

## **Racial Disparities in MS Criminal Justice System Initial Literature Review**

In her ground breaking book, The New Jim Crow: Mass Incarceration in the Age of Colorblindness<sup>1</sup>, author Michelle Alexander examines the affect of mass incarceration and being labeled a felon on the African American community in the United States. Specifically, Alexander explains how she reluctantly came to the conclusion that the mass incarceration of African Americans, especially men, for drug crimes has created a new undercaste or invisible group of citizens. Alexander states, “mass incarceration operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race” (Alexander, 2010 p. 13).

Alexander demonstrates that African Americans are disproportionately jailed on allegedly “colorblind” felony drug crimes. After these men and women complete their sentence, they find it difficult to successfully transition back into the community based, in large part, on a myriad of laws that effectively keep those titled “felons” denied access to the basic necessities of life, such as jobs, housing, healthcare, and voting. Alexander examines drug laws, police discretion, legal “mis”representation, judicial discretion, mandatory sentencing laws, rules, regulations, and customs that deny those labeled felons reintegration into the economy and society.

So, how does Alexander’s theory play out in Mississippi? Have a look at the numbers, and you decide.

- 72.4% of the United States population is White; 12.6% is African American; 16.3% is Hispanic or Latino origin.
- At midyear 2010, according to the Bureau of Justice statistics, Whites represented 44% of all jail inmates; African Americans, 38%; Hispanics, 16%
- 59.1% of Mississippi’s population is White; 37% is African American; and 2.7% is Hispanic or Latino origin.
- According to the Mississippi Department of Corrections June 30, 2010 Annual Report, 66.27% of Mississippi’s inmate population is African American; 32.73% is White; .74 % Hispanic.
- Of the 2,821 men serving time for selling drugs, 2,434 were African American; 374 were White, a difference of 2,060; and 51 were Hispanic
- Of the 3,269 males serving time for possession of drugs, 1,899 were African American; 1,315 were White; 9 were Hispanic.

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<sup>1</sup> Alexander, Michelle. The New Jim Crow: Mass Incarceration in the Age of Colorblindness. New York: New York Press, 2009.

- According to a study conducted by the National Strategic Planning & Analysis Research Center (nSPARC) at Mississippi State and released in February 2010, MDOC recidivism rate was 30% in 2007; 50% of those returning to prison, returned within the first year.

Clearly, most of the work that needs to be done to correct the problems as stated by Michelle Alexander has to be done within the criminal justice system. Laws must be reformed, law enforcement policies and practices must be reformed, and sentencing guidelines must be reformed; so too, must laws that allow the denial of life essentials, such as housing, healthcare, employment, and voting rights.

What can the Mississippi business community do to help alleviate the problem? The business community can employ those who have paid their debt to society and help them reintegrate into the economy and society. How? First, employers can learn to look beyond the “F” word- felony. All felonies *are not* created equal. Employers must resist the urge to automatically deny employment to those who have been convicted of a crime and take the time to explore the nature of a conviction before discarding an application. Many states are considering participating in a campaign called “Ban the Box” that prohibits employers from asking questions about potential employee’s conviction status during the initial stages of the employment process. Massachusetts, Connecticut and New Mexico prohibit public employers from asking about the criminal history of jobseekers on initial applications. By enacting these laws, these states are giving applicants a chance to advance to stages of the employment process that will allow them to explain their convictions, thereby increasing their chances of gaining employment.

Employers can also form partnerships with organizations that assist those being released from prison find gainful employment. One example of this type of program is the Prisoner Re-Entry Program at the West Jackson Community Development Corporation. The WJCDC recently received a \$300,000 grant from the US Department of Justice, through the Second Chance Act, to fund the program. The WJCDC is partnering with the Mississippi Department of Corrections to screen and train program participants. Those selected to participate will also receive mentors who will follow and assist them for six months. Essentially, this program does the leg work for employers and helps ensure the employer hires a qualified and dependable employee. It is a fact that those who leave the criminal justice system with stable employment are less likely to return. Employers interested in participating in this program should contact Tracy Thomas at the WJCDC 601-352-6993. Similar programs are also offered by Fresh Start of Jackson, Karen Quay 601-960-0335. You may also contact the Mississippi Department of Corrections for a list of programs in your area.

-End Report-

ADDITIONAL INFORMATION  
AND SOURCES

**Mississippi Department of Correction 2010 Annual Report**  
**Mississippi Prison Facts to Consider**

- ❖ African Americans make up 38% of Mississippi's population.
- ❖ However, according to the 2010 MDOC Annual Report, 66% of Mississippi's prisoners are African American, 32.73% are white and .74% are Hispanic.
- ❖ Of the 5,873 serving a sentence of 6-10 years 3,979 are African American and 1,819 are White.
- ❖ The greatest racial disparity occurs among male prisoners serving time for the sale of drugs. Of the 2,821 men serving time for selling drugs 2,434 were African American and 374 were White, a difference of 2,060.
- ❖ Of the 3,269 males serving time for possession of drugs, 1,899 were African American and 1,315 were White.
- ❖ The average sentence for possession of drugs was 7.93 years. The average sentence or Sale of Drugs was 11.65 years. Those convicted of the Sale of Drugs served 3.72 more years than those convicted of Possession of Drugs.
- ❖ Among male prisoners serving time for Homicide/Manslaughter 1,861 are African American and 595 are White. A difference of 1,266.
- ❖ The average sentence for Homicide/Manslaughter was 37.84 years.

## Mid-Year 2010 Bureau of Justice Statistics

At midyear, 2010—

- About 61% of all jail inmates were awaiting court action or had not been convicted of their current charge, up from 56% in 2000.
- In 2010, almost 9 out of 10 jail inmates were adult males.
- At midyear 2010, whites represented 44% of all jail inmates; blacks, 38%; and Hispanics, 16%. These percentages have remained nearly stable since midyear 2005.

**Table 6. Characteristics of inmates in local jails, midyear 2000 and 2005-2010**

Characteristic	Number of inmates						
	2000	2005	2006	2007	2008 <sup>a</sup>	2009 <sup>a</sup>	2010
<b>Total</b>	621,149	747,529	765,819	780,174	785,536	767,434	748,728
<b>Gender</b>							
<b>Male</b>	550,162	652,958	666,819	679,654	685,865	673,728	656,360
<b>Female</b>	70,987	94,571	99,000	100,520	99,670	93,706	92,368
<b>Adults</b>	613,534	740,770	759,717	773,341	777,832	760,216	741,168
<b>Male</b>	543,120	646,807	661,164	673,346	678,660	667,039	649,284
<b>Female</b>	70,414	93,963	98,552	99,995	99,172	93,176	91,884
<b>Juveniles<sup>b</sup></b>	7,615	6,759	6,102	6,833	7,703	7,218	7,560
<b>Held as adults<sup>c</sup></b>	6,126	5,750	4,835	5,649	6,410	5,846	5,647
<b>Held as juveniles</b>	1,489	1,009	1,268	1,184	1,294	1,373	1,912
<b>Race/Hispanic origin<sup>d</sup></b>							
<b>White<sup>e</sup></b>	260,500	331,000	336,500	338,200	333,300	326,400	331,600
<b>Black/African American<sup>e</sup></b>	256,300	290,500	295,900	301,700	308,000	300,500	283,200
<b>Hispanic/Latino</b>	94,100	111,900	119,200	125,500	128,500	124,000	118,100
<b>Other<sup>e,f</sup></b>	10,200	13,000	13,500	13,900	14,000	14,800	15,000
<b>Two or more races<sup>e</sup></b>	...	1,000	700	800	1,300	1,800	800

Note: Detail may not sum to total due to rounding.

...Not collected.

<sup>a</sup>Based on revised data from selected jail jurisdictions for the number of inmates confined at midyear 2008 and 2009. See Methodology in [Jail Inmates at Midyear 2010 - Statistical Tables](#) for a description of revised data.

<sup>b</sup>Juveniles are persons under the age of 18 at midyear.

<sup>c</sup>Includes juveniles who were tried or awaiting trial as adults.

<sup>d</sup>Estimates are based on reported data adjusted for nonresponse.

<sup>e</sup>Excludes persons of Hispanic or Latino origin.

<sup>f</sup>Includes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific

## Islanders.

Appendix table 16a. Estimated number of sentenced prisoners under state jurisdiction, by offense, sex, race, and Hispanic origin, yearend 2006

	All inmates	Male	Female	White <sup>a</sup>	Black <sup>a</sup>	Hispanic
<b>Total</b>	1,331,100	1,238,900	92,200	474,200	508,700	248,900
<b>Violent offenses</b>	693,400	661,600	31,800	234,200	272,000	134,300
<b>Murder<sup>b</sup></b>	168,600	158,200	10,200	51,200	69,900	32,500
<b>Manslaughter</b>	16,100	14,200	1,600	4,900	6,200	3,900
<b>Rape</b>	65,800	65,300	500	31,700	22,000	7,700
<b>Other sexual assault</b>	93,600	92,500	1,300	52,100	18,700	19,200
<b>Robbery</b>	178,900	171,600	7,500	38,700	92,900	31,200
<b>Assault</b>	133,900	125,500	7,800	41,800	49,200	32,700
<b>Other violent</b>	37,100	34,400	2,800	13,700	13,100	7,300
<b>Property offenses</b>	258,200	230,700	27,500	119,900	80,400	40,700
<b>Burglary</b>	126,100	119,800	6,000	55,800	42,100	20,000
<b>Larceny</b>	49,500	41,900	7,800	22,700	16,500	6,400
<b>Motor vehicle theft</b>	22,700	21,000	1,600	9,100	5,000	7,800
<b>Fraud</b>	33,600	23,700	9,800	18,500	9,500	2,700
<b>Other property</b>	26,400	24,400	2,200	13,500	7,300	4,000
<b>Drug offenses</b>	264,300	238,600	26,200	71,700	118,300	53,600
<b>Public order offenses<sup>c</sup></b>	101,300	95,700	5,500	43,700	32,300	18,800
<b>Other/unspecified<sup>d</sup></b>	13,300	12,300	1,200	4,900	5,600	1,600
Note: Totals based on prisoners with a sentence of more than 1 year. Detail may not add to total due to rounding. See Methodology for estimation method.						
<sup>a</sup> Excludes Hispanics and persons identifying two or more races.						
<sup>b</sup> Includes negligent manslaughter.						
<sup>c</sup> Includes weapons, drunk driving, court offenses, commercialized vice, morals and decency offenses, liquor law violations, and other public-order offenses.						
<sup>d</sup> Includes juvenile offenses and other unspecified offense categories.						

## Books for Review

Milovanovic, Dragan and Kathryn K. Russell. Petit Apartheid in the U.S. Criminal Justice System. Durham: Carolina Press, 2001.

Cole, David. No Equal Justice, New York: The New Press, 1999.

Miller, Jerome. Search and Destroy: African American Males in the Criminal Justice System. New York: Cambridge University Press, 1996.

Alexander, Michelle. The New Jim Crow: Mass Incarceration in the Age of Colorblindness. New York: New Pres, 2009.

## Websites

- [http://www.sentencingproject.org/doc/publications/rd\\_mmhousetestimonyonRD.pdf](http://www.sentencingproject.org/doc/publications/rd_mmhousetestimonyonRD.pdf)
- [http://www.sentencingproject.org/doc/publications/rd\\_reducingracialdisparity.pdf](http://www.sentencingproject.org/doc/publications/rd_reducingracialdisparity.pdf)
- [www.aclu-ms.org](http://www.aclu-ms.org) – Mississippi ACLU
- <http://www.aclu.org/prisoners-rights/numbers-game-vicious-cycle-incarceration-mississippi-criminal-justice-syste>
- [www.sentencingproject.org](http://www.sentencingproject.org)

[http://judiciary.house.gov/hearings/printers/111th/111-78\\_53093.PDF](http://judiciary.house.gov/hearings/printers/111th/111-78_53093.PDF) Transcript of hearing on Racial Disparities in the Criminal Justice System before the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary House of Representatives


<http://www.youtube.com/watch?v=IgM5NAq6cGI> Michelle Alexander explaining the New Jim Crow

[http://www.law.seattleu.edu/Documents/korematsu/race%20and%20criminal%20justice/preliminary%20report\\_report\\_march\\_1\\_2011\\_public\\_cover.pdf](http://www.law.seattleu.edu/Documents/korematsu/race%20and%20criminal%20justice/preliminary%20report_report_march_1_2011_public_cover.pdf) Initial findings of task force created after 2 judges on State Supreme Court declared that African Americans were disproportionately represented in criminal justice system because they committed more crimes.

<http://www.mdoc.state.ms.us/>- Mississippi Department of Corrections Statistics

<http://bjs.ojp.usdoj.gov/>- State and Federal Statistics Bureau of Justice

# The “Ban The Box” Movement Scores Victories

Posted By [The Editors](#) | September 7th, 2010 | Category: [Criminal Justice](#) | [6 comments](#)  [Print This Post](#)

By **Kenneth J. Cooper**

So far this year three states have passed laws to help ex-offenders land jobs. But because the changes in anti-discrimination statutes impact the back end of incarceration, they don't wring any of the rampant racial unfairness out of the criminal justice system.

The laws in Massachusetts, Connecticut and New Mexico prohibit public employers from asking about the criminal history of jobseekers on initial applications. Massachusetts has gone a step further and slapped the ban on private employers as well.



Of course, employers in those states can still inquire about “priors,” arrests and convictions, when they interview the strongest candidates for openings. Studies have shown, however, that ex-offenders stand a much better chance of getting hired if they reach that stage, when they can explain their past problems with the law in person.

If the new laws to “ban the box,” the catchy slogan coined by advocates, have their intended effect, former lawbreakers won't be the only beneficiaries. State residents would benefit from enhanced public safety and reduced expenditures for incarceration. Studies have consistently shown that ex-offenders who find jobs are less likely to commit more crimes and return to prison or jail.

Nationally, the recidivism rate approaches 70 percent. The three states with the new laws appear already to have achieved lower rates—40 percent in Massachusetts, 47 percent in New Mexico and 56 percent in Connecticut—although those figures from different studies may not be directly comparable to each other or the national rate.

About 40 percent of the nation's prison population of 2 million is African American. Between 600,000 and 700,000 inmates are released every year across the country. Their employment prospects are not good, particularly for young black men, according to a study done in Milwaukee earlier this decade.



In that study, Devah Pager, now a Princeton University sociologist, sent college-age white men and black men with similar qualifications out to apply for entry-level jobs, rotating which posed as former offenders. When the black applications tagged themselves with a criminal record, they received less than a third as many callbacks than white applicants playing the same role did. Employers' perception of young black men as crime-prone was found to be so strong that when the black applicants indicated they had no criminal record, they received no more callbacks than white applicants who did.

Wisconsin does not have a "ban the box" law, but it does have a statute that provides relatively strong protection for ex-offenders against blanket job discrimination. Pager has noted the apparent persistence of discrimination despite the law's intent.

The legislative movement to prohibit employers from initially asking about criminal histories and automatically screening out ex-offenders is gaining momentum.

Back in 1998, Hawaii imposed the first ban. The law was so uncontroversial in that diverse, liberal state that final passage at the close of a legislative session did not rate its own headline in the Honolulu Star-Bulletin. It took a while for the idea to penetrate the mainland.

About six years ago, ex-offenders formed an organization in Oakland, Calif. called All of Us or None, which adopted banning the box as one of its nationwide initiatives.

Minnesota responded with passage of a law in 2009. Massachusetts, Connecticut and New Mexico bring the number of states with ban-the-box laws to five. Similar legislation is pending in Nebraska, New Jersey and Rhode Island.

Hawaii is the only state with long enough experience with the law to measure its impact on the employment and recidivism of ex-offenders. Curiously, such a study has not been done, according to the National Employment Law Project. Hawaii's ban, as in Massachusetts, applies to public and private employers, unless other state or federal laws require such background checks. They are the only states where the law is so broad.

About two dozen cities or counties have imposed a ban on their own governments, including Baltimore, Memphis and San Francisco. Minneapolis did in 2006, three years before Minnesota passed a state law. An evaluation of the city's policy found that hiring of applicants whose background checks revealed a potential problem rose to 60 percent, way up from less than 6 percent previously.

So banning the box should improve the employment prospects of newly-released inmates in the three states that have just adopted the law, reducing the damage to chances to live lawfully productive lives after what is often a single, youthful mistake that involves drugs but no violence.

But the nation and each of its 50 states, working together with community organizations, need to do much more keep youths, particularly young black men from getting entangled in the criminal justice system in the first place and to treat more fairly those who do by offering appropriate

alternatives to incarceration and abandoning false, unspoken assumptions about their supposed inherent criminality.

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Clarion Ledger, May 28, 2011.

Prison, home, prison.

It's the revolving door of young males entering the corrections system, coming out and then going back.

About a third of offenders return to prison after their release, according to the Mississippi Department of Corrections.

The nonprofit West Jackson Community Development Corp. hopes to provide the support needed to stop the cycle for at least 40 ex-offenders in the Jackson metro area.

A \$300,000 grant from the U.S. Department of Justice will give the organization the financial backing for its second chance re-entry program.

West Jackson CDC will work in conjunction with MDOC to identify former offenders, ages 18 to 34, to receive help with education, housing and job replacement.

"We know those offenders who leave our custody with a place to live and strong support systems have a much higher likelihood of staying out," state Corrections Commissioner Chris Epps said.

Epps said the recidivism rate is the highest the first year of release.

Three months before offenders are released, mentors will begin working with them. The former inmates will be chosen from Walnut Grove Youth Correctional Facility, the South Mississippi Correctional Institution in Greene County, and the Central Mississippi Correctional Facility in Pearl.

"The Second Chance Act grant is a significant step in helping our effort to address successful community reintegration for offenders as they transition back into the Jackson community," West Jackson CDC Executive Director Linda Carter said in a news release announcing the program.

For some, the two-year program will be coordinated with the \$1.1 million YouthBuild grant West Jackson CDC was awarded in March from the U.S. Department of Labor, Carter said.

The grant is part of \$30.7 million the Labor Department awarded for its YouthBuild program, which prepares youth for careers through hands-on construction training, and high school completion and General Educational Development programs.

West Jackson was the sole Mississippi agency to receive funding, the department said.

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West Jackson CDC's YouthBuild is for ages 16-24 and allows participants to earn GEDs, gain job skills and serve the community by building affordable housing.

Participants work with contractors and subcontractors for affordable housing. Carter said YouthBuild participants are working on six homes in west Jackson.

YouthBuild participants are paid a maximum \$300 stipend every two weeks.

The former inmates who qualify for the second chance re-entry program will be used in the YouthBuild program to gain job skills, Carter said. The YouthBuild program isn't new for West Jackson CDC, but the inmate program is.

Carter said a person has been hired to run the second chance program, and mentors are being identified to work with the former offenders. About 100 volunteers will be recruited to be mentors.

**To comment on this story, call Jimmie E. Gates at (601) 961-7212.**

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