

The Color of Crime

Race, Crime and Justice in America

Second, Expanded Edition

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Major Findings

- Police and the justice system are not biased against minorities.

Crime Rates

- Blacks are seven times more likely than people of other races to commit murder, and eight times more likely to commit robbery.
- When blacks commit crimes of violence, they are nearly three times more likely than non-blacks to use a gun, and more than twice as likely to use a knife.
- Hispanics commit violent crimes at roughly three times the white rate, and Asians commit violent crimes at about one quarter the white rate.
- The single best indicator of violent crime levels in an area is the percentage of the population that is black and Hispanic.

Interracial Crime

- Of the nearly 770,000 violent interracial crimes committed every year involving blacks and whites, blacks commit 85 percent and whites commit 15 percent.
- Blacks commit more violent crime against whites than against blacks. Forty-five percent of their victims are white, 43 percent are black, and 10 percent are Hispanic. When whites commit violent crime, only three percent of their victims are black.
- Blacks are an estimated 39 times more likely to commit a violent crime against a white than vice versa, and 136 times more likely to commit robbery.
- Blacks are 2.25 times more likely to commit officially-designated hate crimes against whites than vice versa.

Gangs

- Only 10 percent of youth gang members are white.
- Hispanics are 19 times more likely than whites to be members of youth gangs. Blacks are 15 times more likely, and Asians are nine times more likely.

Incarceration

- Between 1980 and 2003 the US incarceration rate more than tripled, from 139 to 482 per 100,000, and the number of prisoners increased from 320,000 to 1.39 million.
- Blacks are seven times more likely to be in prison than whites. Hispanics are three times more likely.

The Color of Crime

On March 11, 2005, Brian Nichols, who was on trial for rape, went on a murderous rampage at an Atlanta courthouse, shooting a judge, a court reporter, and a deputy. After his arrest, he explained that he was a “soldier on a mission” against a racially biased legal system. In jail awaiting his rape trial, he had been angry to find so many other black inmates, and he wondered how many were innocent. For him, the large number of blacks meant the legal system was “systematic slavery.”¹

Mr. Nichols’s views were only an extreme version of what a majority of black Americans believe. A 2003 national poll found that only 28 percent of blacks, as opposed to 66 percent of whites, thought whites and blacks receive equal treatment at the hands of the police.²

This widely-held view that the police are biased is not supported by the evidence. The data suggest the criminal justice system generally treats offenders of different races equally. High arrest and incarceration rates for blacks and Hispanics—and very low rates for Asians—reflect differences in crime rates, not police or justice system bias.

Many Americans also have misconceptions about interracial crime, believing that whites are the primary perpetrators. In fact, blacks are far more likely to commit crimes against whites than vice versa.

It is also common to assume that if different groups commit crimes at different rates, it is because of poverty and other forms of social disadvantage. This is a plausible argument, but controlling for so-

cial disparities does not greatly reduce race differences in crime rates. This suggests differences would remain even if the races were economically and socially equal.

Most Americans at least suspect that blacks and Hispanics are more likely to commit crimes than whites or Asians. The data support this view. However, the crime statistics published by the federal government and reported in the press are incomplete and often confusing. It takes real digging to get a clear picture of racial differences in crime rates—and they can be great.

One of the biggest obstacles to understanding the relationship between race and crime is the failure of most national crime statistics to distinguish between Hispanics and whites. The Uniform Crime Reporting Program (UCR), which is the basis of the FBI’s national tabulation of arrests, puts most Hispanics in the “white” category.³ The National Crime Victimization Survey (NCVS), an extensive annual survey of crime victims, classifies some Hispanic criminals as white and some as “other race.” Because Hispanics commit most crimes at higher rates than non-Hispanic whites, lumping the two groups together distorts the data.

In this report, *white* means non-Hispanic whites, and *Hispanic* means people from Spanish-speaking countries. Hispanics can be of any race, but in the United States the majority are of mixed European and Amerindian ancestry with roots in Latin America. When official statistics lump whites and Hispanics together and it is impossible to distinguish

between them, this report calls that group *W&H*, which stands for “white and Hispanic.”

Government reports usually treat blacks clearly and consistently, so they are the group about which we have the best information. They are also the group generally thought to be the worst victims of justice system bias, so we will concentrate on blacks in searching for bias.

Are Police Biased?

For someone to go to prison, four things have to happen. The police must arrest him for a felony, charges must be filed, he must plead or be found guilty, and a judge must sentence him to prison. Racial bias could enter at any stage.

Blacks are certainly more likely to be arrested than other groups. According to the Uniform Crime Reports (UCR), blacks accounted for 27 percent of arrests in 2002, even though they were only 13 percent of the population, whereas whites and Hispanics (W&H) accounted for 71 percent of arrests, but were 81 percent of the population. This means that when all crime categories are added together, blacks were more than twice as likely to be arrested as W&H. Blacks were four times more likely to be arrested for violent crimes, and no fewer than eight times more likely to be arrested for robbery.⁴

Many people believe blacks are arrested so often because police target them unfairly. Brian Nichols, the Atlanta gunman, seems to think police are arresting blacks *en masse* whether they are guilty or not. Many local authorities have passed laws to correct what they believe to be police bias.⁵ Police argue that they are targeting criminals, not non-whites, and that they arrest large numbers of minorities only because minorities are committing a large number of crimes.⁶

The best test of police bias is to compare an independent and objective count of the percentage of criminals who are black with the percentage of arrested suspects who are black. If they are about the same—if, for example, we can determine that half the robbers are black, and we find that about half the robbers the police arrest are black—it is good evidence police are not targeting blacks unfairly.

But what information do we have about the race

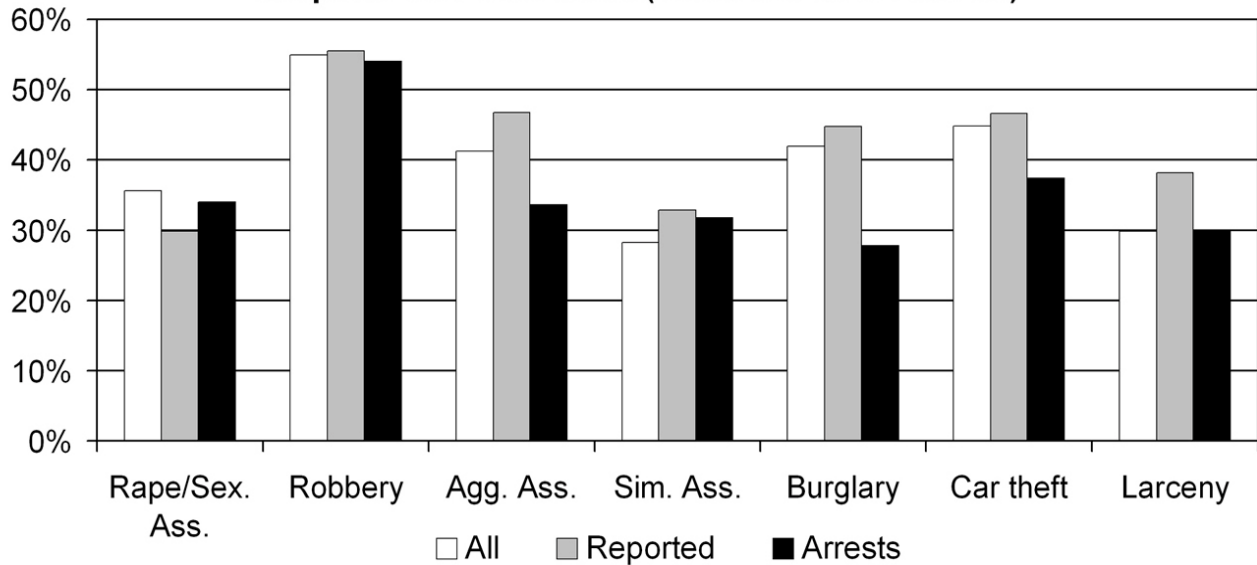
of criminals other than arrest reports? The best independent source is the National Crime Victimization Survey (NCVS). For the most recent report, the government surveyed 149,040 people about crimes of which they had been victims during 2003. They described the crimes in detail, including the race of the perpetrator, and whether they reported the crimes to the police. The survey sample, which is massive by polling standards, was carefully chosen to be representative of the entire US population. By comparing information about races of perpetrators with racial percentages in arrest data from the Uniform Crime Reports (UCR) we can determine if the proportion of criminals the police arrest who are black is equivalent to the proportion of criminals the victims say were black.

UCR and NCVS reports for the years 2001 through 2003 offer the most recent data on crimes suffered by victims, and arrests for those crimes. Needless to say, many crimes are not reported to the police, and the number of arrests the police make is smaller still. An extrapolation from NCVS data gives a good approximation of the actual number of crimes committed in the United States every year. The NCVS tells us that between 2001 and 2003, there were an estimated 1.8 million robberies, for example, of which 1.1 million were reported to the police. The UCR tell us that in the same period police made 229,000 arrests for robbery. Police cannot make an arrest if no one tells them about a crime, so the best way to see if police are biased is to compare the share of offenders who are black in crimes reported to the police, and the share of those arrested who are black.

Figure 1 compares offender information to arrest information for all the crimes included in the NCVS. For example, 55 percent of offenders in all robberies were black, 55.4 percent of robbers in robberies reported to police were black, and 54.1 percent of arrested robbers were black.

For most crimes, police are arresting fewer blacks than would be expected from the percentage of criminals the victims tell us are black (rape/sexual assault is the only exception). In the most extreme case, burglary, victims tell police that 45 percent of the perpetrators were black, but only 28 percent of the people arrested for that crime were black. If all

Fig. 1. Percentage of offenders who were black for all crimes and crimes reported to police, and percentage of arrested suspects who were black (NCVS and UCR 2001-03)



the NCVS crimes are taken together, blacks who committed crimes that were reported to the police were 26 percent less likely to be arrested than people of other races who committed the same crimes.⁷

These figures lend no support to the charge that police arrest innocent blacks, or at least pursue them with excessive zeal. In fact, they suggest the opposite, that police are more determined to arrest non-black rather than black criminals.⁸

Five of the NCVS crimes in Figure 1 are violent: rape, sexual assault (threat of rape and assault short of rape), robbery, simple assault, and aggravated assault (assault with a weapon or that causes severe injury). Ninety-six percent of the time, the victim had a good enough look at the criminal to determine his race, so the data on the percentage of violent offenders who are black are very reliable.

What about property crimes? Victims usually do not see thieves, so survey participants could identify race only seven percent of the time. The percentages in Figure 1 for burglary, car theft, and larceny are therefore based on the assumption that victims would be no more or less likely to know the race of a thief if he were black than if he were of any other race.

It would be useful to be able to make offender/arrest comparisons for criminals of all races, but the way the government collects data makes this impossible. As we noted previously, the UCR do not

distinguish between arrests of Hispanics and whites. The NCVS asks crime victims to describe perpetrators only as black, white or “other.” Some victims put Hispanics in the “other” category,⁹ along with Asians, and Indians. Blacks are therefore the only group the UCR and NCVS treat consistently.

Figure 1 also shows that the black share of crimes reported to the police is larger than the black share of all crimes, reported or not (rape/sexual assault is again the only exception). In other words, more crime victims report crimes to police when the criminal is black than when he is of another race. Why? NCVS victims are more likely to call the police about more serious crimes within the same category—for example, if a robber had a gun or a knife. According to NCVS victims, blacks are nearly three times more likely than criminals of other races to use a gun and more than twice as likely to use a knife. Therefore, even within the same crime categories, blacks are committing more serious offenses—which makes it even more striking that police are less likely to arrest them than criminals who are not black.

Finally, Figure 1 indirectly shows something else: how much more likely blacks are than people of other races to commit certain crimes. Although blacks are 13 percent of the population, they commit a far larger percentage of every crime included in the NCVS. They are eight times more likely than

people of other races to rob someone, for example, and 5.5 times more likely to steal a car.

The National Incident-Based Reporting System (NIBRS) is a different collection of data that can be used to compare the races of criminals reported to the police to the races of suspects the police arrest. In 2002, the most recent year for NIBRS data, 4,726 police agencies in 23 states reported all crimes known to the police, the race of the offender if known, and the races of all people arrested. These data represented 19 percent of the US population, and 15 percent of US crime. Like the previous reports, NIBRS does not distinguish between whites and Hispanics.

cific Islanders were just as likely as W&H to be arrested, but Indians were 20 percent more likely to be arrested than W&H.¹⁰ The data on Indians are intriguing but there is such a small number of Indian offenders in NIBRS that it may be risky to draw conclusions about police bias.

Drugs

NIBRS data for drug offenses are particularly interesting, since some critics of the police have argued that “racial profiling” leads primarily to biased drug arrests.¹¹ NIBRS data suggest otherwise; once again, the percentage of reported drug offend-

Fig. 2. Percentage of offenders and arrested suspects who were black (NIBRS 2002)

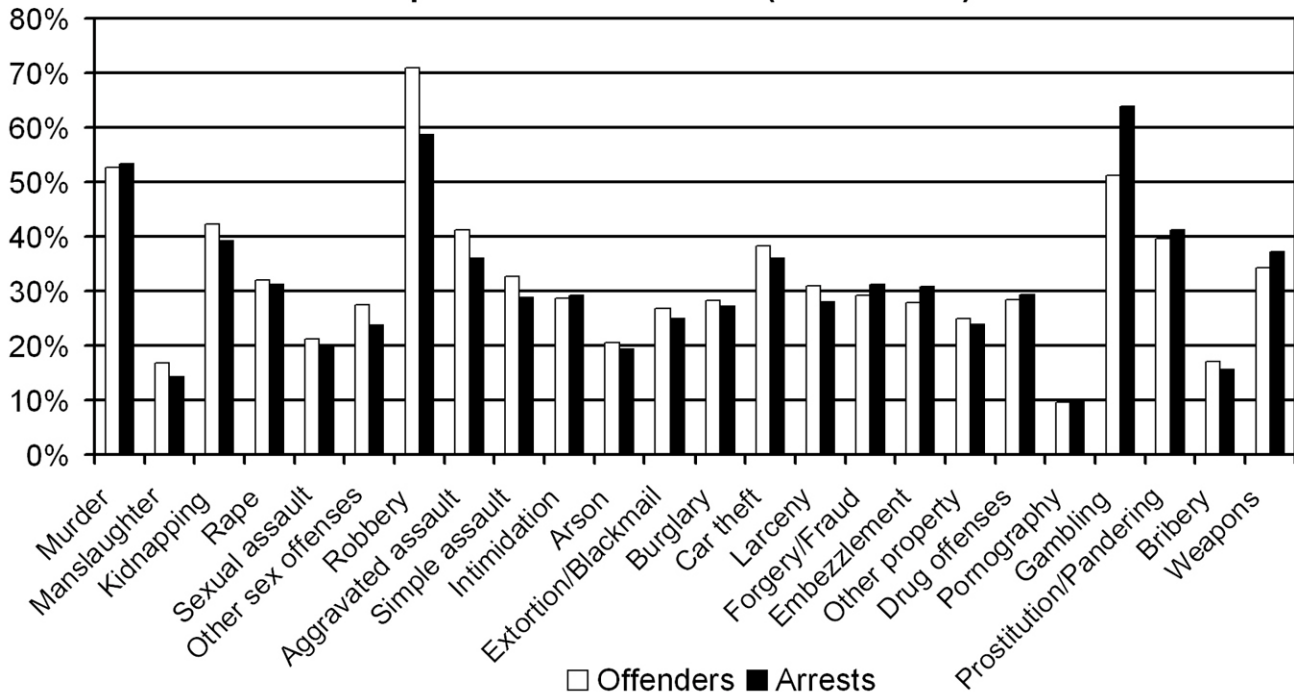


Figure 2 compares the percentage of criminals victims and witnesses say were black with the percentage of arrested suspects who were black. More often than not, blacks made up a higher percentage of offenders than those arrested, and overall, black offenders were nine percent less likely to be arrested than white and Hispanic (W&H) offenders who committed crimes in the same categories. Once again, this is the opposite of what we would expect if police are unfairly targeting blacks.

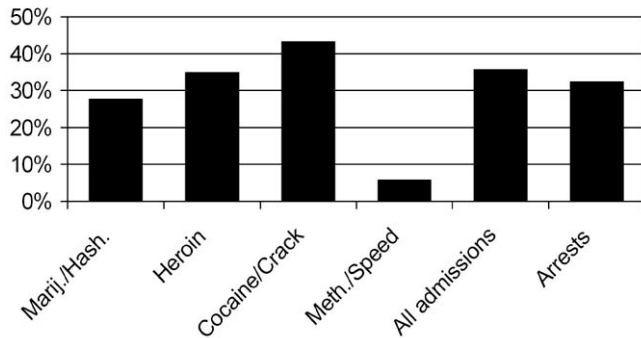
Other racial comparisons show that Asians/Pa-

ers who were black is about equal to the percentage of arrested suspects who were black.

There is another source of information that suggests blacks are arrested for drug crimes in proportion to their drug use and not because of police bias. Figure 3 shows Health and Human Services statistics on emergency room admissions for illegal drug use. Emergency room admissions are a reliable, independent indicator of who is using drugs; people do not end up in HHS’s statistics unless they are taking illegal drugs, and there is no reason to think

drug-takers of different races are more or less likely to need emergency treatment. The graph shows that the black share of emergency room admissions for

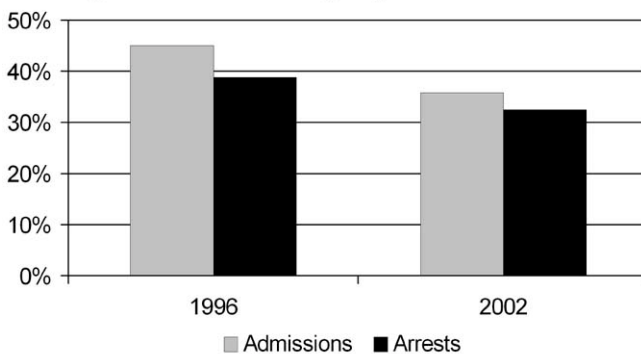
Fig. 3. Percentage of emergency room admissions for illegal drug use and arrested drug suspects who were black, 2002



illegal drugs in 2002 was slightly higher than the black share of those arrested for drug offenses.¹² If police were unfairly targeting blacks for drug arrests, their share of arrests would be higher than their share of drug-related trips to the emergency room.

Some might argue that this lack of evidence of anti-black bias proves that recent anti-racial profiling campaigns are working. However, Figure 4 makes a similar comparison using 1996 statistics—

Fig. 4. Percentage of emergency room admissions for illegal drug use and arrested drug suspects who were black



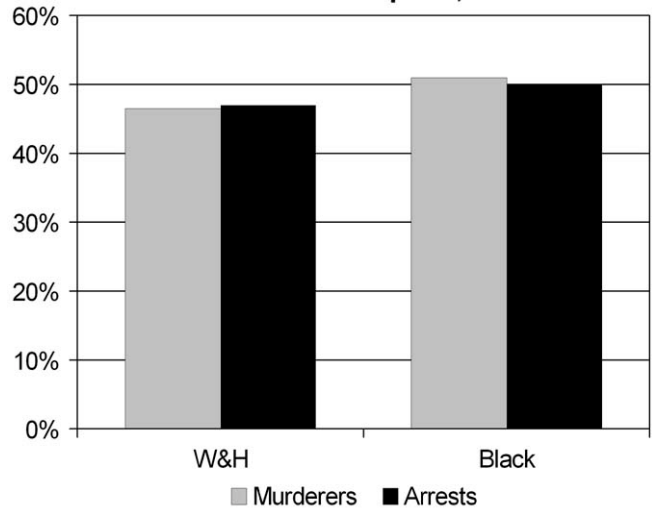
before any laws prohibiting racial profiling had been passed—and 2002 statistics. The gap between emergency room admissions and arrests was even larger in 1996 than in 2002. Police appear to be arresting criminals, not indulging in bias.

Murder and Other Crimes

Another government source, the Supplementary Homicide Reports (SHR), makes it possible to compare the races of murderers and the people arrested

for murder. In 2002, the SHR had information about 91 percent of America’s homicides. In many cases, the race of the killer was known, and when it was not, experts at the Bureau of Justice Statistics considered all the circumstances and made an educated guess.¹³ They estimated that in 2002, 47 percent of murderers were W&H and 51 percent were black.¹⁴ These percentages are almost identical to the percentage of arrests from the Uniform Crime Reports

Fig. 5. Percentage of murderers and arrested murder suspects, 2002



(UCR) that were W&H and black (Figure 5). These data do not support the claim that police are biased against blacks.

Probably the most widely-publicized reports of “racial profiling” were of traffic stops on the New Jersey Turnpike. A 2002 study found that here, as well, police were simply stopping speeders, and speeders were disproportionately black. The Public Service Research Institute in Maryland observed 40,000 cars on the turnpike and found blacks were twice as likely to speed as whites. The disproportion was even greater for people driving 90 miles per hour or more. While blacks were 25 percent of speeders, they were 23 percent of those stopped by police,¹⁵ again a figure that shows, if anything, police are less rigorous about stopping blacks than people of other races.

Practicalities of Police Bias

The more seriously one thinks about arrest bias, the less likely it seems. How does it work? Do po-

lice deliberately arrest innocent blacks and Hispanics but ignore white and Asian criminals? If the victim of a crime says he was attacked by a white man, police cannot very well go out and arrest a black. Or do they simply make no effort to find white or Asian criminals? If DNA from a crime scene turns out to be from a white person, do police stop trying to solve the case? If police see a white or Asian breaking into a building do they ignore him? Or, at the same time, do police try to clear crimes by arresting people—presumably blacks—they know are probably innocent? None of this makes sense. Police officers win recognition and advancement for making arrests, but only if arrests lead to convictions. The justice system does not reward false arrests or lackadaisical law enforcement.

Likewise, every officer in the country knows that race is potentially explosive. Every officer knows minority communities—blacks, especially—publicize and demonstrate against what they see as bias. Police know they are under scrutiny from activist organizations and city governments, and that officers lose jobs over race scandals. It would take a very determined racist to risk his job in order to indulge prejudice.

The fear of scandal may even explain why arrest rates for blacks are lower than their offense rates. In uncertain cases, officers may let a black suspect go rather than risk a scandal. Under the same circumstances they might arrest a white because there will be no scandal. As a practical matter, it is not easy to see how police can work systematic racial bias into their jobs.

Or is it? When it comes to what are called discretionary arrests, police actually can vent prejudices if they want. When there is a murder or a rape, police are under pressure to catch the criminal. It is not a matter of making an arrest—or not—only if they feel like it. The police have much more leeway with crimes like public drunkenness or disorderly conduct. They can drive right past a drunk and do nothing, or they can stop and arrest him, so crimes of this kind, in which police have a choice about whether they take action, are the perfect opportunity for bias.

If officers are prejudiced, therefore, one would expect blacks to figure in even greater disproportions

in discretionary arrests than they do in serious crimes. They do not. Racial differences in arrest rates for drunkenness, disorderly conduct, drunk driving and vagrancy, and other offenses in which arrest is discretionary are smaller than for violent crimes. The 2002 UCR show blacks and W&H were equally likely to be arrested for drunkenness, for example, but blacks were 6.6 times more likely to be arrested for murder.

It is clear, therefore, that the only evidence for police bias is disproportionate arrest rates for those groups police critics say are the targets of bias. High black arrest rates appear to reflect high crime rates, not police misconduct.

Prosecution and the Courts

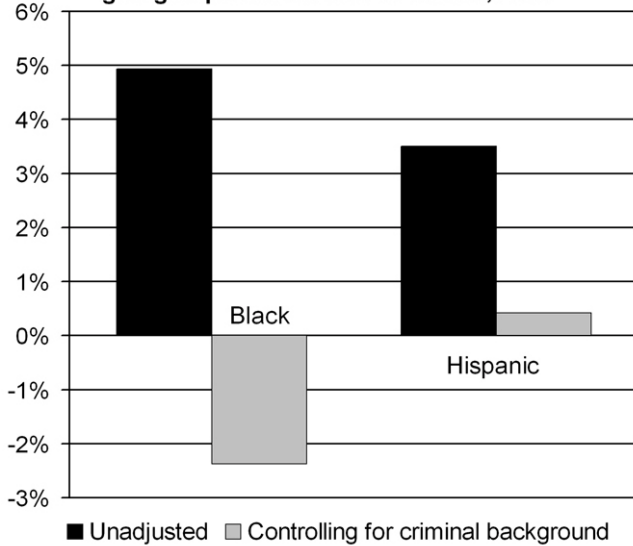
The police may be arresting criminals without regard to race, but what about the rest of the justice system? Although accusations of bias usually focus on the police, prosecutors and judges have far more discretion in what they do than police officers.

Prosecutors, for example, dismiss charges against 30 percent of adults arrested on felony charges.¹⁶ Racial bias at this stage could make a big difference in who goes to jail,¹⁷ but here, too, bias is hard to find. Marvin D. Free, Jr., a University of Wisconsin criminologist, reviewed 24 studies on prosecutor decisions, published between 1979 and 2001. Twelve used data collected in 1980 and after; all of them controlled for offense seriousness and prior record. Of these 12 studies, eight found no racial bias. Two found bias against non-whites, but two found bias against whites.¹⁸ Scholarship therefore leaves little basis for claims of unfair treatment.

Once a criminal is prosecuted, he can plead or be found guilty. The judge then has some discretion about imposing prison time or some other punishment. Is this process biased? State Court Processing Statistics (SCPS), a collection of data compiled by the Bureau of Justice Statistics, records the outcomes for a sample of 15,000 felony defendants in state courts in 40 of the nation's 75 most populous counties in 2000. Unlike many other reports, the SCPS distinguishes between Hispanics and whites.

The black bars in Figure 6 represent how much more likely black and Hispanic felony defendants

Fig. 6. Likelihood of felony defendants' going to prison relative to whites, 2000



were to go to prison than white defendants for the same crimes.¹⁹ There were differences—blacks were five percent more likely to go to prison than whites—but this leaves out most of the factors that affect sentencing.

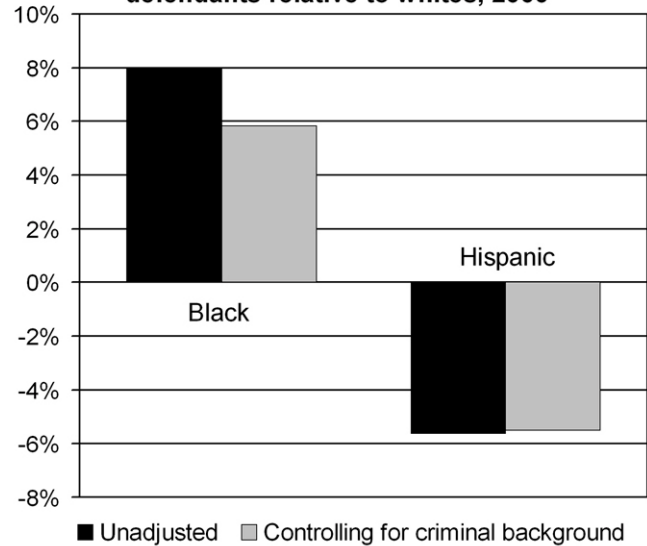
When a judge passes sentence, he considers such things as previous convictions and characteristics of the crime. The gray bars in Figure 6 show what happens when criminal background is controlled.²⁰ When their circumstances are the same, black defendants are slightly less likely to be sentenced to prison than whites, and Hispanic defendants are about half a percent more likely.

Why does controlling for these factors make a difference? Because among these defendants blacks were 37 percent more likely than whites to have a prior felony conviction and 58 percent more likely to have a prior conviction for a violent crime.

What about sentence length? The black bars in Figure 7 show that whites got shorter sentences than blacks convicted of the same crimes, and longer sentences than Hispanics. The gray bars show that controlling for criminal background reduced the difference in sentence lengths between blacks and whites, but hardly at all between whites and Hispanics.

Does this mean sentencing is biased? Perhaps. But the data for Hispanics suggest sentencing is biased in their favor. These differences may simply reflect random variation but if they are the result of bias, the bias is small and racially inconsistent, favoring one minority and disfavoring another.

Fig. 7. Sentence length of felony defendants relative to whites, 2000

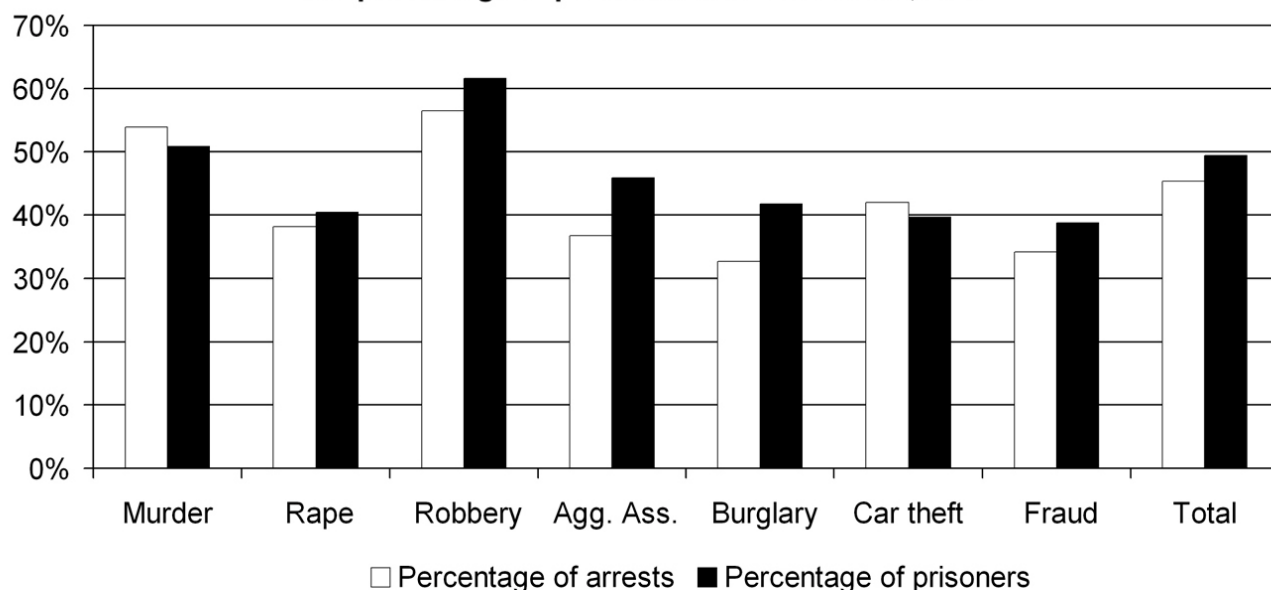


It is possible to gauge the total effect of prosecution and the courts on blacks by comparing the percentage of those arrested who are black with the percentage of prisoners who are black. Because, as we have seen, blacks commit more serious crimes in the same category and have longer criminal records, we would expect the percentage of prisoners who are black to be slightly greater than the percentage of arrested suspects who are black. Figure 8 compares the percentage of black adult felony arrests between 1997 and 2001, with the percentage of prisoners who were black in 2001. Overall, on the basis of felony arrests, we would expect 45 percent of prisoners for these offenses to be black. The actual figure of 49 percent represents exactly the kind of small difference we would expect because of race differences in criminal record and seriousness of crime within the same offense category.²¹

Incarceration

Because the Department of Justice data on offenses and arrests do not distinguish between whites and Hispanics, and because they are inconsistent in their treatment of Asians, Pacific Islanders, and American Indians, we cannot make the same arrest and offense rate analysis for these groups that we have done for blacks. A few states collect arrest data that distinguish between whites and Hispanics, but they give us only a partial picture of how white and Hispanic crime rates may differ, and these data are

Fig. 8. Percentage of arrested suspects who were black, 1997-2001, and percentage of prisoners who were black, 2001



inconsistent and sometimes unreliable.²²

Where can we turn for crime data on groups other than blacks? National incarceration statistics are consistent, reliable, and distinguish between whites, Hispanics, blacks, and people of other races. They are therefore the best indicators we have of offense rates for groups other than blacks. This is not the ideal way to track offense rates, because it is accurate only if the justice system is free of bias, and is jailing people of different races in proportion to the rates at which they commit crime. People who are convinced the system is biased do not believe incarceration rates are an accurate measure of crime, and it would certainly be better if we could compare offense rates from the National Crime Victimization Survey (NCVS) with arrest rates from the Uniform Crime Reports (UCR) for *all* races.

There are two reasons, however, to use the prison data. First, there are no other national data. Second, the offense, arrest, and incarceration data we have are strong evidence the system is not racially biased against blacks. The more limited prosecution and sentencing data suggest no bias against Hispanics. Blacks are universally believed to be the racial group most likely to suffer from police and justice system bias, so if there is little evidence for anti-black bias, it is probably safe to assume there is little systematic bias against other groups. If people of different groups go to prison at different rates, it is probably

because they commit crimes at different rates.

Incarceration rates are usually expressed as the number of prisoners per 100,000 of a population. In 2001, there were 600,593 blacks in state and federal prisons and 35.4 million blacks in the US population, for an incarceration rate of 1,695 per 100,000. The white incarceration rate was 236 per 100,000. Dividing the black rate by the white rate, we get the black multiple of the white incarceration rate—7.2. This does *not* mean there are 7.2 times more blacks in prison than whites (there are 34 percent more blacks than whites in prison²³), only that any given black is 7.2 times more likely to be a prisoner than a white.

This multiple of 7.2 does not necessarily mean blacks are 7.2 times more likely than whites to commit felonies because, as we saw earlier, prison time depends on the severity of a crime as well as prior record. Incarceration rates are therefore a more subtle measure that tell us not only who is committing crime, but who the repeat offenders are, and who is committing the most serious crimes. That said, for most crimes, it is unlikely that incarceration rates differ a great deal from offense rates.

Figures 9 and 10 show how many times more likely than whites various groups were to be in state and federal prison in 2001.²⁴ The white incarceration rate is set at one for every crime. For every other race, a bar at two means people of that race are twice

Fig. 9. Multiple of white incarceration rate in state and federal prisons, 2001

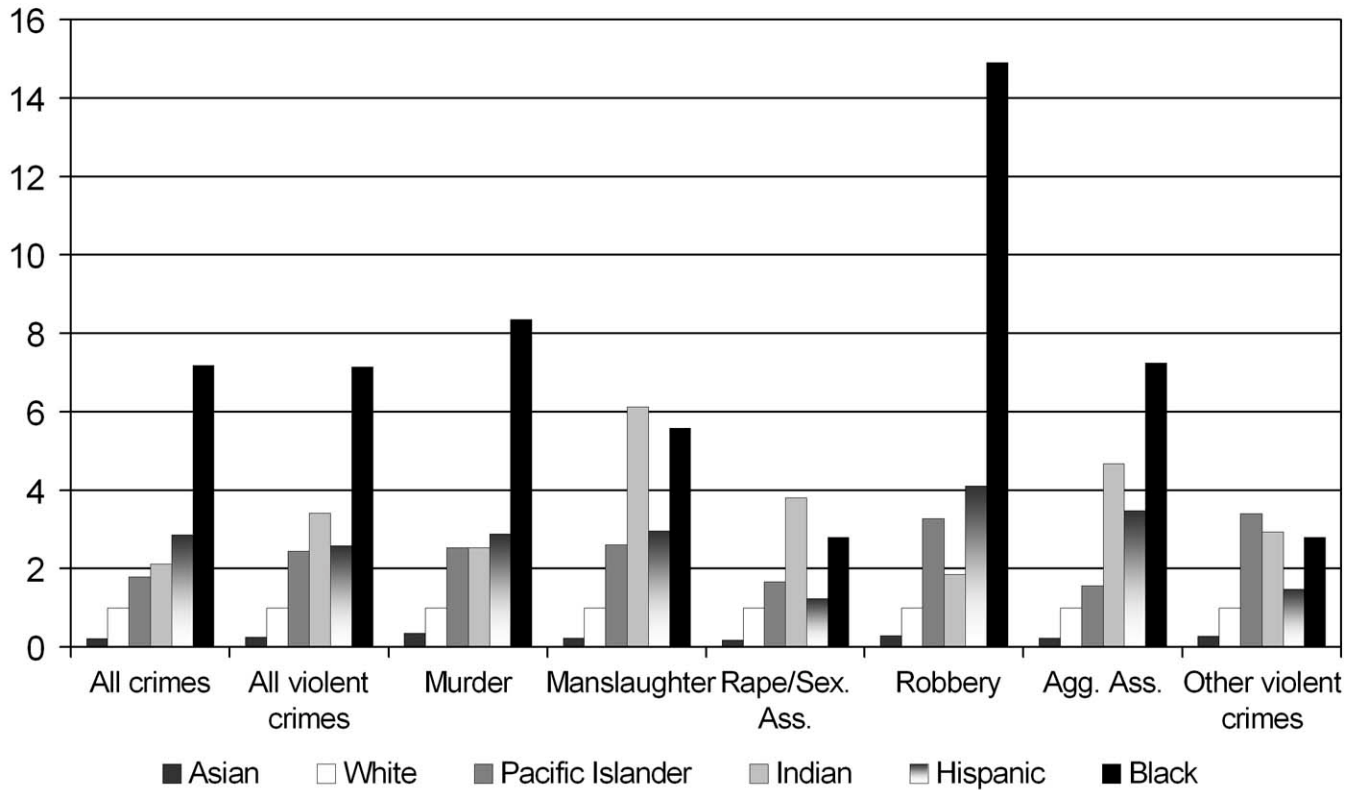
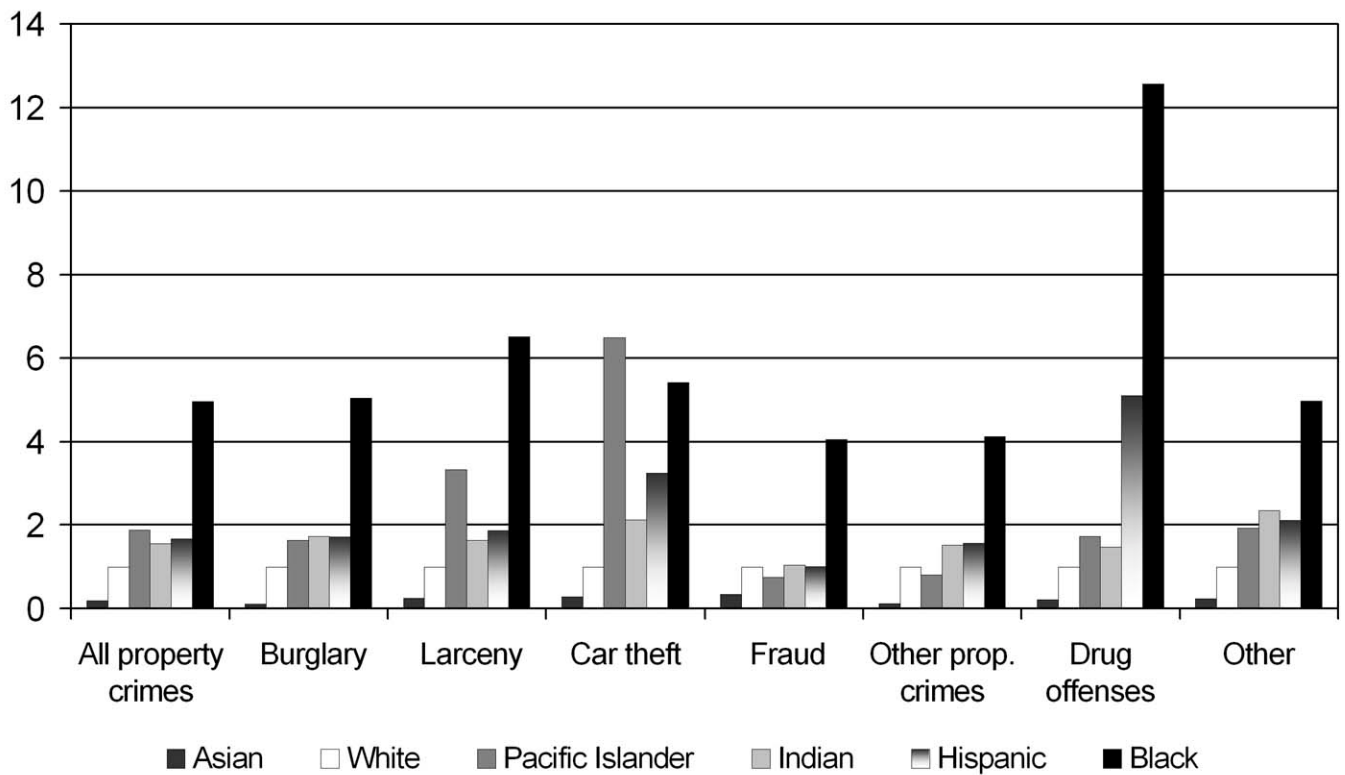


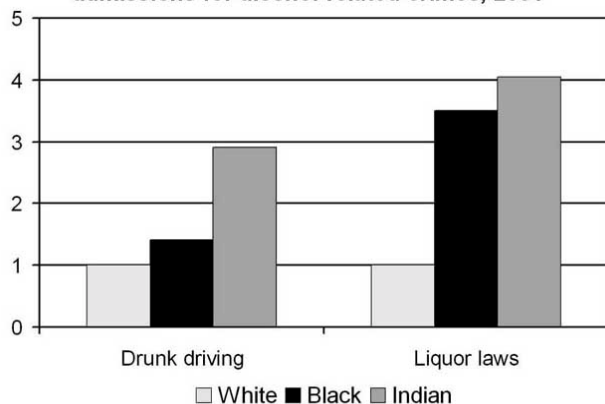
Fig. 10. Multiple of white incarceration rate in state and federal prisons, 2001



as likely as whites to be imprisoned for that crime; three means three times more likely, etc. What is perhaps most striking about these data is the remarkable contrast between black and Asian rates in all crime categories. In total, blacks had the highest incarceration rate at 7.2 times the white rate, followed by Hispanics, at 2.9 times the white rate. Indians and Pacific Islanders were imprisoned at about twice the white rate, and Asians at only 22 percent of the white rate.

Blacks are generally the leaders in all crime categories, but there are exceptions. Indians lead in manslaughter (negligent or accidental killings) and rape, and Pacific Islanders lead in motor vehicle theft (where do they drive those stolen cars?). Indians also had the highest rates of incarceration for alcohol-related crimes (Figure 11).

Fig. 11. Multiples of the white rate of prison admissions for alcohol-related crimes, 2001



Most measures of crime lump Asians and Pacific Islanders together. The incarceration data in Figures 9 and 10 show how misleading this is; incarceration rates for Pacific Islanders (most are Hawaiians) are almost always higher than those for whites, while Asian rates are always lower. There is only one category of crime for which Asians (unfortunately, this figure *includes* Pacific Islanders) are more likely to be arrested than whites, and that is gambling, which is deeply rooted in some Asian cultures. The 2002 UCR tell us Asians/Pacific Islanders are three times more likely than W&H to be arrested for this crime; they are also 4.8 times more

likely than whites to be admitted to federal prison for running illegal gambling businesses.²⁵

There were 120,000 non-citizens—legal and illegal aliens—in state and federal prisons in 2003, of whom the great majority were Hispanic. Non-citizens were 2.3 times more likely to be in prison than whites.²⁶

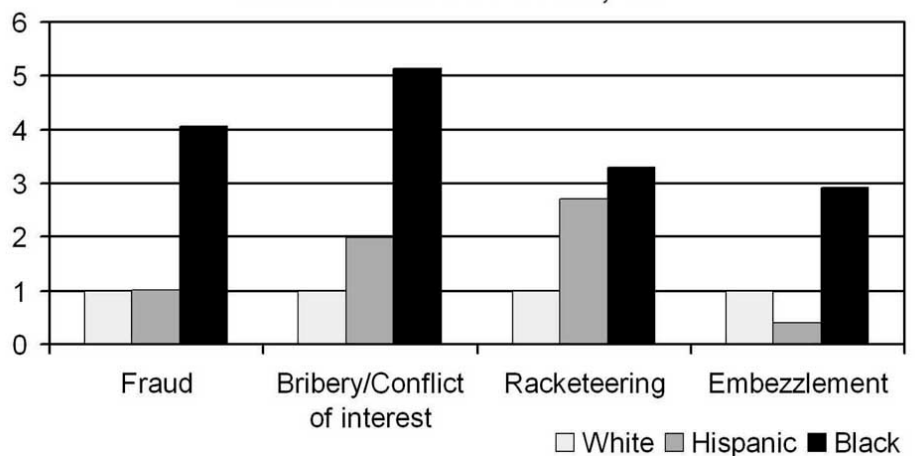
A common myth about crime is that whites are more likely to commit white-collar offenses than blacks. Prison statistics suggest this is not so. Blacks had substantially higher incarceration rates for fraud, embezzlement, bribery/conflict of interest, and racketeering than whites (Figure 12).²⁷

Gang Membership

The past three decades have seen an explosion in “youth gangs,” whose members are generally between the ages of 12 and 24. In the 1970s, 19 states reported problems with youth gangs; now, all 50 states and the District of Columbia do. In the 1970s, only 270 cities and towns in the United States reported youth gang crimes; in 2002, 2,300 did.²⁸ Between 1999 and 2003, the number of murders attributed to gangs rose from 702 to 934 (this amounted to 6.5 percent of all murders in 2003).²⁹

Youth gangs are overwhelmingly non-white; in fact, in 2001, only 10 percent of members were white,³⁰ and Figure 13 shows non-whites were many times more likely to be youth gang members than

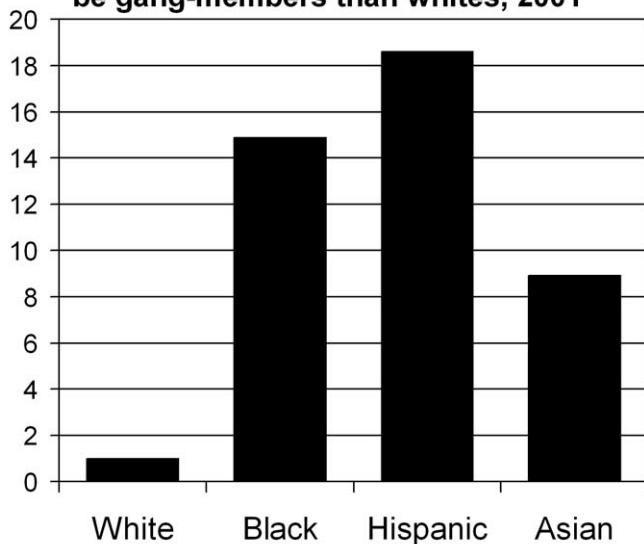
Fig. 12. Multiple of white incarceration rate for white-collar crimes, 2001



whites.³¹ The most likely were Hispanics, at 19 times the white rate. Members of a gang are almost al-

ways of the same race, and immigration has fueled non-white membership. With an estimated 8,000 to

Fig. 13. How many times more likely to be gang-members than whites, 2001



10,000 members, the Salvadoran Mara Salvatrucha, or MS-13, is the largest Hispanic gang, and one of the largest in the country. It is known for its savagery and is now the top priority of the FBI's organized crime division.³²

Although Asians are much less likely to commit crimes than whites, young Asians are nine times more likely to be in gangs. Between Nov. 2004 and Feb. 2005, Sacramento police reported four deaths in Laotian Hmong gang wars. On Feb. 3, 2005, a battle between Tibetan and Hmong gangs left two dead in Minneapolis. Between Oct. 2003 and Jan. 2004, six Cambodians died in gang violence in Long Beach, California.³³ High rates of Asian gang membership, if they continue, could push Asian crime rates closer to those of whites.

Poverty and Crime

Many people believe that a bad social environment is a major contributor to crime. They believe that if people of all races had the same education, income, and social status, there would be no race differences in crime rates. Academic research, however, shows that these differences persist even after controlling for social variables.³⁴

Figures 14 through 17 show correlations for the 50 states and Washington, DC, between rates of vio-

Fig. 14. Violent crime rate and percentage of population black and Hispanic for 50 states and DC

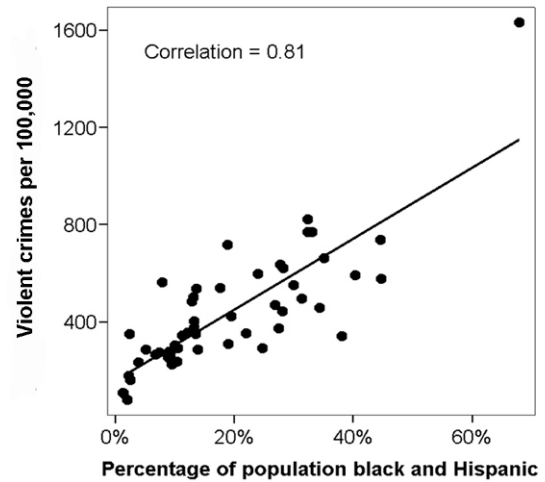


Fig. 15. Violent crime rate and percentage of population in poverty

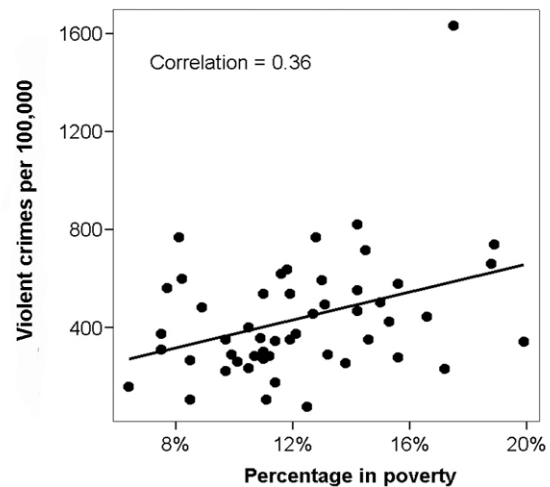


Fig. 16. Violent crime rate and percentage of population unemployed

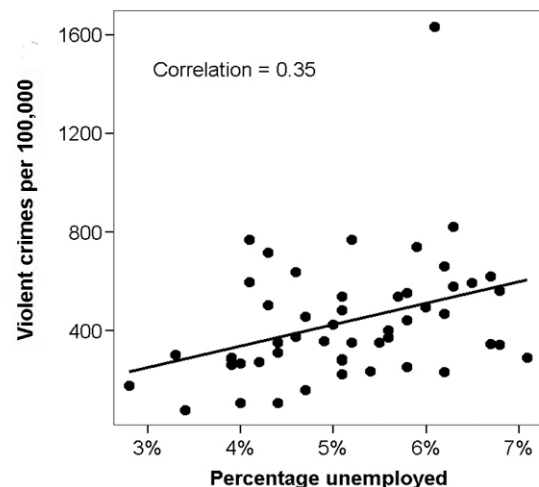
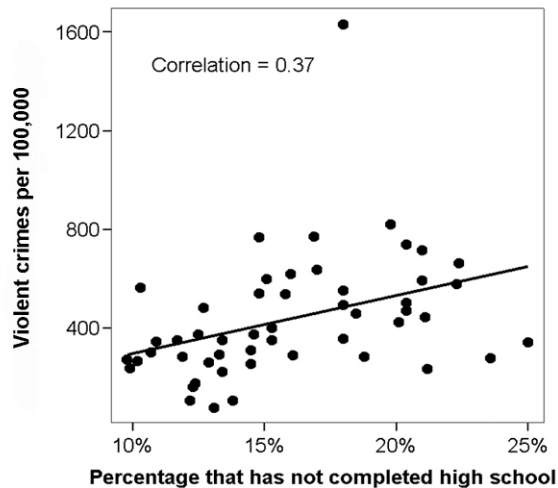


Fig. 17. Violent crime rate and percentage that has not completed high school



lent crime reported to the police in 2002 and different social factors. In all the charts, the highest point is Washington, DC. A positive correlation can vary from zero to one, and the steeper the trend line, the higher the correlation and the stronger the association. The graph with the steepest trend line and highest correlation, Figure 14, compares violent crime rates to the percentage of the population that is black and Hispanic. The other graphs show that there are relationships between violent crime and other social factors, but the correlations are much weaker.³⁵

In fact, the percentage of the population that is black and Hispanic accounts for crime rates more than four times better than the next best measure: lack of education.³⁶ Furthermore, even controlling for all three measures of social disadvantage hardly changes the correlation between racial mix and crime rates. The correlation between violent crime and the percentage of the population that is black and Hispanic is 0.78 even when poverty, education, and unemployment are controlled, versus 0.81 when they are not. In layman’s terms, the statistical results suggest that even if whites were just as disadvantaged as blacks and Hispanics the association between race and violent crime would still be almost as great. It may seem harsh to state it so plainly, but the single best indicator of an area’s violent crime rate is its racial/ethnic mix.

Interracial Crime

Media coverage of interracial crimes highlights

violence committed by whites against non-whites,³⁷ suggesting that whites are more likely than non-whites to commit interracial violence and more likely to be motivated by race hatred. In fact, blacks are vastly more likely to commit crimes against whites than the reverse.

The National Crime Victimization Survey can be used to determine how much violent crime blacks commit against whites and vice versa. Unfortunately, although it has clear racial categories for *victims*, NCVS classifications for *perpetrators* are vague.³⁸ Therefore, for the purposes of interracial crime only, we must refer to a “white” (with quotation marks) *perpetrator* category that includes some but not all Hispanics. Because the victim categories are better defined, we can still refer to white (without quotation marks) *victims* of interracial crime. Because the “white” perpetrator category for interracial crime includes some Hispanics, the result is an inflated measure of what we will have to call “white”-on-black crime.³⁹

Even so, the differences between black and “white” rates of interracial crime are enormous. As Figure 18 shows, between 2001 and 2003, blacks were 39 times more likely to commit violent crimes against whites than the reverse, and 136 times more likely to commit robbery.⁴⁰ There were an average of 15,400 black-on-white rapes every year during this period, 139,000 robberies, 489,000 assaults, and 12,762 sexual assaults. By contrast, there were only 900 “white”-on-black rapes every year, 7,600 robberies, 101,000 assaults, and 3,217 sexual assaults. Of all 768,879 violent interracial crimes involving blacks and whites, blacks committed 85 percent and “whites” 15 percent.

What about interracial murder? The Supplementary Homicide Reports (SHR) include the race of the victim and offender, and make it possible to calculate rates of interracial murder. In 2002, blacks were 16 times more likely to murder W&H than the reverse. SHR statistics from 1976 to 2002 tell us blacks murdered 26,727 W&H during those 26 years, and W&H murdered 10,207 blacks, making the black-on-W&H murder rate 17 times that of the W&H-on-black murder rate.⁴¹

High multiples like these do not necessarily mean blacks are deliberately targeting whites (and His-

Fig. 18. Multiple of black-on-white vs. "white"-on-black crime rates, 2001-03

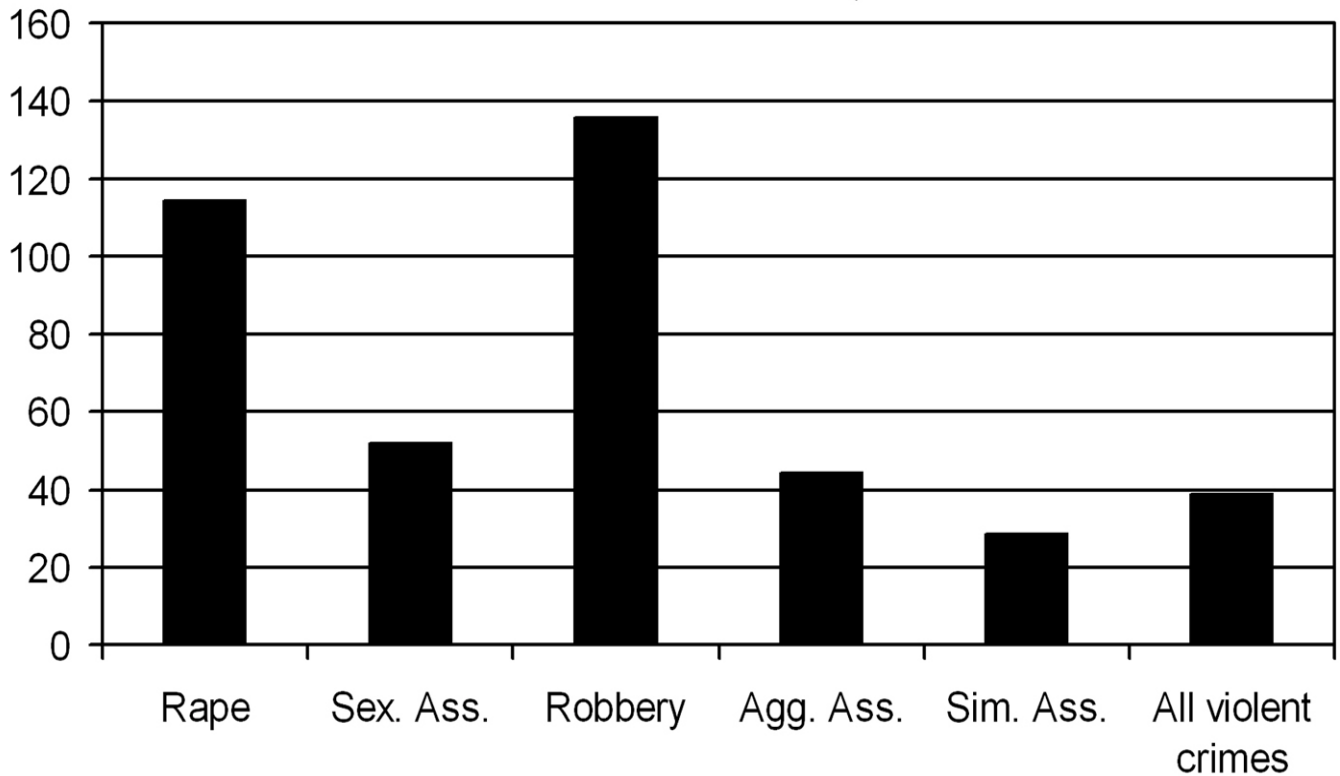
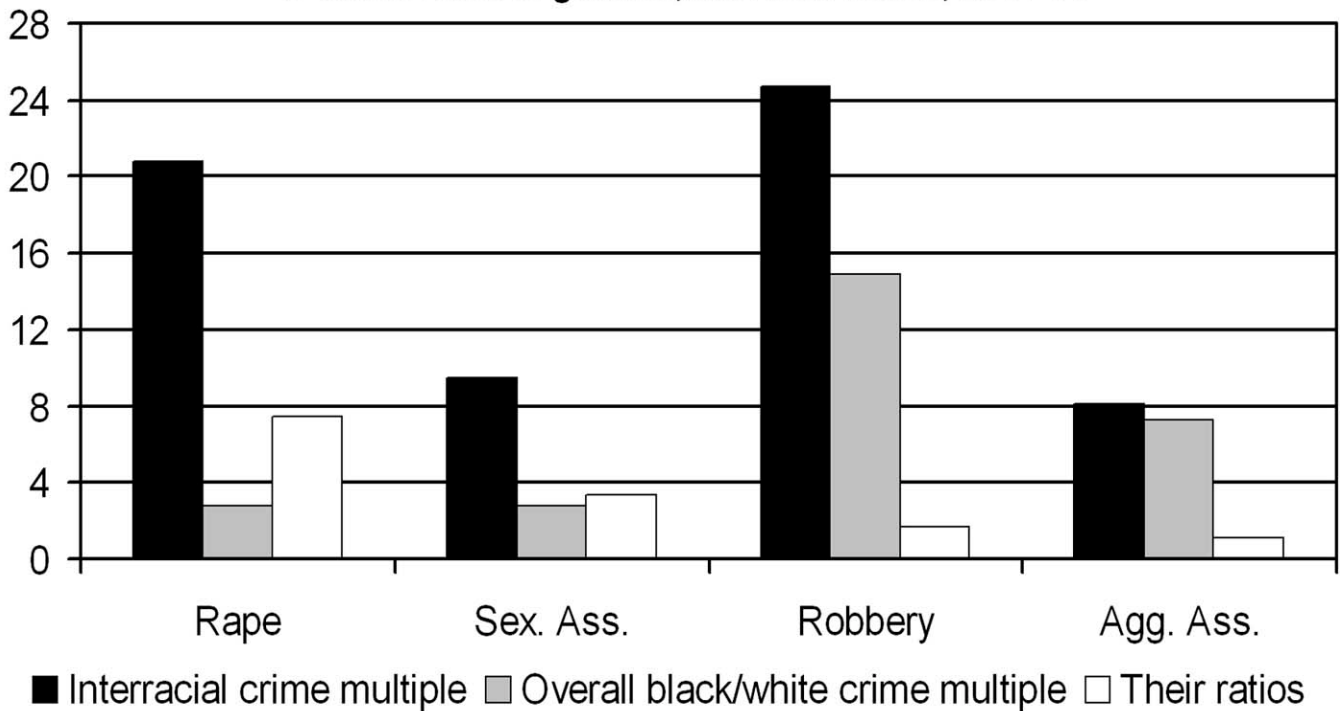


Fig. 19. Actual multiple of black/"white" interracial crime rates after controlling for likelihood of encounter, black/white multiple of crime rates in general, and their ratios, 2001-03



panics) for violent crime. One reason multiples for interracial crime are so high is that there are about 5.5 times as many whites as blacks in the United States. This means blacks are 5.5 times more likely to encounter whites than the other way around,⁴² so even if blacks choose victims without regard to race, there are many more potential white than black victims. White criminals are also more likely to have white victims for the same reason.

Dividing the multiples in Figure 18 by 5.5 corrects for this difference in populations, and the results are shown in the black bars in Figure 19. Even when likelihood of encounter is considered, blacks are still much more likely to commit crime against whites than the reverse. They are, for example, 25 times more likely to rob a white than vice versa.

This is still not clear evidence blacks are targeting whites. Not only are there 5.5 times more potential white victims for black criminals—this is what is adjusted for by dividing the white bars in

for the overall rates for each crime, which are represented by the gray bars. The results are shown in the white bars in Figure 19. In the case of aggravated assault, the result is just over one, which means the disproportions in black-on-white assault are almost entirely explained by the fact that there are more white potential victims and blacks commit this crime at a higher rate than whites. However, for the other crimes, the ratio is greater than one—1.66 for robbery and 7.4 for rape—suggesting that something else is contributing to much higher rates of black-on-white than white-on-black crime. The fact that these interracial crime multiples remain even after controlling for population differences and overall racial differences in crime rates suggests either that blacks *do* target whites for crime, white criminals deliberately avoid black victims, or some combination of the two.

The NCVS also permits an examination of interracial crime from a different angle. Figure 20 tells

Fig. 20. Race of victims of crimes committed by blacks, 2001-03

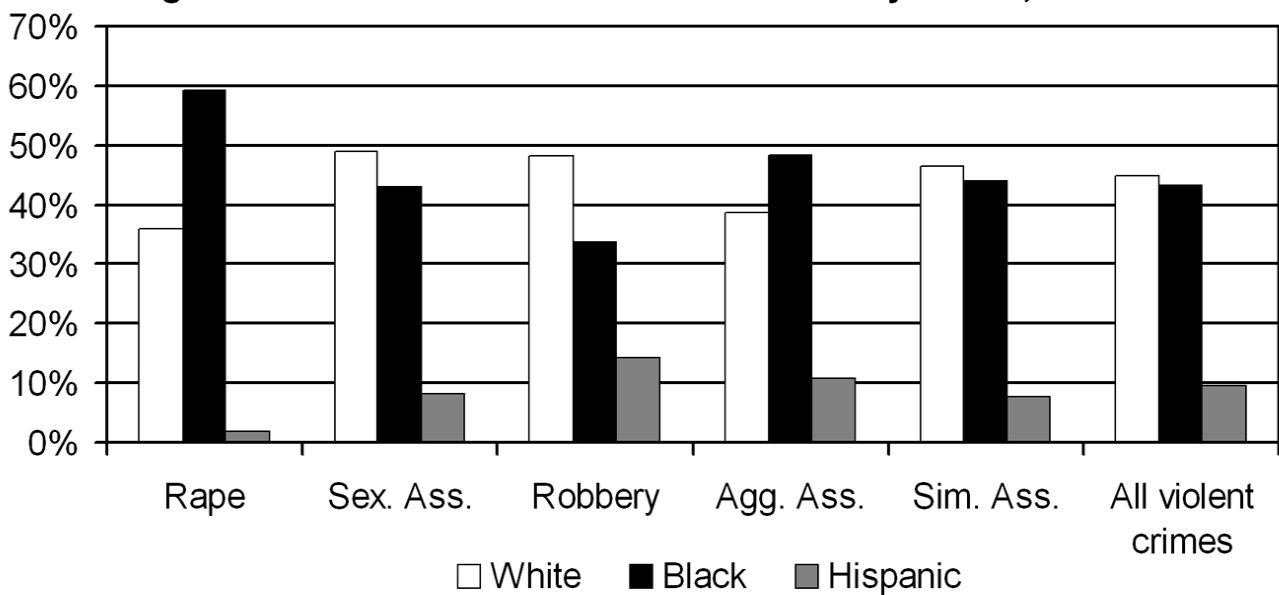


Figure 18 by 5.5—but blacks commit crimes of violence *in general* at far greater rates than whites. The huge multiples found in Figure 18 could therefore be the combined result of these two things: a larger number of potential white than black crime victims *and* much higher black rates of violent crime regardless of the race of the victim.

The black bars in Figure 19 must therefore be divided again, this time by the black/white multiples

us, for example, that of all violent crimes committed by blacks, 45 percent were against whites, 43 percent against blacks, and ten percent against Hispanics. Blacks therefore commit slightly more violent crime against whites than against blacks. Unlike an analysis of interracial crime—in which increased segregation decreases opportunities for interracial crime for blacks and whites equally—the proportion of victims of black criminals who are

white is very much influenced by segregation. Criminals tend to prey on people in their neighborhoods,⁴³ and underclass blacks who commit violent crimes are likely to live in neighborhoods that are overwhelmingly black. Their friends and associates are likely to be black, and the people they meet in chance encounters are likely to be black. A large number of white victims suggests targeting of whites.

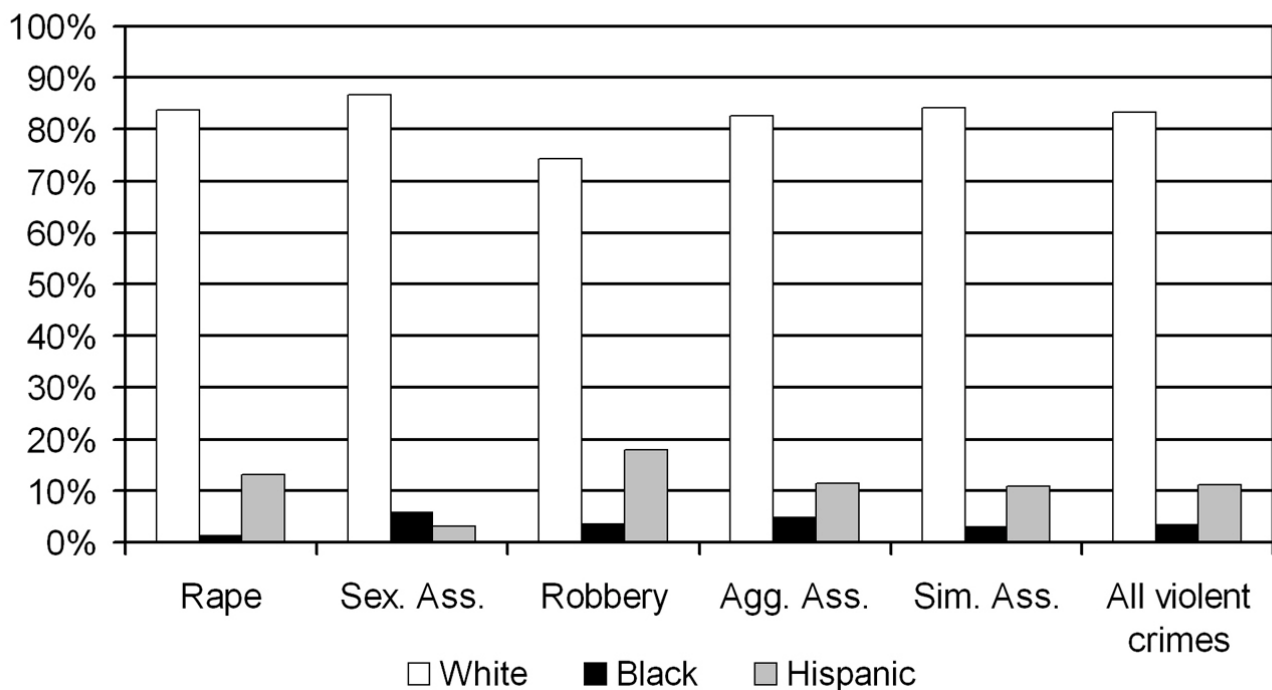
As Figure 21 shows, “whites” commit only a small percentage of their violent crimes against

black victims. A large number of white victims suggests targeting of whites. If so, when the percentage of their victims who are W&H is significantly higher than that, it may suggest deliberate targeting of non-blacks.

Hate Crimes

Figures on hate crimes provide more information on interracial crime. The Hate Crime Statistics

Fig. 21. Race of victims of crimes committed by "whites," 2001-03



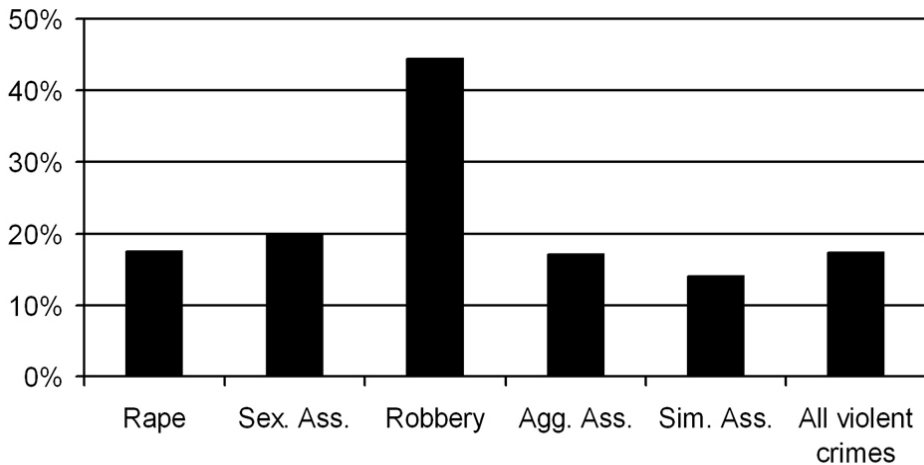
blacks—only one percent of rapes and three percent of all violent crimes. Since blacks make up 13 percent of the population, this is well below the rate expected by chance encounter. Furthermore, Figure 22 shows that blacks commit a substantial percentage of all crimes committed against whites—17 percent of all violent crimes against whites, and 45 percent of robberies.

The one violent crime for which blacks have a relatively small number of white victims is murder. Only 16 percent of the victims of black murderers are W&H.⁴⁴ Murder is the crime in which offender and victim are most likely to know each other. For violent black criminals, 16 percent may be a realis-

Act of 1990 requires the FBI to collect national data on criminal acts “motivated, in whole or in part, by bias,” which the FBI publishes in an annual report called *Hate Crime Statistics*. The law does not force local police departments to give the FBI this information but most do—the reports cover 86 percent of the US population.⁴⁵

The government’s treatment of hate crimes is misleading in one obvious way: Hispanics are a victim category but not a perpetrator category. If someone attacks a Mexican for racial reasons, he becomes a Hispanic victim of a hate crime. However, if the same Mexican commits a hate crime against a black, he is classified as a “white” perpetrator. Even more

Fig. 22. Percentage of crimes against whites committed by blacks, 2001-03



absurdly, if a Mexican commits a hate crime against a white, both victim and perpetrator are reported as white. And, in fact, the 2002 FBI figures—the most recent available—duly report that 130 so-called whites committed anti-white hate crimes. They are likely to have been Hispanics, but it is impossible to know. Sloppy racial categorization is particularly obtuse in a report that is supposed to shed light on the level and nature of racial friction.

In 2002, there were 8,832 bias crimes reported to the FBI, of which 5,738 were crimes of race or ethnic origin. The rest were for reasons of religion, sexual orientation, or disability.⁴⁶ The FBI says there were 5,119 suspected hate crime offenders whose race was known. Of that number, 3,712 were W&H and 1,082 were black.⁴⁷ It is widely believed that blacks are generally victims rather than perpetrators of hate crimes, but they are actually more likely than W&H to be offenders. On the basis of offense rates—number of offenses divided by population—blacks were 82 percent more likely than W&H to commit hate crimes of all kinds, including those based on religion, disability, etc.

Blacks were also considerably more likely to commit crimes of racial bias against W&H than the other way around; any given black person was 2.25 times more likely to commit a hate crime against W&H than the reverse.⁴⁸ Should this multiple be divided by 5.5 to take into consideration differences in size of the black and white populations and the likelihood of encounter? An adjustment necessary for non-bias interracial crime is not appropriate for crimes motivated by racial hatred. Interracial crime

that is not motivated by bias can be the result of chance encounter, so the racial mix of the population makes a difference. As the examples that follow suggest, serious racial hate crime involves searching out a victim of a particular race, which is the opposite of chance encounter. There are fewer blacks than whites in the United States, but a white person deliberately looking for a black victim is not likely to have trouble finding one. Differences in population sizes are therefore much less relevant.

On the other hand, although crimes officially categorized as racial hate crimes are certainly horrific, they may be getting more attention than they deserve. Every year, the annual release of *Hate Crime Statistics* is national news, but the interracial data in the National Crime Victimization Survey are not. Which group of crimes has a greater impact on society? In 2002, only 2,168 of the 5,738 bias crimes of race or ethnicity were violent. The rest were non-violent crimes like vandalism and intimidation. According to the NCVS, there were an average of 1.68 million violent interracial crimes committed each year between 2001 and 2003, and of these about half—844,000—were reported to police. Only 0.3 percent of interracial crimes reported to police—three out of every thousand—are officially categorized as motivated even “in part” by racial bias.

In order for a crime to be counted as a hate crime, the criminal must make his motive clear, usually by using racial slurs. It is impossible to know how many of those 844,000 crimes a year had some racial bias, but the perpetrator said nothing to reveal it.

Many states have passed laws that increase penalties for hate crimes. These laws recognize the harm done to society when people are attacked because of race or other characteristics. However, it is worth asking which does more damage to society: the 2,168 violent acts officially labeled as hate crimes or the 844,000 interracial crimes of violence that go otherwise unremarked?

Given the reality of race in the United States, would it be unreasonable for a person attacked by

someone of a different race to wonder whether bias had something to do with the attack, even if his assailant said nothing? Such suspicions are even more likely in the case of the average 572,000 acts of *group* violence that crossed racial lines every year between 2001 and 2003. What is the psychological effect on a white woman gang-raped by blacks or a black man cornered and beaten by whites? Victims are likely to wonder if they were not singled out at least in part because of race, even if the attackers never said so.

The NCVS tells us that interracial multiple-offender offenses are even more lopsidedly black than interracial crime as a whole. In fact, whereas blacks committed 10,000 gang-rapes against whites between 2001 and 2003, the NCVS samples did not pick up a single “white”-on-black gang rape. Overall, blacks committed an average of 251,000 multiple-offender violent crimes against whites per year between 2001 and 2003, and “whites” committed 32,000, which means blacks were the perpetrators 89 percent of the time.⁴⁹

In any case, official hate crime data must be viewed with some skepticism. A few people have argued that police are more likely to call a crime a hate crime when a white commits it than when a black does. This charge is impossible to prove, but according to the chief executive of a think tank dedicated to law enforcement policy who did not wish to be named in this report, newspapers pay more attention to interracial crimes when whites commit them—for one reason they are far more unusual—and put more pressure on police to investigate them as hate crimes.

Local police departments are, in fact, inconsistent in their classifications, and make surprising designations. It is not feasible to study the circumstances of all racial hate crimes, but the most serious ones—the six hate crime murders that were committed in 2002—may well be representative. Three were classified as white-on-black, one was white-on-Hispanic, one was Indian-on-white, and one was black-on-Hispanic. Only three appear clearly to be hate crimes.

One white-on-black murder took place in Long Beach, California. According to a police investigator, the offender was a 26-year-old white man with

a history of mental problems. After a black beat up one of his friends, he decided to “get a ni**er”—any black would do. He met two blacks and invited them to take drugs with him, and shot them. This appears to be a legitimate hate crime.

A second killing classified as a white-on-black hate crime was more ambiguous. Seventeen-year-old Paul Perone of Rennselaer City, New York, was arrested for stabbing a black 17-year-old named El-Shareem Noisette in a brawl. The day after the fight, Mr. Perone confessed to killing Mr. Noisette in self-defense, but later recanted, claiming someone else was the killer, and that he had been pressured to confess. A jury acquitted him, but the district attorney did not prosecute anyone else. News stories suggested no bias motive, and the case was not prosecuted as a hate crime.⁵⁰ At this point there is some doubt even as to who the killer was, so it is impossible to know his motives.

In a third “white-on-black” hate murder, two 16-year-old Riverside, California, Hispanic gang members, David Alaniz and Franco Castaneda, shouted out the name of their gang while they shot up people on the porch of a house often used by black gang members. They do not appear to have aimed at anyone in particular, but killed a 13-year-old black named Anthony Sweat. There had been gang violence between blacks and Hispanics in the area, and police said the shooting reflected hatred of blacks.⁵¹

The victim in the one murder classified as a white-on-Hispanic hate crime was a Hispanic man named Eduardo Ruvalcaba married to a white woman. He and his wife moved in with his father-in-law, Kenneth Hunter, of Belton, Missouri, but refused to pay any bills. Mr. Hunter resented this, but Mrs. Hunter sided with the young couple. Tensions led to a fight, and Mr. Hunter shot and killed his son-in-law and wife, and accidentally wounded his daughter.⁵² The Belton police officer who investigated the crime said he did not think it was motivated by bias. Newspaper accounts gave no evidence of racial hatred either.

The murder classified as an Indian-on-white hate crime took place on the Leech Lake Ojibwa Reservation in Minnesota. The victim was a legally-blind part-Indian man named Louis Bisson. Mr. Bisson was an albino with very white skin, and Indian boys

sometimes taunted him, calling him “whitey.” The killers were three Indians, aged 16 to 17, who had been drinking and smoking marijuana and cocaine. One, Jesse Tapio, had been known to pick on people with light skin. The boys spotted Bisson, and beat him to death with an ax handle.⁵³ The prosecutor told us that he did not bring hate crime charges, and said he did not believe the crime was motivated by racial hatred, but news reports suggest there may have been some racial motive in the killing.

A murder classified as a black-on-Hispanic hate crime, took place in Apopka, Florida. According to the prosecutor, five young black men were driving around drinking, and smoking marijuana. After three of them robbed a black man, they decided to get a white next. They picked up a Hispanic at random and shot him. The prosecutor considered this a hate crime.

These six murders highlight the ambiguities of the FBI’s classifications. In only three cases—the Apopka blacks who killed the Hispanic, the Long Beach white who killed two blacks, and the Hispanic gang members who shot up a group of blacks—does there clearly seem to have been racial hatred. The motives in the stabbing of the young Rensselaer black are murky, and the white man who killed his Hispanic son-in-law does not appear to have had a racial motive at all. The murder of the part-Indian on the reservation may or may not have had a racial motive.

In two cases, officials responsible for arrest and prosecution said they did not consider the killings bias crimes; they were surprised to learn they had been classified that way.

Finally, one of the three hate murders attributed to whites was committed by Hispanics. There were two perpetrators in this case, which means that this one crime added two “whites” to the list of hate criminals.

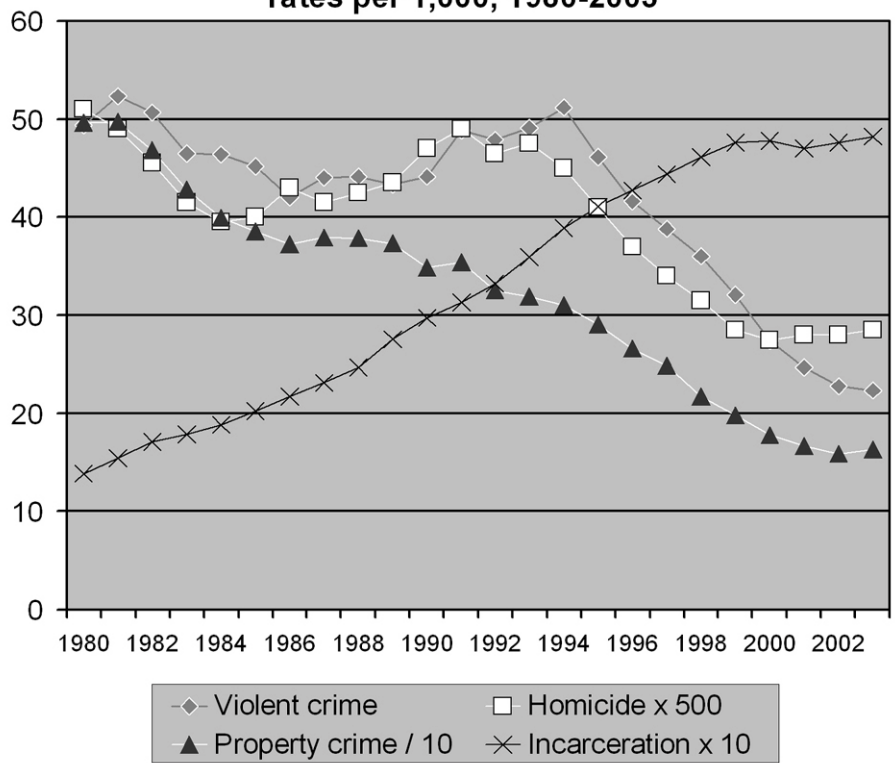
It is not the FBI but local officials who decide

which crimes are hate crimes. Clearly, they are making some decisions that surprise even their own officers, and this casts doubt on the entire hate crimes report. Police take great care in investigating murder. They do not spend nearly as much time on the crimes that make up the vast majority of hate crimes: vandalism, intimidation, and simple assault. If the authorities make doubtful hate-crime designations for serious crimes, it is hard to have confidence in how they classify less-serious crimes. Given the limitations of the data, it is hard to draw conclusions from them.

Incarceration and Crime

The 1990s saw a substantial drop in crime. As Figure 23 shows, after peaking in 1991, the murder

Fig. 23. Crime and incarceration rates per 1,000, 1980-2003



Homicide, violent crime, and incarceration are measured in rates per 1,000 people, property crimes in rates per 1,000 households.

rate dropped by 44 percent over the next nine years, and other types of crime showed similar declines.⁵⁴ (In order to get all the information on the same chart, the homicide rate is multiplied by 500, the property

crime rate is divided by ten, and the incarceration rate is multiplied by 10.) There has been much debate about what caused the drop, but the enormous rise in prison populations is part of the explanation.

Figure 23 shows that between 1980 and 2003 the incarceration rate more than tripled, from 139 to 482 per 100,000, and the number of prisoners increased from 320,000 to 1.39 million.⁵⁵ Critics of incarceration argue that it only punishes poor people and non-whites, and does not control crime. However, studies have shown that felons commit 12 to 15 crimes every year, so locking them up prevents them from committing those crimes.⁵⁶ According to University of Texas criminologist William Spelman, every one percent increase in the prison population therefore cuts the violent crime rate by 0.48 percent. Prof. Spelman estimates that if incarceration rates had stayed the same between 1972 and 1997, there would have been twice as much violent crime in 1997.⁵⁷

It is worth noting in Figure 23 that the homicide rate has leveled off and has even risen slightly since 1999. Rates of violent and property crimes have also leveled off just as incarceration rates flattened out after 30 years of steady increase. This is probably not a coincidence.

America's changing racial and ethnic makeup has played a role in the rise in incarceration. The number of Hispanic and non-citizen prisoners is rising faster than the overall prison population. In 2003, there were 4.4 times as many prisoners as in 1980, but the Hispanic prison population rose 10 fold.⁵⁸ Between 1990 and 2003, the total number of prisoners rose by 90 percent while the number of non-citizens in prison increased 4.8 fold.⁵⁹ This means that the number of Hispanic and non-citizen prisoners is rising at more than twice the rate of the total prison population. Figure 24 shows the racial composition of the prisoner population in 2003—black: 44.1 percent; white: 35.0 percent; Hispanic: 19.0 percent; other: 1.9 percent.⁶⁰

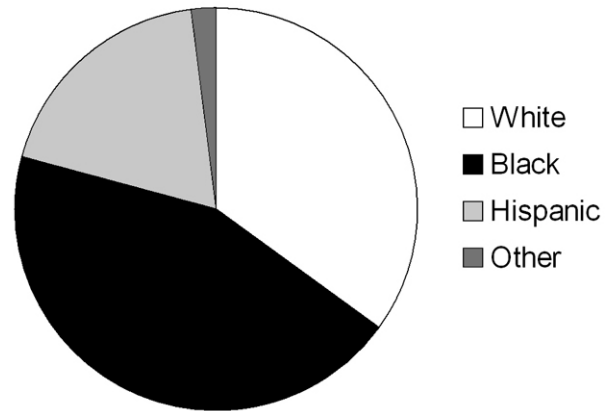
Some experts worry that the growing number of crimes committed by youth gangs have contributed to the leveling out of crime rates, and that the problem will only get worse.⁶¹ As we saw earlier, immigrants and their children are the main source of new gang members.

The experience of the past several decades tells

us that putting more people in prison reduces crime. The cost, however, is very high. In inflation-adjusted dollars, in 2001 the US spent three times as much on prisons as it did in 1980.⁶² Other policing costs

are also rising rapidly. Many of the one million or more immigrants who come to the United States every year are from population groups that raise crime rates rather than lower them. The result is more crime or higher costs to control crime—or both.

Fig. 24. Percentage of prisoners, 2003



Why Study Race and Crime?

Why study racial differences in crime rates? Many Americans believe this can lead only to invidious comparisons and scapegoating. Others resist the idea that there are significant group differences in crime rates, and believe that even if there are differences, society is to blame for not treating people of all races equally. Some scholars even suggest it may be better for Americans to remain ignorant of certain realities about race.⁶³ This view is both obscurantist and patronizing: who is to decide which are the truths that must be withheld? Society does not benefit when information is suppressed. Truth and knowledge are always better than falsehood and ignorance.

This report takes no position on causes of group differences in crime rates, except to point out that the ones that are most commonly proposed—poverty, unemployment, lack of education—are not satisfactory. As for the reality of those differences, the evidence is overwhelming: Blacks are considerably more likely than any other group to commit crimes

of virtually all kinds, while Asians are least likely. Whites and Hispanics have intermediate crime rates. There can be debate about the exact extent of the differences—the data do not make these calculations easy—but differences are a fact.

These differences are far greater than some that have given rise to significant public initiatives. Blacks are more than twice as likely as whites to be unemployed, and white household income is 60 percent higher than black household income. Blacks are twice as likely as whites to drop out of high school. Race differences of this kind have led to everything from affirmative action preferences to No Child Left Behind legislation.

Americans are right to be concerned about these differences, but they are, relatively speaking, small. To repeat some of the more substantial differences in crime rates: Blacks are about eight times more likely than whites to commit murder, and *25 times* more likely than Asians to do so. Blacks are 15 times more likely than whites to go to prison for robbery, and *50 times* more likely than Asians. Crime reduction programs analogous to No Child Left Behind may or may not be practical, but no solutions will be found if we avert our eyes from these differences.

A better understanding of the facts is important for other reasons. The evidence suggests that deeply-rooted assumptions about police bias are wrong. Many Americans believe that entire professions—police, prosecutors, judges—are systematically biased against minorities (critics usually have nothing to say about low incarceration rates for Asians, but if they were consistent they would argue that the police and the courts must be biased in favor of Asians). This is insulting and unfair. Not only does it reflect abiding prejudice against some of the most hard-working people in America, it leads to onerous anti-“racial profiling” regulations that require police to fill in detailed racial information about every traffic stop, stop-and-frisk, or search. Additional paperwork is a distraction from the job that really matters: stopping crime.

Assumptions about police bias are especially common among minority groups that have the most to gain from good relations with the police. Blacks, in particular, are convinced of police “racism.” In extreme cases, this belief leads to murderous ram-

pages like that of Brian Nichols with which this report begins. It is not an exaggeration to say that his victims might be alive today if the facts in this report were widely known. In countless less severe cases, a belief in police bias leads to suspicion, resentment, and lack of cooperation, all of which make it harder for the police to do their jobs, and more likely that minorities will suffer from crimes that could have been solved or prevented. How often do assumptions about police—and societal—racism so anger blacks that they go beyond lack of cooperation to crime itself? It is profoundly destructive for minorities to have exaggerated resentments toward the society in which they live. Uncritical repetition by whites of assertions about police bias only deepens these resentments.

A proper understanding of crime rates also supports a common-sense understanding of race and is an antidote to hypocrisy. Americans do not know the exact statistics, but they know that whites (and Asians) are less likely than blacks to rob them. Even many people who insist that black arrest rates are bloated by police bias are careful to avoid certain neighborhoods. Group differences as great as those in this report are a reality that filters into public awareness even if the press seldom reports them.

It is common to oppose publication of crime statistics for fear of creating “negative stereotypes,” but statistical differences are the basis for important policy decisions. If one airline were three times more likely than other airlines to be involved in fatal accidents, would it be reasonable to avoid it? If one brand of decongestant were twice as likely as another to have serious side effects, would the FDA be justified in investigating it? Many people pay for optional side airbags in automobiles. Does this cut the risk of death or injury in half? More than that? Less? People make choices, and risk affects their choices. If there are different risks associated with different groups of people it is legitimate to investigate and weigh those risks.

Finally, immigration is rapidly changing the population of the United States. Thanks to immigration, Hispanics are now the nation’s largest minority group. Hispanics are one of the more crime-prone groups in America. They also have high rates of illegitimacy, school failure, poverty, welfare use,

and teen pregnancy. Asians are lowest in all these categories. Is it wise for our immigration policies to ignore these differences?

Race is, of course, still a taboo. This is what prevents public discussion of sharp differences that would be considered grounds for national concern

and even crisis if they were in areas where thinking is not constricted. Every taboo represents a subject that is removed from discussion, and this limits our understanding of the world. It is far better for Americans to understand their world—and the people who live in it—than to persist in ignorance.

References

The methodology of this report is briefly explained in the footnotes. For a more detailed explanation, “Methodological Notes on The Color of Crime” is available from New Century Foundation, P. O. Box 527, Oakton, VA, 22124, or by writing to contactus@amren.com.

¹ Beth Warren, “Revenge on System Cited as Motive for Rampage,” *Atlanta Journal-Constitution*, March 15, 2005.

² ABC/Washington Post Poll: Race Relations, ABC News website, Jan. 22, 2003, p. 1. <http://www.abcnews.go.com/images/pdf/909a3RaceRelations.pdf>. Accessed Aug. 11, 2005.

³ The UCR use race categories from the census: white, black, Asian/Pacific Islander, and American Indian/Alaska native. In 2002, the Census Bureau classified 92 percent of Hispanics as white.

⁴ Arrest data are from US, Dept. of Justice, Federal Bureau of Investigation (FBI), *Crime in the United States, 2002* [This is the official title of document that is based on the Uniform Crime Reporting Program (UCR).] (Washington, DC: US Government Printing Office [USGPO], 2003), p. 252. Unless otherwise indicated, all information about arrests in this report is from this source. Population data are from Population Division, US, Census Bureau (Census Bureau), “Annual Estimates of the Population by Sex, Race and Hispanic or Latino Origin for the United States: April 1, 2000 to July 1, 2004 (NC-EST2004-03)” (Washington, DC: Census Bureau, 2005), <http://www.census.gov/popest/national/asrh/NC-EST2004/NC-EST2004-03.xls>. Accessed July 11, 2005.

⁵ Police are often accused of “racial profiling,” or stopping and questioning blacks more frequently than whites because police mistakenly believe blacks fit a “criminal profile.” Eighteen states have passed anti-profiling legislation that requires police to report the race of the driver in all traffic stops. Some states require police to collect racial data on pedestrian stops as well. Many cities collect racial data on police stops even if no state law requires it. [Northeastern University, Institute on Race and Justice, *Racial Data Collection Resource Center at Northeastern University* (Boston: Northeastern University), <http://www.racialprofilinganalysis.neu.edu/>. Accessed on May 15, 2005.] These laws are based on the assumption that unless police are forced to account for their actions they will make biased decisions.

Evidence for police bias almost always takes the form of racial disproportions. Police critics compare the percentage of a non-white group in an area’s population with its percentage of traffic stops. If, for example, blacks are 15 percent of Illinois’s population, but account for 23 percent of traffic stops,

this proves police are unjustifiably targeting blacks. [American Civil Liberties Union, “Driving While Black: Racial Profiling On Our Nation’s Highways” (New York: ACLU, 1999).]

Data of this kind do not prove police bias. If blacks account for 23 percent or more of traffic violators, police are justified in pulling them over more frequently (see page 5.)

⁶ Heather Mac Donald, *Are Cops Racist?* (Chicago: Ivan R. Dee, 2003), pp. 9-34.

⁷ NCVS incident-level data for the years 2001 to 2003 were extracted from US, Dept. of Justice, Bureau of Justice Statistics (BJS), *National Crime Victimization Survey, 1992-2003* [Computer file], conducted by Census Bureau (ICPSR 03995-v2), ed. Inter-university Consortium for Political and Social Research (ICPSR) (Ann Arbor, Mich.: ICPSR [producer and distributor], 2005.) Estimates of the percentage of offenders who were black is for both single- and multiple-offender crimes. Details on treatment of single- and multiple-offender crimes, and how data were aggregated across different crime categories are available in the Methodological Notes, available by request from New Century Foundation.

Some of the information in this report comes from published statistics, but most of it, including NCVS information, comes from collections of raw data published by the National Archive of Criminal Justice Data, which is maintained by the Inter-university Consortium for Political and Social Research, and by the Federal Justice Statistics Resource Center, which is run by the Bureau of Justice Statistics and The Urban Institute. Statistical software must be used to extract information from this data. When collections of raw data are used, there is always a reference to “Computer file” in the citation. Further information on the use of the NCVS is available in the Methodological Notes.

Arrest data: FBI, *Crime in the United States, 2001* (USGPO, 2002), p. 252. FBI, *Crime in the United States, 2002* (USGPO, 2003), p. 252. FBI, *Crime in the United States, 2003* (USGPO, 2004), p. 288.

⁸ The data do, however, open the door to a different charge of police bias. As we will see, when blacks are victims of crime, the perpetrators are almost always black. It would be possible to argue that police arrest fewer blacks than would be expected from victim surveys because they have little sympathy for black victims and do not try very hard to catch criminals who prey on them. Needless to say, this argument is incompatible with the more common view that arrest rates for minorities are inflated by overzealous police work.

⁹ Samuel Walker, Cassia Spohn, and Miriam DeLone, *The Color of Justice: Race, Ethnicity, and Crime in America*, 3rd

ed. (Belmont, Calif.: Wadsworth/Thomson Learning, 2004), p. 46.

¹⁰ FBI, *National Incident-Based Reporting System, 2002* [Computer file], compiled by the FBI, ed. ICPSR (Ann Arbor, Mich.: ICPSR [producer and distributor], 2004.) Further information on the use of NIBRS data is available in the Methodological Notes.

Using NIBRS 1999 data, Florida International University criminologists also found black offenders were less likely to be arrested than white offenders. [Stewart J. D'Alessio and Lisa Stolzenberg, "Race and the Probability of Arrest," *Social Forces* 81:4 (2003): 1381-97.]

¹¹ The ACLU argues that although blacks and whites use drugs at equal rates, police bias results in blacks making up a much higher percentage of arrests for drug crimes. [American Civil Liberties Union, "Race and the War on Drugs," (New York: ACLU, 2003), p. 1] The ACLU's estimate of the racial makeup of drug users comes from a government survey that asked a sample of the population about drug use. [Substance Abuse and Mental Health Services Administration, *Results from the 2001 National Household Survey on Drug Abuse: Volume I. Summary of National Findings* (NHSDA Series H-17, DHHS Publication No. SMA 02-3758) (Rockville, MD: Office of Applied Studies, 2002).] There is reason to doubt whether answers to survey questions about illegal drug use are reliable. [Janet L. Lauritsen and Robert J. Sampson, "Minorities, Crime, and Criminal Justice," in *The Handbook of Crime & Punishment*, ed. Michael Tonry (New York: Oxford University Press, 2000), pp. 64-5.]

¹² BJS, *Sourcebook of Criminal Justice Statistics, 2002* (USGPO, 2003), p. 267.

¹³ For methods of handling missing data in the Supplementary Homicide Reports, see James Alan Fox, "Weighting and Imputation Procedures for the 1976-2002 Cumulative Data File" (BJS), <http://www.ojp.usdoj.gov/bjs/homicide/imputationandweighting.htm>. Accessed June 20, 2005.

¹⁴ BJS, "Homicide Trends in the U.S.: Trends by Race," (BJS), <http://www.ojp.usdoj.gov/bjs/homicide/tables/oracetab.htm>. Accessed June 20, 2005. This is a tabulation of data from the Supplementary Homicide Reports.

¹⁵ *Are Cops Racist?*, pp. 28-34.

¹⁶ Brian Forst, "Prosecution," in *Crime: Public Policies for Crime Control*, ed. James Q. Wilson and Joan Petersilia (Oakland: ICS Press, 2004), p. 511.

¹⁷ The National Urban League, a black advocacy group, claims a black arrested suspect is no less than three times more likely to become a prisoner than a white. [National Urban League, *The State of Black America, 2004* (New York: National Urban League, 2004), p. 31.] The authors do not explain how they calculate this number.

¹⁸ Marvin D. Free, Jr., "Race and Presentencing Decisions in the United States: A Summary and Critique of the Current Research," *Criminal Justice Review* 27:2 (2002), pp. 210-14. Studies using data from the 1960s and 1970s were more likely to find bias, but even a generation ago, some investigators found no evidence of prejudiced prosecutions.

¹⁹ Data are from BJS, *State Court Processing Statistics, 1990-2000: Felony Defendants In Large Urban Counties* [Computer file], Pretrial Services Resource Center [producer], 2004, ed. ICPSR (Ann Arbor, Mich.: ICPSR [distributor],

2004). Only 2000 data were used because they were most recent and because earlier data do not break out Hispanics. Further information on the use of SCPS data is available in the Methodological Notes.

²⁰ The following criminal background characteristics were controlled for: the most serious arrest charge, the total number of charges against the defendant, whether the most serious arrest charge was for an attempted or a completed crime, the status of the defendant at the time of arrest (i.e., whether he was on probation, parole, a fugitive, etc.), the number of prior felony convictions, and whether he was rearrested for another crime while out on bail.

²¹ Arrest data for 1997 to 2001 are from FBI, *Uniform Crime Reporting Program Data [United States]: Arrests By Age, Sex, And Race* (Years 1997 to 2001) [Computer file], compiled by the FBI, ed. ICPSR (Ann Arbor, Mich.: ICPSR [producer and distributor], 2002).

Data for state prison populations are from Paige M. Harrison and Allen J. Beck, "Prisoners in 2002" (USGPO, 2003), p. 10. Information on federal prison populations are from BJS, *Compendium of Federal Justice Statistics 2001* (USGPO, 2003), p. 102.

For the comparison between arrests and prison populations, only adult arrests were used because juveniles are normally not sent to prison. Comparisons were made for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, and fraud because arrests for these crimes are almost always felony arrests. Misdemeanor arrests almost never result in prison time. In a category like drug offenses, for example, a large number of arrests listed in the UCR are for misdemeanors, so a comparison between arrests and prison populations could be misleading. Further information on comparisons between black arrested suspects and prison populations is available in the Methodological Notes.

²² For the unreliability of arrest data on race/ethnicity, see *The Color of Justice*, p. 14.

²³ "Prisoners in 2002," p. 9.

²⁴ All prison data are for 2001. Information about prison populations was used to calculate multiples of the white incarceration rate for blacks and Hispanics, and information about prison admissions was used to calculate multiples for Indians, Asians, and Pacific Islanders. The reason is that prison population data are highly reliable, but are available only for whites, blacks, and Hispanics. There is no "other" category, and a certain number of prisoners are left uncategorized.

Unless otherwise indicated, all information used to calculate black and Hispanic multiples of the white incarceration rate are from "Prisoners in 2002," p. 10 (state prisons), and *Compendium of Federal Justice Statistics 2001*, p. 102 (federal prisons).

Information on state prison admissions for whites, Indians, Asians, and Pacific Islanders is from the National Corrections Reporting Program (NCRP) [BJS, *National Corrections Reporting Program, 2001: United States* [Computer file], Census Bureau, ed. ICPSR (Ann Arbor, Mich.: ICPSR, 2004)]. Information on federal admissions for whites, Indians, and Asians/Pacific Islanders comes from the Federal Justice Statistics Program (FJSP). [The Urban Institute. *Federal Justice Statistics Program Data, 2001* [Computer file] (Washington, DC: Urban Institute), <http://fjsrc.urban.org/>. Accessed July

11, 2005.]

All population estimates are from the Census Bureau's national and state estimates of population by race and Hispanic origin in 2001. "Annual Estimates of the Population by Sex, Race and Hispanic or Latino Origin for the United States: April 1, 2000 to July 1, 2004." Census Bureau, "Annual Estimates of the Population by Sex, Race and Hispanic or Latino Origin for States: April 1, 2000 to July 1, 2003 (SC-EST2003-03-13)" (Census Bureau, 2004), <http://www.census.gov/popest/states/asrh/SC-EST2003-03.html>. Accessed July 11, 2005.

Further information on the calculation of incarceration rates is available in the Methodological Notes.

²⁵ *Crime in the United States, 2002*, p. 252.

²⁶ US, General Accountability Office, "Information on Criminal Aliens Incarcerated in Federal and State Prisons and Local Jails, GAO-05-337R" (Washington, DC: USGAO, 2005), pp. 15, 19.

²⁷ Data are from NCRP, FJSP, and "Prisoners in 2002."

²⁸ W. B. Miller, *The Growth of Youth Gang Problems in the United States: 1970-1998* (Washington, DC: US, Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), 2001), pp. 2, 64. A. Egley Jr. and Aline K. Major. "Highlights of the 2002 National Youth Gang Survey, Fact Sheet #2004-01" (OJJDP, 2004).

²⁹ *Crime in the United States, 2003*, p. 23.

³⁰ National Youth Gang Center, *National Youth Gang Survey: 1999-2001* (OJJDP, Forthcoming). Information from the forthcoming report is given at National Youth Gang Center website. [National Youth Gang Center, "Frequently Asked Questions Regarding Gangs" (OJJDP), <http://www.ir.com/nycg/faq.htm#r44>. Accessed July 3, 2005.]

³¹ Most of the gang members reported on by the National Youth Gang Center are between ages 12 and 24. To calculate rates of gang membership, populations by race for this age group were used. [Census Bureau, "Table NA-EST2002-ASRO-03—Annual Resident Population Estimates of the United States by Age, Race, and Hispanic or Latino Origin: April 1, 2000 to July 1, 2002" (Census Bureau, 2003), http://www.census.gov/popest/archives/2000s/vintage_2002/NA-EST2002-ASRO-03.html. Accessed July 11, 2005.]

³² Arian Campo-Flores, "The Most Dangerous Gang in America," *Newsweek*, March 28, 2005.

³³ Mareva Brown and Elizabeth Hume, "Full-Blown War by Hmong Gangs Alarms Police," *Sacramento Bee*, Feb. 28, 2005. "Six Charged in Pool Hall Killings," KARE 11 (Minneapolis), Feb. 6, 2005, http://www.kare11.com/news/news_article.aspx?storyid=75111#. Accessed Aug. 16, 2005. Gillian Flaccus, "Cambodian Men Fall Prey to Gang Violence," AP, June 30, 2004.

³⁴ "Minorities, Crime, and Criminal Justice," p. 66.

³⁵ FBI, *Crime in the United States, 2002* (USGPO, 2003), pp. 68-76. Census Bureau, 2002 American Community Survey, "Percent of People Below Poverty Level in the Past 12 Months (State Level)" (Census Bureau), <http://www.census.gov/acs/www/Products/Ranking/2002/R01T040.htm>. Accessed July 9, 2005. US, Dept. of Labor, Bureau of Labor Statistics, "Regional and State Employment and Unemployment: December 2002" (Washington, DC: US, Dept. of Labor, Bureau of Labor Statistics 2003), http://www.bls.gov/news.release/archives/laus_01282003.pdf. Ac-

cessed July 11, 2005. Census Bureau, 2002 American Community Survey, "Percent of People 25 Years and Over Who Have Completed High School (State Level)" (Census Bureau), <http://www.census.gov/acs/www/Products/Ranking/2002/R01T040.htm>. Accessed July 9, 2005.

³⁶ The square of the correlation coefficient indicates the strength of the relationship between two variables. The correlation between percent black-and-Hispanic and the violent crime rate is 0.81; the square is 0.66. The correlation between high school education and violent crime rate is 0.37; the square is 0.14. Racial mix predicts the violent crime rate more than four times better than lack of a high school education.

³⁷ The interracial crimes of the 20th century that received widest media attention were white-on-black murders: Emmett Till was murdered in Mississippi in 1955 for flirting with a white woman, and James Byrd was dragged to death by white supremacists in Texas in 1998. Amazon.com sells no fewer than nine books on Emmett Till and two on James Byrd. PBS has devoted documentaries to each of these murders.

Academic studies of interracial crime focus on white criminals. A good example is the recent book on hate crimes by Phyllis B. Gerstenfeld, a California State University criminologist. In her chapter on hate crime offenders, Prof. Gerstenfeld mentions six hate crimes committed by whites, but only one committed by a non-white. Her discussion of the motives of racial hate-crime offenders focuses exclusively on whites. The chapter on victims of hate crimes discusses offenses against blacks, Jews, Asians, Hispanics, Arabs, homosexuals, the handicapped, and women, but not whites. [Phyllis Gerstenfeld, *Hate Crimes: Causes, Controls and Controversies* (Thousand Oaks, Calif.: Sage Publications, 2004).]

³⁸ NCVS clearly classifies *victims* by race (including Hispanic and non-Hispanic), but classifies *perpetrators* only as "white," "black," and "other." Because the "black" category of perpetrators is clear, NCVS therefore gives a good indication of black-on-white crime. For "white"-on-black-crime, the victims are accurately categorized as black, but it is possible only to guess how many Hispanics are included in the "white" perpetrator class.

Because violent criminals disproportionately choose victims of their own race, one of the best indicators of the race of a criminal when it is unknown is the race of the victim. Between 2001 and 2003, NCVS's "white" criminals committed 344,000 violent crimes against Hispanics, whereas NCVS's "other" criminals committed 179,000. The higher number of Hispanic victims of "white" criminals suggests that at least half of Hispanic criminals may have been classified as "white."

³⁹ "White"-on-black crime is inflated for several reasons. First, Hispanics who are included in the "white" category commit more crimes than non-Hispanic whites. Moreover, Hispanics are more likely than whites to live in urban areas in close association with blacks, and therefore are likely to commit a larger proportion of their violent crime against blacks than whites do.

There is another, more subtle way in which NCVS figures distort a comparison of interracial crime rates. Please recall that victims are carefully classified by race but perpetrators are not. This means the number of potential "white" offenders (which includes some Hispanics) is larger than the number of "white" victims (which do *not* include Hispanics). Thus, if a

Hispanic commits a crime against a black, this could be counted in the “white”-on-black total, but if a black commits a crime against the same Hispanic, it would *not* be counted as a black-on-white crime but as a black-on-Hispanic crime.

⁴⁰ These estimates are based on both single and multiple offender crimes in NCVS. For information on the tabulation of the number of offenders in NCVS, please see the Methodological Notes.

⁴¹ BJS, “Homicide Trends in the U.S.: Trends by Race” (BJS), <http://www.ojp.usdoj.gov/bjs/homicide/tables/ovracetab.htm>. Accessed July 13, 2005.

⁴² To understand how population differences skew interracial crime rates, imagine a society of 100,000 people that is 90 percent white, 10 percent black, and perfectly integrated. For both blacks and whites, 90 percent of the people they meet are white and 10 percent are black. Imagine that everyone commits one crime per year against someone without regard to race. The 10,000 blacks would commit 10,000 crimes but with 9,000 against whites, making the interracial crime rate 9,000/10,000, or 0.9 for blacks. Whites would commit 90,000 crimes, of which 9,000 would be against blacks, making the interracial crime rate 9,000/90,000, or 0.1 for whites.

Thus, even though blacks had no greater inclination to commit interracial crime than whites, the black rate of interracial crime would be nine times the white rate simply because there are nine times as many whites as blacks available as victims. Dividing the black interracial crime rate of 0.9 by nine gives us 0.1, which was the white interracial crime rate.

We can make the same calculation for the United States by using 5.5 instead of nine. Interestingly, although blacks and whites are not perfectly integrated, and segregation varies considerably by neighborhood, the same figure of 5.5 applies everywhere. This is because segregation decreases blacks’ contact with whites, but it also decreases whites’ contact with blacks by exactly the same amount. Segregation, whatever its degree, therefore does not change the *relative* likelihood of blacks encountering whites and vice versa.

⁴³ On violent criminals committing crimes in their own neighborhoods, see Richard T. Wright and Scott H. Decker, *Armed Robbers in Action* (Boston: Northeastern University Press, 1997), pp. 73-76. J. L. LeBeau, “The Journey to Rape,” *Journal of Police Science and Administration*, 15 (1987), 129-136.

⁴⁴ “Homicide Trends in the U.S.: Trends by Race.”

⁴⁵ FBI, *Hate Crime Statistics, 2002* (USGPO, 2004), p. 1.

⁴⁶ *Hate Crime Statistics, 2002*, p. 9.

⁴⁷ *Hate Crime Statistics, 2002*, p. 11.

⁴⁸ There were 497 blacks charged with anti-white hate crimes and 111 charged with anti-Hispanic hate crimes. There were 1,689 whites charged with anti-black hate crimes. [*Hate Crime Statistics, 2002*, p. 14.] Since both white and Hispanic offenders are classified as white, the number of anti-Hispanic hate crimes committed by blacks must be combined with the number of anti-white hate crimes to get a victim category comparable to the offender category.

⁴⁹ Adding the 251,000 multiple-offender black-on-white crimes to the corresponding figure of 32,000 for “white”-on-black crimes yields a sum of only 283,000, which is far less than the figure of 572,000 acts of interracial group crime noted in the previous paragraph. Who is committing the rest of the

interracial multiple-offender crimes? The majority—215,000 a year—are committed by the NCVS “other” category. This category includes a large but unknown number of Hispanics, and it is unfortunate not to have details about who is committing this large number of crimes. Once again, loose NCVS racial classifications make complete understanding impossible.

⁵⁰ Bob Gardiner, “Cops, Teens Aim to Ease Tensions,” *Times Union* (Albany), Feb. 6, 2002. Michele Morgan Bolton, “Sobbing Defendant Denies Stabbing,” *Times Union* (Albany), Nov. 22, 2002. Michele Morgan Bolton, “Deliberations to Resume Today in Murder Trial,” *Times Union* (Albany), Nov. 22, 2002. Michele Morgan Bolton, “Stabbing Suspect Acquitted,” *Times Union* (Albany), Nov. 27, 2002.

⁵¹ Mark Kataoka, “Two to Be Tried in Slaying,” *Press-Enterprise* (Riverside, Calif.), Nov. 8, 2002.

⁵² Joe Robertson, “Victim in Belton Double Homicide Remembered as Caring, Hard Working,” *Kansas City Star*, Aug. 28, 2002. “Man Pleads Guilty to Killing Wife, Son-in-Law,” AP, Dec. 27, 2002.

⁵³ Larry Oakes, “One Deadly Night: The Killing of Louie Bisson,” *Star Tribune* (Minneapolis), April 25, 2004.

⁵⁴ BJS, “Homicide Victimization, 1950-2002” (BJS), <http://www.ojp.usdoj.gov/bjs/homicide/tables/totalstab.htm>. Accessed June 20, 2005.

BJS, “National Crime Victimization Survey Violent Crime Trends, 1973-2003” (BJS), <http://www.ojp.usdoj.gov/bjs/glance/tables/viortrdtab.htm>. Accessed June 20, 2005.

BJS, “National Crime Victimization Survey Property Crime Trends, 1973-2003” (BJS), <http://www.ojp.usdoj.gov/bjs/glance/tables/proprtrdtab.htm>. Accessed June 20, 2005.

BJS, “Number Of Sentenced Inmates Incarcerated Under State and Federal Jurisdiction per 100,000 Population” (BJS), <http://www.ojp.usdoj.gov/bjs/glance/tables/incrttab.htm>. Accessed June 20, 2005.

⁵⁵ BJS, “Correctional Populations” (BJS), <http://www.ojp.usdoj.gov/bjs/glance/tables/corr2tab.htm>. Accessed June 20, 2005.

⁵⁶ Paul G. Cassell, “Too Severe? A Defense of the Federal Sentencing Guidelines,” *Stanford Law Review*, 56 (2004): 1017-48.

⁵⁷ William Spelman, “The Limited Importance of Prison Expansion,” in *The Crime Drop in America*, eds. Alfred Blumstein and Joel Wallman (Cambridge: Cambridge University Press, 2000), p. 123.

⁵⁸ Information on Hispanic prisoners: BJS, *Correctional Populations in the United States, 1993* (USGPO, 1995), p. 9. Paige M. Harrison and Allen J. Beck, “Prisoners in 2003” (USGPO, 2004), p. 9.

⁵⁹ Information on non-citizen prisoners: BJS, *Census of State and Federal Correctional Facilities, 1995* (USGPO, 2004), p. 11. “Information on Criminal Aliens,” pp. 15, 19.

⁶⁰ “Prisoners in 2003,” p. 9.

⁶¹ Curt Anderson, “FBI Says Murders Up for 4th Straight Year,” AP, Oct. 25, 2004.

⁶² BJS, “Expenditure Trends by Function” (BJS), <http://www.ojp.usdoj.gov/bjs/glance/exptyp.htm>. Accessed July 12, 2004.

⁶³ “I ask myself whether the untruth [about race] is not better for American society than the truth.” Nathan Glazer, “The Lying Game,” *The New Republic*, Oct. 31, 1994, p. 16.

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