

Reducing Racial Inequality in Crime and Justice: Science, Practice and Policy

Criminal Justice Policies to Reduce Racial Inequality

The National Academies of Sciences, Engineering, and Medicine convened an expert committee to review and assess existing evidence on racial differences in crime and criminal justice involvement and make evidence-driven policy and research recommendations to reduce racial disparities in the criminal justice system. The expert committee authored the report, *Reducing Racial Inequality in Crime and Justice: Science, Practice and Policy*, a comprehensive study to understand how racial inequality is perpetuated by the criminal justice system and interacts with broader societal forces, and what should be done about it.

The committee concluded that policymakers do not have to choose between public safety and racial equity because many of the policies designed to address racial inequalities also make communities safer. Instead, the committee identified two evidence-informed approaches designed to reduce racial inequities and advance public safety: (1) implementing policy reform at every stage of the criminal justice system itself—from policing and courts to corrections, and community supervision; and (2) investing in community-based and social reforms that improve public space, reduce neighborhood inequality, and alleviate concentrated poverty.

Large racial and ethnic disparities exist across the several stages of criminal legal processing, including in arrests, pre-trial detention, and sentencing and incarceration, among others, with Black and Native Americans experiencing the worst outcomes. Notably, recent trends show a decline in the racial disparity in incarceration,

and the absolute size of the total correctional population (including prison, jail, probation, and parole) has shrunk in the 12 years from 2008 to 2020. Still, large racial disparities in criminal justice involvement remain and are extremely high in some jurisdictions.

To begin to address these inequalities and mitigate disparities, leaders must coordinate reforms across all stages of the criminal justice system on the local, state, and federal levels. Criminal justice reforms that reduce the scale of police stops and prison admissions, the duration of long sentences, and the duration and intensity of community supervision have been shown to produce large reductions in crime, victimization, and criminal justice involvement in communities of color.

REDUCING RACIAL INEQUALITY ADVANCES PUBLIC SAFETY

Empirical evidence on racial disparity and crime trends suggests no inherent trade-off between reducing racial and ethnic inequalities and improving public safety. In fact, research shows that efforts to reduce racial inequalities in the criminal justice system can help increase public safety and reduce both crime and violence. A wide variety of measures—such as bans on unconstitutional policing and incarceration, sentencing reform for drug offenses, bail reform, and reductions in the intensity and duration of community corrections supervision—have reduced the overall level of criminal justice contact, incarceration, and community supervision.

POLICY DECISION-MAKING PRINCIPLES

The report outlines a series of guiding principles that decision-makers can use as they consider public policy approaches to reducing racial inequalities in the criminal justice system:

- 1. Reckoning and Reconciliation:** Criminal justice policies and reforms should be informed by an understanding of the harms perpetrated by the system against specific racial and ethnic groups.
- 2. Participation, Accountability, and Transparency:** Efforts to reduce racial inequalities in the justice system should include public participation and accountability, as well as transparent data collection and evaluation methods. Above all, these efforts need to be accountable to the communities they serve.
- 3. Impacted Community Voices:** Communities that are disproportionately harmed by racial inequality in the criminal justice system need to be partners in knowledge generation and implementation of policy solutions.
- 4. One size does not fit all:** Communities themselves have multifaceted needs, diverse perspectives, and unique contexts, and thus, policymakers must work with communities to understand these differences across jurisdictions and communities and take them into account when considering public policy solutions.

Most of all, policymakers should not only address the racial inequalities that exist within the criminal justice system—they must tackle the enduring social inequalities that the criminal justice system both reflects and expands. Eliminating racial inequalities in crime and justice will require: (1) policy reforms to the criminal justice system itself—reforms to law enforcement, courts, incarceration, corrections, and community supervision; and (2) social policy innovations outside the criminal justice system to support community-led efforts to increase safety as well as policy reforms to address racial inequality at the neighborhood level and within adjacent social policy institutions.

CRIMINAL JUSTICE POLICY RECOMMENDATIONS

The following measures have been found to greatly reduce absolute racial disparities, with little evidence across specific cases of any adverse effect on crime. States, localities, and the federal government should explore ways to reduce police stops and searches, jail detention, prison admissions, and long sentences that would further reduce racial disparities.

Police Interactions, Arrests, and Pre-Trial Detention:

Racial disparities at each stage of the criminal justice system compound across the process, creating even greater racial inequality. Therefore, when recognizing that Black, Latino, and Native individuals are disproportionately stopped by police, arrested, and jailed under pretrial detention, it becomes clear that reforming the earliest stages of the criminal process is crucial to lessen racial inequalities throughout the entire system.

- Reduce police stops and searches, jail detention, and prison admissions.
- Reduce police response to non-violent behavior and mental health-related incidents.
- Limit jail detention to only those charged with serious crimes who pose a serious and immediate risk of harm or flight.
- Remove fine and fee revenue and budget motivations, which currently incentivize distorted and excessive fine, fee, citation, and sanction enforcement activity.
- Eliminate cash bail and replace it with an actuarial system where detention depends on risk of pretrial misconduct.
- Invest in the fostering and scale of local innovation and evaluation, including community violence intervention and harm reduction efforts.
- Invest in alternative interventions aimed at reducing violence, criminal justice contact, and harm; improving victim restoration, community relations, and cross-system coordination with non-criminal-justice agencies; and addressing unmet needs.

Prosecution and Sentencing: Reforms to prosecutorial decision processes and judicial sentencing—including, but not limited to, reducing the convictions that yield incarceration, decreasing sentence lengths, and removing enhancements—can greatly shrink racial inequalities in the criminal justice system, without adverse effects on crime.

- Reform sentencing policy to reduce prison admission rates.
- Reduce long sentences, such as by ending three-strike enhancements, severely limiting the application of life without parole sentences, and establishing second-look provisions, which offer procedures for review after sentencing.
- Reevaluate which crimes warrant long sentences and reevaluate the cases of those that are currently serving long sentences.
- Enact drug reform policies, including the defelonization and decriminalization of certain drug offenses and sentencing reductions.
- Eliminate the death penalty.

Incarceration and Post-Detention: Reducing the overall scale and scope of criminal justice involvement and incarceration is a foremost strategy to reduce racial inequalities within the criminal justice system. Due to the much larger presence of the criminal justice system in all its forms in communities of color, such policy changes would produce the largest reductions among Black, Latino, and Native American populations.

- Reduce the incarceration of individuals under community supervision, especially for technical violations.
- Reduce the use, intensity, and duration of community supervision, such as probation and parole.
- Limit the discretion to revoke parole or probation.

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FOR MORE INFORMATION

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To read the full report, please visit <http://www.nationalacademies.org/reducing-racial-inequality>

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