

Criminal Justice Trends in Texas: Overview by Race

Sentencing Dynamics Study
Report 4



April 7, 1992

Criminal Justice Policy Council
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Note From the Director

This is the fourth report of a series specifically designed to help the Texas Punishment Standards Commission in their policy development. The Commission requested that the Criminal Justice Policy Council provide an overview of trends by race for the Texas criminal justice system. This report presents an overview using a series of graphs and text bullets to explicate the racial composition of the Texas criminal justice system. Data from the Texas Department of Public Safety, Uniform Crime Reporting Division and the Texas Department of Criminal Justice (Institutional Division/Pardons and Parole Division) are used to analyze trends. Population data from the Texas Department of Health, Bureau of State Health Data and Policy Analysis as well as the Texas Natural Resources Information System were used in calculating incarceration and arrest rates.

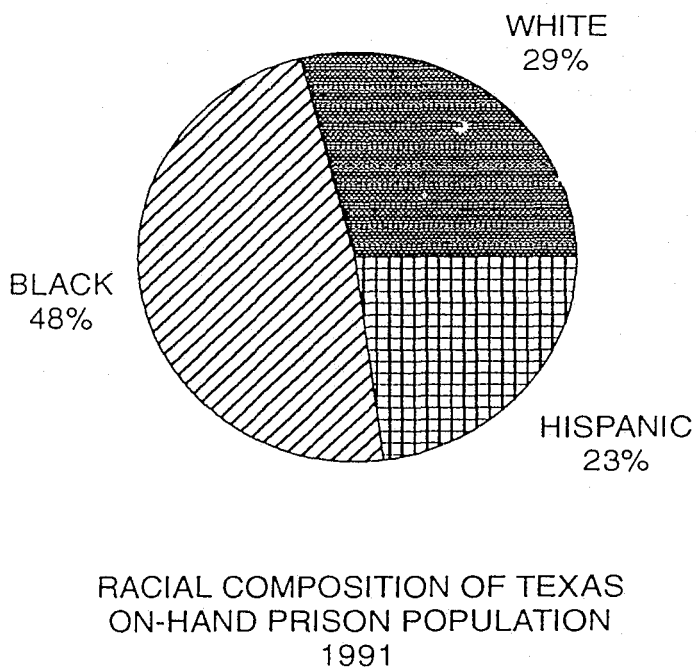
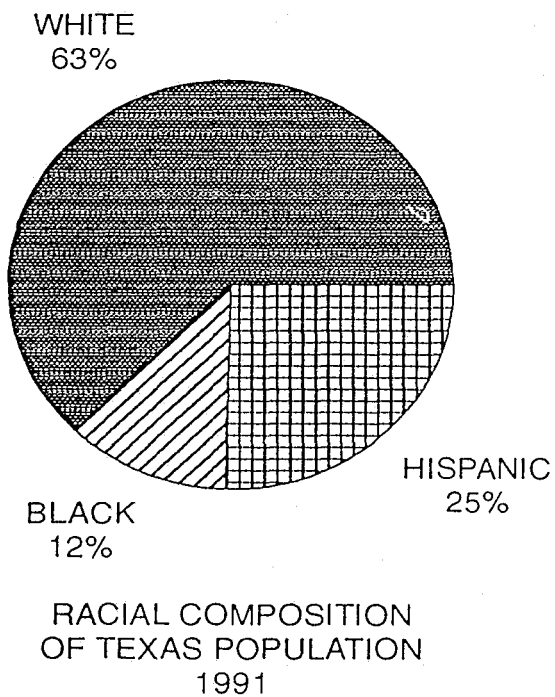
The analysis shows that the incarceration rates for minorities, particularly Blacks, have increased significantly between 1985 and 1991. Drug offenses account for most of the growth in the number of minorities arrested and incarcerated. The incarceration rate for Blacks increased from 683 per 100,000 Black adult population in 1985 to 1,414 in 1991. The incarceration rate per 100,000 adult population in each racial group in 1991 was 167 for Whites and 293 for Hispanics.

It is important to note that this report raises more questions than can be answered with present information. The data used in this analysis are not detailed enough to control for the effect of a range of variables related to imprisonment that may explain the disparity in the incarceration rate for different racial groups. For example, one of the most comprehensive studies of the effect of race in sentencing conducted by the RAND Corporation in California found that race had no impact upon prison sentences. The study found that once relevant crime, prior record, and process variables are controlled for the racial disparities apparent in the imprisonment decision are not evidence of discrimination in sentencing. As the authors stated:

"The distinction between racial discrimination and racial disparity is too often glossed over in research and the debate on this issue. Discrimination occurs if officials of the justice system make ad hoc decisions based on an offender's race rather than on clearly defined, legitimate standards. In contrast, racial disparity occurs when fair standards are applied but the incidence is different for racial groups." (Stephen Klein, Joan Petersilia, and Susan Turner. Race and Imprisonment Decisions in California. Science, 16 February 1990, Volume 247, pp. 812-816.)

Tony Fabelo, Ph.D.
Executive Director

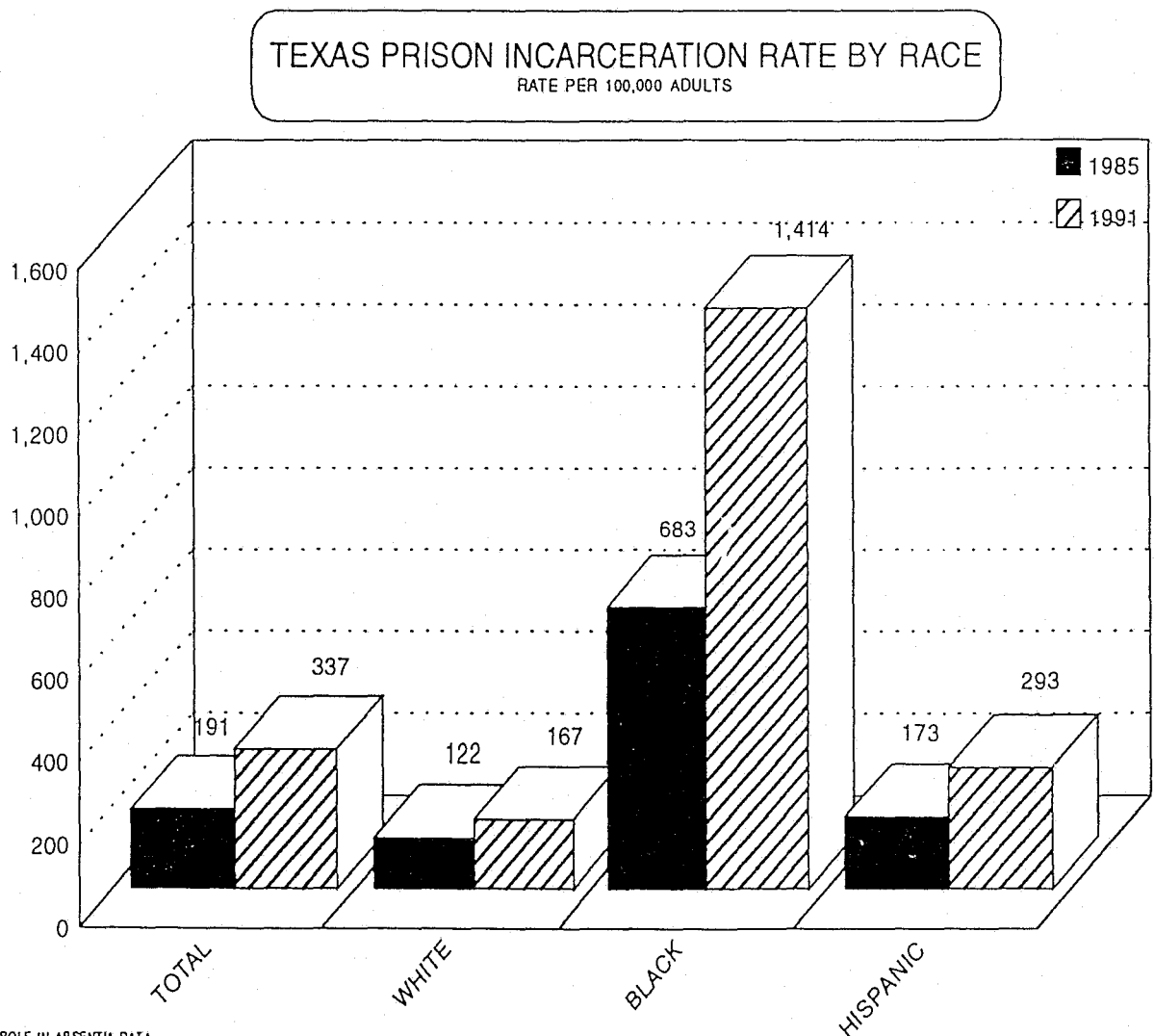
COMPARISON OF RACIAL COMPOSITION OF STATE AND PRISON POPULATIONS



SOURCE CRIMINAL JUSTICE POLICY COUNCIL

OVERVIEW: INCARCERATION RATES AND RACE

- The following incarceration rates are calculated for each racial group by dividing the number of offenders sentenced to prison by the adult (17 and over) population of that race



1991 INCLUDES PAROLE IN ABSENTIA DATA
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

1991 PRISON INCARCERATION RATES PER 100,000 ADULTS IN
EACH RACIAL GROUP FOR THE SEVEN LARGEST COUNTIES IN
TEXAS

	ALL	WHITE	BLACK	HISPANIC
STATE	337	167	1415	293
HARRIS	542	209	1851	353
DALLAS	536	245	1772	282
TRAVIS	360	149	1534	516
EL PASO	178	90	389	206
TARRANT	385	208	1696	292
BEXAR	229	81	701	308
NUECES	288	165	825	359

INCLUDES PAROLE IN ABSENTIA OFFENDERS

1990 ARREST RATES PER 100,000 ADULTS FOR THE SEVEN LARGEST COUNTIES IN TEXAS

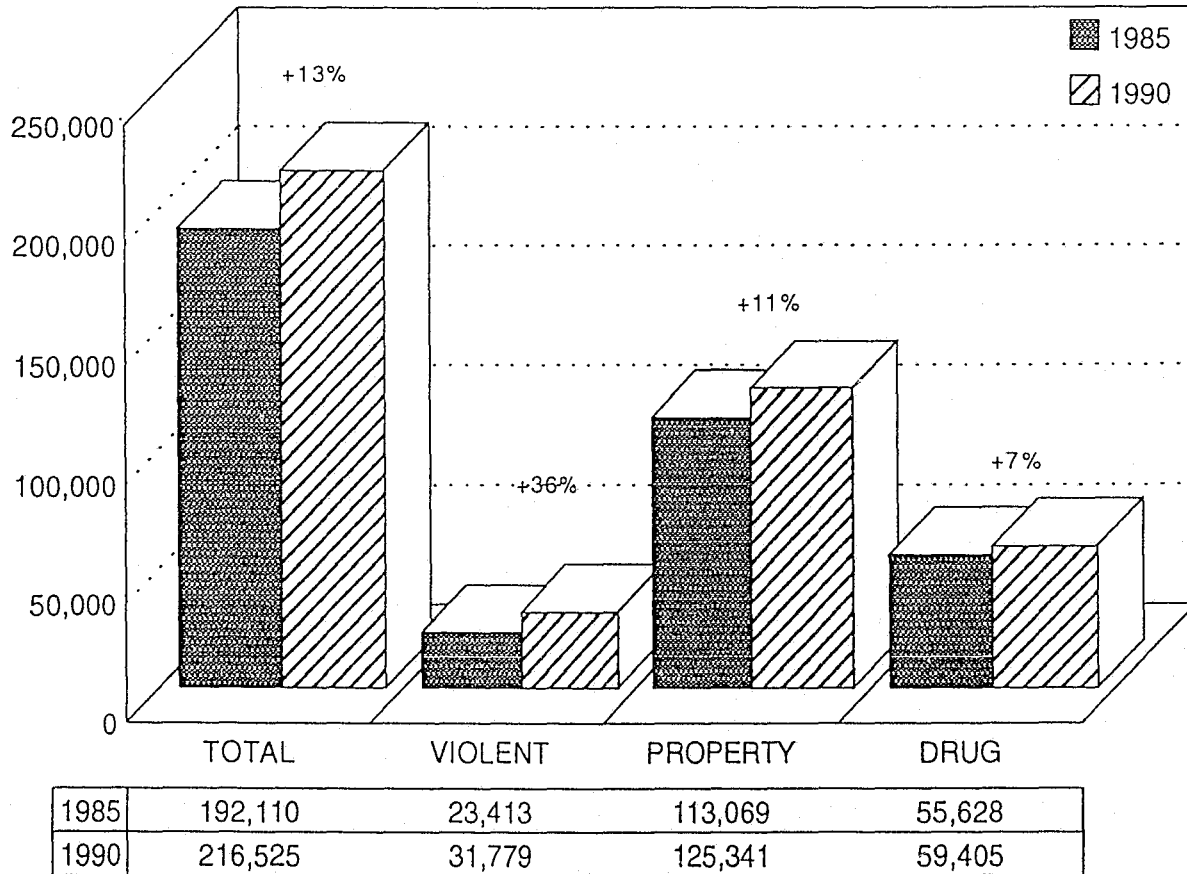
- The following rates are for arrests for Violent Index Crimes, Property Index Crimes, and all drug violations as defined by the Uniform Crime Reports
- These rates are calculated by dividing the total number of offenders arrested in these crime categories by the adult population of each racial group
- The Texas Department of Public Safety arrest data categorize race into White and Black, providing no breakdown for Hispanics within the racial groups

	ALL	WHITE	BLACK
STATE	1967	1497	5181
HARRIS	1767	1125	4116
DALLAS	3640	3088	5728
TRAVIS	3001	2211	9022
EL PASO	2588	2545	3490
TARRANT	2145	1473	7024
BEXAR	2577	2388	4635
NUECES	3556	3387	6680

THE NUMBER OF ARRESTS IN TEXAS ARE INCREASING

- The number of arrests for Violent Index Crimes, Property Index Crimes, and drug violations in Texas increased 13% between 1985 and 1990
 - As defined by the Uniform Crime Reports:
 - Violent Index Crimes are Murder and Nonnegligent Manslaughter, Manslaughter by Negligence, Forcible Rape, Robbery and Aggravated Assault.
 - Property Index Crimes are Burglary/Breaking or Entering, Theft, and Motor Vehicle Theft.
 - All drug abuse violations are included in the drug category

NUMBER OF ARRESTS IN TEXAS
BY OFFENSE CATEGORY

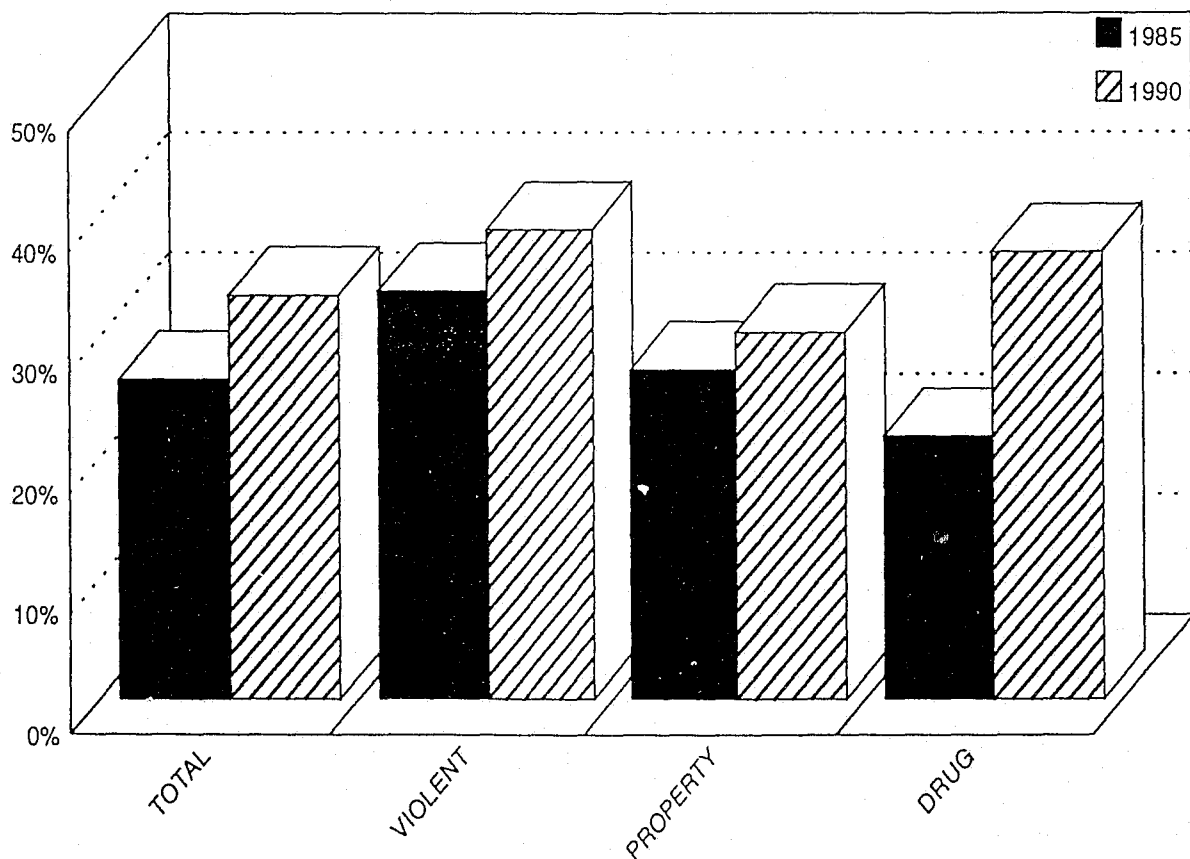


SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

BLACKS ARE INCREASING AS A PERCENTAGE OF ARRESTS

- Texas Department of Public Safety arrest data categorize race into White and Black, providing no breakdown for Hispanics within the racial groups
- Note: total arrests refer to total Violent Index Crimes, Property Index Crimes, and all drug violations

BLACKS AS A PERCENTAGE OF ARRESTS IN TEXAS
BY SELECTED OFFENSE CATEGORIES



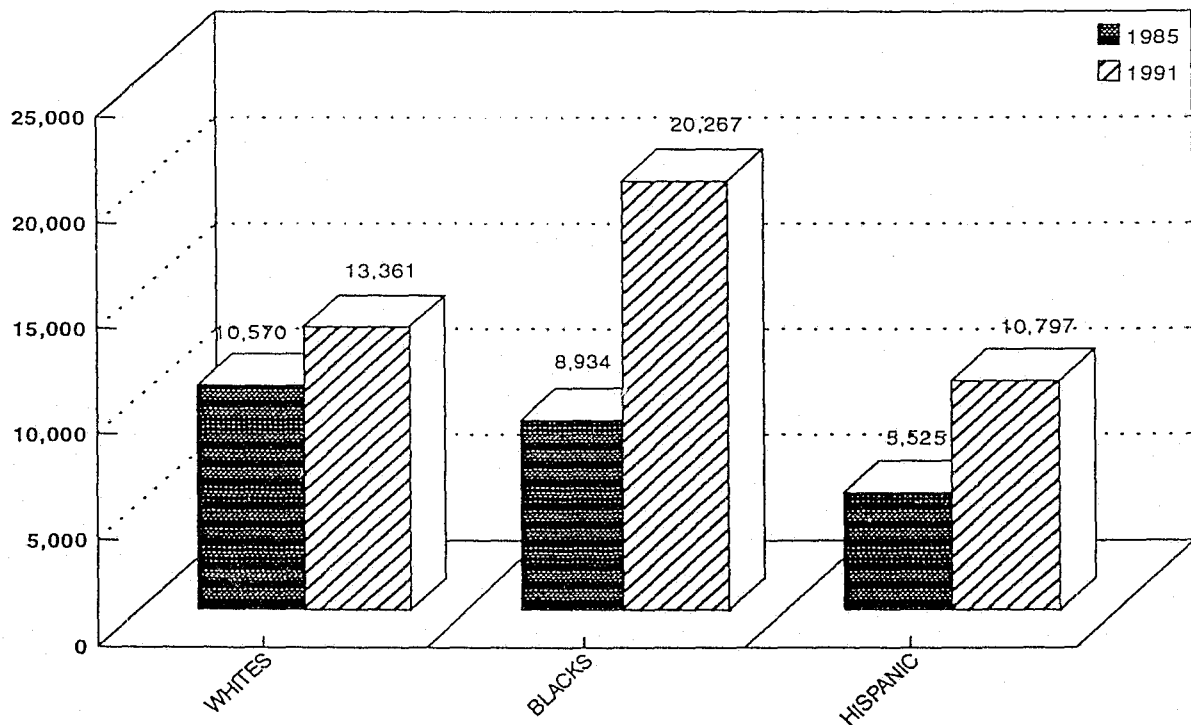
1985	26.5%	33.81%	27.31%	21.79%
1990	33.48%	38.89%	30.42%	37.05%

SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

THE NUMBER OF OFFENDERS SENTENCED TO PRISON IN TEXAS IS INCREASING

- The Texas Department of Criminal Justice prison admissions data treat Hispanics as a racial category along with Blacks and Whites
- The number of offenders sentenced to prison in Texas has increased from 25,365 in 1985 to 44,613 in 1991, a percentage change of 76%
 - Note: The 1991 number of offenders includes 4,967 offenders sentenced in fiscal year 1991 and paroled in absentia from county facilities without admission to prison
- This increase in offenders sentenced to prison is manifested in all racial categories
 - Blacks sentenced to prison have shown the greatest percentage change over this period, 127%
 - Whites sentenced to prison had the smallest percentage change of any racial group, 26%
 - Hispanics sentenced to prison had a percentage change of 95% during this period

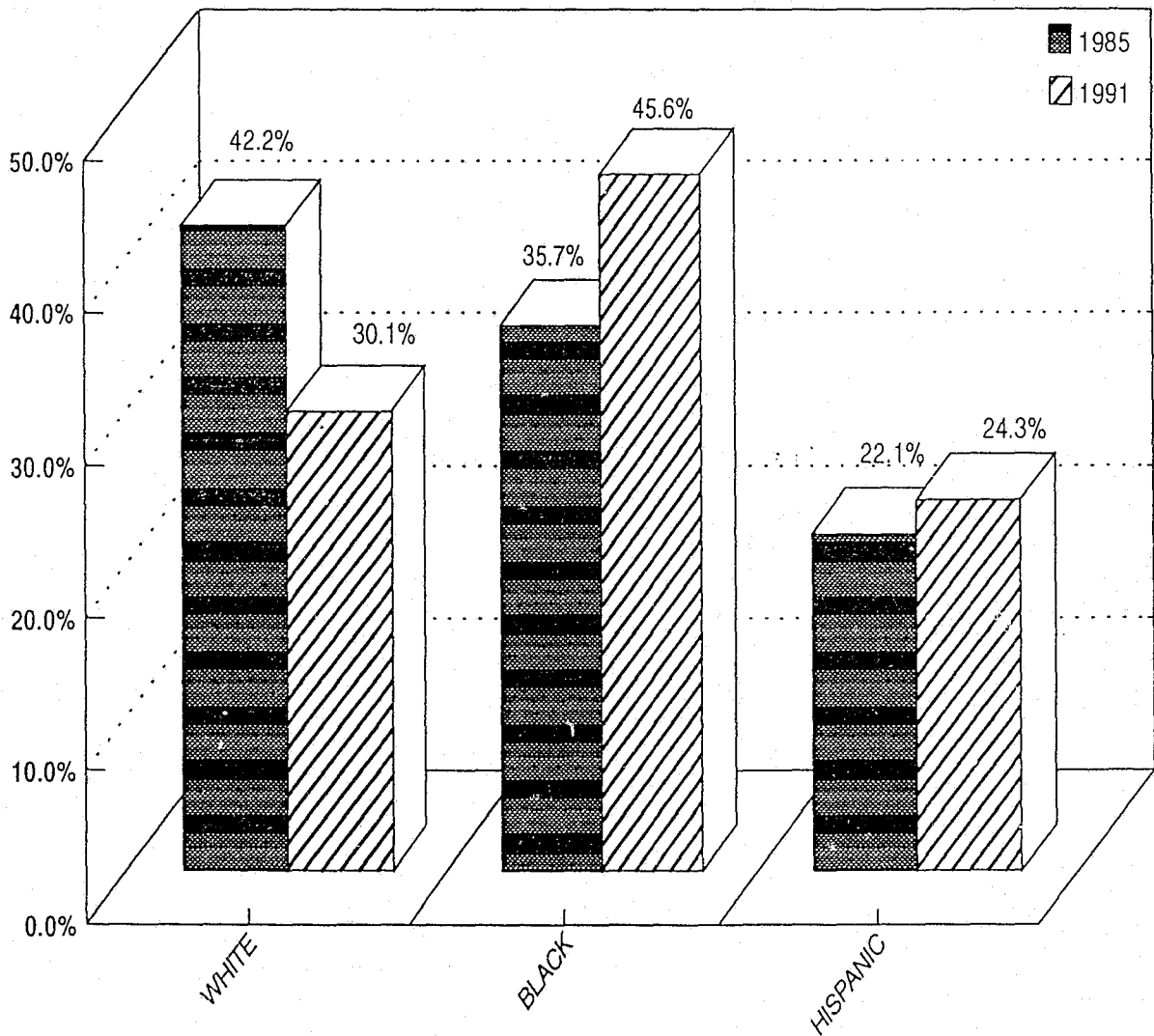
NUMBER OF OFFENDERS SENTENCED TO PRISON BY RACE



1991 INCLUDES PAROLE IN ABSENTIA INMATES
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

MINORITIES ARE AN INCREASINGLY LARGE PROPORTION OF OFFENDERS SENTENCED TO PRISON IN TEXAS

PERCENTAGE BY RACE OF OFFENDERS SENTENCED TO PRISON

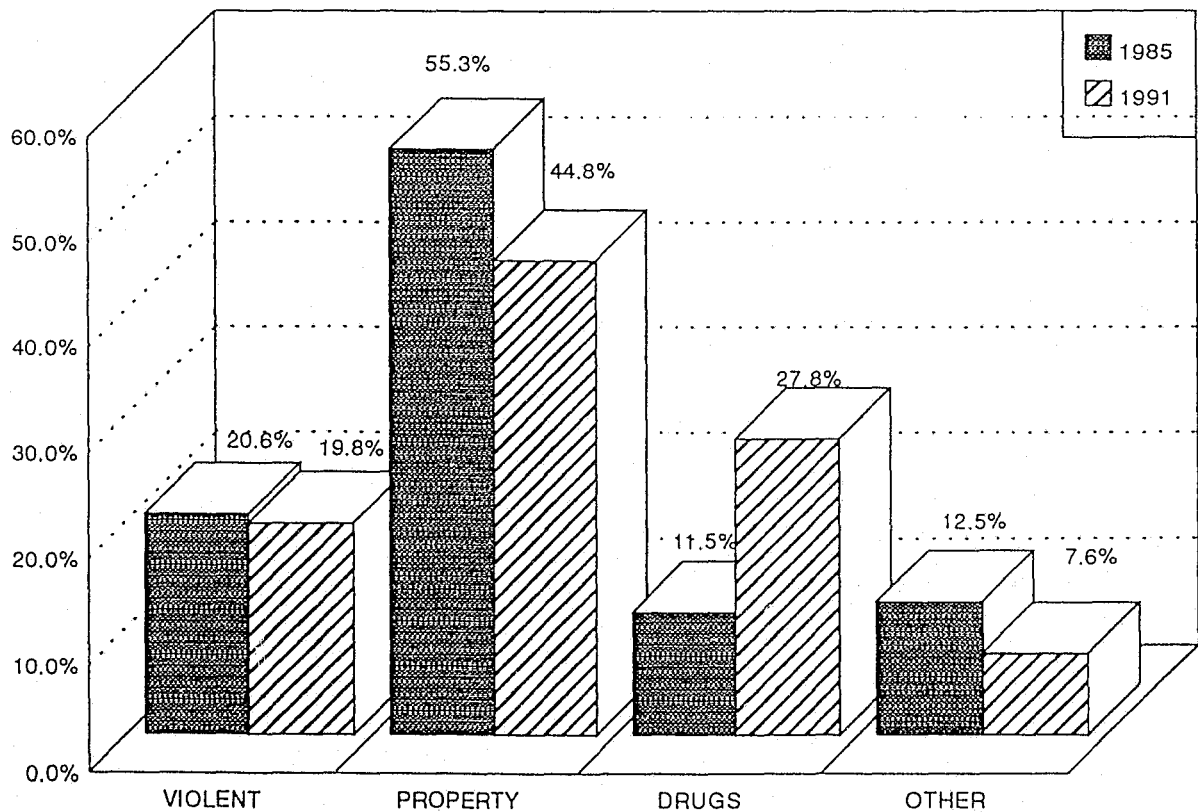


1991 INCLUDES PAROLE IN ABSENTIA INMATES.
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

DRUG OFFENDERS ARE INCREASING AS A PROPORTION OF ALL OFFENDERS SENTENCED TO PRISON

- The number of drug offenders sentenced to prison in Texas increased from 2,921 in 1985 to 12,404 in 1991
- During this same period, the number of offenders sentenced to prison for violent crimes grew from 5,237 to 8,839
 - Violent crimes are defined by the Texas Department of Criminal Justice as: Homicide, Kidnapping, Sexual Assault, Robbery, and Assault
- The number of property offenders sentenced to prison increased from 14,038 in 1985 to 19,972 in 1991
 - Property crimes are defined by the Texas Department of Criminal Justice as: Arson, Burglary, Larceny (Theft), Stolen Vehicle, Forgery, and Fraud

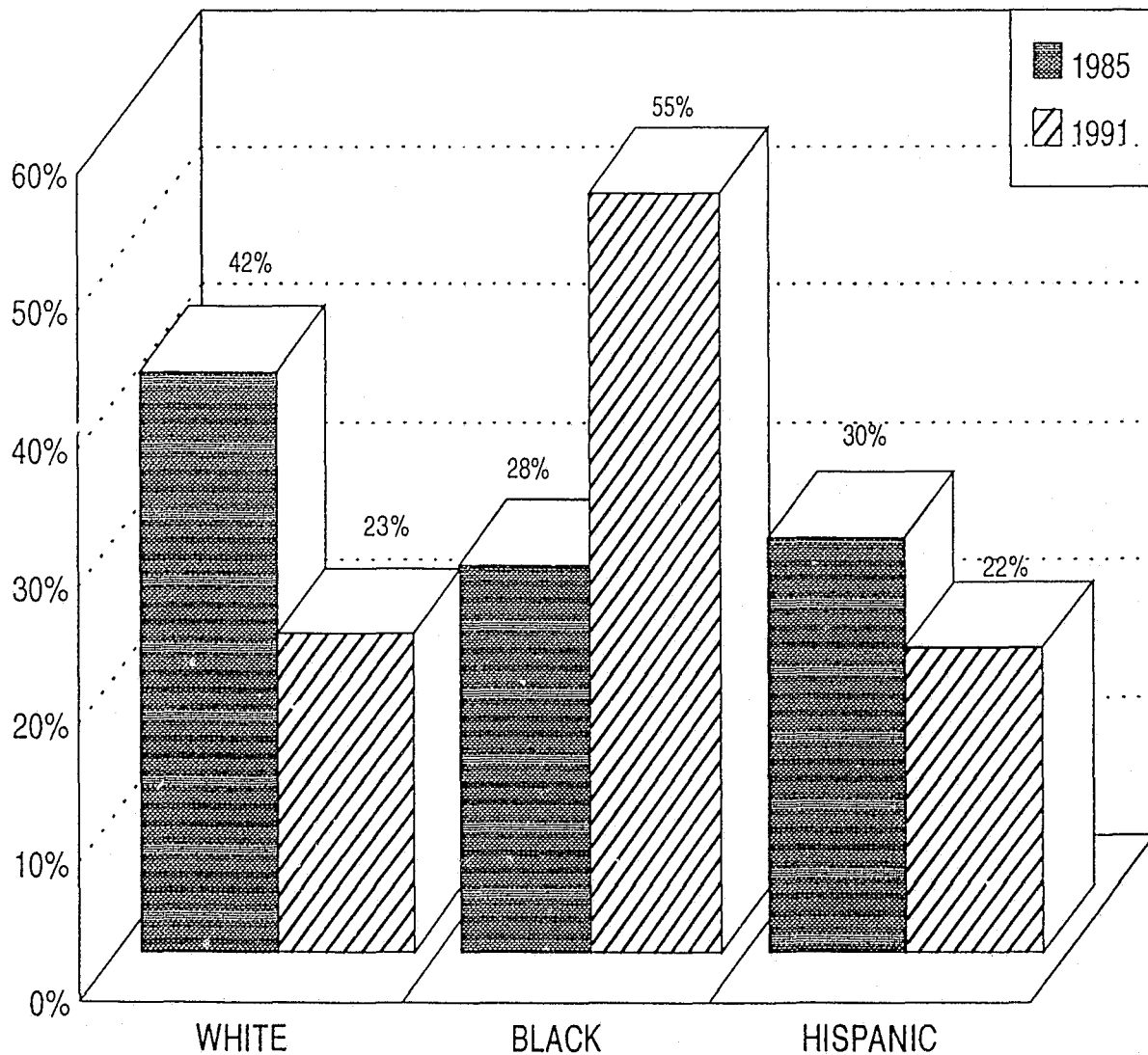
OFFENSE CATEGORIES AS A PERCENTAGE OF TOTAL OFFENDERS SENTENCED TO PRISON



1991 INCLUDES PAROLE IN ABSENTIA INMATES.
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL.

BLACKS ARE A GROWING PROPORTION OF ALL DRUG OFFENDERS SENTENCED TO TEXAS PRISONS

RACIAL COMPOSITION OF DRUG OFFENDERS SENTENCED TO PRISON AS A PERCENTAGE OF TOTAL DRUG OFFENDERS



1991 INCLUDES PAROLE IN ABSENTIA DATA
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

VIOLENT AND PROPERTY OFFENDERS SENTENCED TO PRISON IN TEXAS

PERCENTAGE BY RACE OF OFFENDERS SENTENCED
TO PRISON FOR VIOLENT AND PROPERTY OFFENSES

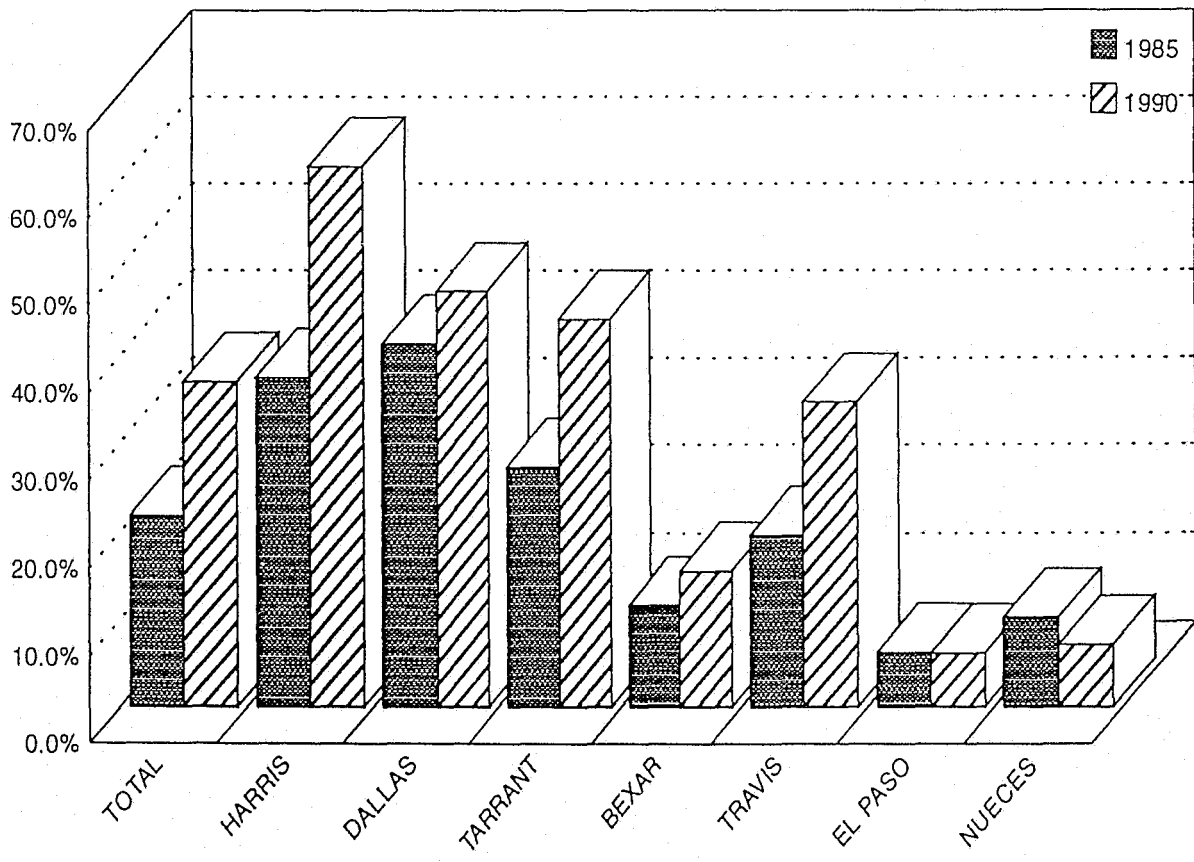
	VIOLENT		PROPERTY	
	1985	1991	1985	1991
WHITE	33%	26%	43%	33%
BLACK	43%	48%	37%	42%
HISPANIC	23%	25%	19%	24%

1991 INCLUDES PAROLE IN ABSENTIA DATA
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

DRUG ARRESTS IN THE SEVEN LARGEST COUNTIES IN TEXAS REFLECT STATEWIDE INCREASES IN ARRESTS FOR BLACKS

- Blacks have increased as a percentage of drug arrests in five of the seven largest counties in Texas
 - The percentage change between 1985 and 1990 in each of these counties is: Travis 77%, Harris 64.2%, Tarrant 62%, Bexar 33.7%, Dallas 14%, Nueces -30%, El Paso -.1%

BLACKS AS A PERCENTAGE OF DRUG ARRESTS IN TEXAS

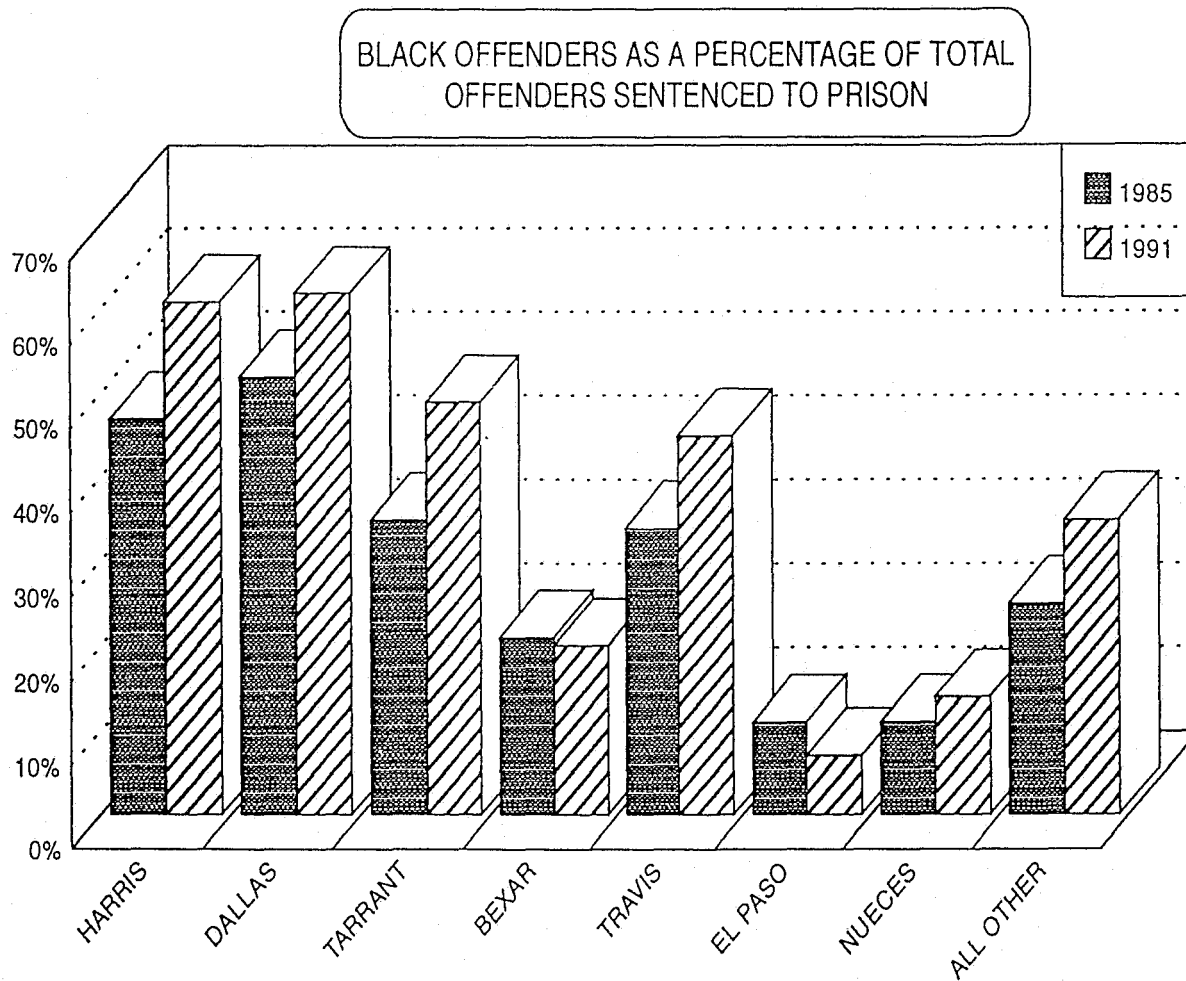


1985	21.8%	37.5%	41.4%	27.3%	11.6%	19.6%	6.3%	10.2%
1990	37.1%	61.8%	47.4%	44.2%	15.5%	34.7%	6.2%	7.2%

SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

THE INCREASE IN BLACKS AS A PERCENTAGE OF ALL OFFENDERS SENTENCED TO PRISON IS A STATEWIDE TREND

- The percentage of Black offenders sentenced to prison has increased in five of the seven largest counties in Texas
- The percentage change between 1985 and 1991 in each of these counties is: Tarrant 40%, Travis 32%, Harris 30%, Nueces 27%, Dallas 19%, El Paso -27%, Bexar -5%



1985	47%	52%	35%	21%	34%	11%	11%	25%
1991	61%	62%	49%	20%	45%	7%	14%	35%

1991 INCLUDES PAROLE IN ABSENTIA OFFENDERS
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

HISPANIC AND WHITE PERCENTAGES STATEWIDE

WHITE AND HISPANIC COMPOSITION OF OFFENDERS SENTENCED TO PRISON FROM SELECTED COUNTIES

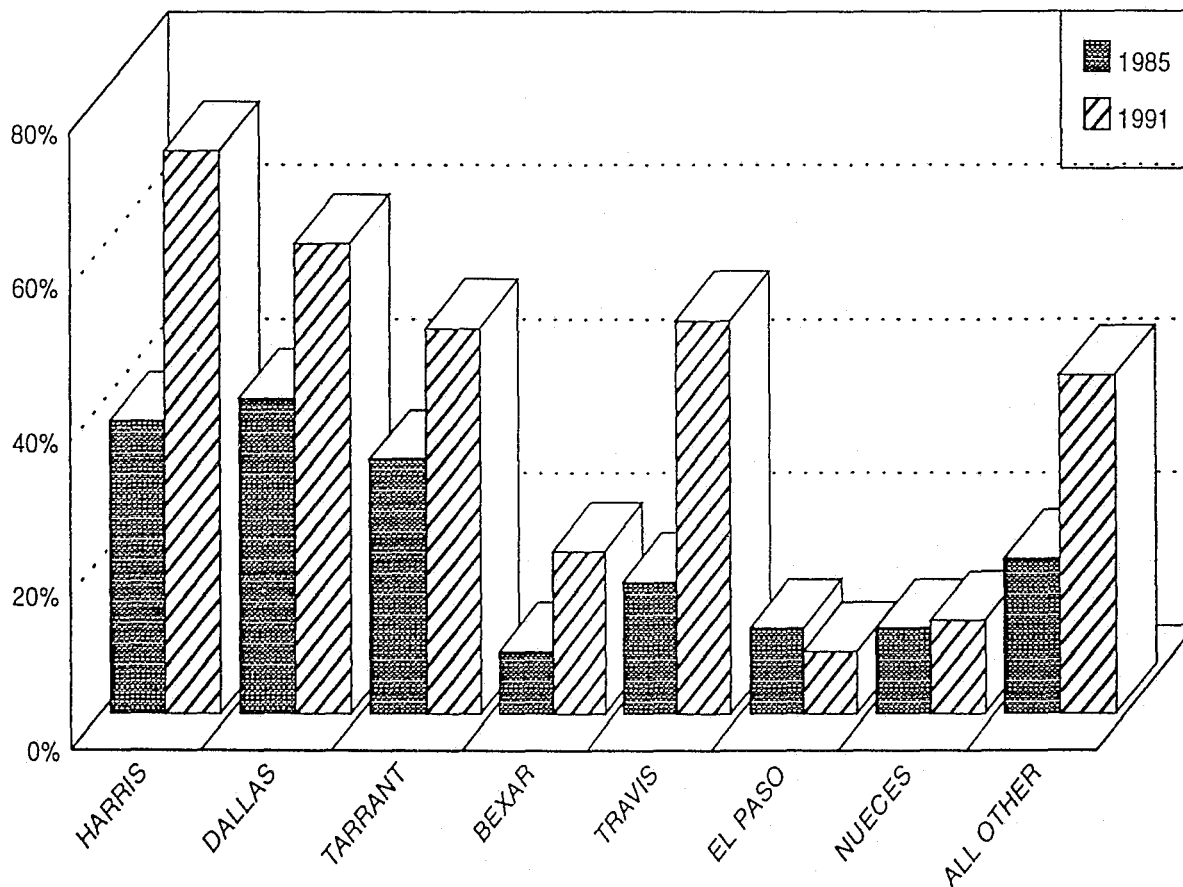
	WHITE		HISPANICS	
	1985	1991	1985	1991
HARRIS	36%	22%	17%	16%
DALLAS	39%	27%	9%	11%
TARRANT	56%	41%	8%	10%
BEXAR	18%	15%	60%	65%
TRAVIS	39%	26%	27%	28%
EL PASO	14%	12%	75%	81%
NUECES	29%	24%	60%	62%
ALL OTHER	50%	39%	22%	26%

1991 INCLUDES PAROLE IN ABSENTIA OFFENDERS
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

TRENDS IN SEVEN LARGEST COUNTIES IN TEXAS FOR DRUG OFFENDERS SENTENCED TO PRISON

- Six of the seven largest counties in Texas exhibited increases in Blacks as a percentage of drug offenders sentenced to prison
 - The percentage change between 1985 and 1991 in each of these counties is: Travis 200%, Bexar 162%, Harris 92%, Tarrant 51%, Dallas 49%, Nueces 9%, El Paso -27%

BLACKS AS A PERCENTAGE OF DRUG OFFENDERS SENTENCED TO PRISON FROM SELECTED COUNTIES



1985	38%	41%	33%	8%	17%	11%	11%	20%
1991	73%	61%	50%	21%	51%	8%	12%	44%

1991 INCLUDES PAROLE IN ABSENTIA INMATES
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

THE AVERAGE PRISON SENTENCE FOR OFFENSE CATEGORIES VARIES BY RACE

AVERAGE SENTENCE LENGTH IN YEARS
BY RACE FOR OFFENSE CATEGORIES

	VIOLENT		PROPERTY		DRUG	
	1985	1991	1985	1991	1985	1991
WHITE	14.1	15.3	5.5	7.8	6.6	7.9
BLACK	13.3	13.6	5.9	8.4	6.4	7.8
HISPANIC	11.1	12.7	5.8	7	7.7	9.9

INCLUDES PAROLE IN ABSENTIA INMATES

SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

THE DATA DOES NOT ALLOW CONTROLLING FOR PRIOR TDJC & OTHER FACTORS WHICH EFFECT SENTENCE LENGTH

THE AVERAGE PRISON SENTENCE VARIES AMONG COUNTIES AS WELL AS AMONG RACES WITHIN COUNTIES

- The following three charts indicate the average prison sentence by offense category. They compare differences in sentences among racial groups in the same county as well as differences in sentences among the counties within offense categories

AVERAGE SENTENCE GIVEN OFFENDERS SENTENCED TO PRISON FOR DRUG OFFENSES BY RACE IN 1991

	WHITE	BLACK	HISPANIC
ALL OTHER	9.2	9.9	9.7
HARRIS	6	6.2	7.8
DALLAS	8	8.7	12.6
TARRANT	7.4	7.2	6.5
BEXAR	10.3	10.5	12.1
TRAVIS	5.5	6.7	6.4
EL PASO	5.9	9.4	9.8
NUECES	7.2	10.4	6.2

INCLUDES PAROLE IN ABSENTIA DATA
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

AVERAGE PRISON SENTENCE VARIES AMONG COUNTIES AS WELL AS AMONG RACES WITHIN OFFENSES (CONT.)

AVERAGE SENTENCE GIVEN OFFENDERS SENTENCED TO PRISON FOR VIOLENT OFFENSES BY RACE IN 1991

	WHITE	BLACK	HISPANIC
ALL OTHER	16.8	14	13.3
HARRIS	13.1	13	11.5
DALLAS	16.2	14.3	12.9
TARRANT	11.8	11.1	11
BEXAR	17.9	16.9	14.3
TRAVIS	12.5	11.9	9.6
EL PASO	14.6	15.1	13
NUECES	13.3	14.6	12.3

AVERAGE PRISON SENTENCE VARIES AMONG COUNTIES AS WELL AS AMONG RACES WITHIN OFFENSES (CONT.)

AVERAGE SENTENCE GIVEN OFFENDERS SENTENCED TO PRISON FOR PROPERTY OFFENSES BY RACE IN 1991

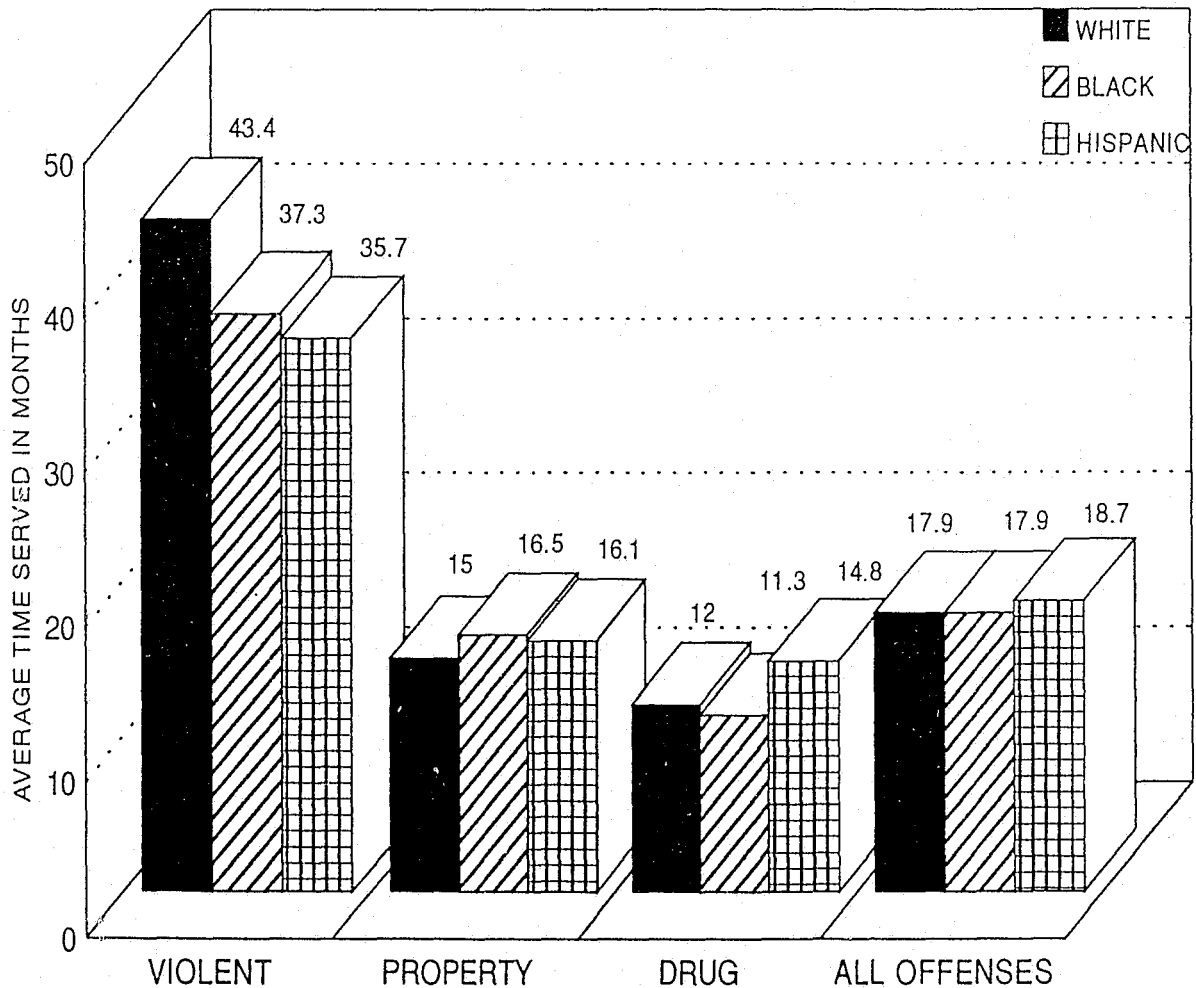
	WHITE	BLACK	HISPANIC
ALL OTHER	8.1	8.9	7.8
HARRIS	6.9	7.4	6.1
DALLAS	7.7	8.7	7.7
TARRANT	7.2	7.6	6.8
BEXAR	9	11	9.8
TRAVIS	6.6	7.8	7
EL PASO	8	8.9	8.2
NUECES	8	9.7	9.5

INCLUDES PAROLE IN ABSENTIA DATA
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL

RACE AND TIME SERVED

- Time served varies by race for offenders sentenced for similar offenses
 - Whites serve the longest actual time for violent offenses, while Blacks serve more actual time for property offenses and Hispanics serve the longest actual time for drug offenses

AVERAGE TIME SERVED BY OFFENDERS RELEASED FROM PRISON IN 1991 BY OFFENSE AND RACE



INCLUDES PAROLE IN ABSENTIA OFFENDERS
SOURCE: CRIMINAL JUSTICE POLICY COUNCIL