



## State above average in minority incarceration, study says

By CLARENCE MABIN / Lincoln Journal Star

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A report that found Nebraska above the national rate of incarceration for blacks and Hispanics answered some questions but raised many more, including a basic one: Why the disparity?

“That’s the great question,” said Dennis Keefe, the Lancaster County Public Defender and member of a state committee on minorities and the justice system.

“The problem is, without more detailed information, it’s hard to put a finger on what the problem is.”

According to the report released last week, “Uneven Justice: State Rates of Incarceration By Race and Ethnicity,” blacks in Nebraska were 8.3 times more likely than whites to be incarcerated in prison or jail.

The figure nationwide was 5.6, according to the report prepared by Washington, D.C.-based The Sentencing Project.

Hispanics in Nebraska were 2.5 times more likely to be incarcerated than were whites, the report found. Nationwide, the figure was 1.8, the report said.

The rates were based on 2005 data from the federal Bureau of Justice Statistics.

Keefe, a member of the state Minority and Justice Committee, said that ferreting out the “whys” behind the raw data will require more detailed information on such variables as bonding decisions in pre-trial detentions, the charging decisions of prosecutors and defendants’ prior criminal records.

Also useful, he said, would be information on the socio-economic backgrounds of criminal suspects.

“It’s not a small undertaking,” he said. “We (the committee) haven’t had the resources”

to collect the data.

Empirical evidence aside, Keefe suspects racism and the economic status of defendants play some role in the disparities.

“If you accept the point that racism still exists in society, then you have to say it exists to some degree in the criminal justice system,” he said.

“Socio-economic issues may, in some instances, be even more important.”

Ryan S. King, a policy analyst at The Sentencing Project and one of the report’s authors, agreed that any explanation of the disparity can’t ignore underlying social issues.

“The criminal justice system does not exist in a vacuum,” he said. “If we could reform the criminal justice system overnight, it still would not address the underlying issues.”

Poverty, limited educational opportunities, inadequate health care all contribute, King said, to the inequities in the nation’s justice system.

Government policy on crime also plays a role, he said.

For example, the war on drugs that began in the 1980s has had a greater impact on minority communities, even though those communities’ rates of regular, illicit drug users are comparable to overall national rates.

Black communities, for instance, are more tempting targets for drug enforcement because drug transactions in those communities tend to be done in public and are often between strangers, according to King said.

“That means it’s easier to make an arrest,” he said.

Liz Neeley, director of the Minority Justice Committee, said the committee expected to complete a study next year that is examining sentencing decisions, by race, in Nebraska courts.

In particular, the study hopes to determine whether racial disparities exist in who receives probation and who jail time, Neeley said.

Another potential source of disparity between whites and minority defendants in Nebraska, Neeley said, are their differing responses to court dates.

Neeley said some numbers suggest that 20 percent of county jail detainees in Nebraska are incarcerated because they failed to show up for a court hearing.

“The original offense might not have been jailable, but if they don’t show up, a warrant’s issued,” Neeley said. “There’s some evidence that these failure-to-appears are impacting

minority groups, especially blacks and Hispanics, at a higher rate.”

Language could explain the failure among Hispanic defendants, she said.

The question is a knottier one for African Americans, Neeley said.

“There is no hard rationale for why the failure-to-appear rate is higher for African Americans, except that they see it as a protest of an unfair (criminal justice) system,” she said.