

**Young African American Men
and the
Criminal Justice System
in California**

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Introduction

In California and throughout the country the number of people supervised by the criminal justice system has been expanding at alarming rates. More people are being incarcerated and placed on probation than ever before. Furthermore, prisons are being filled to capacity with minor violations offenders. The *Criminal Justice Newsletter* reported that "...the nation's prison and jail population recently passed the one million mark and is rising at a 13 percent annual rate... . Maintaining that rate of growth would cost at least \$100 million per week for construction of new facilities."¹ According to the California Blue Ribbon Commission on Inmate Population Management, the scenario locally is equally as bleak. During the past ten years, as the number of people in prison in California increased four fold, the rate of reported crimes has remained stable.²

As quickly as new prisons and jails are being built, they are being filled; and the incarceration of individuals absorbs monies which could be spent on preventative programs. During the decade of the 1980's California voters approved \$6.2 billion in bond issues for new prison construction, yet California's prisons are substantially more overcrowded today than they were a decade ago. In that same period, while the budget for Corrections has averaged 20% per year, the increases for Education and Health and Welfare have been 8%. At 180% of capacity, the California Department of Corrections stands as the most overcrowded prison system in the country, despite what Senator Robert Presley, Chair of the Joint Committee on Prison Construction and Operations described as the "largest prison construction program ever attempted by any governmental entity". The prospect for the future is equally alarming. The majority of those involved with the criminal justice system are young - between the ages of 20 and 29 - creating the probability of a vicious cycle of growth in prison populations and costs if alternative measures are not taken soon.

¹ *Criminal Justice Newsletter*, "Officials Aim to 'Fill the Gap' Between Probation and Prison". Volume 21, Number 18, Sage Publications, Washington D.C.; September 17, 1990

² Blue Ribbon Commission on Inmate Population Management, *Final Report*, January 1990.

Furthermore, the criminal justice system maintains a radically disproportionate racial population. A study done by Marc Mauer, Assistant Director of the Sentencing Project, showed that almost one in four African American men in the 20-29 age group is involved in the criminal justice system.³ These figures heighten the urgency for action, and greatly increase the danger of a cycle of growth in incarceration rates for African American men. These concerns are addressed in the present report, which is modeled after Mauer's study, but focuses exclusively on the system in California. Disturbingly, the racial disproportion within California is found to be considerably worse.

Population Breakdown within the California Criminal Justice System

Currently an average of 45% of the criminal justice system population within California is composed of males between the ages of 20 and 29. This same population bracket represents only 8% of California's overall population. Using information obtained from the Bureau of Criminal Statistics and Special Services, the Department of Corrections, the California Youth Authority, the Department of Finance, and the Census Bureau, it was possible to further segment the population of the California criminal justice system by race, sex, and age. The following is a breakdown by ethnicity of males between the ages of 20-29 who are currently under the control of the criminal justice system:

- One of every three African American males between 20 and 29 in California is under the control of the criminal justice system. This represents 33.2 % of that population bracket. The national study done by Mauer showed one of every four African American men in the same age group under the control of the criminal justice system nationwide (23% of the population).⁴ Additionally, a study performed by the Correctional Association replicated Mr. Mauer's findings in New York, and found that an identical 23% of the African American men between the ages of 20 - 29 were under to control of New York's criminal justice system.
- One of every eleven Latino males between 20 and 29 is under the control of the criminal justice system, representing 9.4% of that population bracket.
- One of every 19 white males between 20 and 29 is involved with the criminal justice system in California. This represents 5.4% of the California state

³ Marc Mauer, Young Black Men and the Criminal Justice System: A Growing National Problem, The Sentencing Project, February 1990. p. 2.

⁴ Mauer, p 2.

population. This figure represents a smaller percentage of white males in the California system than in the nation overall. Mauer's study showed that one in 16 white males in the 20 to 29 age group was under the control of the criminal justice system, representing 6.2% of the population group.⁵

- One of every twenty-nine males of other ethnic backgrounds is involved in the criminal justice system, representing 3.5% of this population category in the state of California. Data was not available to obtain a more specific breakdown of this group.

The data for prisons, probation, and parole was taken from information collected on December 31, 1989. Jail information was obtained from reports filed June 30, 1988. The California Youth Authority data was current as of October 26, 1990. As a result the figures may slightly underestimate the problem, since jail populations have continued to grow each year.

Policy Implications

With so many of their young men under the supervision of the criminal justice system, African Americans are facing harsh prospects for the future. Figures such as those given above enforce racist attitudes within society, creating a poor public image of young African American men. Furthermore, the institutionalization of young African American males in their most productive years perpetuates poverty among the African American culture and gives these young men an "education" in the prison subculture. With such a great number of African American men involved in the criminal justice system, few are left in the work force to support their families.

In January of 1990, the Blue Ribbon Commission on Inmate Population Management issued its final report to the Governor and the Legislature. Stating that California's criminal justice system is "out of balance" - relying too heavily on expensive and debilitating incarceration on the one hand, and underfunded and ineffective probation on the other - the Commission recommended that the state expand and fund a continuum of intermediate punishment and treatment options. These options range from drug treatment, to victim restitution and reconciliation programs, to community service, to intensive supervision. In recommending these programs, the Commission, a majority of whose members were appointed by Governor Deukmejian, noted that "paramount emphasis should be placed on those areas that will significantly lessen the numerical impact on prison and jail populations".

⁵ Mauer, p 2.

The Commission's report, coupled with the disturbing findings of this study, suggest a variety of strategies for immediate implementation to redress some of the inequities evidenced herein:

- A moratorium on the passage of bond issues and the additional construction of prison and jail facilities until the recommendations contained in the Commission's report have been fully implemented and their impact realized.
- Passage of a comprehensive Community Corrections Act, as recommended by the Blue Ribbon Commission on Inmate Population Management, designed to fund a wide array of community correctional programs by utilizing funds that would otherwise be used to construct and fund prisons and jails.
- The immediate establishment of a Sentencing Review Commission, as called for by the Blue Ribbon Commission. The Sentencing Review Commission should be charged with the task of restructuring California's Sentencing System to assure equity in sentencing; to maintain the prison population at or under current capacity; and to integrate the continuum of options into a rational sentencing system.
- The reallocation of priorities in the state budget process such that Corrections ceases to consume an ever increasing portion of the General Fund at the expense of Education and Health and Welfare. The Blue Ribbon Commission noted that dollars spent on prevention of crime hold the greatest promise for making all Californian's safer.

Conclusion

The 1977 Determinate Sentencing Law was passed in an effort to achieve fairness and parity in sentencing in California. Thirteen years later, we have a system loaded down with African American men in the prime of their lives, a finding with disturbing implications not only for the future of these youth, but for the equity and integrity of California's system of justice. A multi-faceted approach is clearly required if California is to redress this terrible problem. This approach must include shifting resources from the "deep end" of the system to education, health and welfare programs, and entitlements which are designed to prevent rather than react to crime.

Methodology

All data on prisons, jail, probation, and parole were available through the Department of Corrections, the California Youth Authority, the Bureau of Justice Statistics, and the Bureau of Criminal Statistics. The Department of Finance had information on the general population in California, based on calculated estimations of growth since the 1980 census.

The Department of Corrections provided information on the prison population taken from a report entitled "Characteristics of Population in California State Prisons By Institution", from December 31, 1989. This report had information by sex, age, and race. Department of Corrections also had information on people under parole supervision for which an age and race breakdown was available. The Bureau of Justice Statistics in Washington D.C. was able to provide information on the incarcerated jail population in California as of June 30, 1988. Only a breakdown of sex and race was available. The Bureau of Criminal Statistics provided information on the current active probation caseload as of December 31, 1989.

Where information was not available by a sex, age, or race breakdown, ratios from other criminal justice populations the data provided was used to form ratios of the expected breakdown. For example, the information on sex and race given from the prison, jail, and parole data was used to develop an approximated average of that population group (White males 28%; African American males 29.7%; Latino males 28.0%; "other" males 3.5%). The same method was used to develop a ratio for the estimated population within the 20-29 year old age group.

TABLE 1

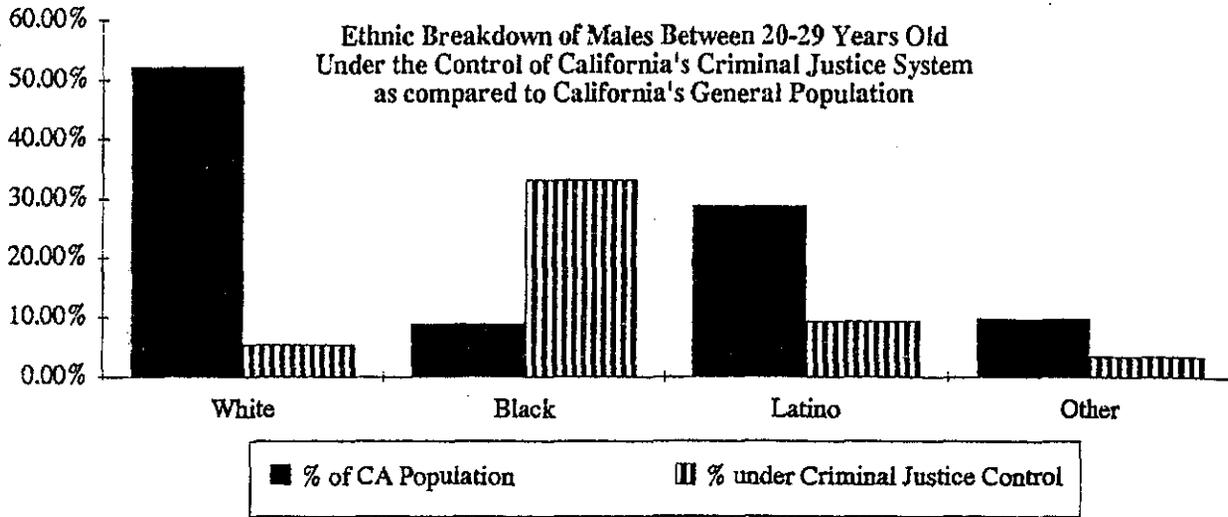


TABLE 2

**CRIMINAL JUSTICE CONTROL RATES
MALES IN CALIFORNIA AGES 20 - 29**

	CYA	Prisons	Jails	Probation	Parole	Total	Criminal Justice Control Rate
White	583	11,332	9,040	37,066	6,798	64,819	5.40%
African American	1,012	13,837	7,038	38,093	7,576	67,556	33.20%
Latino	799	10,512	8,827	35,912	6,820	62,870	9.40%
Other	102	1,785	552	4,489	1,022	7,950	3.50%
Total						<u>203,195</u>	<u>6.60%</u>