **Reduced disparity in rates of violent offending.** Racial disparity in imprisonment rates for violent offenses was related to racial disparity in violent offending rates. While non-violent offenses may also contribute to disparity, violent crimes result in much longer prison sentences, which in turn elevate Black imprisonment rates.
- + **Reduced disparity in prison time served.** As disparity in length of stay is currently increasing, reversing this trend and closing the time-served gap would more appreciably contribute to reducing disparity than changes to admissions policies.
- + **Reduced role of criminal history.** To the extent that racial differences in criminal history severity arise from enforcement rather than offending disparities, “race-neutral” application of prior criminal history can lead to longer sentences for Blacks than Whites who commit similar crimes because of the differences in the accumulation of criminal history. To the extent that “old” criminal history records no longer serve as good predictors of future criminal behavior, prison sentences may both be unnecessarily inflated and contribute to disparity.

Policymakers, court officials, and other key stakeholders should examine criminal histories carefully before simply applying counts of such events. This scrutiny is warranted by research showing that persons who go several years between arrests are no more likely to be rearrested than persons in the general population (Kurlycheck, Brame and Bushway; Blumstein and Nakamura).

Without significant reductions in rates of violent offending and length of prison terms, or changes in the influence of criminal history on sentencing and release policies, significant racial disparities in imprisonment will persist.

Further Analyses

The Council's 2019 analysis, [Trends in Correctional Control by Race and Sex](#), showed that while significant racial and ethnic disparities were observed throughout the U.S. criminal justice system, those gaps narrowed between 2000 and 2016 across local jail and state prison, probation, and parole populations—some by substantial margins. This report, following unprecedented reductions in incarcerated populations during the COVID-19 pandemic, extends and deepens our understanding of the gaps that persist between Black and White adults in the American justice system.

Critical questions remain, including how trends in disparities by race have evolved:

- + Between Hispanic and Non-Hispanic populations;
- + Among female populations; and,
- + Across states that have adopted a wide array of reforms intended to safely reduce prison populations and, in some cases, explicitly reduce racial disparities.

Forthcoming Council reports will address these questions and seek to identify specific changes in policy and practice that may have helped or hindered the goal of achieving equity for all individuals.

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