



**A SOURCEBOOK OF ARREST AND SENTENCING DYNAMICS
BY RACE**

February 11, 1994



155528

CRIMINAL JUSTICE POLICY COUNCIL

State of Texas

Tony Fabelo, Ph.D.
EXECUTIVE DIRECTOR

155528

**A SOURCEBOOK OF ARREST AND SENTENCING DYNAMICS
BY RACE**

FEBRUARY 11, 1994

NCJRS

AUG 4 1995

ACQUISITIONS

155528

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Texas Criminal Justice Policy
Council

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

CRIMINAL JUSTICE POLICY COUNCIL

State of Texas

Tony Fabelo, Ph.D.
Executive Director

Report Authored by:

Bill Bryan

Tom Reed

Lisa Riechers

*P.O. Box 13332
Austin, Texas 78711-3332*

Note from the Director

This report presents an overview of the racial composition of the population arrested and sentenced in the Texas criminal justice system. The report updates similar information previously presented by the Criminal Justice Policy Council in studies done in 1992 and 1993. Additional information is included in this report on case processing, prior criminal history, and sentencing outcomes for offenders sentenced in 1991 in Harris, Dallas, Tarrant, Bexar, Travis, El Paso, and Nueces Counties. This information was collected on a large sample of offenders sentenced in these counties as part of the Sentencing Dynamics Study conducted in 1992 for the state legislature by the Criminal Justice Policy Council. Other data analyzed were from the Uniform Crime Reports of the Texas Department of Public Safety, the Texas Department of Criminal Justice, and state population data from the Texas Department of Health, Bureau of State Health Data and Policy Analysis.

The analysis shows that the arrest and incarceration rates per 100,000 African-American adults have increased significantly between 1985 and 1992. Drug offenses account for most of the growth in the number of African-Americans arrested and incarcerated.

- The arrest rate per 100,000 population for African-American adults arrested for drug violations increased by 76% between 1985 and 1992 compared to a decline of 12% for Anglos in the same category. In 1992 the arrest rate for drug violations for African-Americans was 1,631 compared to 363 for Anglos. In the seven counties studied, 43% of the African-Americans convicted for a felony offense were convicted for a drug violation compared to 29% and 27% for Anglos and Hispanics, respectively.
- In 1985 the convicted felon to prison rate per 100,000 population for African-American adults was 5.5 times the convicted to prison rate for Anglos. By 1992 the convicted to prison rate for African-Americans was 9 times that of Anglos (1,489 vs. 165). The percentage of African-Americans in the Texas prison system in 1992 was 4 times their percentage representation in the state adult population. In all counties studied, with the exception of El Paso, African-Americans were over represented in the convicted population and the population sentenced to prison.

The higher arrest and conviction rates of African-Americans mean that this population is more likely to carry a heavier criminal history "baggage" when they come in contact with the criminal justice system. This criminal history "baggage" is a legitimate standard that criminal justice officials use to make decisions at different points in the system. Criminal history and economic background also influence other process decisions which make minority offenders less likely to be released on bond before trial, and less likely to have private counsel available to represent them during the trial. Racial disparity occurs when these accepted legal standards are applied to populations with a higher incidence of the "baggage" resulting in more incarcerations and convictions for those populations.

- African-American offenders came into the trial process with a more serious criminal history than Anglo and Hispanic offenders. The differences among the races was substantial: over 50% of African-Americans offenders had a prior felony conviction compared to 36% of Anglo and Hispanic offenders. Moreover, 77% of African-Americans offenders with a prior felony had a prior prison, compared to 67% of Anglo and 62% of Hispanic offenders.
- More than half of the convicted felony population who did not post bond or had bond denied were African-Americans. Anglos comprised the largest percentage of those who were released on bond (41%). This same pattern is seen with those who relied on public defenders or court appointed attorneys for their defense (more than half were African-Americans) compared to those who relied on private counsel (46% were Anglo).
- Minorities were slightly more likely to be sentenced to prison for violent and drug offenses even after taking criminal history into consideration. For example, 38% of African-Americans with no prior felonies who committed a violent offense were sentenced to prison compared to 29% for Anglo and 36% for Hispanic. For Possession of Cocaine, the most common single offense, 25% of African-Americans with no prior felonies were sentenced to prison compared to 17% for Anglos and 27% for Hispanics. Property offenses did not follow this pattern. About the same percentage of each racial group were sentenced to prison if the offenders had no prior felonies. For property offenders with a prior record the percentage of offenders sentenced to prison within each racial group varied only slightly.
- Overall, there were not large differences in the length of prison sentences received by the different races. When criminal history was considered violent offenders of all races received about the same prison sentence length. Hispanic property offenders with two plus non-violent or one plus violent prior felonies

received a median prison sentence of 15 years. African-American offenders with the same type of history received 12 years and Anglo offenders 10 years. Anglo drug offenders with a more serious criminal history received a median prison sentence of 10 years while Hispanic and African-American drug offenders with the same type of history received a prison sentence of 15 years.

The scope of this report is such that all of the variables which impact sentencing decisions were not included. These variables (such as victim issues and more specific offense information) may well help explain the disparity that occurs even after considering the impact of criminal history.

Finally, it is important to note the distinction between disparity and discrimination. Discrimination occurs if criminal justice officials make decisions based on an offender's race rather than on clearly defined legitimate standards such as the nature of the offense and the offender's criminal history. This analysis cannot be used to assess whether racial discrimination was a factor in the sentencing decisions studied. However, the study should raise questions concerning the impact of broader social and economic trends on minority populations and how these trends may relate to the over representation of these populations in our criminal justice system. With Texas cities projected to have a majority population of racial minorities in the future, an examination of these broader issues will become even more important as we turn the century.

Tony Fabelo, Ph.D.
Executive Director

Table of Contents

Overview: Arrest and Sentence to Prison	3
Arrest Trends in Texas: 1985 and 1992	3
Prison Population	6
Offender and Process Characteristics	9
Criminal History	9
Release Status	12
Representation	13
Offense Group	14
Offender Characteristics	15
Sentence Outcome and Offense Characteristics	21
Sentence Outcome	21
County Comparison	22
Violent Offenders	24
Property Offenders	28
Drug Offenders	32
Appendix	b

ACKNOWLEDGMENTS

The Criminal Justice Policy Council Staff would like to thank once again all the individuals who contributed to the successful culmination of the Sentencing Dynamics Study. We are especially indebted to the prosecutors and administrative personnel from the seven counties who spent many hours collecting information and reviewing cases to ensure the most accurate data possible.

Definitions and Key Concepts

Conviction: A conviction is any deferred adjudication or sentence to probation, prison, or jail. A sentence does not include modification of probation or technical parole violations.

Criminal History: The criminal history of the offender is categorized by the number and type of prior offenses. These categories are mutually exclusive and are defined below.

No Prior Felony: Offenders have had no prior convictions or have been convicted of a misdemeanor offense only.

One Prior Non-Violent Felony: Offenders have had only one prior non-violent felony conviction and no prior violent felony convictions.

Two Plus Prior Non-Violent Felonies: Offenders have had two or more prior non-violent felony convictions and no prior violent felony convictions.

One Plus Prior Violent Felony: Offenders have had one or more prior violent felonies.

Italics: Italics in the text are used to provide pertinent information not directly given in the chart.

Most Serious Offense (Primary Offense): For defendants with multiple convictions in a single sentencing event, the most serious offense was determined by the nature of the crime, the punishment ranges specified in the Texas Penal Code, and the sentence given. Offenders are classified according to the most serious offense for which they were convicted.

Offense Type: All offenses are categorized into the five general offense types listed below.

<i>Violence:</i>	Homicide, Sexual Assault, Robbery, Assault/Family Violence
<i>Property:</i>	Burglary, Forgery/Fraud, Theft
<i>Drug:</i>	Possession, Delivery, Other
<i>Indecency:</i>	Indecency w/ Child by Contact, Indecency w/ Child by Exposure
<i>DWI:</i>	Felony Driving-While-Intoxicated or Driving Under the Influence

Offense Categories: All offenses are also classified into the more specific groups listed below.

- Homicide*
- Sexual Assault*
- Robbery*
- Assault and Family Violence*
- Burglary*
- Forgery/Fraud*

Offense Categories cont

Theft

Drug Possession

Drug Delivery

Indecency with a Child

Driving-While-Intoxicated

Prison: A sentence to the Texas Department of Criminal Justice (Institutional Division) is considered prison. Shock probation and shock incarceration sentences are not considered to be prison sentences.

Non-Prison: Any deferred adjudication or sentence to probation, shock probation, shock incarceration, or jail is considered a non-prison sentence.

Rate: A rate is the number of occurrences in a specified population divided by that population. Rates allow for comparison among groups with different population sizes.

Race: The category which distinguishes between African-American, Anglo, and Hispanic offenders in this study is labeled Race. In reality this distinction mixes Racial and Ethnic groupings, however the term Race is used in order to have a consistent and brief label throughout the study.

Rounding: Since the study is offender-based and involves a large number of people, categories are rounded up or down to reflect a whole person. As a result, numbers and percentages within categories and tables may at times vary from the total by one or two offenders.

OVERVIEW: ARREST and SENTENCE to PRISON

ARREST TRENDS IN TEXAS: 1985 and 1992

CHART 1. TEXAS ADULT POPULATION AND ADULT ARRESTEES: 1985 AND 1992

- The number of African-American arrestees rose from 51,888 in 1985 to 70,617 in 1992 -- a 36% increase.
- The number of Anglo arrestees rose from 140,222 in 1985 to 146,254 in 1992 -- a 4% increase.

The Texas Department of Public Safety, in the Uniform Crime Reports defines race as:

- African-American and
 - Anglo
- (Arrestees of Hispanic origin are classified in the most appropriate race group).

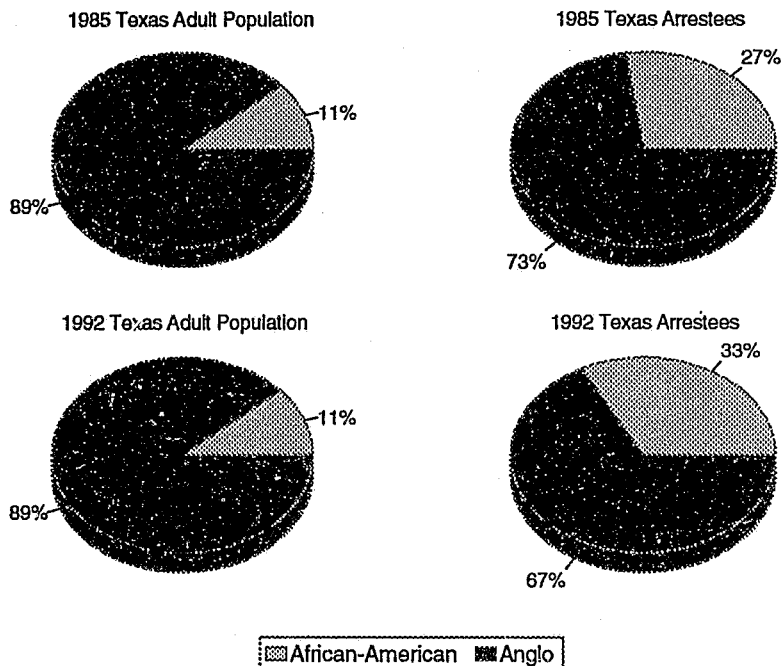


CHART 2. ARRESTS BY OFFENSE CATEGORY IN TEXAS: 1985 AND 1992

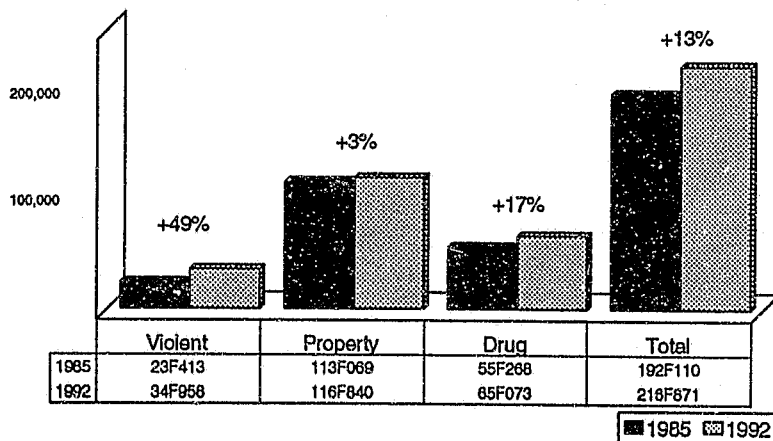
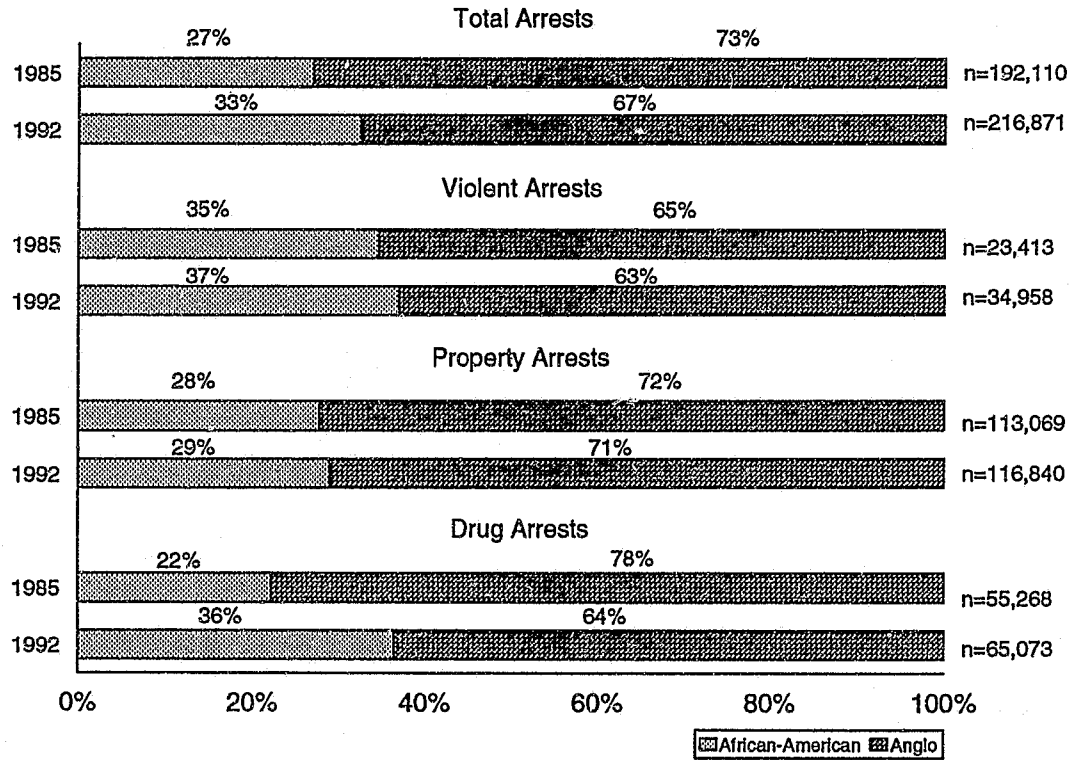


Chart 2 shows the increase in arrests for Violent and Property Index Crimes and drug violations.

Violent Index Crimes are Murder, Manslaughter, Rape, Robbery, and Aggravated Assault.

Property Index Crimes are Burglary, Theft, and Motor Vehicle Theft.

CHART 3. RACIAL COMPOSITION OF ARRESTEE POPULATION BY OFFENSE:
1985 AND 1992



- The proportion of all arrestees who were African-Americans increased from 1985 to 1992, particularly among drug arrestees.
 - *The number of African-American drug arrestees increased 95%, from 12,159 to 23,653.*

Arrest Rates for African-American and Anglo Adults

The "rate" is calculated as the number of arrests per 100,000 adults in each race group. Use of a rate allows comparison between groups of varying population sizes.

- The total arrest rate for African-Americans increased by 24% between 1985 and 1992, compared to a 4% decrease for Anglos.
- The African-American drug arrest rate showed the largest increase -- 76%, compared to a 12% decrease for Anglos.

CHART 4. STATEWIDE ARREST RATES BY RACE: 1985 AND 1992

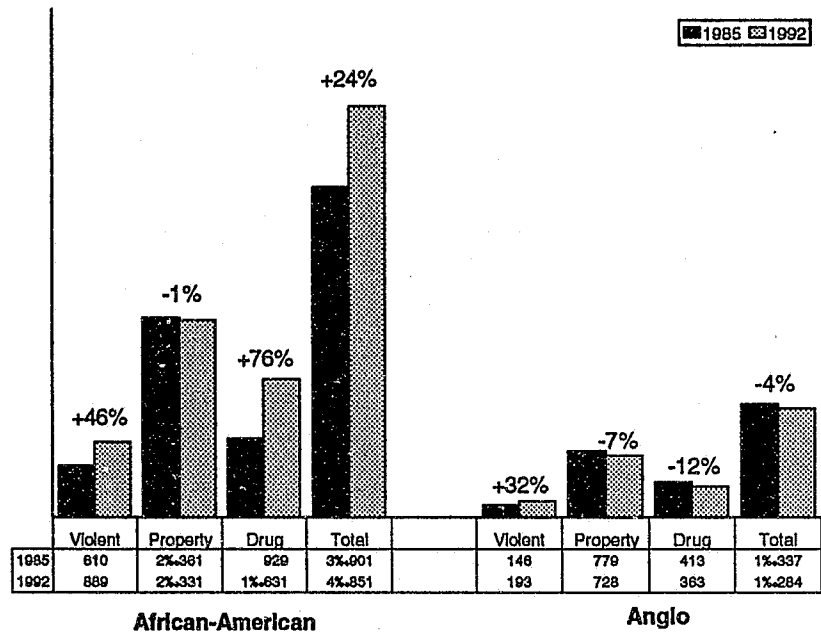


CHART 5. DRUG OFFENSE ARREST RATES BY COUNTY: PERCENTAGE CHANGE 1985 TO 1992

County	African-American			Anglo		
	1985	1992	% Change	1985	1992	% Change
Bexar	677	1430	111%	383	525	37%
Dallas	1431	1801	26%	555	401	-28%
El Paso	930	898	-3%	522	488	-7%
Harris	968	1459	51%	370	306	-17%
Nueces	1419	3063	116%	565	738	31%
Tarrant	902	1829	103%	519	306	-41%
Travis	1271	2753	117%	586	363	-38%
State	929	1631	76%	413	363	-12%

- From 1985 to 1992, Anglo drug arrest rates decreased in every county, except Bexar and Nueces.
- Among the seven counties, African-American drug offense arrest rates increased over 100% in Bexar, Nueces, Tarrant, and Travis Counties.

PRISON POPULATION

One of the consequences of the rising minority arrest rate is that a disproportionately high percentage of minorities are sentenced to prison and incarcerated in the Texas prison system. Chart 6 shows the statewide convicted felon to prison rates for 1985 and 1992. *Unlike arrests, the statistics presented in Chart 6 are based on the number of felons sentenced to prison in Texas. TDCJ categorizes race as African-American, Anglo, and Hispanic. The convicted felon to prison rate is the number of offenders sentenced to prison in Texas for every 100,000 adults in the population.*

- In 1985, the convicted felon to prison rate for African-Americans was 5.5 times the convicted to prison rate for Anglos. By 1992 the convicted to prison rate for African-Americans was 9 times that of Anglos.
- In 1985, the Hispanic convicted felon to prison rate was 1.4 times the convicted felon rate for Anglos. By 1992 this rate was 2 times that of Anglos.

CHART 6. STATEWIDE CONVICTED TO PRISON RATE PER 100,000 ADULTS: 1985 AND 1992

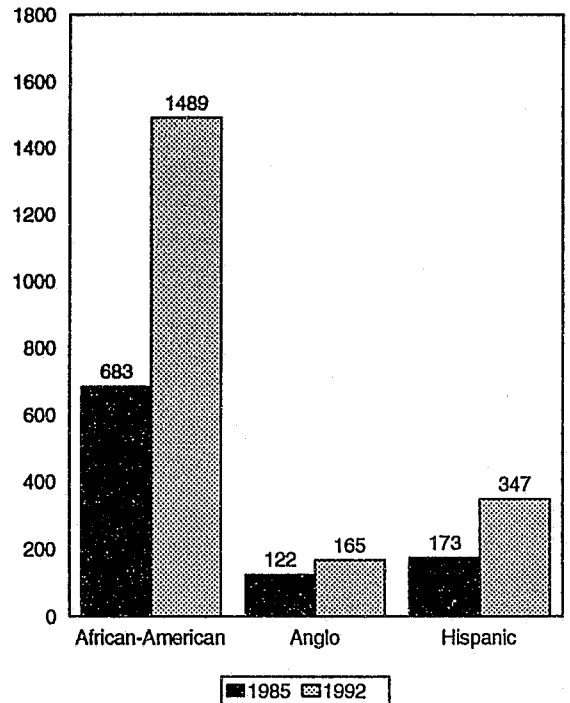
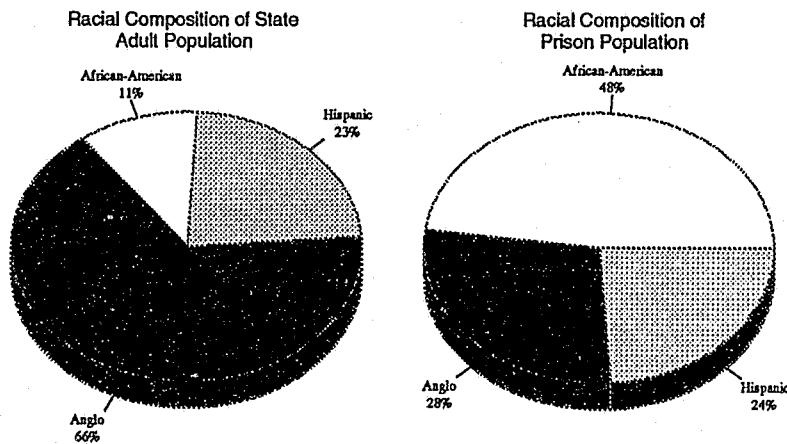


CHART 7. STATEWIDE ADULT AND PRISON POPULATIONS IN 1992



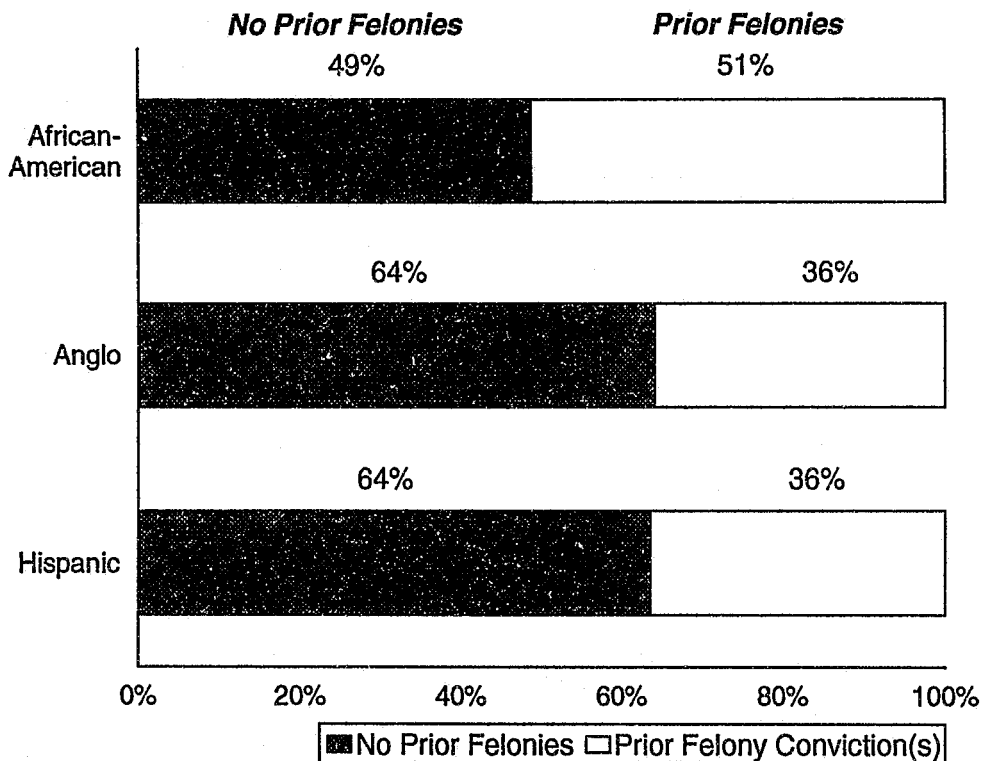
- In 1992, the percentage of African-American offenders in the Texas prison system was 4 times that of African-Americans in the state adult population, and the percentage of Anglo offenders in Texas prisons was less than half the percentage of Anglos in the state adult population.

OFFENDER and PROCESS CHARACTERISTICS

CRIMINAL HISTORY

As indicated by the following charts, African-American offenders come into the trial process with a more serious criminal history than Anglo and Hispanic offenders. The differences among the races are substantial -- over 50% of African-American offenders had a prior felony conviction compared to 36% of Anglo and Hispanic offenders. This is an important variable that affects subsequent decisions in the sentencing process. An offender's criminal history has an impact on case processing issues such as the probability of being released on bond. Criminal history also interacts with the instant offense to affect decisions concerning the offender's disposition and sentence, namely, the more severe the instant offense and the criminal history, the more likely an offender will be sentenced to prison. The following chart details the prior history of offender groups, providing a description of the "baggage" carried by felony offenders in each racial group. The analyses presented here and in the sections that follow are based on information collected by the CJPC for the Sentencing Dynamics Study in 1992.

CHART 8. CRIMINAL HISTORY OF CONVICTED FELONS



Criminal history can be examined in a number of ways:

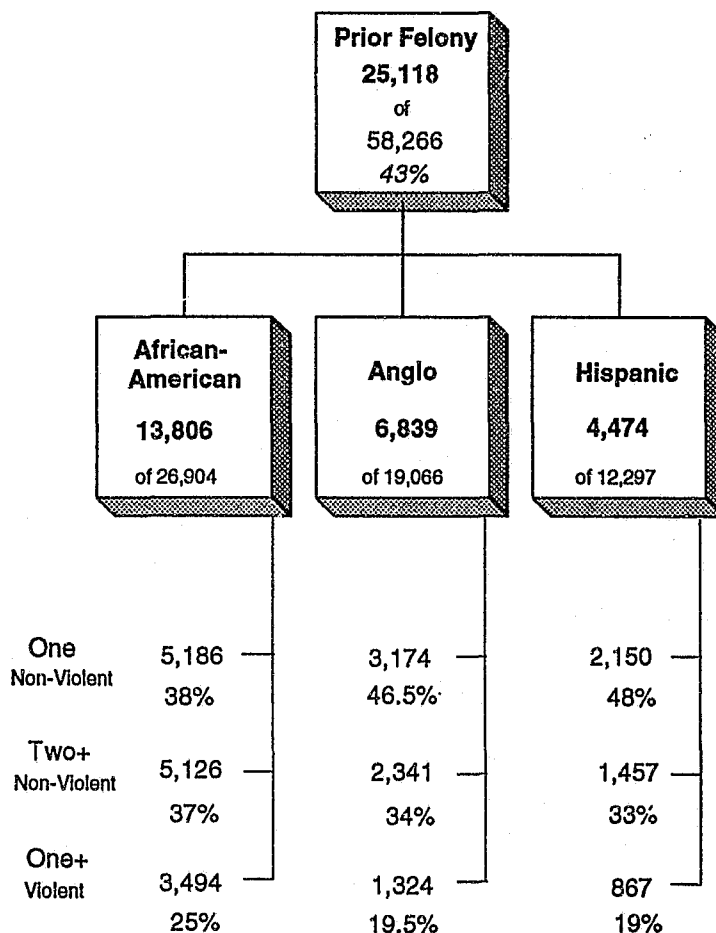
- Quantity: Number of Prior Felonies
- Quality: Severity of Prior Felonies

The chart below details the criminal history of offenders based on the number and severity of the offenders' prior convictions. Three category groupings are used:

- One prior felony conviction, non-violent;
- Two or more prior felony convictions, non-violent, and;
- One or more violent felony convictions.

The categories are mutually exclusive, so that any conviction for a violent felony, regardless of the number of non-violent felony convictions, results in placement in the prior violent category. Violent felonies include Homicide, Robbery, Sexual Assault, and Felony Assault.

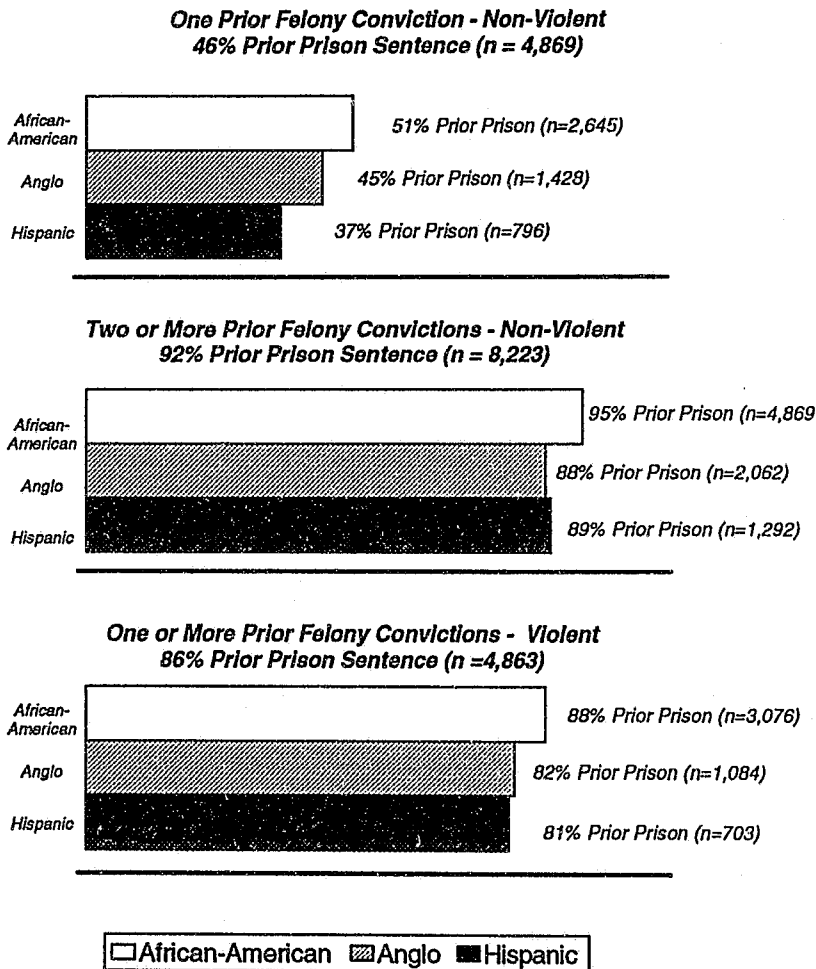
CHART 9. PRIOR FELONY DISTRIBUTION:
OFFENDERS WITH PRIOR FELONY CONVICTIONS



- Of the African-American offenders with a prior felony, a higher percentage were in the "two+ non-violent" or "one+ violent" categories than Anglo and Hispanic offenders with a prior felony.
- For each racial group, the largest percentage of offenders with prior felony convictions were in the one non-violent prior felony category.

The majority of offenders who had a prior felony conviction also had a prior prison sentence (72%). Overall, 77% of African-American offenders with a prior felony had a prior prison, compared to 67% of Anglo and 62% of Hispanic offenders. Further detail is provided in the chart below, which shows the sentence (punishment) history of convicted felons with a prior felony history, taking into consideration both the quality and quantity of the offender's prior history.

CHART 10. PERCENTAGE PRIOR PRISON SENTENCE BY QUALITY AND QUANTITY OF PRIOR FELONY CONVICTION

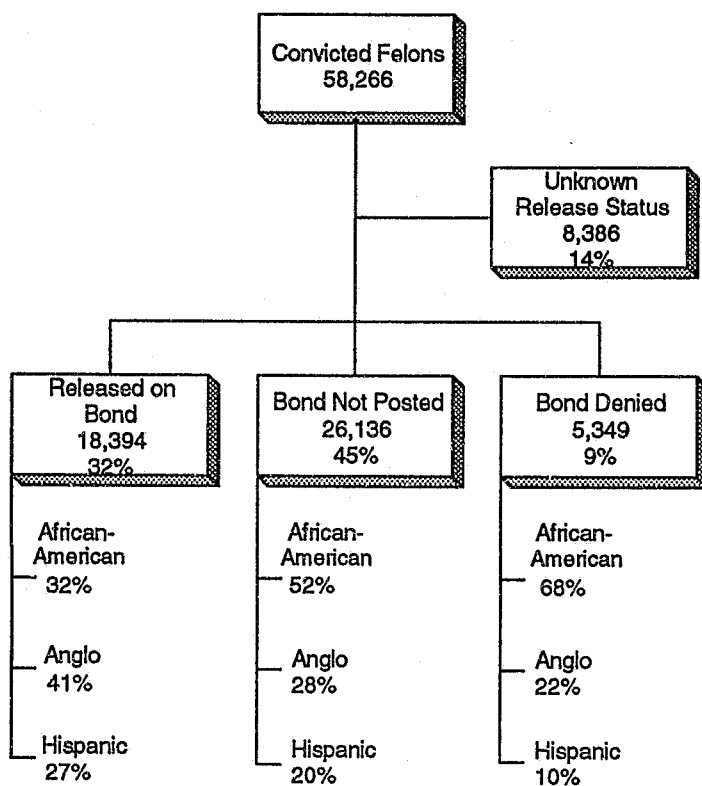


- A majority of African-American offenders with any number or type of prior felony conviction had received a prison sentence.
- African-American offenders had the largest percentage of offenders with a previous prison sentence in each of the categories.

RELEASE STATUS

The following charts examine differences among the races for several issues involving the "process" of disposition. Each issue is examined separately to give an overview of the differences. However, it is important to note that factors such as criminal history will impact release status and interact with other factors (i.e. representation) to affect the outcome of the sentencing process.

CHART 11. PRE-DISPOSITION RELEASE STATUS



- Overall, 45% of convicted felons did not post bond before disposition of their case, 32% were released on bond prior to disposition, and 9% were denied release.

Possible reasons for not posting bond include high bond amounts (perhaps due to criminal history), offenders' expectations of release from county jail (credit for "time-served"), and social factors such as lack of employment and/or adequate housing.

- African - American offenders comprised the largest percentage (a majority) of offenders who did not post bond and who had bond denied.
 - *Within the African-American offender group, over 51% did not post bond.*

- A higher proportion of offenders who were released (posted bond) prior to sentence received a probation, deferred adjudication, or jail sentence.
 - *21% of offenders released on bond were sentenced to prison*
 - *66% of all offenders who did not post bond were sentenced to prison*
 - *91% of all offenders who were denied bond were sentenced to prison.*

REPRESENTATION

The type of representation an offender obtains interacts with many processing factors, including release type, bond amount, and court to affect the case disposition. There are significant differences among the races in the type of representation obtained by offenders. As chart 12 shows, 77% of African-American offenders were represented by a court appointed attorney compared with 66% of Hispanic and 58% of Anglo offenders. Conversely, 19% of African-American offenders were represented by a private counsel, compared with 31% of Hispanic offenders and 40% of Anglo offenders.

CHART 12. LEGAL REPRESENTATION BY RACE

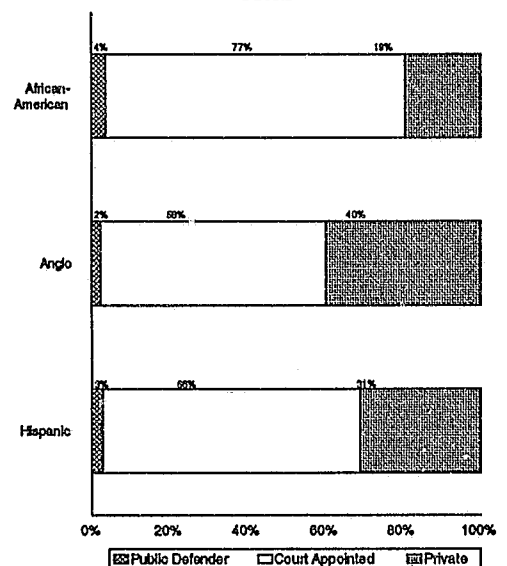
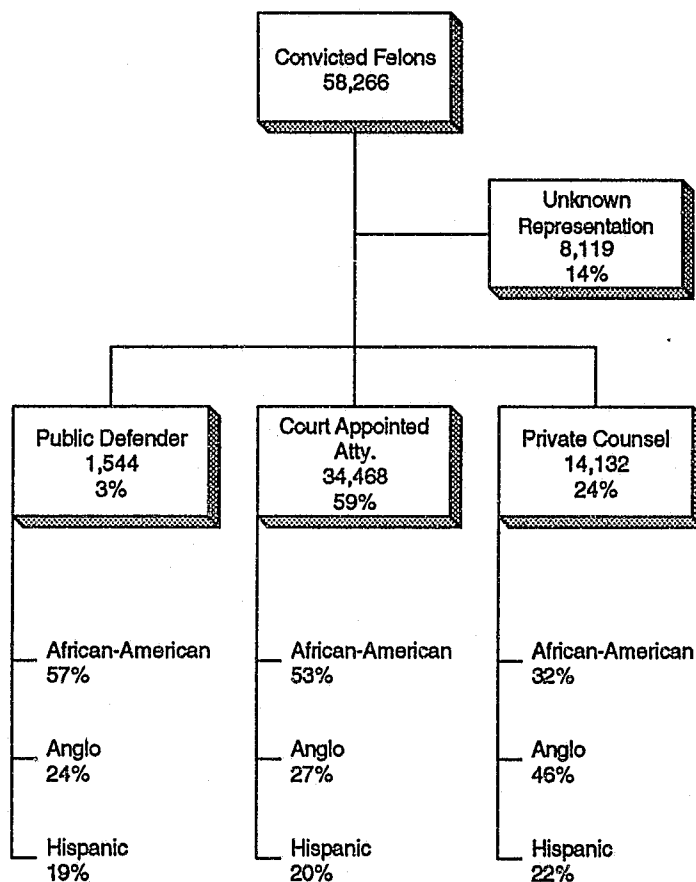


CHART 13. LEGAL REPRESENTATION

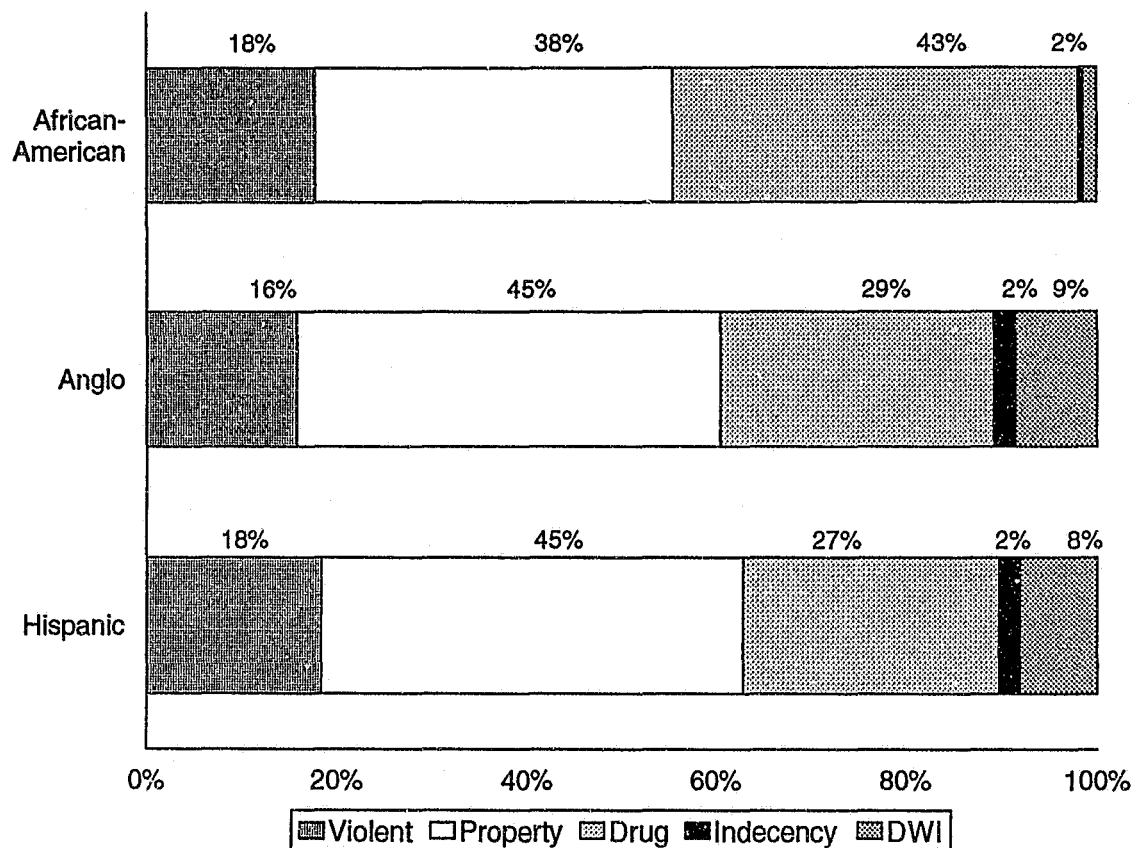


- African-American offenders made up the largest proportion of offenders in the Court Appointed and Public Defender categories.
 - 61% of offenders represented by a Court Appointed Attorney were sentenced to prison; 60% of offenders represented by a Public Defender received a prison sentence.
 - A Public Defender is a county employee, representing defendants who qualify for legal assistance. A Court Appointed Attorney is "contracted" by the court to provide assistance, but may have a private practice.
- Anglo offenders made up the largest percentage of offenders represented by private counsel.
 - 25% of offenders represented by private counsel received a prison sentence.

OFFENSE GROUP

- The largest percentage of African-American felons were convicted for drug offenses.
- The largest percentage of Anglo and Hispanic felons were convicted for property offenses (45% for each).
- A higher proportion of Anglo (9%) and Hispanic (8%) offenders were convicted for DWI, compared to African-American offenders (2%).
- Very few African-American offenders were convicted for indecency offenses (which involve children) -- less than 1%. *African-American offenders also had a low proportion of Sexual Assault convictions involving a child victim.*

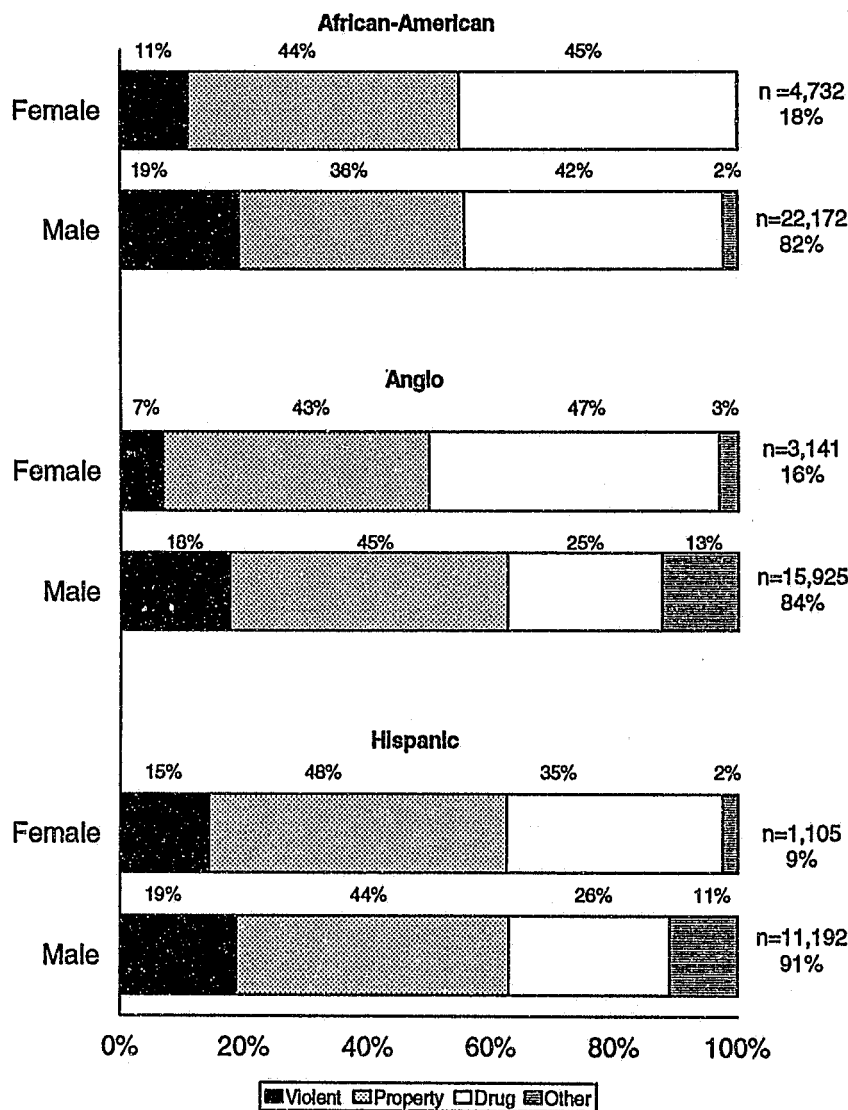
CHART 14. OFFENSE DISTRIBUTION AMONG RACE GROUPS



OFFENDER CHARACTERISTICS

Chart 15 shows the offense distribution of male and female offenders in each racial group. Overall, females represented 15% of convicted felons, and 20% of the felons convicted for a drug offense.

CHART 15. OFFENSE DISTRIBUTION BY RACE BY SEX



- Female offenders within each race group had a higher proportion of drug offense convictions.
- The overwhelming majority of female offenders were convicted for drug or property crimes -- approaching or over 90% of the females in the African-American and Anglo race groups and 83% of Hispanic female offenders.

- As a group, Hispanic convicted felons were generally younger than either Anglo or African-American felons.
 - 46% of Hispanic convicted felons were 25 or younger
 - 38% of Anglo convicted felons were 25 or younger
- 18% of Anglo and 16% of Hispanic offenders over age 35 were convicted for DWI.
- 41% of the Hispanic offenders under age 21 were convicted for Burglary, 69% for property crimes.
- 37% of the Anglo offenders under age 21 were convicted for Burglary, 70% for property crimes.

CHART 16. AGE DISTRIBUTION OF CONVICTED FELONS BY RACE

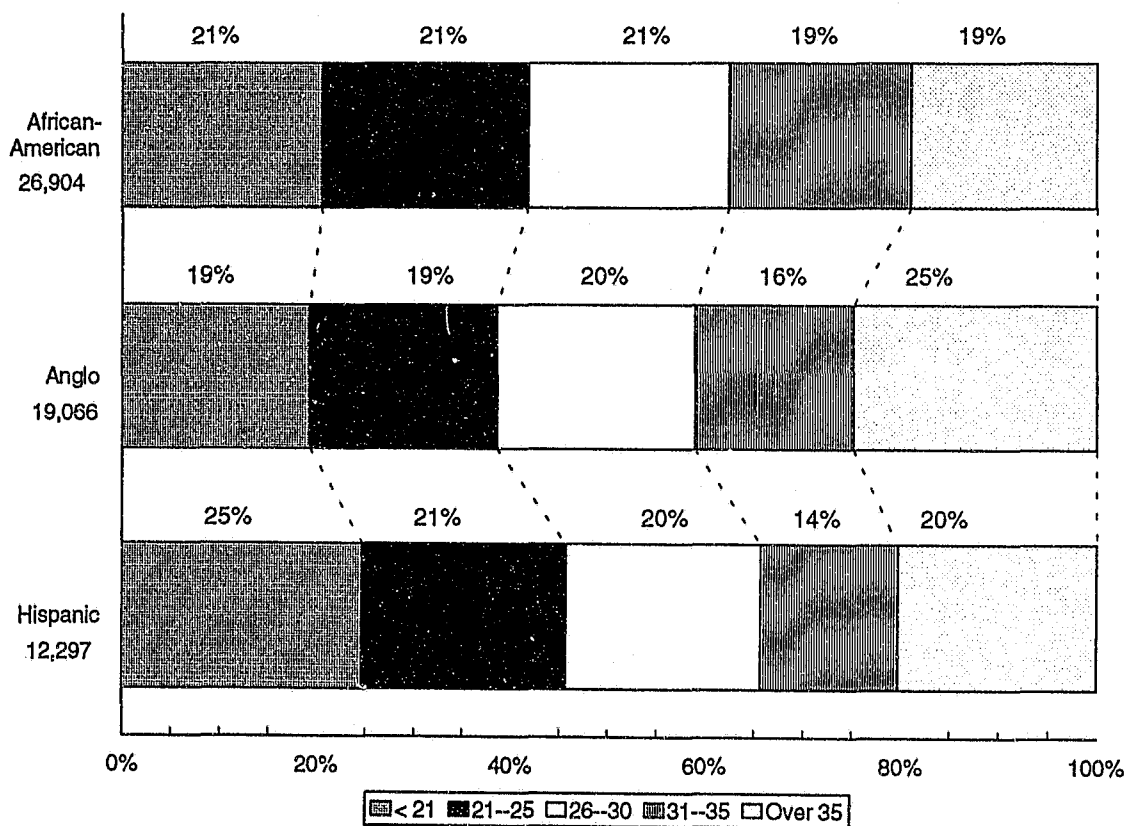
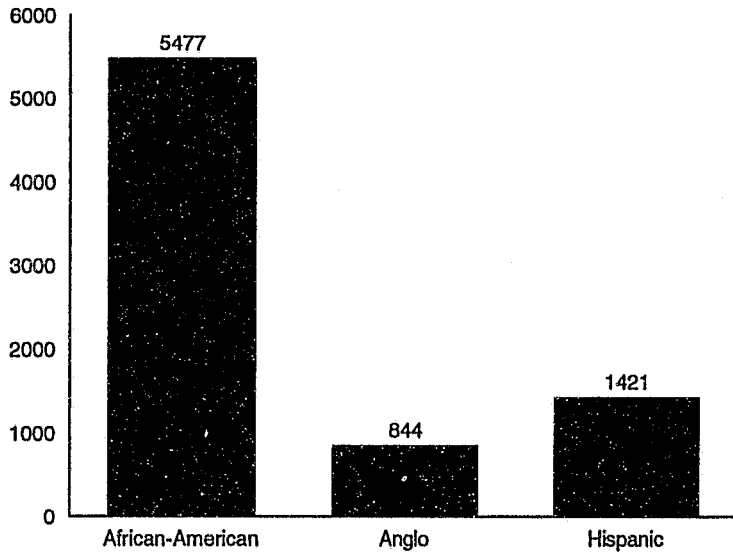
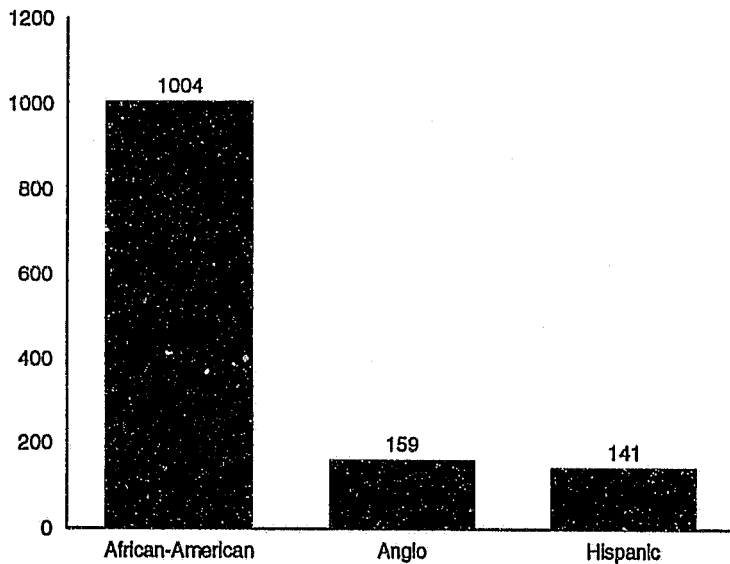


CHART 17. CONVICTION RATE BY RACE: MALES



- The conviction rate per 100,000 males is the number of male felons convicted for every 100,000 males in the race group. The female conviction rate is the number of female felons convicted per 100,000 females in the race group.
- The conviction rate for African-American males was 3.8 times that of Hispanic males, and 6.4 times that of Anglo males.

CHART 18. CONVICTION RATE BY RACE: FEMALES



- The conviction rate for African-American females was 6.3 times that of Anglo females, and 7.1 times that of Hispanic females.
- Hispanic females had the lowest conviction rate of any of the six population groups (race by sex).
- African-American females had a higher conviction rate than Anglo males.

SENTENCE OUTCOME and OFFENSE CHARACTERISTICS

SENTENCE OUTCOME

Overall, 49% of all felons received a sentence to prison

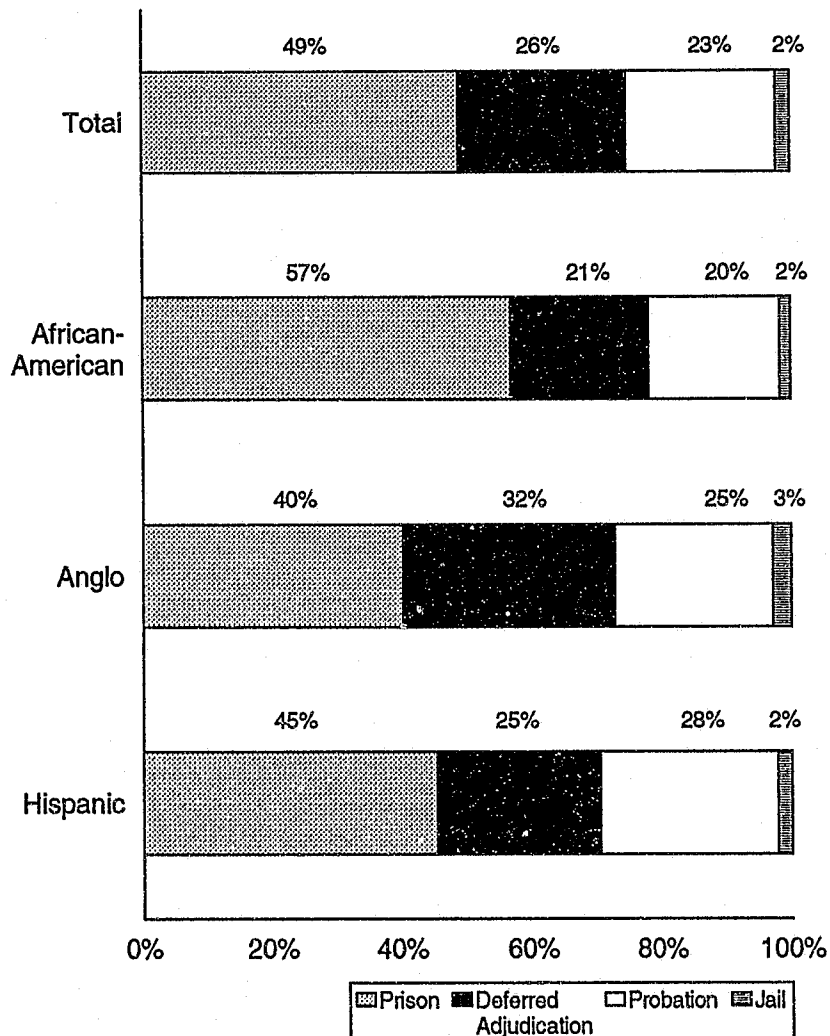
- 57% of African-American felons
- 40% of Anglo felons
- 45% of Hispanic felons

26% of all felons received deferred adjudication

- 21% of African-American felons
- 32% of Anglo felons
- 25% of Hispanic felons

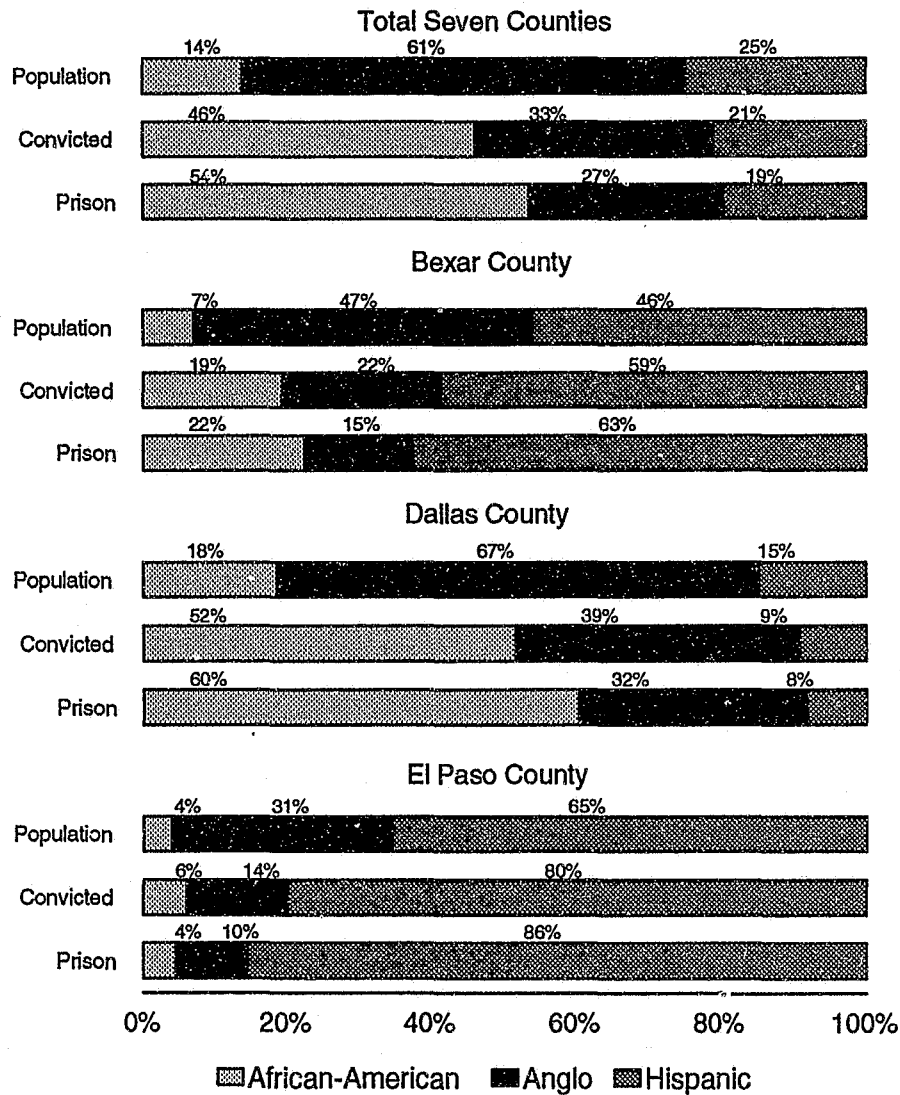
In the following section, violent, property, and drug offenses are examined in more detail, with offense and criminal history characteristics held constant as sentence is compared among the racial groups.

CHART 19. SENTENCE DISTRIBUTION BY RACE



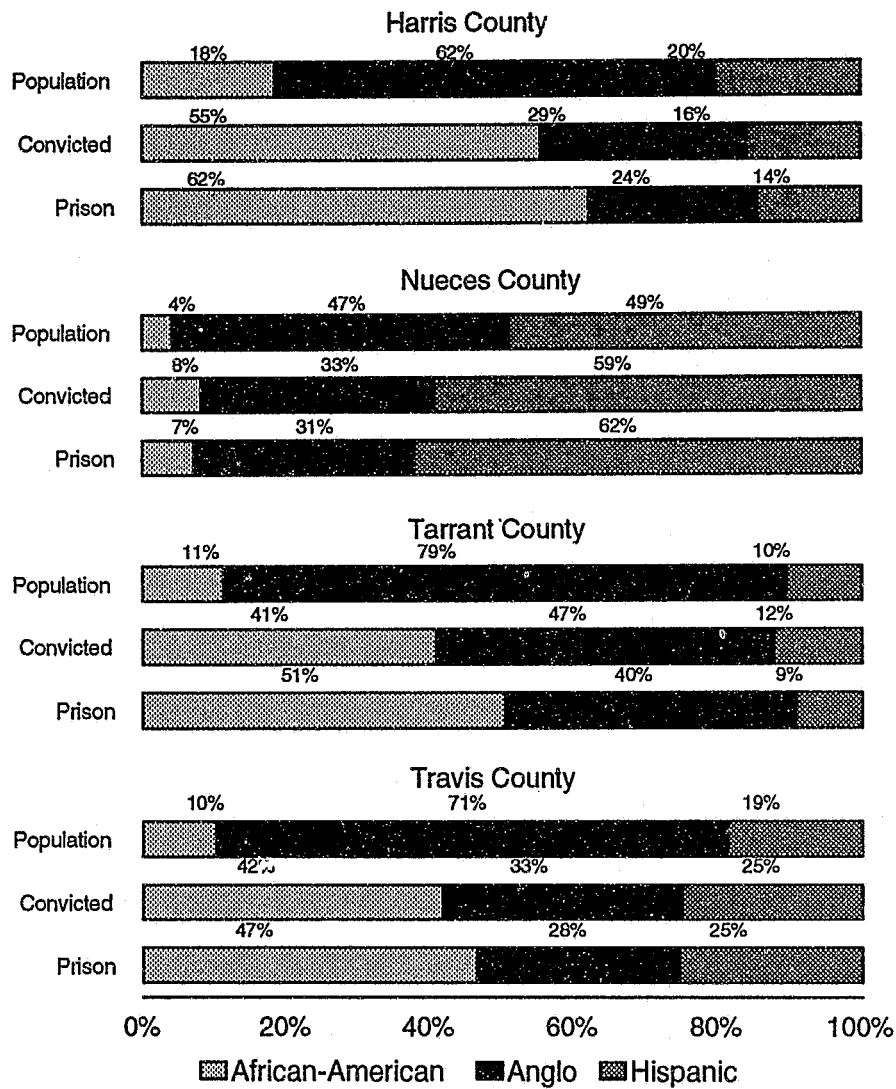
COUNTY COMPARISON

CHART 20. GENERAL POPULATION, POPULATION OF CONVICTED FELONS, AND POPULATION OF CONVICTED FELONS SENTENCED TO PRISON



- In all the counties, African-Americans were convicted in larger proportions than their percentage in the population.
- Harris County had the highest percentage of African-American offenders convicted (55%) and sentenced to prison (62%).
- Although Anglos were a majority of the adult population in Dallas, Harris, Tarrant, and Travis Counties, they did not constitute a majority of the offender population from these four counties.

CHART 20. CONTINUED



- Tarrant County had the highest percentage of Anglo offenders convicted and the highest percentage sentenced to prison.
- Except for Dallas and Harris counties, Hispanic offenders were convicted in larger proportions than their percentage in the population.
- Hispanics accounted for the majority of offenders in El Paso, Nueces, and Bexar Counties.

VIOLENT OFFENDERS

Violent offenders comprised 17% of felons convicted and 20% of felons sentenced to prison. Violent offenses are:

- *Homicide*, including attempts, voluntary and involuntary manslaughter
- *Sexual Assault*, including attempts, aggravated, and child sexual assault
- *Robbery*, including attempts
- *Assault*

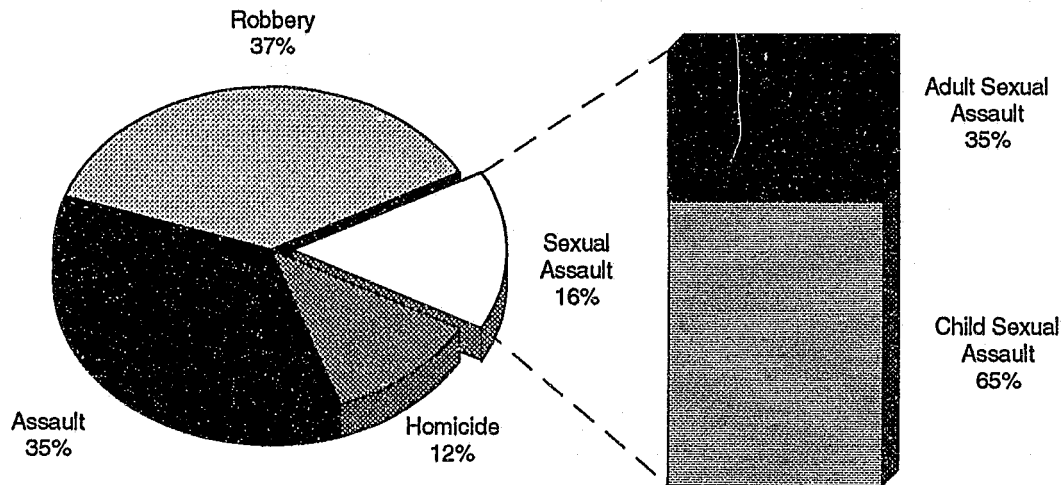
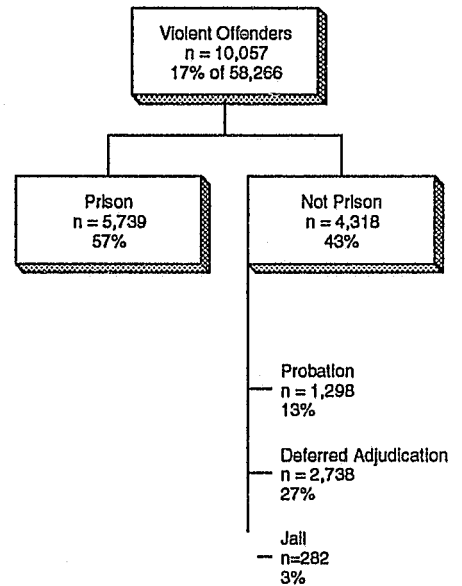
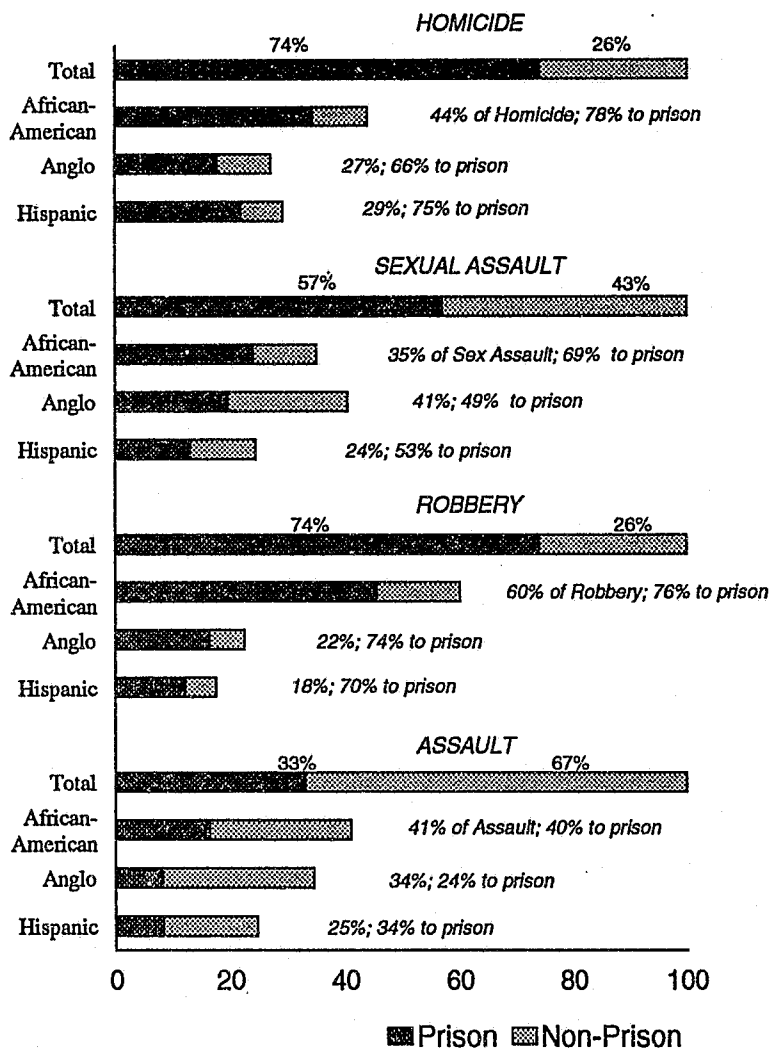


Chart 23 shows the percentage each racial group comprised within the violent offense categories, and the percentage of each race group sentenced to prison within the same categories.

CHART 23. SENTENCE TO PRISON BY OFFENSE GROUP

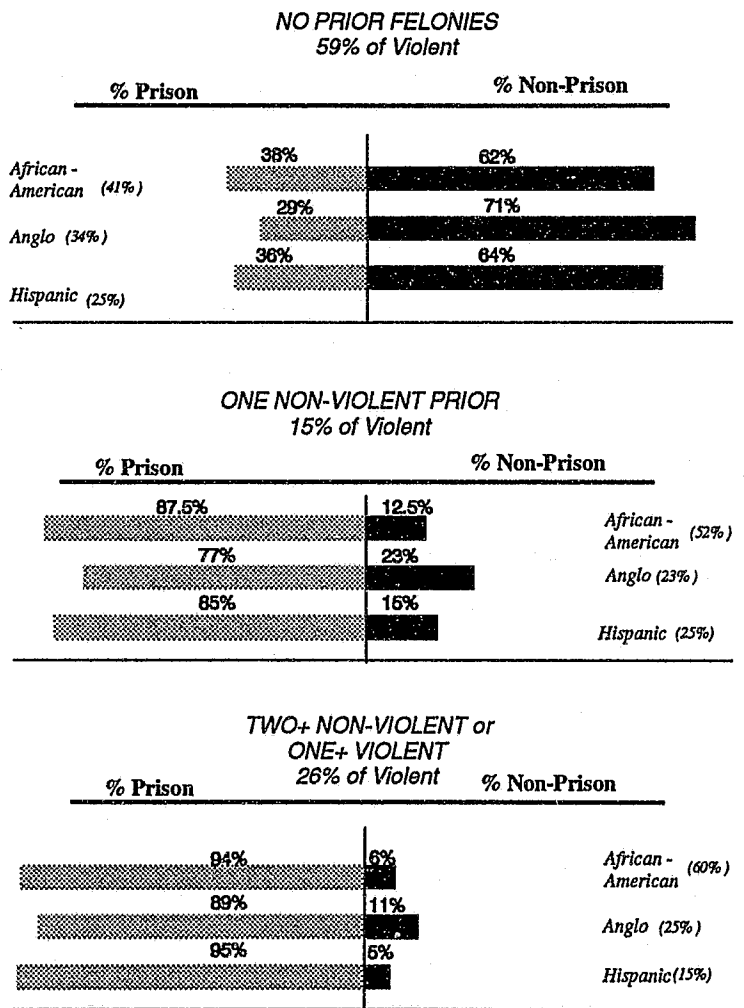


- African-American offenders comprised the largest proportion of offenders convicted in each category except sexual assault, and the majority of offenders convicted for robbery (60%).
- A larger percentage of African-American offenders were sentenced to prison in each offense category than Anglo or Hispanic offenders.
- 41% of the offenders convicted for sexual assault were Anglo; 35% of offenders sentenced to prison for sexual assault were Anglo.

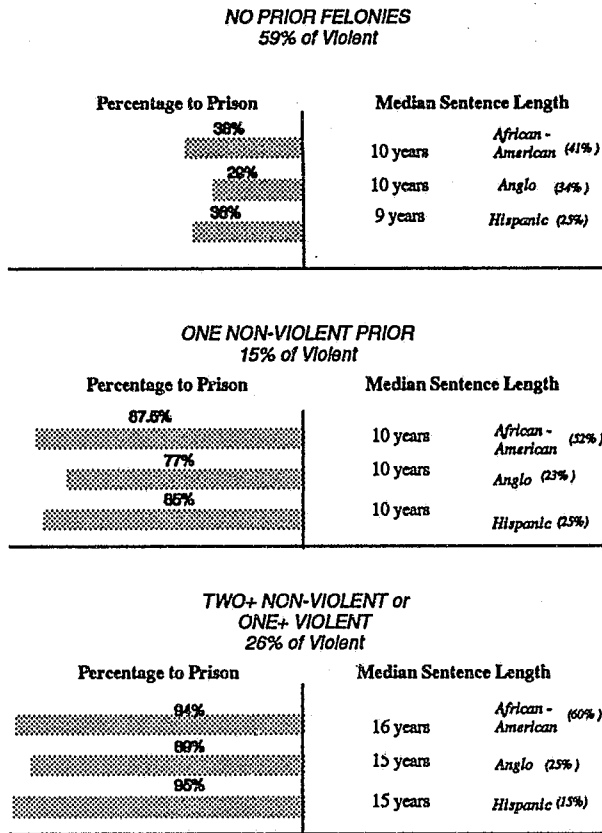
Chart 26 shows the percentage of violent offenders sentenced to prison within each criminal history category. The largest proportion of violent offenders had no prior felony conviction -- 59%.

CHART 26
VIOLENT OFFENDERS: PRISON BY CRIMINAL HISTORY

- African-American and Hispanic violent offenders received prison sentences more often than Anglo violent offenders with the same type of criminal history.
- A large majority of all violent offenders with a felony history received a prison sentence.
 - The proportion of African-American and Hispanic offenders sentenced to prison was higher than Anglo violent offenders with a felony history.
- African-American offenders comprised the majority of all violent offenders with a criminal history
 - 52% of offenders with one non-violent prior felony and 60% of offenders with two or more non-violent or one violent prior felony were African-American.

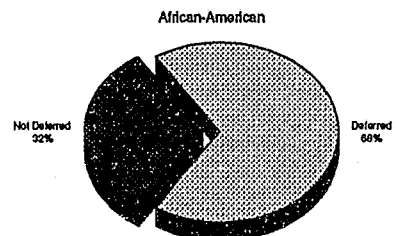
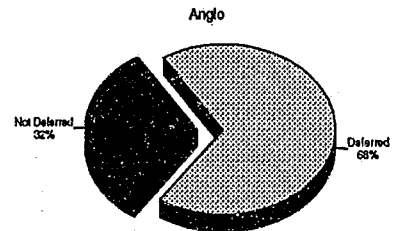
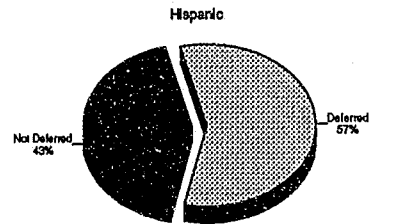


**CHART 25. MEDIAN SENTENCE LENGTH:
VIOLENT OFFENDERS SENTENCED TO PRISON BY CRIMINAL HISTORY**



- There was little or no difference among the races in the sentence lengths of offenders sentenced to prison when criminal history was considered.

**CHART 26. VIOLENT OFFENDERS WITH NO PRIOR
FELONIES AND NON-PRISON SENTENCES:
PERCENT DEFERRED ADJUDICATION**



**No Prior Felony Convictions:
Non-Prison Sentences**

- Among the violent offenders with no prior felony convictions who did not receive a prison sentence, over one-half were disposed with deferred adjudication -- 68% of Anglo and African-American offenders and 57% of Hispanic violent offenders in this category.

(See pages n and o in the Appendix, for a complete breakdown of sentence by offense by criminal history.)

PROPERTY OFFENDERS

Property offenders comprised 41% of felons convicted and 40% of felons convicted to prison. Property offenses are:

- *Burglary*, including habitation and attempts
- *Forgery/Fraud*, including felony attempts
- *Theft*

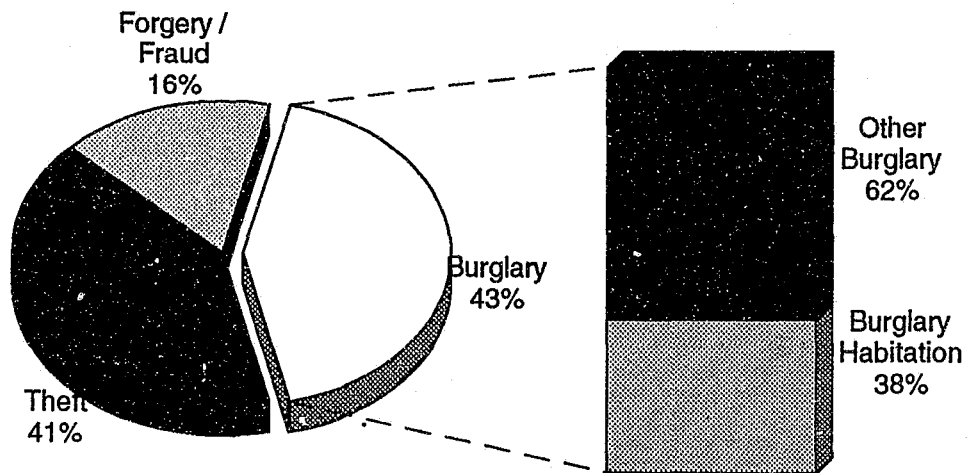
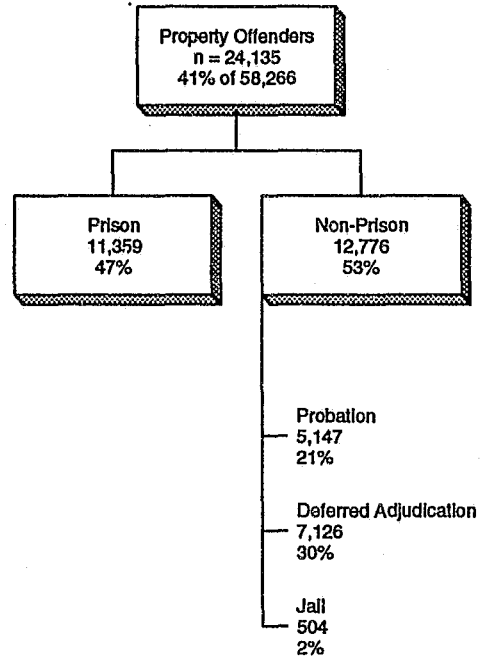
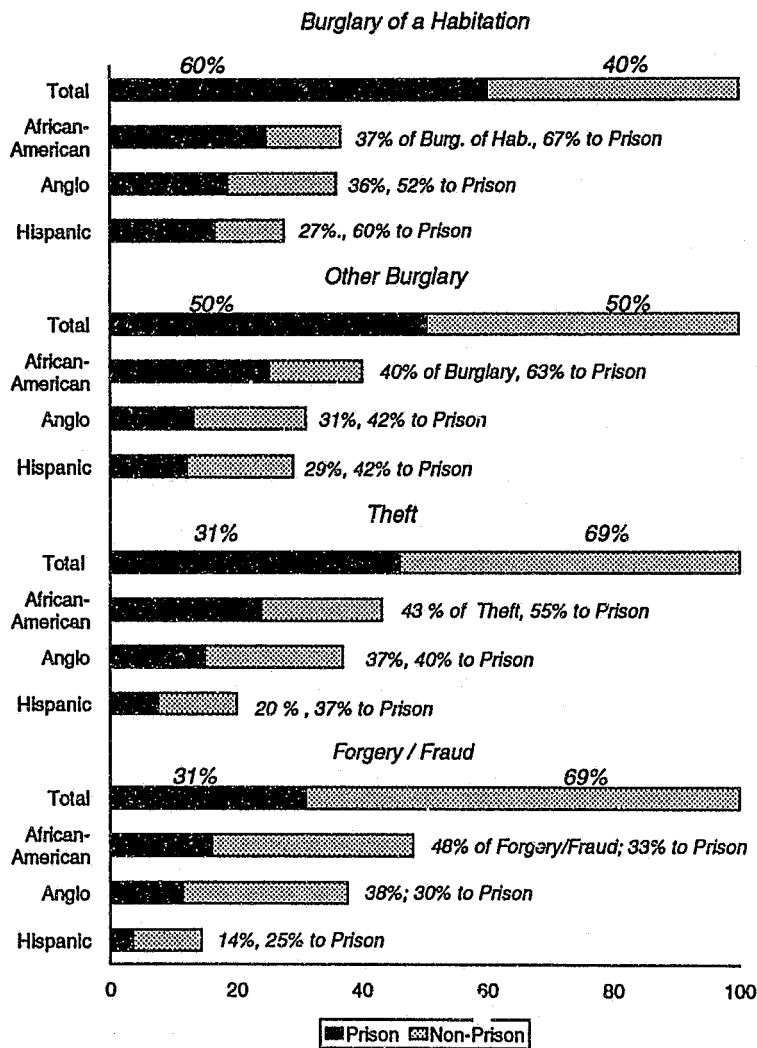


Chart 29 shows the percentages of offenders who received a prison sentence within each specific offense category. The largest percentage of offenders who received a prison sentence were convicted for Burglary of a Habitation (a first degree felony) or other burglary (Burglary of a Building or Burglary of a Motor Vehicle).

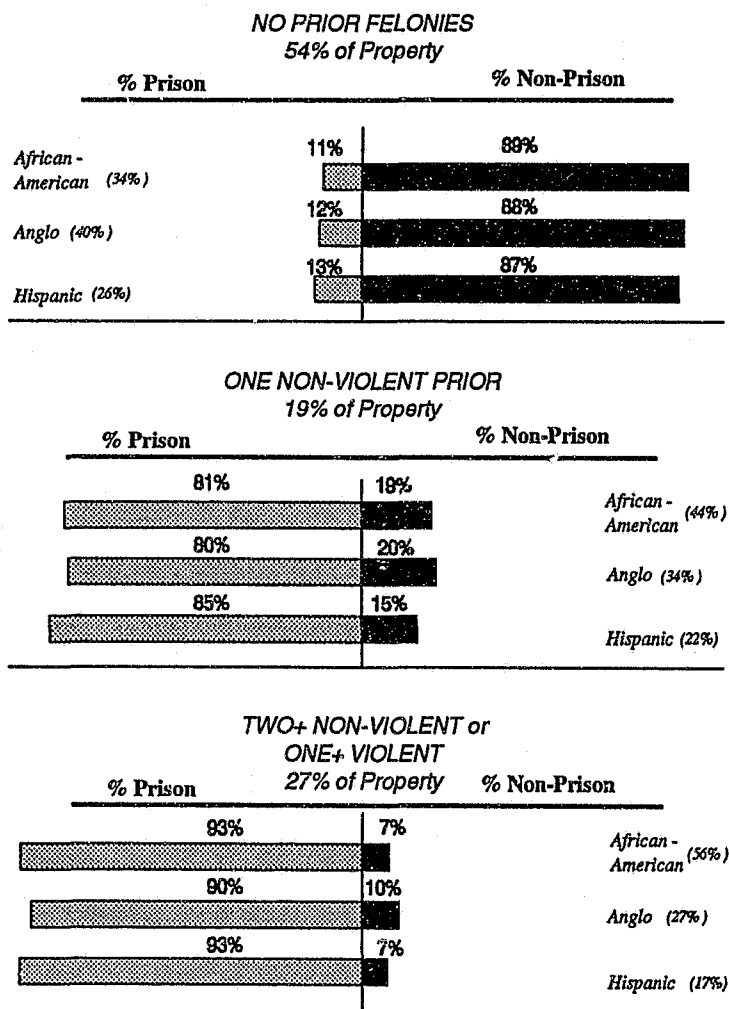
CHART 29. SENTENCE TO PRISON BY RACE:
PROPERTY OFFENSE CATEGORIES



- African-American offenders made up the largest proportion of each offense category.
- African-American property offenders were sentenced to prison more often than either Hispanic or Anglo property offenders in every property offense category.

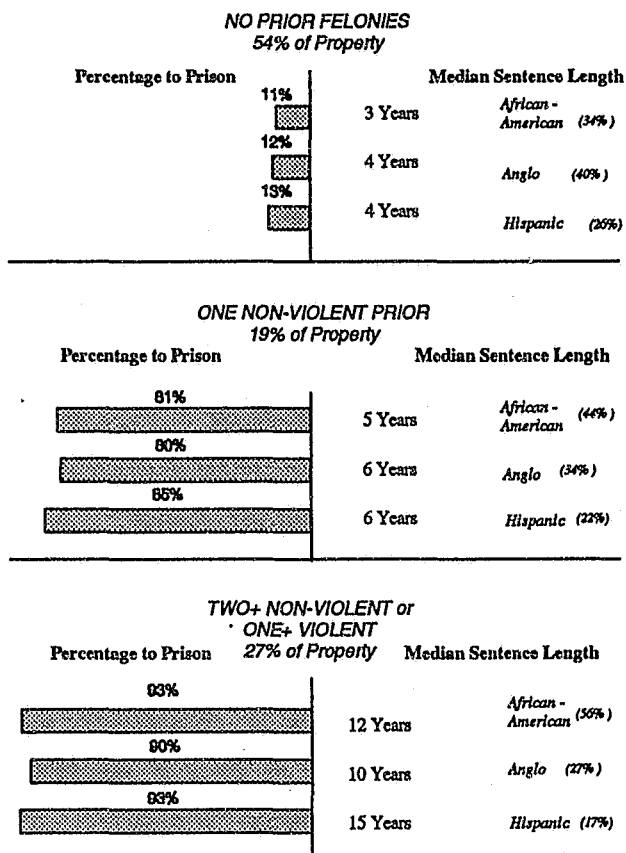
Chart 30 shows the percentage of property offenders receiving a prison sentence within each criminal history category. Overall, 54% of property offenders had no prior felony convictions, 19% had one non-violent prior felony conviction, and the remaining 27% had at least one violent conviction or two or more non-violent felony convictions.

CHART 30. SENTENCE TO PRISON BY CRIMINAL HISTORY
CATEGORY: PROPERTY OFFENDERS BY RACE



- Most property offenders having no prior felony convictions received a "non-prison" sentence.
 - 53% of property offenders with no prior felony convictions received deferred adjudication.
- Sentences to prison do not vary substantially among the races for property felons when prior history was considered. However slightly more Hispanic felons were sentenced to prison for property offenses than Anglo or African-American offenders, regardless of criminal history.

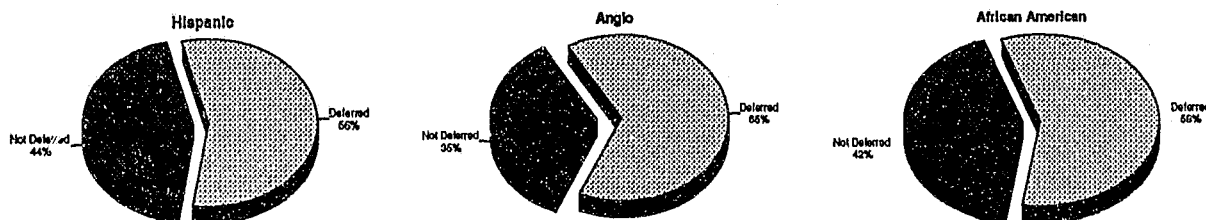
**CHART 31. MEDIAN SENTENCE LENGTH:
PROPERTY OFFENDERS SENTENCED TO PRISON BY CRIMINAL HISTORY**



- There was little difference among the racial groups in the sentence length given to property offenders with no prior criminal history, or with only one prior (non-violent).
- The sentences given to Hispanic property offenders in the worst criminal history category were slightly longer than those given to Anglo (10 year median) or African-American (12 year median) offenders.

No Prior Felony Convictions: Non Prison Sentences

CHART 32. PROPERTY OFFENDERS WITH NO PRIOR FELONIES: PERCENT DEFERRED ADJUDICATION

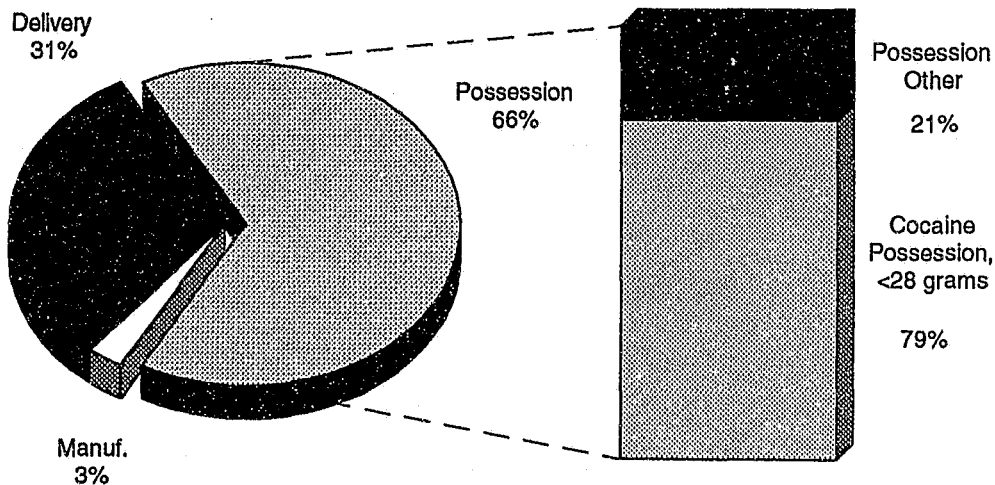
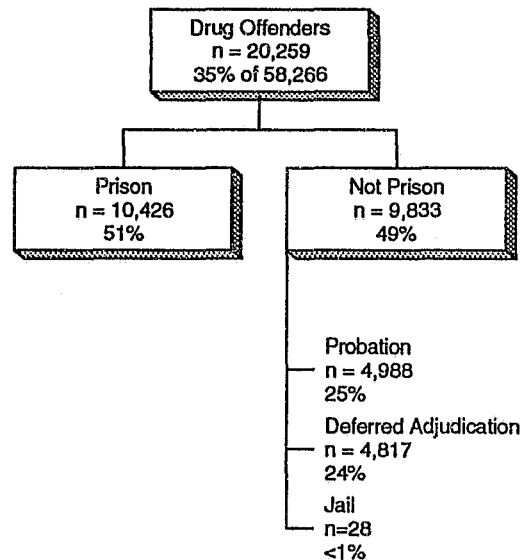


- Among the property offenders with no prior felony convictions who did not receive a sentence to prison, more than half received deferred adjudication -- 65% of Anglos, 58% of African-Americans, and 56% of Hispanic property offenders.

DRUG OFFENDERS

Drug offenders represented 35% of felons convicted, and 36.5% of the offenders sentenced to prison. Drug offenses are:

- **Possession,**
- **Delivery,** including Possession with Intent to Deliver and Conspiracy to Deliver
- **Manufacture** and other drug violations, including tax stamp violations, and drug paraphernalia possession.



In terms of specific offenses, more felons were convicted for *Possession of Cocaine, less than 28 grams*, than any other felony offense -- 18% of all felony offenders convicted.

Racial Distribution and Drug of Conviction

- The majority of offenders convicted for a drug felony were African-American -- 57% -- followed by Anglo, 27%, and Hispanic, 16%.
- Overall, most offenders were convicted for an offense involving cocaine, particularly African-American offenders (94%).

CHART 35. PERCENTAGE RACIAL GROUP REPRESENTATION - DRUG OFFENDERS

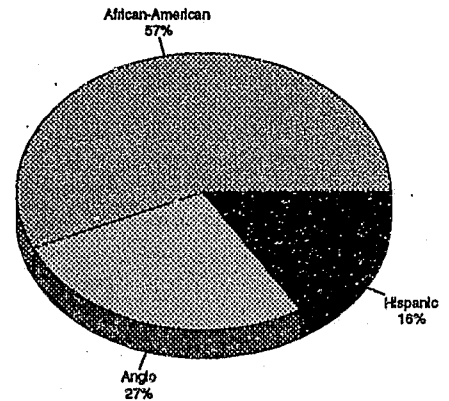
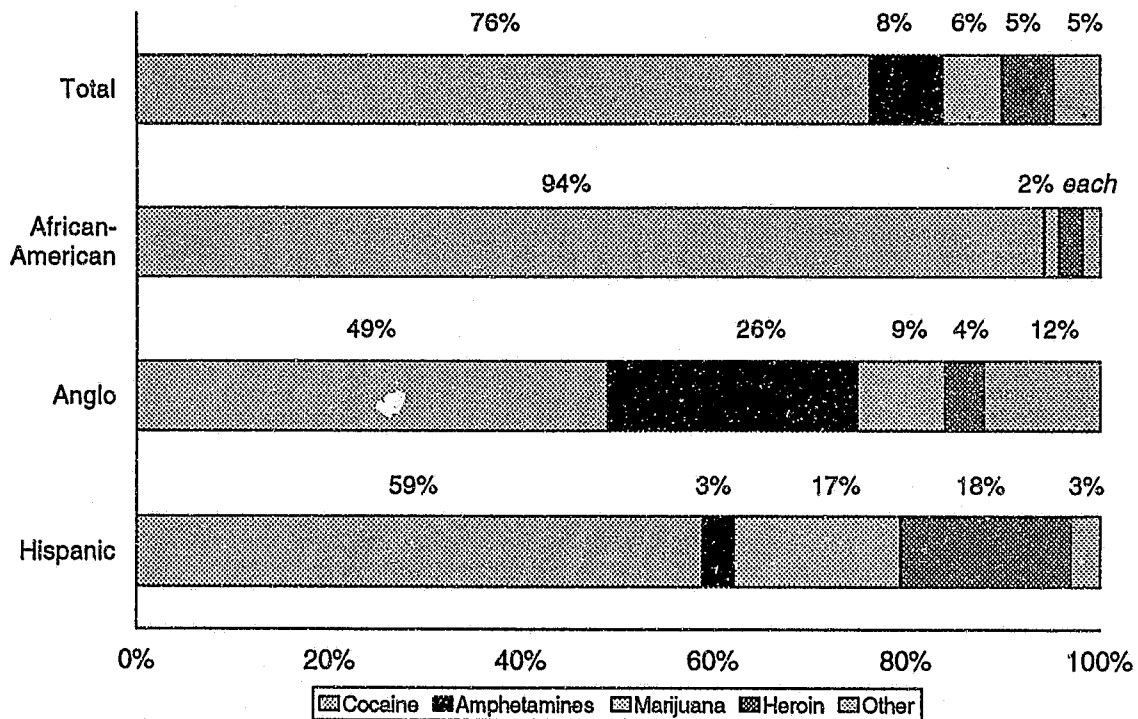
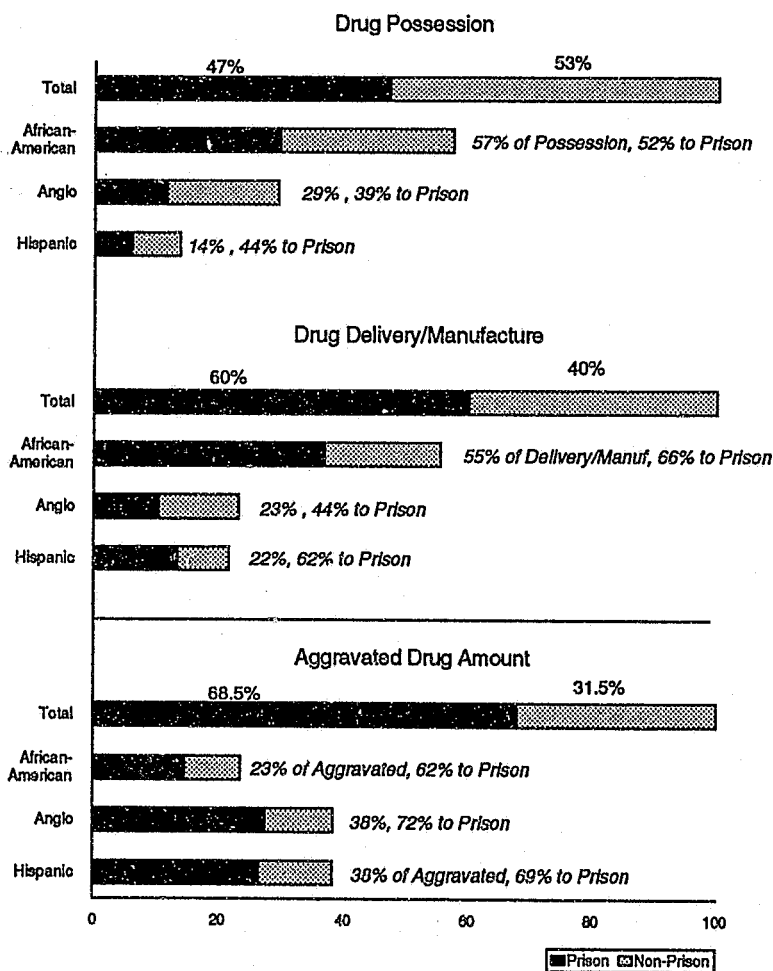


CHART 36. TYPE OF DRUG BY RACE



Drug Offenders: Sentence for Racial Groups by Offense Type

CHART 37. PRISON SENTENCE BY DRUG OFFENSE AND AMOUNT



- 47% of felons convicted for possession of drugs received a prison sentence.

- African-American drug offenders represented a majority of each category except aggravated drug amounts.

- Over 50% of African-American drug offenders in each category received a prison sentence.

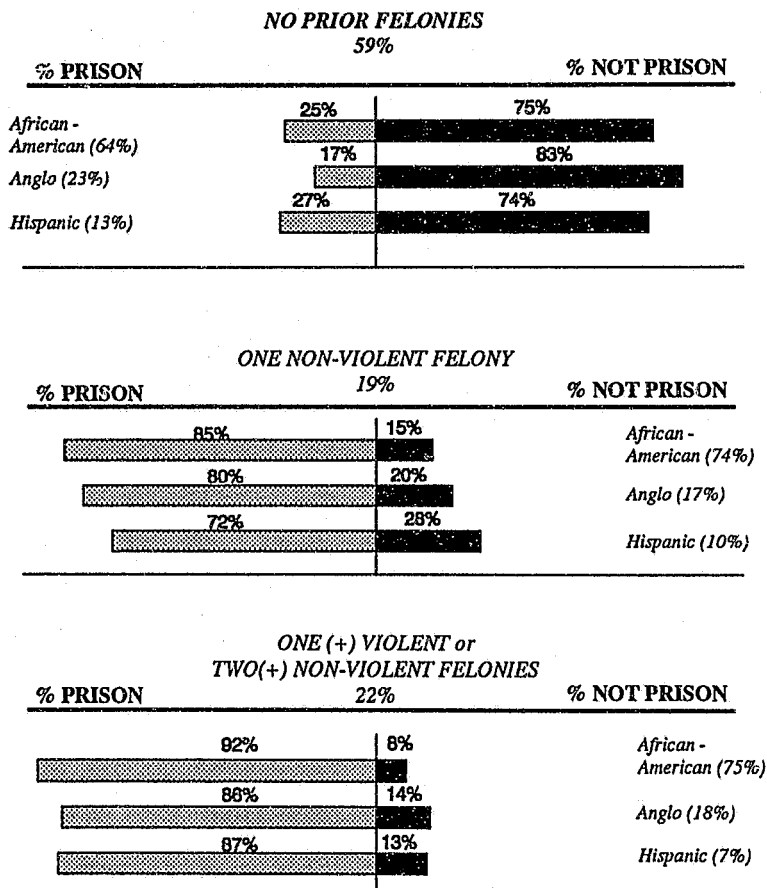
- 68.5% of felons convicted for aggravated drug amounts (≥ 28 gms; 50 lbs mj) received a prison sentence. *Offenders convicted for aggravated amounts represented 21% of all drug offenders.*

- A larger percentage of Anglo aggravated drug offenders received prison -- 72% compared to 69% of Hispanic and 62% of African-American.

Possession of Cocaine less than 28 Grams

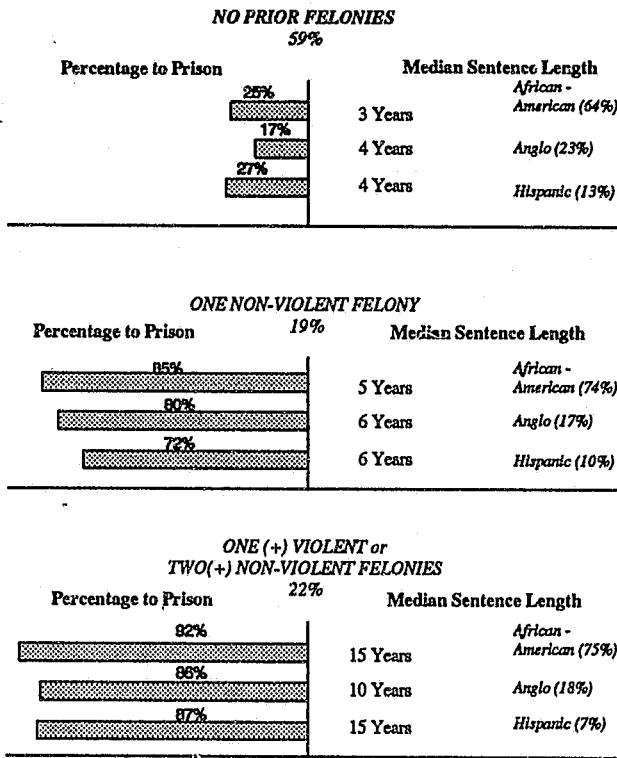
Approximately 52% of drug offenders were convicted for Possession of Cocaine, less than 28 grams (18% of all felons convicted). Of the offenders convicted for cocaine possession, <28 gms: 59% had no prior felony convictions; 19% had one non-violent felony; and 22% had two or more non-violent priors or one (or more) violent prior felonies. Examination of the sentence received for offenders within each criminal history group is detailed in the chart below.

CHART 38. PRISON SENTENCE BY CRIMINAL HISTORY
OFFENDERS CONVICTED FOR POSSESSION OF COCAINE <28 GRAMS



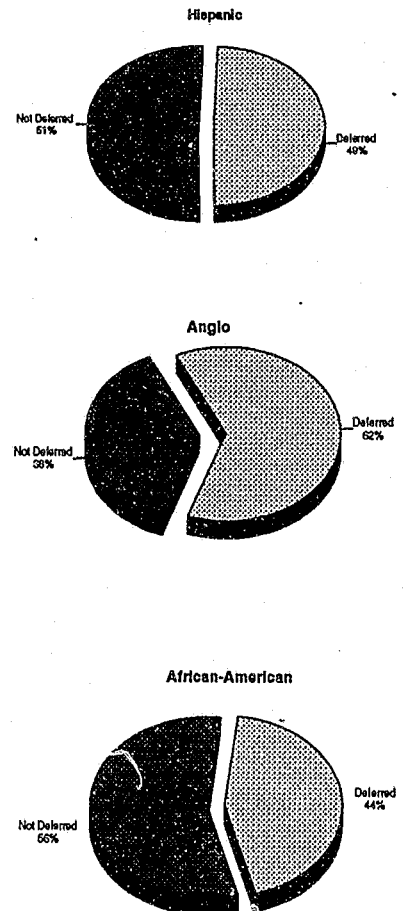
- African-American offenders comprised a large majority of each criminal history category of offenders convicted for cocaine possession (<28 grams), especially the prior felony categories.
- A larger proportion of African-American offenders received a prison sentence than Anglo offenders convicted for cocaine possession (<28 grams) in each criminal history category.
- Over one-quarter of Hispanic and one-quarter of African-American offenders convicted for cocaine possession (<28 grams) with no prior felony convictions received a sentence to prison.

**CHART 39. MEDIAN SENTENCE LENGTH:
DRUG OFFENDERS SENTENCED TO PRISON BY CRIMINAL HISTORY**



- There was little difference among the racial groups in lengths of prison sentence for drug offenders with no prior or one prior non-violent convictions.
- The sentences given to Hispanic and African-American drug offenders in the worst criminal history category were slightly longer than those given to Anglo (10 year median) drug offenders in the same history category.

**CHART 40. DRUG OFFENDERS WITH NO PRIOR FELONIES:
PERCENT DEFERRED ADJUDICATION**



**No Prior Felony Convictions:
Non-Prison Sentences**

- A higher proportion of Anglo drug offenders with no prior felony conviction who were not sentenced to prison received deferred adjudication (62%), compared to 49% of Hispanics in the same category and 44% of African-American drug offenders in the same category.

APPENDIX

b

1985 Arrest Rates For the Seven Counties and Statewide

Race/Ethnicity	Adult Population	# Arrested	Rate Per 100,000
Bexar County			
African-American	56744	1878	3310
Anglo	756767	11021	1456
County Total	813511	12899	1586
Dallas County			
African-American	237222	11285	4757
Anglo	1080905	16099	1489
County Total	1318127	27384	2077
El Paso County			
African-American	14620	900	6156
Anglo	372254	6996	1879
County Total	386874	7896	2041
Harris County			
African-American	361040	11920	3302
Anglo	1609056	16286	1012
County Total	1970096	28206	1432
Nueces County			
African-American	8669	418	4822
Anglo	192713	3548	1841
County Total	201382	3966	1969
Tarrant County			
African-American	88359	4300	4867
Anglo	717689	11504	1603
County Total	806048	15804	1961
Travis County			
African-American	40527	2777	6852
Anglo	370061	8437	2280
County Total	410588	11214	2731
Statewide			
African-American	1330242	51888	3901
Anglo	10487102	140222	1337
State Total	11817344	192110	1626

1992 Arrest Rates For the Seven Counties and Statewide

Race/Ethnicity	Adult Population	# Arrested	Rate Per 100,000
Bexar County			
African-American	60708	2415	3978
Anglo	810915	15094	1861
County Total	871623	17509	2009
Dallas County			
African-American	266639	14956	5609
Anglo	1150212	14769	1284
County Total	1416851	29725	2098
El Paso			
African-American	16593	526	3170
Anglo	409122	6037	1476
County Total	425715	6563	1542
Harris County			
African-American	397801	13907	3496
Anglo	1752167	17416	994
County Total	2149968	31323	1457
Nueces County			
African-American	8945	616	6887
Anglo	201715	4328	2146
County Total	210660	4944	2347
Tarrant County			
African-American	101675	6382	6277
Anglo	783822	9702	1238
County Total	885497	16084	1816
Travis County			
African-American	47589	3757	7895
Anglo	406969	6497	1596
County Total	454558	10254	2256
Statewide			
African-American	1455618	70617	4851
Anglo	11388489	146254	1284
State Total	12844107	216871	1688

d

Sentencing Dynamics Study--Offense Groups by Race Within the Seven Counties And Statewide

Offense Group	African-American				Anglo				Total			
	1985		1992		1985		1992		1985		1992	
	#	%	#	%	#	%	#	%	#	%	#	%
Bexar County												
Violent	256	14%	362	15%	1081	10%	2046	14%	1337	10%	2408	14%
Property	1236	66%	1185	49%	7042	64%	8790	58%	8280	64%	9975	57%
Drug	384	20%	868	36%	2898	28%	4258	28%	3282	25%	5128	29%
Total	1878	100%	2415	100%	11021	100%	15084	100%	12899	100%	17509	100%
Dallas County												
Violent	1571	14%	3192	21%	1645	10%	2328	18%	3216	12%	5520	19%
Property	6319	58%	6983	47%	8480	53%	7827	53%	14779	54%	14790	50%
Drug	3395	30%	4801	32%	5994	37%	4614	31%	9399	34%	9415	32%
Total	11285	100%	14956	100%	16099	100%	14769	100%	27384	100%	29725	100%
El Paso County												
Violent	101	11%	190	36%	833	13%	1597	26%	1034	13%	1787	27%
Property	663	74%	187	36%	4118	59%	2443	40%	4781	61%	2630	40%
Drug	138	15%	149	28%	1945	28%	1997	33%	2081	26%	2146	33%
Total	900	100%	526	100%	6996	100%	6037	100%	7896	100%	6563	100%
Harris County												
Violent	1920	16%	2171	16%	1748	11%	2510	14%	3688	13%	4681	15%
Property	6506	55%	5931	43%	8581	53%	9545	55%	15087	53%	15476	49%
Drug	3494	29%	5805	42%	5957	37%	5381	31%	9451	34%	11166	36%
Total	11920	100%	13907	100%	16286	100%	17416	100%	28206	100%	31323	100%
Nueces County												
Violent	68	16%	93	15%	318	9%	651	15%	388	10%	744	15%
Property	227	54%	249	40%	2142	60%	2188	51%	2389	60%	2437	49%
Drug	123	29%	274	44%	1086	31%	1489	34%	1211	31%	1763	36%
Total	418	100%	616	100%	3546	100%	4326	100%	3986	100%	4944	100%
Tarrant County												
Violent	771	18%	1366	21%	1297	11%	1776	18%	2066	13%	3142	20%
Property	2732	64%	3156	49%	6484	56%	5525	57%	9216	58%	8681	54%
Drug	797	19%	1680	29%	3723	32%	2401	25%	4520	28%	4261	26%
Total	4300	100%	6382	100%	11504	100%	9702	100%	15804	100%	16084	100%
Travis County												
Violent	471	17%	550	15%	822	10%	673	10%	1293	12%	1223	12%
Property	1791	64%	1897	50%	5448	65%	4345	67%	7239	65%	6242	61%
Drug	515	19%	1310	35%	2167	28%	1479	23%	2682	24%	2789	27%
Total	2777	100%	3757	100%	8437	100%	6497	100%	11214	100%	10254	100%
State Total												
Violent	8120	16%	12942	18%	15293	11%	22018	15%	23413	12%	34958	16%
Property	31410	61%	33932	48%	81659	58%	82908	57%	113069	59%	116840	54%
Drug	12358	24%	23743	34%	43270	31%	41330	28%	55828	29%	65073	30%
Total	51888	100%	70617	100%	140222	100%	148254	100%	182110	100%	216871	100%

Seven County and Statewide Arrests: 1985 & 1992 Violent Index, Property Index, and Drug Offenses

COUNTY	TOTAL INDEX			VIOLENT INDEX		
	1985	1992	% CHANGE	1985	1992	% CHANGE
BEXAR	12899	17509	36%	1337	2408	80%
African-American	1878	2415	29%	256	362	41%
Anglo	11021	15094	37%	1081	2046	89%
DALLAS	27384	29725	9%	3216	5520	72%
African-American	11285	14956	33%	1571	3192	103%
Anglo	16099	14769	-8%	1645	2328	42%
EL PASO	7896	6563	-17%	1034	1787	73%
African-American	900	526	-42%	101	190	88%
Anglo	6996	6037	-14%	933	1597	71%
HARRIS	28206	31323	11%	3668	4681	28%
African-American	11920	13907	17%	1920	2171	13%
Anglo	16286	17416	7%	1748	2510	44%
NUECES	3966	4944	25%	386	744	93%
African-American	418	616	47%	68	93	37%
Anglo	3548	4328	22%	318	651	105%
TARRANT	15304	16084	2%	2068	3142	52%
African-American	4300	6382	48%	771	1366	77%
Anglo	11504	9702	-16%	1297	1776	37%
TRAVIS	11214	10254	-9%	1293	1223	-5%
African-American	2777	3757	35%	471	550	17%
Anglo	8437	6497	-23%	822	673	-18%
STATEWIDE	192110	216871	13%	23413	34958	49%
African-American	51888	70617	36%	8120	12942	59%
Anglo	140222	146254	4%	15293	22016	44%

COUNTY	PROPERTY INDEX			DRUG		
	1985	1992	% CHANGE	1985	1992	% CHANGE
BEXAR	8280	9975	20%	3282	5126	56%
African-American	1238	1185	-4%	384	868	126%
Anglo	7042	8790	25%	2898	4258	47%
DALLAS	14779	14790	0%	9389	9415	0%
African-American	6319	6963	10%	3395	4801	41%
Anglo	8460	7827	-7%	5994	4614	-23%
EL PASO	4781	2630	-45%	2082	2146	3%
African-American	663	187	-72%	136	149	10%
Anglo	4118	2443	-41%	1945	1997	3%
HARRIS	15087	15476	3%	9451	11165	18%
African-American	6506	5931	-9%	3494	5805	66%
Anglo	8581	9545	11%	5957	5361	-10%
NUECES	2369	2437	3%	1211	1764	46%
African-American	227	249	10%	123	274	123%
Anglo	2142	2188	2%	1088	1489	37%
TARRANT	9216	8681	-6%	4520	4261	-6%
African-American	2732	3156	16%	797	1860	133%
Anglo	6484	5525	-15%	3723	2401	-36%
TRAVIS	7239	6242	-14%	2882	2790	-4%
African-American	1791	1897	6%	515	1310	154%
Anglo	5448	4345	-20%	2167	1479	-32%
STATEWIDE	113069	116840	3%	55628	65073	17%
African-American	31410	33932	8%	12358	23743	92%
Anglo	81659	82908	2%	43270	41330	-4%

Sentencing Dynamics Study -- 1991: Sentence by Offense by Race

	African American	Anglo	Hispanic	Total
Violent	4,778	3,020	2,260	10,057
% Prison	65%	47%	54%	57%
% Deferred	24%	34%	26%	27%
% Probation	9%	16%	17%	13%
% Jail	3%	3%	3%	3%
Property	10,159	8,507	5,470	24,135
% Prison	55%	40%	42%	47%
% Deferred	24%	36%	31%	30%
% Probation	19%	21%	26%	21%
% Jail	2%	3%	1%	2%
Drug	11,459	5,490	3,310	20,259
% Prison	57%	41%	52%	51%
% Deferred	19%	36%	21%	24%
% Probation	25%	24%	27%	25%
% Jail	<1%	<1%	0%	*
Indecency	129	425	271	825
% Prison	43%	26%	34%	31%
% Deferred	25%	42%	32%	36%
% Probation	27%	30%	32%	30%
% Jail	6%	2%	2%	3%
DWI	379	1,623	987	2,989
% Prison	30%	26%	25%	26%
% Probation	51%	62%	62%	61%
% Jail	19%	12%	13%	13%
	26,904	19,065	12,298	58,265

Sentencing Dynamics Study--Violent Offenses by Race and Percentage to Prison (IN/OUT)

Violent						
Offense	Number	% of Total	Number IN	% IN	Number OUT	% OUT
Homicide	1,208	12%	893	74%	315	26%
Sex Assault	1,563	16%	889	57%	674	43%
Robbery	3,738	37%	2,780	74%	958	26%
Assault	3,548	35%	1,177	33%	2,371	67%
Total Violent	10,057	100%	5,739	57%	4,318	43%
African-American						
Homicide	529	11%	414	78%	115	22%
Sex Assault	549	11%	378	69%	171	31%
Robbery	2,247	47%	1,705	76%	542	24%
Assault	1,453	30%	585	40%	868	60%
Total	4,778	100%	3,082	65%	1,696	35%
Anglo						
Homicide	327	11%	215	66%	112	34%
Sex Assault	632	21%	307	49%	325	51%
Robbery	837	28%	616	74%	221	26%
Assault	1,223	41%	294	24%	929	76%
Total	3,020	100%	1,432	47%	1,588	53%
Hispanic						
Homicide	352	16%	264	75%	88	25%
Sex Assault	381	17%	204	54%	177	46%
Robbery	655	29%	459	71%	196	30%
Assault	872	39%	298	34%	574	66%
Total	2,260	100%	1,226	54%	1,035	46%

Sentencing Dynamics Study--Criminal History Categories For Total Violent Offenders

Overall						
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	5,924	59%	2,028	34%	3,896	66%
1 Prior (Non-Violent)	1,503	15%	1,269	84%	234	16%
2 Priors (Non-Violent)	1,092	11%	1,019	93%	73	7%
1+Prior (With Violent)	1,538	15%	1,423	93%	115	7%
Total Violent	10,057	100%	5,739	57%	4,318	43%

Sentencing Dynamics Study--Criminal History of Violent Offenders by Race and Sentences to Prison

African-American	Violent Offense Group					
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	2,413	51%	915	38%	1,498	62%
1 Prior (Non-Violent)	783	16%	685	87%	98	13%
2 Priors (Non-Violent)	614	13%	578	94%	36	6%
1+Prior (With Violent)	968	20%	904	93%	64	7%
Total Violent	4,778	100%	3,082	65%	1,696	35%

Anglo	Violent Offense Group					
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	2,015	67%	578	29%	1,437	71%
1 Prior (Non-Violent)	351	12%	270	77%	81	23%
2 Priors (Non-Violent)	317	11%	291	92%	26	8%
1+Prior (With Violent)	337	11%	293	87%	44	13%
Total Violent	3,020	100%	1,432	47%	1,588	53%

Hispanic	Violent Offense Group					
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	1,496	66%	535	36%	961	64%
1 Prior (Non-Violent)	369	16%	314	85%	55	15%
2 Priors (Non-Violent)	161	7%	150	93%	11	7%
1+Prior (With Violent)	234	10%	226	97%	8	3%
Total Violent	2,260	100%	1,226	54%	1,035	46%

Sentencing Dynamics Study--Property Offenses by Race and Percentage Sentenced to Prison (IN/OUT)

Property						
Offense	Number	% of Total	Number IN	% IN	Number OUT	% OUT
Burglary	10,353	43%	5,586	54%	4,767	46%
<i>Burglary of Habitation</i>	<i>3,894</i>	<i>16%</i>	<i>2,327</i>	<i>60%</i>	<i>1,567</i>	<i>40%</i>
Forgery	3,962	16%	1,230	31%	2,732	69%
Theft	9,821	41%	4,543	46%	5,278	54%
Total Property	24,135	100%	11,359	47%	12,777	53%
African-American						
Burglary	4,015	40%	2,595	65%	1,420	35%
<i>Burglary of Habitation</i>	<i>1,427</i>	<i>14%</i>	<i>963</i>	<i>67%</i>	<i>464</i>	<i>33%</i>
Forgery	1,907	19%	635	33%	1,272	67%
Theft	4,237	42%	2,346	55%	1,891	45%
Total	10,159	42%	5,576	55%	4,583	45%
Anglo						
Burglary	3,398	40%	1,570	46%	1,828	54%
<i>Burglary of Habitation</i>	<i>1,398</i>	<i>16%</i>	<i>721</i>	<i>52%</i>	<i>677</i>	<i>48%</i>
Forgery	1,491	18%	453	30%	1,038	70%
Theft	3,619	43%	1,462	40%	2,157	60%
Total	8,507	35%	3,485	41%	5,023	59%
Hispanic						
Burglary	2,940	54%	1,421	48%	1,519	52%
<i>Burglary of Habitation</i>	<i>1,069</i>	<i>20%</i>	<i>643</i>	<i>60%</i>	<i>426</i>	<i>40%</i>
Forgery	564	10%	142	25%	422	75%
Theft	1,965	36%	735	37%	1,230	63%
Total	5,470	23%	2,298	42%	3,171	58%

Sentencing Dynamics Study--Criminal History Categories For Total Property Offenders

Overall						
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	12,952	54%	1,542	12%	11,410	88%
1 Prior (Non-Violent)	4,552	19%	3,713	82%	839	18%
2 Priors (Non-Violent)	4,339	18%	4,040	93%	299	7%
1+Prior (With Violent)	2,293	10%	2,064	90%	229	10%
Total Property	24,135	100%	11,359	47%	12,777	53%

Sentencing Dynamics Study--Criminal History of Property Offenders by Race and Sentences to Prison

African-American	Property Offense Group					
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	4,409	43%	480	11%	3,929	89%
1 Prior (Non-Violent)	2,023	20%	1,640	81%	383	19%
2 Priors (Non-Violent)	2,417	24%	2,239	93%	178	7%
1+Prior (With Violent)	1,309	13%	1,217	93%	92	7%
Total Property	10,159	100%	5,576	55%	4,583	45%

Anglo	Property Offense Group					
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	5,143	60%	613	12%	4,530	88%
1 Prior (Non-Violent)	1,552	18%	1,242	80%	310	20%
2 Priors (Non-Violent)	1,203	14%	1,126	94%	77	6%
1+Prior (With Violent)	610	7%	504	83%	106	17%
Total Property	8,507	100%	3,485	41%	5,023	59%

Hispanic	Property Offense Group					
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	3,400	62%	449	13%	2,951	87%
1 Prior (Non-Violent)	977	18%	831	85%	146	15%
2 Priors (Non-Violent)	719	13%	675	94%	44	6%
1+Prior (With Violent)	374	7%	343	92%	31	8%
Total Property	5,470	100%	2,298	42%	3,171	58%

Sentencing Dynamic Study--Drug Offenses by Race and Percentages Sentenced to Prison (IN/OUT)

Drug						
Offense	Number	% of Total	Number IN	% IN	Number OUT	% OUT
Possession	13,353	66%	6,260	47%	7,093	53%
Delivery	6,359	31%	3,907	61%	2,452	39%
Manufacture	547	3%	261	48%	286	52%
Total Drug	20,259	100%	10,428	51%	9,831	49%
African-American						
Possession	7,636	67%	3,936	52%	3,700	48%
Delivery	3,788	33%	2,516	66%	1,272	34%
Manufacture	35	1%	23	66%	12	34%
Total	11,459	57%	6,475	57%	4,984	43%
Anglo						
Possession	3,897	71%	1,516	39%	2,381	61%
Delivery	1,269	23%	616	49%	653	51%
Manufacture	324	6%	92	28%	232	72%
Total	5,490	27%	2,223	40%	3,267	60%
Hispanic						
Possession	1,820	55%	808	44%	1,012	56%
Delivery	1,302	39%	775	60%	527	40%
Manufacture	188	6%	146	78%	42	22%
Total	3,310	16%	1,728	52%	1,582	48%

Sentencing Dynamics Study--Criminal History Categories For Total Drug Offenders

Overall						
Criminal History	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	11,782	58%	2,929	25%	8,853	75%
1 Prior (Non-Violent)	3,753	19%	3,078	82%	675	18%
2 Priors (Non-Violent)	3,140	16%	2,941	94%	199	6%
1+Prior (With Violent)	1,584	8%	1,478	93%	106	7%
Total Drug	20,259	100%	10,426	51%	9,833	49%

Sentencing Dynamics Study--Criminal History of Drug Offenders by Race and Sentences to Prison (IN/OUT)

African-American Criminal History	Drug Offense Group					
	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	6,025	53%	1,508	25%	4,517	75%
1 Prior (Non-Violent)	2,280	20%	1,969	86%	311	14%
2 Priors (Non-Violent)	2,017	18%	1,906	95%	111	6%
1+Prior (With Violent)	1,137	10%	1,091	96%	46	4%
Total Drug	11,459	100%	6,475	57%	4,984	43%

Anglo Criminal History	Drug Offense Group					
	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	3,884	67%	776	21%	2,908	79%
1 Prior (Non-Violent)	902	16%	669	74%	233	26%
2 Priors (Non-Violent)	654	12%	566	87%	88	13%
1+Prior (With Violent)	250	5%	212	85%	38	15%
Total Drug	5,490	100%	2,223	40%	3,267	60%

Hispanic Criminal History	Drug Offense Group					
	Number	% of Total	Number IN	% IN	Number OUT	% OUT
No Priors	2,073	63%	645	31%	1,428	69%
1 Prior (Non-Violent)	571	17%	440	77%	131	23%
2 Priors (Non-Violent)	469	14%	469	100%	0	0%
1+Prior (With Violent)	197	6%	175	89%	22	11%
Total Drug	3,310	100%	1,728	52%	1,582	48%

Sentencing Dynamics--Frequencies of Drug Types by Race

Drug Type	African-American		Anglo		Hispanic		Total	
	#	%	#	%	#	%	#	%
Cocaine/Crack	10,802	94.20%	2,690	49.00%	1,953	59.00%	15,445	76.24%
Heroin	172	1.50%	220	4.00%	583	17.60%	975	4.81%
Marijuana	275	2.40%	502	9.10%	573	17.30%	1,350	6.66%
Amphet./Meth.	13	0.10%	1,420	25.90%	105	3.10%	1,538	7.59%
LSD	18	0.20%	201	3.70%	60	1.80%	279	1.38%
Other	179	1.60%	457	8.30%	36	1.20%	672	3.32%
Total	11,459	100.00%	5,490	100.00%	3,310	100.00%	20,259	100.00%

Sentences Received by African-American and Anglo Offenders With No Priors and 1 or more Priors by Offense

Offense	African-American							
	No Prior				1+ Priors			
	Prison	Deferred	Prob/Jail	Total	Prison	Deferred	Prob/Jail	Total
Homicide	180	72	32	283	235	*	*	246
	64%	25%	11%		96%	*	*	
Sex Assault-Child	79	68	33	179	97	*	*	107
	44%	38%	18%		91%	*	*	
Sex Assault Adult	58	33	28	119	144	*	*	144
	49%	28%	24%		100%	*	*	
Robbery	506	323	176	1004	1199	34	*	1242
	50%	32%	18%		97%	3%	*	
Assault	93	529	206	827	492	42	91	626
	11%	64%	25%		79%	7%	15%	
Burglary of Hab	77	216	206	499	886	41	*	927
	15%	43%	41%		96%	4%	*	
Other Burglary	156	433	346	934	1476	30	149	1655
	17%	46%	37%		89%	2%	9%	
Forgery/Fraud	65	759	335	1159	570	44	134	748
	6%	65%	29%		76%	6%	18%	
Theft	182	861	775	1818	2164	27	228	2419
	10%	47%	43%		89%	1%	9%	
Possession	1037	1516	1821	4374	2899	106	257	3262
	24%	35%	42%		89%	3%	8%	
Delivery/Manuf.	471	479	701	1651	2068	49	55	2172
	29%	29%	42%		95%	2%	3%	
Indecency	*	26	34	71	44	6	*	59
	*	37%	48%		75%	10%	*	
DWI	25	*	154	180	89	0	110	199
	14%	*	86%		45%	0%	55%	
Total	2940	5313	4846	13099	12363	400	1042	13806

Offense	Anglo							
	No Prior				1+ Priors			
	Prison	Deferred	Prob/Jail	Total	Prison	Deferred	Prob/Jail	Total
Homicide	127	40	58	226	87	*	8	102
	56%	18%	26%		85%	*	8%	
Sex Assault-Child	109	184	50	343	120	*	0	133
	32%	54%	15%		90%	*	0%	
Sex Assault Adult	30	57	*	97	48	*	11	59
	31%	59%	*		81%	*	19%	
Robbery	209	154	54	417	407	*	7	420
	50%	37%	13%		97%	*	2%	
Assault	102	548	281	932	191	22	77	291
	11%	59%	30%		66%	8%	26%	
Burglary of Hab	158	316	328	802	563	19	*	596
	20%	39%	41%		94%	3%	*	
Other Burglary	197	700	351	1247	653	10	90	753
	16%	56%	28%		87%	1%	12%	
Forgery/Fraud	44	668	262	974	408	15	93	517
	5%	69%	27%		79%	3%	18%	
Theft	214	1250	656	2120	1247	40	211	1499
	10%	59%	31%		83%	3%	14%	
Possession	434	1277	856	2567	1082	97	151	1330
	17%	50%	33%		81%	7%	11%	
Delivery/Manuf.	342	539	236	1117	366	49	62	476
	31%	48%	21%		77%	10%	13%	
Indecency	32	173	116	320	78	6	21	105
	10%	54%	36%		74%	6%	20%	
DWI	129	*	935	1065	300	0	258	558
	12%	*	88%		54%	0%	46%	
Total	2126	5908	4193	12227	5551	285	1003	6839

Sentencing Dynamics Study--Sentences Received by Hispanics With No Priors and 1 or More Priors by Offense

Offense	Hispanic							
	No Prior				1+ Priors			
	Prison	Deferred	Prob/Jail	Total	Prison	Deferred	Prob/Jail	Total
Homicide	153	39	40	231	112	*	7	120
	66%	17%	17%		93%	*	6%	
Sex Assault-Child	95	69	39	202	49	*	0	55
	47%	34%	19%		89%	*	0%	
Sex Assault Adult	22	35	28	85	39	*	0	39
	26%	41%	33%		100%	*	0%	
Robbery	162	87	89	338	297	15	4	317
	48%	26%	26%		94%	5%	1%	
Assault	105	319	216	640	194	*	25	233
	16%	50%	34%		83%	*	11%	
Burglary of Hab	69	110	274	454	575	*	32	616
	15%	24%	60%		93%	*	5%	
Other Burglary	210	606	446	1262	567	*	28	609
	17%	48%	35%		93%	*	5%	
Forgery/Fraud	21	339	70	430	122	*	13	135
	5%	79%	16%		90%	*	10%	
Theft	148	601	506	1255	586	*	106	710
	12%	48%	40%		83%	*	15%	
Possession	300	460	460	1220	508	*	93	601
	25%	38%	38%		85%	*	15%	
Delivery/Manuf.	345	244	264	853	576	*	61	637
	40%	29%	31%		90%	*	10%	
Indecency	47	85	81	213	46	*	11	59
	22%	40%	38%		78%	*	19%	
DWI	79	*	563	642	163	*	182	345
	12%	*	88%		47%	*	53%	
Total	1755	2993	3075	7823	3831	80	562	4474

Criminal Justice Policy Council Contributors:

Research

Nancy Arrigona
Sarah Beggs
Scott Carruth
Mitch Gidseg
Maria Hurtado
Pablo Martinez

Support

Julie Hirst