



— CREATING —
AN
EQUITABLE
FUTURE
IN WASHINGTON STATE

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BLACK WELL-BEING & BEYOND



CRIMINAL JUSTICE

Strong communities depend on trust. When people feel confident that they are protected and have the opportunity to live, work, and play without the fear of violence, harassment, or discrimination, stronger bonds form within communities.

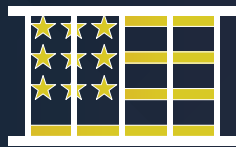
The criminal justice system is responsible for protecting neighborhoods and building trust, but there is perhaps no other institution more devastating to Black children, families, and communities today. The United States has the highest incarceration rate in the world—there are more than two million people in U.S. prisons. Of these, a staggering 38 percent are Black men and women.⁶⁰

Importantly, trends in incarceration and racial disproportionality in the criminal justice system cannot be explained by greater criminal activity or higher rates of crime within the Black community. On the contrary, a recent review of research conducted by the *Task Force on Race in the Criminal Justice System* concluded that “race and racial bias affect outcomes in [Washington state’s] criminal justice system and matter in ways that are not fair, that increase disparity in incarceration rates, that do not advance legitimate public safety objectives, and that undermine public confidence in our criminal justice system.”⁶¹

While racial bias has been present in our criminal justice system throughout history, the most recent wave of racially biased laws has resulted in such widespread incarceration of Black people that the period from 1980 to today has been referred to as “the new Jim Crow.”⁶² Exacerbating these trends are several recent high-profile killings of Black men by police—most recently Michael Brown in Ferguson, Missouri, and Eric Garner in New York City, among many others—that have elevated racial tensions between law enforcement and the Black community across the country, deepening mistrust and reigniting a nationwide conversation about race and racial bias in the criminal justice system.

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The United States incarcerates its population at a higher rate than anywhere else in the world, even though it has a marginal effect on reducing crime. The prison population in Washington state increased more than 300 percent between 1980 and 2011.



“THERE IS A PROBLEM IN [WASHINGTON STATE’S] CRIMINAL JUSTICE SYSTEM ... PUT SIMPLY, WE HAVE FOUND DISPARITY AND MISTRUST. TOGETHER WE MUST FIX IT FOR THE SAKE OF OUR DEMOCRACY.”

Task Force on Race in the Criminal Justice System

18%

In Washington state, the share of Black people in prison (18 percent) is four times higher than their share in the state population.

OBSTACLES TO EQUITY IN THE CRIMINAL JUSTICE SYSTEM

If we want communities throughout Washington state to be places where people truly feel protected and trust local law enforcement, a deeper understanding of the disproportionate involvement of Black people in the criminal justice system is needed.

A weak relationship between declining crime and rising incarceration. The total crime rate in Washington state has been declining for the last two decades, decreasing from 60 per 1,000 people in 1994 to 40 per 1,000 people in 2013.⁶³ The violent crime rate has been declining as well, dropping by more than half (54 percent) during the same period.⁶⁴ Some policymakers have speculated that increases in incarceration are the major reason crime is declining, but the reality is more complicated. The impact of incarceration varies widely depending on the time frame and geographic location analyzed, suggesting other factors are largely at play.⁶⁵ For example, one study found that 25 percent of the drop in crime rates in the 1990s can be attributed to the increase in incarceration; the remainder is due to other factors, including the strong economy of the 1990s, the waning crack epidemic, and successful community-led efforts to address crime.⁶⁶ Given the extraordinary toll of incarceration on society generally, but for the Black community especially, a discussion of reversing trends in incarceration is needed.

The long shadow of the War on Drugs. In Washington state the prison population increased 300 percent between 1980 and 2011. Much of this rise began in the 1980s as the Reagan administration launched the War on Drugs, which escalated the policing, arrests, and conviction of drug offenders on a much larger scale than previously seen. Even though rates of overall drug use among Black people are similar to their peers,⁶⁷ a combination of greater policing in Black neighborhoods and the targeting of drugs sold in public—especially crack cocaine—contributed to disproportionate arrests of Black drug offenders.⁶⁸ Greater poverty within the Black community left drug offenders with limited resources to navigate the criminal justice system, and harsher sentencing policies for crack cocaine—the only drug Black people were more likely to use than their peers—resulted in an unprecedented and disproportionate number of Black people being sent to prison. In Washington state, one study found that Black drug offenders were 62 percent more likely to be sentenced to prison than white drug offenders with similar circumstances.⁶⁹ Another study, based in Seattle, found that racial disparities in drug arrests were being driven by police targeting crack cocaine to the exclusion of almost all other drugs, even though powder cocaine and ecstasy—more popular among white drug users—are more prevalent in the city.⁷⁰

The Fair Sentencing Act of 2010 reduced disproportionate sentencing for drug crimes in Washington state, but the legacy of the War on Drugs still casts a long shadow on the Black community. Defendants of color in Washington

state—regardless of age and especially if they are Black—experience harsher sentencing than white people for most crimes, even when their backgrounds and circumstances are similar.⁷¹

Violence, trust, and transparency between law enforcement and the Black community. The events in Ferguson, Missouri, and New York City have renewed efforts to collect and publish data on what many Black people believe an all-too-common occurrence in their communities: racially charged and violent experiences with police. In Washington state, statewide data needed to systematically evaluate whether use of force by police is happening disproportionately in the Black community does not yet exist. However, an investigation of the Seattle Police Department (SPD) conducted by the U.S. Department of Justice found “a pattern or practice of constitutional violations regarding the use of force that result from structural problems, as well as serious concerns about biased policing.”⁷²

In the wake of the Michael Brown and Eric Garner tragedies, many news outlets⁷³ have attempted to uncover data on the use of force by police for cities across the country,⁷⁴ to no avail. The SPD investigation, in addition to others across the country, suggests the trend is widespread and pervasive, reinforcing the need for more transparency, and better data to deepen our understanding of police practices in the Black community.

MAKING PROGRESS ON EQUITY IN THE CRIMINAL JUSTICE SYSTEM: KEY GAPS TO CLOSE

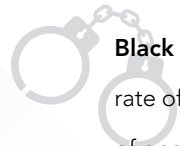
The collateral damage of mass incarceration affects the economic security, health, and civic engagement of entire communities. If current trends continue, one in three Black men and one in 18 Black women in the United States will spend some time in prison, removing a critical mass of workers, parents, brothers, sisters, friends, and voters from the Black community. Nearly two million children in the United States currently have a parent in prison, many of whom struggle to maintain relationships with their incarcerated parents, face more economic hardship than their peers, and struggle in school. Use of excessive force and violence in the Black community will only serve to further undermine trust between the community and law enforcement.

IN WASHINGTON STATE:



Black adults have a rate of incarceration five times higher than the state average.

The rate of incarceration for Black adults is 33 per 1,000, compared to the statewide rate of six per 1,000.⁷⁵



Black children are detained at a rate four times higher than the state average. The rate of juvenile detention is four per 1,000 for Black children, compared to the state rate of one per 1,000.⁷⁶

DIALOGUE FOR AN EQUITABLE FUTURE

Black Washingtonians cannot make progress without policies and programs that reduce disparities in the criminal justice system, support families most affected by mass incarceration, and reduce violence within and against the Black community while building greater trust with law enforcement. Below are a set of questions policymakers should explore with the Black community to promote greater equity in the criminal justice system.

1. In what ways do higher incarceration rates among Black people in Washington state affect the Black community as a whole?
2. Given the high incarceration rates among Black men, what unique circumstances do women and children with an incarcerated family member face? What unique needs do children with an incarcerated parent have? How can policies or programs help address the needs of families with an incarcerated relative?
3. What are the contributing factors to higher rates of juvenile detention for Black youth? How can state policies and programs better meet the needs of Black youth to keep them out of the criminal justice system?
4. How do sentencing policies and practices in Washington state contribute to disparities in incarceration? Are there changes to sentencing policy that could reduce racial and ethnic disparities in the criminal justice system?
5. Are there innovative ways that law enforcement can work with the Black community to reduce racial bias and rebuild trust? In what ways can we support prisoners, particularly if they are non-violent, in re-entering their communities and rejoining their families?
6. How can we build greater diversity within the police force?
7. Can we improve data collection efforts so they are culturally competent and adequately evaluate racial biases in the criminal justice system?

