

# **Race and Criminal Justice in Monroe County, Indiana: A Long-Range Perspective**

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## Executive Summary

Citizens have sought Monroe County incarceration data for various years from 1997 through 2017. Volunteers tracked individual cases from the 1997 and 2000 jail bookings. Public officials reported data in the aggregate for 2011, 2013, and 2017. This report gathers together the information for the five years studied to offer a long-range perspective on racial justice.

**Blacks were far more likely to be incarcerated than would be expected by their population as Monroe County residents in each of the five years studied since 1997.** This disparity may or may not be due to racial bias.

Incarceration Data	Blacks as % of Total	Blacks as % of County Population	Disparity = (% of Total) / (% of County Population)
2017 Jail Population	15.7%	3.6%	4.4
2017 Prison Population	27.0%	3.6%	7.5
2013 Jail Population	13.3%	3.4%	3.9
2011 Jail Population	13.1%	3.4%	3.8
2000 Jail Bookings	9.5%	3.0%	3.2
1997 Jail Bookings	10.74%	3.0%	3.6

**Relative incarceration periods by race were variable in the five years examined since 1997.**

Incarceration Data	Blacks	Whites
2017 Jail; Average length of stay	11 days	13 days
2017 Prison; Average sentence of those incarcerated	19 years	23 years
2013 Jail; Average length of stay	30 days	17 days
2011 Jail; Average length of stay	30 days	14 days
2000 Bookings; Average executed sentence - misdemeanors & D felonies	114 days	46 days
1997 Bookings; Average executed sentence - misdemeanors & D felonies	34 days	59 days

The detailed data gathered for 2000 and 1997 allowed some insights into possible sources of disparity. The more recent aggregate reporting provided by public officials offers few such insights. **The Monroe County Criminal Justice System, particularly the courts and prosecutor, should publish detailed data in a format that can be easily analyzed by the public.** The Summary and Recommendations section of this report makes specific data requests, such as: circumstances leading to arrests, re-arrests while charges are pending, Pretrial Diversion Program outcomes, prior charges, executed portions of sentences, and probation outcomes.

Pretrial Diversion Program (PDP) data shows disparity in filings for marijuana and theft charges, as discussed in the Summary and Recommendations section. PDP materials make participation seem dependent on ability to pay. Three policy changes should be implemented in 2019:

- **PDP must be available without respect to ability to pay and advertised as such.**
- **No misdemeanor marijuana-related charges should be pursued.**
- **Merchants should be encouraged to adopt race-neutral, randomized surveillance systems.**

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# 1 Introduction

This report reviews 2017 incarceration data provided by various entities in the Monroe County Indiana Criminal Justice System and the Indiana Department of Corrections (DOC) in the context of historical data dating back to 1997. This report particularly addresses racial disparities adversely affecting Blacks, that is, areas where Blacks are over-represented in criminal cases pursued or in sentencing outcomes. It makes recommendations that, if adopted, should help identify and potentially reduce disparities in the future.

Earlier reports on Race and Criminal Justice in Monroe County produced in 2001 (based on bookings in 1997 and early 1998) and 2003 (based on bookings in 2000) used data collected by volunteers who followed individual cases through the system. Aggregated incarceration statistics provided by public officials in response to citizen requests have been used for the years 2011, 2013, and 2017.

Readers are encouraged to review the 2003 report produced by the Monroe County Racial Justice Task Force, which discusses the impact and possible causes of racial disparity in the criminal justice system that remain relevant today. Furthermore, the 2003 report offers important insights gained through a finer-grained examination of the data—insights that should be kept in mind when interpreting the aggregated data presented in this report.

It is hoped that calling attention to ongoing disparities and encouraging adoption of the proposed recommendations will bring us closer to the goal of understanding and reducing racial disparities, and to eliminating any that are rooted in racial bias. Demonstrable progress toward this goal should result in increased trust and safety for the community as a whole.

## 2 Data Sources and Limitations

### 2.1 Data Sources

Monroe County incarceration and pretrial diversion program statistics for calendar year 2017 were provided by the Monroe County Circuit Court ([Appendix A](#)), the Indiana Department of Corrections ([Appendix B](#)), and the Monroe County Prosecutor's Office ([Appendix C](#)). Monroe County Jail incarceration reports for calendar years 2013 ([Appendix D](#)) and 2011 ([Appendix E](#)) were provided by the Monroe County Sheriff's Office.

Earlier data was extracted from the 2003 Monroe County Racial Justice Task Force's report, based on bookings in 2000 ([Appendix F](#)), and the 2001 NAACP-UU report, based on bookings in 1997 and early 1998 ([Appendix G](#)).

The U. S. Census Bureau Monroe County, Indiana race and Hispanic origin population demographics for 2017 ([Appendix H](#)), 2012 ([Appendix I](#)), and 2000 ([Appendix J](#)) were used in analysis of the criminal justice data to determine whether racial and ethnic disparities were present.

Each Appendix has a corresponding Exhibit that provides: (1) additional information about the source of the data, (2) notes related to the data, and (3) data extracted from the original source

shown in the Appendix and presented in a summarized or re-formatted manner. In some cases, the Exhibit will also include (4) additional statistics calculated from the data provided. The report body usually references the Exhibits, which in turn reference the Appendices.

## **2.2 Data Limitations**

To a large extent, this report relies on data in aggregate, as provided by various entities of the Monroe County Indiana Criminal Justice System in response to citizen requests. Data for 2017, 2013, and 2011 summarize information for a given time period, typically indicating average length of stay and inmate count.

Resource constraints dictated that there was no attempt to follow individual cases through various parts of the justice system, to identify initial complainants, to identify the booking charge (other than as provided in the Pretrial Diversion Program data), to report booking charge versus prosecutor charge, to account for individuals with multiple bookings, to report charges dropped, to consider length of incarceration based on type of crime or prior booking in Monroe County, to investigate type of counsel, to look at number of days sentenced /suspended /executed, to identify time held while awaiting trial, or to investigate outliers with long sentences that may skew the average. The 2003 report ([Exhibit F](#)) reviewed all of these factors and showed their importance in examining racial disparities. The 2001 report ([Exhibit G](#)) followed individual cases and examined a subset of the factors listed. All of these factors (and others) would ideally be taken into consideration when investigating disparity and should be kept in mind when considering the aggregated data used in this report.

The details regarding accuracy, computation of averages, and rounding for the source data found in the Appendices is unknown. Statistical data (e.g., averages, percentages) computed from the source data has been rounded in some cases prior to display in the Exhibits and report body. Some source data has also been rounded (e.g., to full days instead of fractions) in the report.

The demographic categorization with respect to race and ethnicity is not entirely consistent across reporting agencies and over time. Readers with concerns in this area are encouraged to consult the Exhibits and Appendices to fully understand the basis for the values used in the report.

## **3 Number of People Incarcerated, by Race**

One area of potential disparity is an overrepresentation of Blacks and other minorities under the control of the criminal justice system compared to their percentage of the overall population in Monroe County.

This section presents demographic information from different criminal justice entities over a range of years and examines it in the context of the US Census Bureau population demographics for Monroe County.

### **3.1 Data**

### 3.1.1 2017 Monroe County Correctional Center (Jail)

Monroe County Circuit Court information ([Exhibit A](#)) shows jail population by demographic during 2017. The percentages by demographic were computed from that information:

*Figure 1: 2017 Jail Inmate Demographics*

Demographic	Percent of Inmates
White Non-Hispanic	77.1%
Black Non-Hispanic	15.7%
Hispanic	3.3%
Other	4.0%

### 3.1.2 2017 Department of Corrections

The Department of Corrections (DOC) incarceration information ([Exhibit B](#)) shows average number incarcerated from Monroe County in DOC facilities during 2017 by demographic. The percentages by demographic were computed from those counts:

*Figure 2: 2017 DOC Inmate Demographics*

Demographic	Percentage
White	71.6%
Black	27.0%
Hispanic	0.4%
Multiple Races, not Hispanic	0.8%
Asian	0.3%
Unknown	0.3%

### 3.1.3 2017 Prosecutor's Office Pretrial Diversion Program Filings (PDP)

The Prosecutor's Office provided Pretrial Diversion Program (PDP) filings information ([Exhibit C](#)) shows counts of participants by charge and by race for cases filed in 2017. The percentages by charge by racial demographic were computed from those counts:

**Figure 3: 2017 PDP Filings by Charge Demographics**

Charge	2017 Filings by Race as % of Total			
	White	Black	Other	Total
Alcohol	88.2%	3.8%	8.0%	100.0%
Marijuana	74.2%	15.3%	10.4%	100.0%
Other Drug	90.3%	6.5%	3.2%	100.0%
Theft/Conversion	71.1%	15.8%	13.2%	100.0%
Criminal Mischief/Trespass	86.4%	9.1%	4.5%	100.0%
Disorderly Conduct	88.5%	3.8%	7.7%	100.0%
False Informing / Fake ID	89.4%	5.8%	4.8%	100.0%
All Charges	85.1%	6.9%	8.0%	100.0%

### 3.1.4 2013 Monroe County Jail

The Sheriff’s Office jail report ([Exhibit D](#)) shows the inmate count by racial demographic during 2013. The percentages by racial demographic were computed from those counts:

**Figure 4: 2013 Jail Inmate Demographics**

Race	Percent of all Inmates
White	82.4%
Black	13.3%
Indian	0.2%
Asian	1.0%
Unknown	3.1%
All	100.0%

### 3.1.5 2011 Monroe County Jail

The Sheriff’s Office jail report ([Exhibit E](#)) shows the inmate count by racial demographic during 2011. The percentages by racial demographic were computed from those counts:

**Figure 5: 2011 Jail Inmate Demographics**

Race	Percent of all Inmates
White	82.7%
Black	13.1%
Indian	0.1%
Asian	0.6%
Unknown	3.4%
All	100.0%



### 3.1.6 2000 Jail Booking Data, from 2003 Report

The 2003 report from the Monroe County Racial Justice Task Force ([Exhibit F](#)) includes the jail booking count for the year 2000. The percentages of bookings by racial demographic were computed from that data:

*Figure 6: 2000 Jail Booking Demographics*

Race	Percent of all bookings
White	85.7%
Black	9.5%
Other	4.8%
All	100.0%

### 3.1.7 1997+ Jail Booking Data, from 2001 report

The 2001 report from the NAACP and UU Church ([Exhibit G](#)) includes the jail booking count for all of 1997 and the first 6 weeks of 1998 (hence the 1997+ year designation). The percentages of bookings by racial demographic (Black/not Black) were computed from that data:

*Figure 7: 1997+ Jail Booking Demographics*

Race	Percent of all bookings
Black	10.7%
not Black	89.3%
All	100.0%

### 3.1.8 Monroe County Population Demographics

The U. S. Census Bureau population estimates for Monroe County as of July 1, 2017 ([Exhibit H](#)) show the following demographic makeup:

*Figure 8: 2017 Monroe County Population Demographics*

Race and Hispanic Origin	Percent of Total Population
White alone	86.4%
Black or African American alone	3.6%
Hispanic or Latino	3.5%

The Black population percentages for 2013 and 2011 are not readily available, so the 2012 Population Estimates by Race and Hispanic Origin ([Exhibit I](#))—captured for an earlier study—were used in this report to look at racial disparity in the 2013 and 2011 criminal justice data sets.

**Figure 9: 2012 Monroe County Population Demographics (used for 2011, 2013)**

Race and Hispanic Origin	Percent of Total Population
White alone	88.2%
Black alone	3.4%
Hispanic or Latino	3.1%

The 2010 Census data shows the *One Race, Black or African American* demographic to be 3.3% of the total Monroe County population, indicating the decision to use 3.4% for 2011 and 2013 is reasonable. (See

[https://factfinder.census.gov/bkmk/table/1.0/en/DEC/10\\_SF1/QTP3/0500000US18105.](https://factfinder.census.gov/bkmk/table/1.0/en/DEC/10_SF1/QTP3/0500000US18105.))

The U. S. Census Bureau’s 2000 Census data for Monroe County ([Exhibit J](#)) shows the following demographic makeup:

**Figure 10: 2000 Monroe County Population Demographics**

Race and Hispanic Origin	Percent of Total Population
White alone	90.8%
Black or African American alone	3.0%
Hispanic or Latino	1.9%

The 2000 demographic data was used in this report to look at racial disparity in the 2000 and 1997+ criminal justice data sets.

### **3.2 Discussion**

The data received from all entities in the Monroe County Criminal Justice System shows racial disparity; Blacks were greatly overrepresented in the system in comparison to their percentage of the overall population of Monroe County. As discussed in the 2003 report ([Appendix F](#)), there can be many causes other than racial bias for the overrepresentation. That said, the disparity in several areas is very large and raises serious concerns.

The table in Figure 11 summarizes the percentage of Blacks in the various criminal justice system data sets and shows the calculated disparity of over-representation in each based on their percentage of the total Monroe County population.

**Figure 11: Disparity in Criminal Justice System**

Data	Blacks as % of Total	Blacks as % of Monroe County Population	Disparity = (Blacks as % of Total) / (Blacks as % of Monroe County)
2017 Jail Population	15.7%	3.6%	4.36
2017 DOC Prison Population	27.0%	3.6%	7.50
2017 PDP Filings - all	6.9%	3.6%	1.92
2017 PDP Filings - marijuana	15.3%	3.6%	4.25
2017 PDP Filings - theft/conversion	15.8%	3.6%	4.39
2013 Jail Population	13.3%	3.4% <sup>1</sup>	3.91
2011 Jail Population	13.1%	3.4% <sup>1</sup>	3.85
2000 Jail Bookings	9.5%	3.0%	3.16
1997+ Jail Bookings	10.74%	3.0% <sup>2</sup>	3.58

Looking at the disparities in Figure 11, Blacks were vastly overrepresented in the criminal justice system data for 2017, 2013, and 2011, 2000, and 1997+. **The historical consistency emphasizes the seriousness of this long-standing disparity.**

1. The 2017 DOC Prison disparity of 7.50 is the highest for any data set. This data reflects sentences going back for years, not just inmates sentenced in 2017. Presumably, most of the DOC inmates were sentenced prior to 2017. It would be valuable to review data for DOC inmates sentenced in a given year, as opposed to all inmates in the DOC system, to look for current trends.
2. The 2017 Jail disparity of 4.36 is higher than the 2013 (3.91) and 2011 (3.85) disparities. While all are troubling, the increase raises special concern.
3. *“The Pretrial Diversion Program (PDP) is offered at the discretion of the Monroe County Prosecutor’s Office to defendants without significant prior criminal records who have been charged with certain minor offenses.”*<sup>3</sup> Blacks were 6.9% of the total 2017 PDP filings, which approaches twice the population percentage, but which is considerably less than the 2017 jail population percentage for Blacks of 15.7%. A key finding from the 2003 report for bookings in 2000, as highlighted by the blue box in [Appendix F](#), was “Blacks were only one-third as likely as Whites to be eligible for or enroll in the pretrial diversion program (7.7 percent vs. 26.1 percent).” The data provided for 2017 does not give information about the PDP participation rate as a percentage of

<sup>1</sup> From 2012 Population Demographics

<sup>2</sup> From 2000 Population Demographics

<sup>3</sup> <http://www.monroeprosecutor.us/criminal-justice/pretrial-diversion-program/>

total bookings during the period, but using the jail population percentage as a proxy, it appears that Blacks may continue to be under-represented in their PDP participation.

4. The PDP participants with misdemeanor charges related to marijuana possession and theft/conversion were disproportionately Black (disparities of 4.25 and 4.39). No information was available on the number or demographics of marijuana or theft/conversion charges outside of the PDP participants. Without information on the number of charges for these offenses, it is impossible to know for sure if Blacks are also charged at a disproportionately high rate. Absent this information, the extremely high levels of disparity for these charges remain particularly disconcerting.

## 4 Length of Incarceration, by Race

Another area of potential racial disparity is length of incarceration or sentence. This section presents information from different criminal justice entities over a range of years.

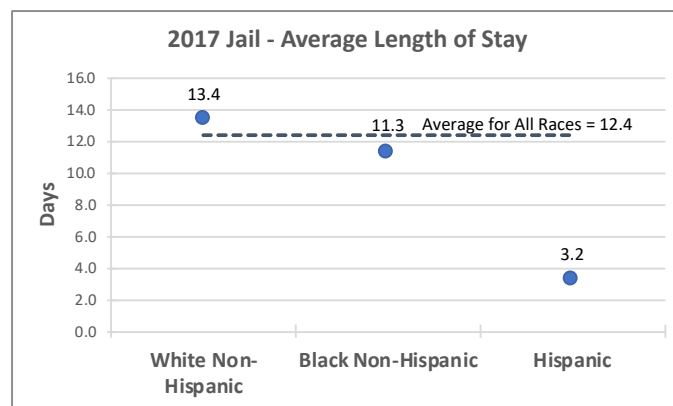
### 4.1 Data

#### 4.1.1 2017 Monroe County Correctional Center (Jail)

Monroe County Circuit Court information ([Exhibit A](#)) shows average length of stay in jail during 2017:

**Figure 12: 2017 Jail Average Length of Stay**

Demographic	Average Length of Stay
All inmates	12 days 9 hours
White Non-Hispanic	13 days 9 hours
Black Non-Hispanic	11 days 8 hours
Hispanic	3 days 5 hours

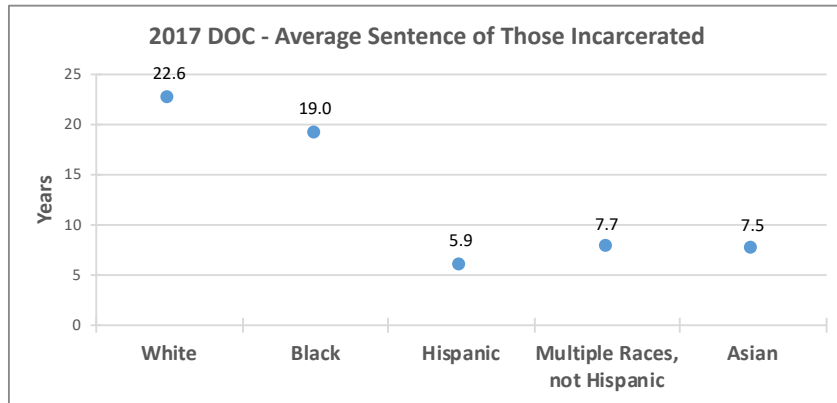


#### 4.1.2 2017 Department of Corrections

The Department of Corrections (DOC) incarceration information ([Exhibit B](#)) shows average sentence of those incarcerated in prison from Monroe County in 2017:

**Figure 13: 2017 DOC Average Sentence of Inmates**

Demographic	Average Sentence
White	22.6 years
Black	19.0 years
Hispanic	5.9 years
Multiple Races, not Hispanic	7.7 years
Asian	7.5 years

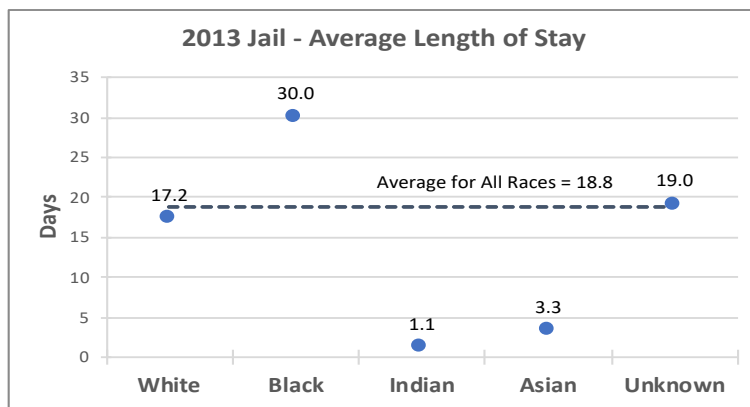


### 4.1.3 2013 Monroe County Jail

The Sheriff's Office jail report ([Exhibit D](#)) shows the average length of stay in jail during 2013:

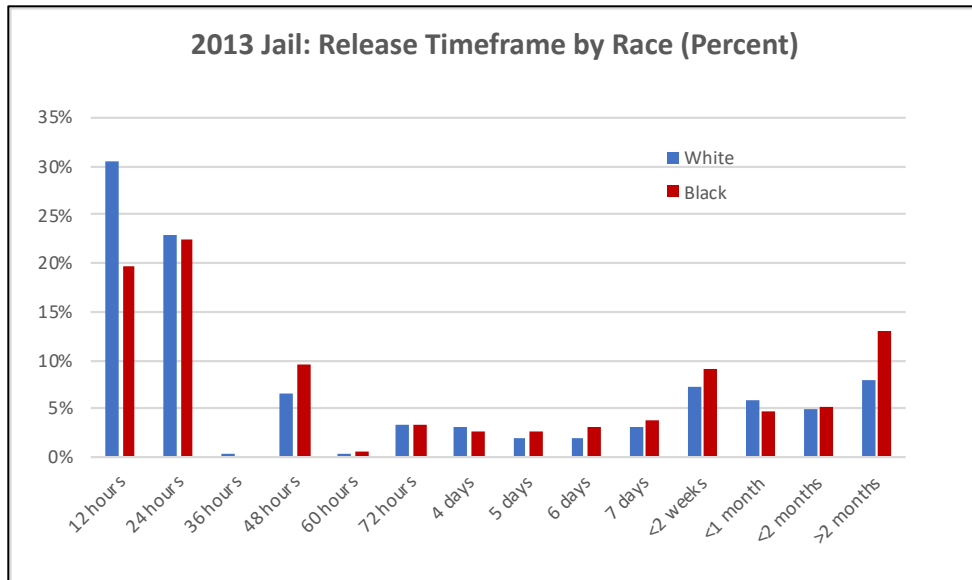
**Figure 14: 2013 Jail Average Length of Stay**

Race	Average Length of Stay
All	18.8 days
White	17.2 days
Black	30.0 days
Indian	1.1 days
Asian	3.3 days
Unknown	19.0 days



The Sheriff's Office report was also used to calculate the percentage of Black and White inmates released within reported timeframes. Those percentages for each timeframe are shown:

**Figure 15: 2013 Jail - Release Timeframe by Race (percent)**

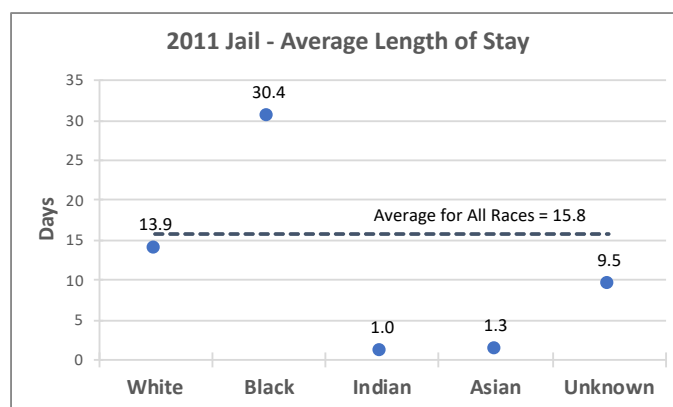


#### 4.1.4 2011 Monroe County Jail

The Sheriff's Office jail report ([Exhibit E](#)) shows the average length of stay in jail during 2011:

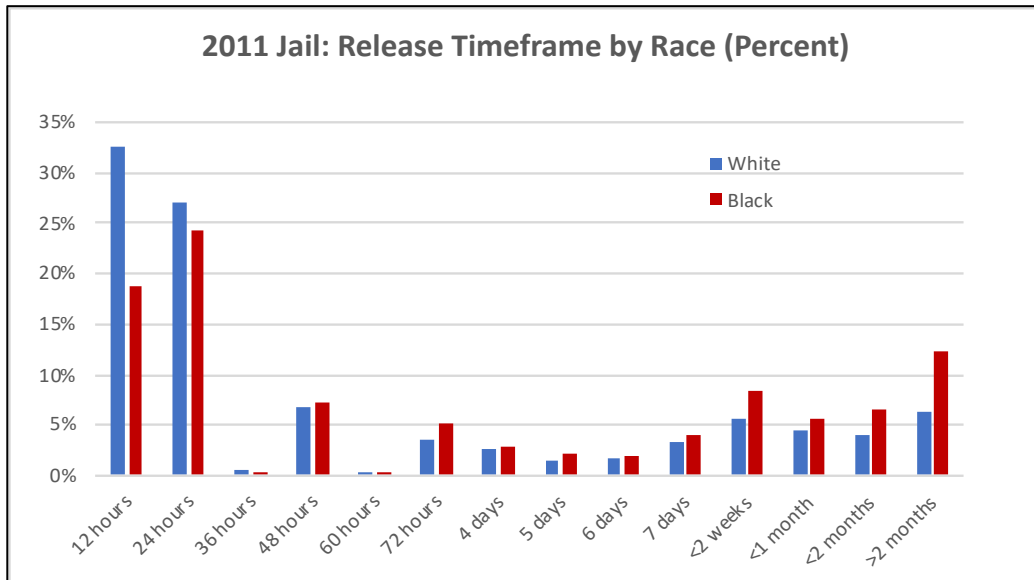
**Figure 16: 2011 Jail Average Length of Stay**

Race	Average Length of Stay
All	15.8 days
White	13.9 days
Black	30.4 days
Indian	1.0 days
Asian	1.3 days
Unknown	9.5 days



The Sheriff's Office report was also used to calculate the percentage of Black and White inmates released within reported timeframes. Those percentages for each timeframe are shown:

**Figure 17: 2011 Jail - Release Timeframe by Race (percent)**



#### 4.1.5 2000 Sentencing Data, from 2003 Report

The 2003 report from the Monroe County Racial Justice Task Force ([Exhibit F](#)) includes the mean (average) and median sentences for various types of charges for the year 2000.

Because of the small number of women, the comparison addressed only male bookings. Information regarding prior records was not available to review in the sentencing analysis, but sentencing data was reported separately for those with and without prior bookings in the Monroe County Jail for some types of charges.

The following table shows the average days of executed sentence (number of days sentenced to incarceration less the number of days suspended from that sentence) for various charges for the cases studied in detail from the jail bookings for 2000. Statistics for both races and for aggregated charges were calculated (see Exhibit F) and are also shown in the table.

Figure 18: 2000 Bookings - Average Days of Executed Sentence

Charge / Prior Booking in Monroe County Jail	Black Males		White Males		Both Black and White Males	
	Count	Average Sentence	Count	Average Sentence	Count	Average Sentence
Misdemeanor with no prior booking	20	36 days	55	5 days	75	13 days
Misdemeanor with prior booking	36	46 days	28	26 days	64	37 days
D felony with no prior booking	9	191 days	8	84 days	17	141 days
D felony with prior booking	16	323 days	21	165 days	37	233 days
C felony	12	555 days	4	580 days	16	561 days
A & B felony including 75 yr sentence	9	3,296 days	5	1,430 days	14	2,629 days
A & B felony not including 75 yr sentence	8	638 days	5	1,430 days	13	943 days
All Crimes including 75 yr sentence	102	447 days	121	120 days	223	270 days
All Crimes not including 75 yr sentence	101	208 days	121	120 days	222	160 days
Misdemeanor and D felony	81	114 days	112	46 days	193	74 days



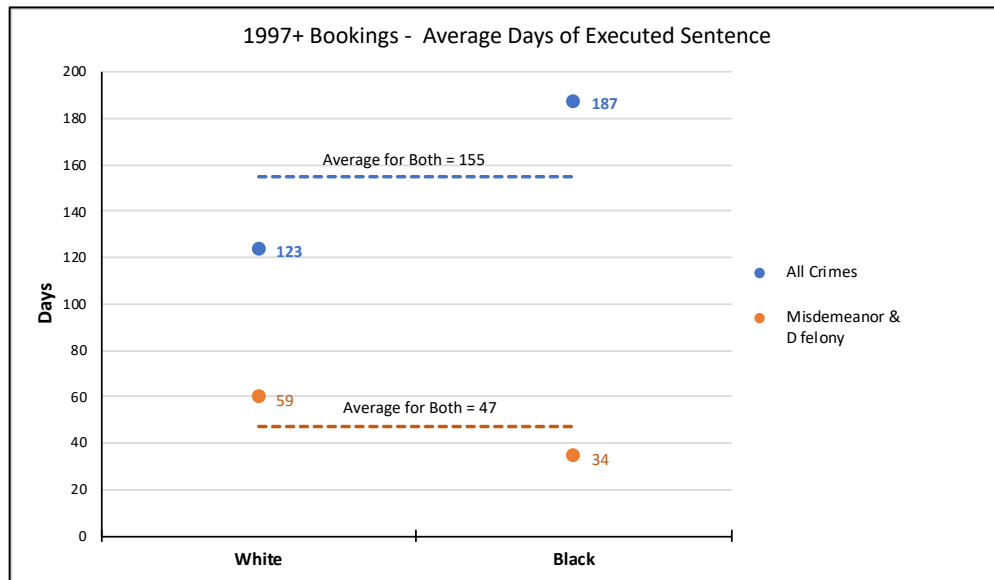


#### 4.1.6 1997+ Sentencing Data, from 2001 Report

The 2001 report from the NAACP and UU Church ([Exhibit G](#)) includes the average executed sentence length overall and by class of crime for the 361 cases studied in detail from the jail bookings for all of 1997 and the first 6 weeks of 1998 (hence the 1997+ year designation). Statistics for both races and for aggregated misdemeanor and D felony charges were calculated (see Exhibit G) and are also shown in the following table.

**Figure 19: 1997+ Bookings - Average Days of Executed Sentence**

Class of Crime	Blacks		Whites		Both Blacks and Whites	
	Count	Average Sentence	Count	Average Sentence	Count	Average Sentence
Misdemeanor	120	9 days	123	23 days	243	16 days
D felony	35	119 days	41	168 days	76	145 days
C felony	9	138 days	13	442 days	22	318 days
B felony	8	1,524 days	3	1,948 days	11	1,640 days
A felony	7	2,111 days	2	549 days	9	1,764 days
All Crimes	179	187 days	182	123 days	361	155 days
Misdemeanor and D felony	155	34 days	164	59 days	319	47 days



## 4.2 Discussion

The 2017 data sources (Figure 12 and Figure 13) show that Black jail days and DOC inmate sentences were shorter than those for Whites.

In contrast, data from 2013 and 2011 (Figure 14 and Figure 16) shows that the average length of stay in jail was considerably longer for Blacks than for Whites. Looking at the release timeframe

by race for 2013 and 2011 (Figure 15 and Figure 17), a much larger percentage of Whites than Blacks were released within 12 hours. And, a much smaller percentage of Whites than Blacks were in jail for more than 2 months. Without additional information, such as percentage released on bond by race, or charge by race, it is impossible to understand the reasons for the disparities.

The data from 2000 (Figure 18) shows that Blacks had considerably longer average executed sentences than Whites for misdemeanors and Class D felonies—with and without prior bookings. The 2003 report cautioned that a small number of outlier cases can skew averages (means) and also examined medians for that reason. The report concluded that “Blacks served more incarcerated time than Whites in most categories of offenses, when looking at both mean and median days of executed sentence” (see [Exhibit F](#)). The 2003 report also found that Blacks had longer pretrial detention periods than Whites (average of 7.7 days vs. 2.8 days for misdemeanors and 40 days vs. 24.6 days for felonies).

The data from 2000 (Figure 18) for A and B felonies provides a concrete reminder that caution must be exercised when drawing conclusions from aggregated data. That year a Black male received a 75-year sentence, with the next longest sentence being 14 years. With the 75-year sentence included in the analysis for the A and B felonies, the average executed sentence for Blacks was 3296 days and for Whites was 1430 days. Excluding the 75-year sentence, the average sentence for Blacks was 638 days. Even in the larger context of all crimes, including the 75-year sentence raised the average executed sentence for Blacks to 447 days in contrast to 208 days with that sentence excluded. This example clearly demonstrates the need for detailed data on a per-case basis.

The data from 1997+ (Figure 19) shows that Blacks had longer average executed sentences than Whites when all classes of crimes were considered together. However, Blacks had shorter average executed sentences than Whites for misdemeanors, Class D felonies, Class C felonies, and Class B felonies, and the study found no bias against Blacks in sentencing. The 1997+ data also highlights the dangers of relying solely on aggregated data to draw conclusions.

The table in Figure 20 summarizes the average length of stay and average sentence information presented in detail in the previous sections; the longer period for each dataset appears in bold font. Data from the bookings in 2000 and 1997 plus the first six weeks of 1998 were restricted to Misdemeanor and D felony charges—the most numerous.

**Figure 20: Length of Incarceration, by Race**

Incarceration Data	Blacks	Whites
2017 Jail Average Length of Stay	11.3 days	<b>13.4 days</b>
2017 DOC Prison Average Sentence	19.0 years	<b>22.6 years</b>
2013 Jail Average Length of Stay	<b>30.0 days</b>	17.2 days
2011 Jail Average Length of Stay	<b>30.4 days</b>	13.9 days
2000 Bookings; Executed Sentence for Misdemeanors and D felonies	<b>114 days</b>	46 days
1997+ Bookings; Executed Sentence for Misdemeanors and D felonies	34 days	<b>59 days</b>

While the 2017 jail days and DOC prison inmate average sentence data certainly seems to be good news in terms of racial disparity, it is important to consider more than aggregated information over the course of multiple years to have confidence that no racial disparity exists.

## 5 Summary and Recommendations

### 5.1 Summary

**In 2017 Blacks were dramatically overrepresented in the Monroe County jail, the Department of Corrections prisons, and the Pretrial Diversion Program filings for marijuana and theft/conversion charges. Similar troubling levels of disparity were found in all prior years examined as far back as 1997.**

Despite enormous advances in technology supporting the collection and analysis of data during this 21-year timeframe, the causes of the disparities remain uncertain. In fact, the 2017 aggregate data in this report is less well-understood than the 1997 data that was the basis of the 2000 report.

**The average length of stay in jail was shorter for Blacks than Whites in 2017—a change from three of the four prior years examined going back to 1997.**

A possible explanation is the Monroe County Pretrial Release Pilot Project, which had its first full year of operation in 2017. This program allows defendants who are unable to raise bond to spend less time in jail and potentially has had a beneficial impact on racial justice in Monroe County. Of course, other factors might also be at play and it is important to see if this good news continues, especially in light of the challenges inherent in evaluating aggregated data.

**As long as disparities continue, and their causes are not identified, the perception of racial bias—by the criminal justice system and by the community at large (for example, in complaints by the public or merchants)—will persist.** This perception causes dangerous divisions that need to be healed. Adoption of the following recommendations would be a step forward in that healing process.

### 5.2 Recommendations for Law Enforcement Policy Changes in 2019

#### 5.2.1 The PDP program should be available without respect to ability to pay.

The PDP website says: “*Costs and fees must be paid in full before you may sign a PDP Agreement or complete any other requirements toward PDP.*” See:

<http://www.monroeprosecutor.us/criminal-justice/pretrial-diversion-program/program-terms/>

The opportunity to avoid a PDP-eligible criminal conviction should not be dependent on ability to pay, and the Prosecutor has stated that an application for a fee waiver is available if someone cannot afford to pay the fees.

The fee waiver option should be made clear in all program information and at every stage of contact with defendants concerning the program. Furthermore, the Prosecutor's office should share information about who approves the applications, the criteria used, and the application and approval rate broken down by demographics.

### **5.2.2 Misdemeanor marijuana charges should not be pursued.**

There is a widespread perception that marijuana charges are not supposed to be a substantial priority of law enforcement in Monroe County. Yet, in 2017 over 120 overwhelmingly young people ([Exhibit C](#)) had PDP filings for marijuana charges and a highly disproportionate number of them were Black. No information was available on the number or demographics of marijuana charges outside of the PDP participants.

A marijuana charge is often the “gateway arrest” that underlies harsher treatment if a later offense is alleged. The substantial overrepresentation of Blacks among those charged with marijuana offense in the PDP filings sets the stage for magnified inequities down the road.

No part of the Monroe County Criminal Justice System should pursue misdemeanor marijuana charges and no public resources should be used to enforce those laws.

### **5.2.3 Shoplifting should be investigated by merchants in a race-neutral manner.**

Blacks are disproportionately prosecuted for shoplifting (theft and conversion), based on PDP filings data for 2017. Countless anecdotal accounts by Black citizens detail routine targeting of this group by store security personnel. This heightened surveillance behavior may result from bias—conscious or unconscious. To reduce the role of any such bias, merchants should adopt randomized surveillance practices that do not discriminate against Blacks or other population groups.

A cooperating merchant might assess the total percentage of shoppers targeted for individual surveillance on an average day. If that number is 1%, then as shoppers enter the store a randomizing system would identify 1% of the customers who would be targeted for surveillance, removing the potential for human bias from the target selection process. Programs could be tailored to each store's circumstances.

## **5.3 Potential Future Probation Policy Change**

Probation is an expensive, disruptive, and time-consuming process for the defendant and the county. The 2003 RJTF study found substantial racial disparity in probation violations, with Blacks 1.5 times more likely than Whites to be booked for a probation violation (9.5% vs. 6%). Refer to the red arrow labelled “F2” in [Appendix F](#) for details. Booking data studied since 2003

has not included booking charges, so the current situation with respect to racial disparity and probations violations is not known.

It is suggested that disparities might be reduced by not routinely demanding a full year of probation, but instead ending probation when specific conditions have been met, such as paying restitution or completing community service. This proposed change would save time and money for defendants and reduce the case load for probation officers. While this policy change is not being requested at this time, the hope is that data being sought might shed light on the impact of such a change if it were to be adopted in the future. A pertinent report gives strong backing to this policy change:

<https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/executive-session-on-community-corrections/publications/less-is-more-how-reducing-probation-populations-can-improve-outcomes>.

#### **5.4 Recommendations for Data Collection, Analyses, and Reporting to begin in 2019**

Moving forward, the Monroe County Criminal Justice System should take full advantage of modern data collection and analysis technologies to understand the demographics of those involved in all aspects of the criminal justice system. The data and analyses, in detail and in aggregate, should be published electronically on an ongoing basis to allow members of the community to identify trends and to take informed action. Transparency builds trust and regular reporting makes it feasible to gauge the impact of various interventions.

Quoting from page 3 of the 2003 Monroe County Racial Justice Task Force:

Addressing racial disparity in the criminal justice system is entirely consistent with a commitment to public safety and to a fair system of justice. If unwarranted racial disparities can be reduced, the justice system will gain credibility and serve a more effective role in preventing and responding to crime.

A critical mechanism for identifying unwarranted racial disparities, if they exist, is through data collection and reporting. For example, using the detailed data extracted by volunteers from over 1,000 files that were maintained by the Prosecutor's Office, the 2003 RJTF report found that the disparate arrests of Blacks in 2000 did not appear to be the result of racial profiling by police. The determination was made that 37% of Black bookings, compared to 25% of White bookings, were for reasons other than for commission of a new crime, while Blacks were 33% less likely than Whites to be arrested and booked through officer-initiated arrests (Executive Summary, [Appendix F](#)). Teasing out such subtleties is critical to understanding racial disparities.

Insights gained from detailed data can quiet rumors, identify unwarranted disparities, and provide metrics to assess the impact of programs such as the Pretrial Release Pilot Project Program—not just for racial minorities—but for all charged.

**The criminal justice system needs to provide the public with accurate, detailed demographic reporting and analyses on a regular and ongoing basis—a critical component of its commitment to public safety and a fair system of justice.**

#### **5.4.1 Motivation for Data Sought**

A criminal case goes through many steps. If fully processed, the case proceeds from initial officer contact through trial and sentencing; most cases reach resolution without going to trial. At every step of the process there is a risk that racial disparity might occur, and that the disparity might result from biased decision making. Each of the steps should be evaluated with respect to racial disparities adversely affecting minority communities. The disparity could be in the percentage of arrests, the severity of sentences, or both.

While not a focus of this or previous NAACP/UU studies, Immigration and Customs Enforcement (ICE) has become an increasingly significant element of the criminal justice system. The desire to understand the role of ICE in Monroe County cases, especially as it may relate to racial and ethnic disparities, prompted the request for data on ICE going forward.

#### **5.4.2 Data Sought**

It is hoped that a cooperative relationship with the Monroe County Criminal Justice System will lead to refinement of these requests to make the responses practical and illuminating.

**Before any case is finalized, the Court should make sure the following information is available electronically for analysis:**

##### **5.4.2.1 Information about the defendant**

- Age
- Gender
- Race
- Ethnicity
- Resident of Monroe County
- Number of times arrested in Monroe County

##### **5.4.2.2 Information about how the defendant came into the system**

- Arresting agency (anonymized)
- Arresting officer (anonymized)
- Reason for initial contact: (1) Officer-initiated, (2) Assist another officer, (3) Arrest warrant or other court order, (4) Request for assistance from the general public, (5) Request for assistance from a commercial enterprise, or (6) Some other reason

##### **5.4.2.3 Outcome of initial contact leading to arrest**

- (1) Summons issued or (2) Booked into jail

- Booking charges filed by officer (An enumeration of most common charges from which multiple options can be selected would be appropriate.)

#### **5.4.2.4 Judicial processing**

##### **Prosecutor information:**

- (1) Charges filed in court by prosecutor or (2) No charges filed
- Deputy prosecutor (anonymized)

##### **Court appearances prior to final disposition:**

- Number of appearances in court prior to final disposition
- Number of times defendant failed to appear
- Number of arrest warrants issued due to failure to appear
- Number of days jailed for failure to appear

##### **Court handling case:**

- (1) Regular, (2) Drug, (3) Domestic relations, (4) Mental health, or (5) Others?
- Judge (anonymized)

##### **Defendant's counsel:**

- (1) Court-appointed, (2) Private, or (3) None

##### **Disposition of individual charges:**

For each charge filed by the prosecutor, specify disposition (one of A-H).

- A. Outright dismissal
- B. Dismissed, ICE action
- C. PDP referral
  - PDP expenses assessed
  - PDP expenses paid
  - PDP expenses waived
  - PDP outcome: (one of a-c)
    - a. Defendant declined to participate
      - Reason for declining: (1) Financial or (2) Other
    - b. Successful completion (leads to dismissal of charge)
    - c. Failed to complete (charge pursued in court)
- D. Guilty plea without plea agreement
- E. Guilty with plea agreement
- F. Dismissed with plea agreement
- G. Trial by judge
  - Outcome: (1) Guilty or (2) Not guilty
- H. Trial by jury
  - Outcome: (1) Guilty or (2) Not guilty

**Sentencing factors (if guilty):**

- Number of prior felony charges
- Number of prior felony convictions
- Number of prior misdemeanor charges
- Number of prior misdemeanor convictions
- Number of aggravating factors
- Number of mitigating factors

**Sentencing outcome (if guilty):**

Original sentence information:

- Days of nominal sentence.
- Days of suspended sentence.
- Days served prior to sentencing
- Days of executed sentence
- Probation
  - Days of probation
  - Special conditions of probation (select all that apply):
    - ◆ Substance or other treatment program
    - ◆ Restitution to victim
    - ◆ Public restitution
    - ◆ Other

**Probation outcome (if sentence included probation):**

- Completion status: (A or B)
  - A. Successful
  - B. Failed to complete reasons (select all that apply):
    - ◆ Failed to pay required fees
    - ◆ Failed to appear as required
    - ◆ Failed to complete special conditions of probation
    - ◆ Failed substance screening
    - ◆ Committed new crime
    - ◆ Other
- Number of days of suspended sentence revoked

## 6 Perspective Going Forward

While addressing racial disparities requires the participation of every entity in the Monroe County Criminal Justice System, the courts and prosecutor’s office must assume central roles in such an effort. No one is sentenced without the prosecutor’s and judges’ participation.

Over the years, prosecutors and courts have cooperated with the NAACP and the UU Church in their studies of racial disparity in the criminal justice system. It is hoped that such cooperation



will be taken to a new level and that beginning in 2019 the prosecutor and courts will regularly gather and electronically report the requested detailed data in a format that can be easily analyzed by the criminal justice system and the public so that the causes of the long-standing disparities can be better understood and addressed.

The immediate policy changes sought concerning pretrial diversion, marijuana prosecutions, and shoplifting procedures require little or no public resources. The requested data collection and reporting will in all likelihood require time and money. With documented disparities over a 21-year period, it is time for the criminal justice system, particularly the courts and prosecutor, to find the resources needed to seriously address these issues.

**Respectfully submitted,**

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## Exhibit A - Monroe Circuit Court 2017 Incarceration Information

### Data Source

The Monroe County Circuit Court 2017 incarceration information, shown in [Appendix A](#), was provided by the Circuit Court office as an email attachment on May 10, 2018.

### Notes

1. Per Appendix A, the Circuit Court information covers individuals incarcerated in the Monroe County Correctional facility for the entire year of 2017.
2. The Monroe County Correctional facility is also known as the Monroe County Jail.

### Relevant Data

The Circuit Court information (Appendix A) includes the inmate count and average time of incarceration by demographic factors – data used in this report and copied into the tables below for easier reference.

**Table 1: 2017 Monroe County Jail Inmate Population (Count)**

Demographic	Count
All inmates	4,120
White Non-Hispanic	3,175
Black Non-Hispanic	648
Hispanic	134

**Table 2: 2017 Monroe County Jail Average Length of Incarceration**

Demographic	Average Length of Incarceration		
	as reported	computed	
		Hours	Days (rounded)
All inmates	12 days 9 hours	297	12.4
White Non-Hispanic	13 days 9 hours	321	13.4
Black Non-Hispanic	11 days 8 hours	297	11.3
Hispanic	3 days 5 hours	77	3.2

### Calculated Statistics

Using the raw data shown in **Table 1**, the percentage of inmates by race and ethnicity as a percent of the total for all inmates was calculated:

**Table 3: 2017 Monroe County Jail Inmates (Percentage by Race & Ethnicity)**

Demographic	Percentage
White Non-Hispanic	77.1%
Black Non-Hispanic	15.7%
Hispanic	3.3%
Other	4.0%

## Exhibit B - Department of Corrections 2017 Incarceration Information

### Data Source

The Department of Corrections (DOC) 2017 incarceration information, shown in [Appendix B](#), was provided by the DOC as an email attachment on June 1, 2018.

### Notes

1. Per Appendix B, the DOC information covers individuals incarcerated from Monroe County in DOC facilities for 2017.
2. DOC facilities are also known as prisons, and typically house inmates with sentences in excess of one year.
3. The original Excel spreadsheet attachment was reformatted slightly to enhance readability before being included in Appendix B.

### Relevant Data

The DOC information (Appendix B) includes the average number of individuals incarcerated and average sentence of those incarcerated by demographic factors. This report relies on the average across all months. That data is highlighted in yellow in the Appendix, and copied into the tables below for easier reference:

**Table 4: 2017 DOC Average Number of Incarcerated (each day) from Monroe County**

Demographic	Average Number Incarcerated
Total	304.3
White	217.8
Black	82.0
Hispanic	1.1
Multiple Races, not Hispanic	2.5
Asian	1.0
Unknown	1.0

**Table 5: 2017 DOC Average Sentence of those Incarcerated from Monroe County**

Demographic	Average Sentence of those Incarcerated	
	Days (as reported)	Years (computed, with rounding)
White	8241.3	22.6
Black	6942.3	19.0
Hispanic	2136.8	5.9
Multiple Races, not Hispanic	2820.6	7.7
Asian	2737.3	7.5

## Calculated Statistics

Using the raw data shown in **Table 4**, the percentage of inmates by race and ethnicity as a percent of the total for all inmates was calculated:

**Table 6: 2017 DOC Inmates (Percentage by Race & Ethnicity)**

Demographic	Percentage
White	71.6%
Black	27.0%
Hispanic	0.4%
Multiple Races, not Hispanic	0.8%
Asian	0.3%
Unknown	0.3%

## Exhibit C - Prosecutor's Office 2017 Pretrial Diversion Program (PDP) Information

### Data Source

The Prosecutor's Office 2017 Pretrial Diversion Program (PDP) information, shown in [Appendix C](#), was provided via email on February 12, 2018.

### Notes

1. The text appearing prior to the data tables in Appendix C was taken from the email and provides additional context and perspective. In particular, it indicates participants in the PDP are overwhelmingly young.
2. Anyone who signs up for the PDP is considered a participant, regardless of the outcome of the case.
3. *Filings* data for 2017 represents cases that were filed in 2017. *Dispositions* data for 2017 represents cases that were completed in 2017. Cases may be filed in one year and disposed of (completed) in another.
4. The PDP report references "Theft/conversion". Conversion is the statutory term for misdemeanor theft. Conversion includes shoplifting as well as other minor thefts. In this report it is assumed, without supporting data, that a large portion of theft/conversion charges are shoplifting cases. There is an extensive merchant security system investigating shoplifting.
5. The original Excel spreadsheet attachments were reformatted slightly to enhance readability before being included in Appendix C.

### Relevant Data

The Prosecutor's Office PDP information (Appendix C) includes the filings and dispositions by race, sex, and type of offense. This report focuses on the *2017 PDP FILINGS BY CHARGE BY RACE* data, which is annotated with red arrows in the Appendix and copied into the table below for easier reference:

**Table 7: 2017 PDP Filings by Charge by Race**

Charge	2017 Filings by Race (Count)			
	White	Black	Other	Total
Alcohol	443	19	40	502
Marijuana	121	25	17	163
Other Drug	28	2	1	31
Theft/conversion	27	6	5	38
Criminal misch/tr	19	2	1	22
DOC	23	1	2	26
ID	93	6	5	104
TOTAL	754	61	71	886

Charge	2017 Filings by Race (Percentage)			
	White	Black	Other	Total
Alcohol	59%	31%	56%	57%
Marijuana	16%	41%	24%	18%
Other Drug	4%	3%	1%	3%
Theft/conversion	4%	10%	7%	4%
Criminal misch/tr	3%	3%	1%	2%
DOC	3%	2%	3%	3%
ID	12%	10%	7%	12%
TOTAL	100%	100%	100%	100%

### Calculated Statistics

Using the raw data shown in **Table 7**, the charge by race as a percent of the total for all races was calculated:

**Table 8: 2017 PDP Filings by Charge by Race as Percent of Total for All Races**

Charge	2017 Filings by Race as % of Total			
	White	Black	Other	Total
Alcohol	88.2%	3.8%	8.0%	100.0%
Marijuana	74.2%	15.3%	10.4%	100.0%
Other Drug	90.3%	6.5%	3.2%	100.0%
Theft/conversion	71.1%	15.8%	13.2%	100.0%
Criminal misch/tr	86.4%	9.1%	4.5%	100.0%
DOC	88.5%	3.8%	7.7%	100.0%
ID	89.4%	5.8%	4.8%	100.0%
TOTAL	85.1%	6.9%	8.0%	100.0%

## Exhibit D - Sheriff's Office 2013 Jail Information

### Data Source

The Sheriff's Office 2013 Jail information, shown in [Appendix D](#), was sent via US postal mail in May 2014.

### Notes

1. The original document was scanned and reformatted slightly to enhance readability before being included in Appendix D.

### Relevant Data

The Sheriff's Office 2013 jail information (Appendix D) includes inmate count and length of stay data broken down by a number of factors including day-of-week, sex, and race. This report relies on the *COUNT*, *AVE DAYS*, *TOTAL DAYS* data *By Race*, which is highlighted in yellow in the Appendix and copied into the table below for easier reference:

**Table 9: 2013 Jail Inmate Count and Length of Stay by Race**

Race	COUNT	AVE DAYS (as reported)	TOTAL DAYS	Average Days (computed, with rounding)
White	4,002	17	69,026	17.2
Black	648	29	19,415	30.0
Indian	8	1	9	1.1
Asian	48	3	156	3.3
Unknown	149	18	2,827	19.0
All	4,855	18	91,433	18.8

The Sheriff's 2013 jail information also provides the distribution of time spent in jail prior to release by demographic category. This report focuses on the release timeframes for Black and White inmates; information highlighted in Appendix D and copied here for easier reference:

**Table 10: 2013 Release Distribution by Race - Count**

Release Timeframe	White	Black
12 hours	1,225	128
24 hours	914	146
36 hours	15	0
48 hours	262	62
60 hours	8	3
72 hours	136	22
4 days	126	17
5 days	78	17
6 days	74	20

7 days	128	24
<2 weeks	288	59
<1 month	239	31
<2 months	195	34
>2 months	314	85
Total Count	4,002	648

### Calculated Statistics

Using the raw data shown in Table 9, the percentage of inmates by race was calculated:

**Table 11: 2013 Jail Inmate Percentage by Race**

Race	Percent of all Inmates
White	82.4%
Black	13.3%
Indian	0.2%
Asian	1.0%
Unknown	3.1%
All	100.0%

Using the raw data shown in Table 10, the distribution of time spent in jail prior to release as a percentage of all inmates by race was calculated:

**Table 12: 2013 Release Distribution by Race - Percent**

Release Timeframe	White	Black
12 hours	30.6%	19.8%
24 hours	22.8%	22.5%
36 hours	0.4%	0.0%
48 hours	6.5%	9.6%
60 hours	0.2%	0.5%
72 hours	3.4%	3.4%
4 days	3.1%	2.6%
5 days	1.9%	2.6%
6 days	1.8%	3.1%
7 days	3.2%	3.7%
<2 weeks	7.2%	9.1%
<1 month	6.0%	4.8%
<2 months	4.9%	5.2%
>2 months	7.8%	13.1%
Total Percent	100.0%	100.0%



## Exhibit E - Sheriff's Office 2011 Jail Information

### Data Source

The Sheriff's Office 2011 Jail information, shown in ([Appendix E](#)) was provided via email on June 12, 2013.

### Notes

1. The original Excel spreadsheet attachment was reformatted slightly to enhance readability before being included in Appendix E.

### Relevant Data

The Sheriff's Office 2011 jail information (Appendix E) includes inmate count and length of stay data broken down by a number of factors including day-of-week, sex, and race. This report relies on the *COUNT*, *AVE DAYS*, *TOTAL DAYS* data *By Race*, which is highlighted in yellow in the Appendix and copied into the table below for easier reference:

**Table 13: 2011 Jail Inmate Count and Length of Stay by Race**

Race	COUNT	AVE DAYS (as reported)	TOTAL DAYS	Average Days (computed, with rounding)
White	4,976	13	69,016	13.9
Black	789	30	24,015	30.4
Indian	8	1	8	1.0
Asian	38	1	49	1.3
Unknown	206	9	1,955	9.5
All	6,017	15	95,043	15.8

The Sheriff's 2011 jail information also provides the distribution of time spent in jail prior to release by demographic category. This report focuses on the release timeframes for Black and White inmates; information highlighted in Appendix E and copied here for easier reference:

**Table 14: 2011 Release Distribution by Race - Count**

Release Timeframe	White	Black
12 hours	1,624	148
24 hours	1,342	191
36 hours	26	3
48 hours	343	57
60 hours	6	1
72 hours	172	41
4 days	127	23
5 days	71	18
6 days	87	16

7 days	161	32
<2 weeks	279	66
<1 month	219	45
<2 months	202	51
>2 months	317	97
Total Count	4,976	789

### Calculated Statistics

Using the raw data shown in Table 13, the percentage of inmates by race was calculated:

**Table 15: 2011 Jail Inmate Percentage by Race**

Race	Percent of all Inmates
White	82.7%
Black	13.1%
Indian	0.1%
Asian	0.6%
Unknown	3.4%
All	100.0%

Using the raw data shown in Table 14, the distribution of time spent in jail prior to release as a percentage of all inmates by race was calculated:

**Table 16: 2011 Release Distribution by Race - Percent**

Release Timeframe	White	Black
12 hours	32.6%	18.8%
24 hours	27.0%	24.2%
36 hours	0.5%	0.4%
48 hours	6.9%	7.2%
60 hours	0.1%	0.1%
72 hours	3.5%	5.2%
4 days	2.6%	2.9%
5 days	1.4%	2.3%
6 days	1.7%	2.0%
7 days	3.2%	4.1%
<2 weeks	5.6%	8.4%
<1 month	4.4%	5.7%
<2 months	4.1%	6.5%
>2 months	6.4%	12.3%
Total Percent	100.0%	100.0%

## Exhibit F - 2003 Monroe County Racial Justice Task Force Report (cases originating in 2000)

### Data Source

In October 2003 a report titled *Race and Criminal Justice in Monroe County, Indiana* was published based on data for bookings in 2000 and outcomes for those cases. The 2003 report was prepared by the Monroe County Racial Justice Task Force (RJTF), which was formed in response to a 2001 report of the same name (see [Exhibit G](#)). The RJTF worked with the Monroe County Prosecutor and other court officials to obtain the data used in the report.

The 2003 report is available at [https://docuri.com/download/2003-racial-justice-task-force-report\\_59c1e5aaf581710b286bb215\\_pdf](https://docuri.com/download/2003-racial-justice-task-force-report_59c1e5aaf581710b286bb215_pdf). The 2001 report is available in its entirety as APPENDIX A of the 2003 report.

The Title page, Table of Contents, Executive Summary, and selected other pages from the 2003 report are reproduced in [Appendix F](#).

APPENDIX B, Study Methods, reproduced in Appendix F, describes in detail how 966 of the 5092 bookings that originated in 2000 were studied, with those cases followed from booking until termination.

Readers are strongly encouraged to retrieve and review the entire 2003 RJTF report as it provides excellent background for understanding the criminal justice system, the issues around racial disparity, and the data presented in this 2018 report.

### Notes

1. The colored annotations (boxes and arrows) in Appendix F were not part of the original report; they were added to make locating cited text easier for the reader of this report.

### Relevant Data

The 2003 RJTF report (Appendix F) includes text and data used in this report, some of which is copied here and reformatted for easier reference.

Section VI-B of the report includes the number of total bookings and number of Black bookings for 2000. Refer to the red arrow labelled “F1” in Appendix F.

**Table 17: Booking Counts and Percentages by Race in 2000**

Race	Count	Percent
Black	483	9.5%
White	4,366	85.7%
Other	243	4.8%
Total	5,092	100.0%

The 2003 report includes a series of tables containing the mean and median days sentenced to incarceration for various types of crime with and without prior booking in Monroe County Jail,

with the tables providing “Number of Days Sentenced”, “Number of Days Suspended” and “Days of Executed Sentence”.

Because of the small number of women in the sample, the focus was on male bookings. The RJTF was unable to measure prior record, an important factor in discussions of sentencing, but did separate cases based on any prior booking in Monroe County Jail in any year. See the yellow box in Appendix F for a more complete discussion of the limitations of using prior booking in Monroe County as a proxy for “prior record”.

The description of the sentencing categories is copied here (see the red arrow labelled “F3” in Appendix F):

When offenders were convicted of a charge either through a guilty plea pursuant to a negotiated plea or via a straight conviction *and* a sentence to incarceration was given by the court, that sentence to incarceration was recorded in days. The number of days suspended from that sentence was also recorded. The executed sentence was considered the number of days sentenced to incarceration less the number of days suspended from that sentence.

This report relies on the “Days of Executed Sentence / Mean” data values from Tables 12, 13, 14, 15, 18, and 19 in the 2003 report; those tables have been highlighted with red boxes in Appendix F and the relevant data presented here:

**Table 18: Average Days of Executed Sentence in 2000**

Charge / Prior Booking in Monroe County Jail	Black Males		White Males	
	Count	Average Sentence	Count	Average Sentence
Misdemeanor with no prior booking	20	36.3 days	55	4.7 days
Misdemeanor with prior booking	36	45.6 days	28	25.6 days
D felony with no prior booking	9	191.4 days	8	83.9 days
D felony with prior booking	16	322.8 days	21	164.5 days
C felony	12	554.8 days	4	580.3 days
A & B felony, including 75 yr sentence	9	3295.9 days	5	1429.8 days
A & B felony, excluding 75 yr sentence	8	638.1 days	5	1429.8 days

In Section V, Summary of Key Findings, the 2003 report concludes “Blacks served more incarcerated time than whites in most categories of offenses, when looking both at mean and median days of executed sentence. ... For Class A, B, and C felonies, the number of cases was too small to draw meaningful comparisons.” See the text highlighted with the orange box in Appendix F.

### Calculated Statistics

Using the raw data shown in Table 18, additional statistics were computed (with rounding):

**Table 19: Average Length of Executed Sentence by Race for Male Bookings in 2000**

Charge / Prior Booking in Monroe County Jail	Black Males			White Males			Both Black and White Males		
	Count	Average Number of Days	Total Days	Count	Average Number of Days	Total Days	Count	Average Number of Days	Total Days
Misdemeanor with no prior booking	20	36	726	55	5	259	75	13	985
Misdemeanor with prior booking	36	46	1,642	28	26	717	64	37	2,358
D felony with no prior booking	9	191	1,723	8	84	671	17	141	2,394
D felony with prior booking	16	323	5,165	21	165	3,455	37	233	8,619
C felony	12	555	6,658	4	580	2,321	16	561	8,979
A & B felony including 75 yr sentence	9	3,296	29,663	5	1,430	7,149	14	2,629	36,812
A & B felony not including 75 yr sentence	8	638	5,105	5	1,430	7,149	13	943	12,254
All Crimes including 75 yr sentence	102	447	45,576	121	120	14,571	223	270	60,147
All Crimes not including 75 yr sentence	101	208	21,017	121	120	14,571	222	160	35,589
Misdemeanor and D felony	81	114	9,255	112	46	5,101	193	74	14,356

## Exhibit G - 2001 NAACP-UU Report (cases originating in 1997+)

### Data Source

In February 2001 a report titled *Race and Criminal Justice in Monroe County, Indiana* was published based on data for bookings in all of 1997 and the first 6 weeks of 1998, and outcomes for those cases. The 2001 report was prepared by members of the Monroe County Branch of the NAACP and the “What Color is Community” Task Force of the Unitarian Universalist Church of Bloomington. Data was gathered with assistance from the offices of the Monroe County Sheriff, Clerk, and Court Services, and analyzed by volunteers from the NAACP and UU Church.

Based on the 2001 report, the Monroe County Racial Justice Task Force was formed and produced a 2003 report of the same name that examined data for bookings in 2000 (see [Exhibit E](#)).

The 2001 report is available in its entirety as APPENDIX A of the 2003 report. The first four pages of the 2001 report, as it appears in APPENDIX A of the 2003 report, are reproduced in [Appendix G](#).

The Methods section, reproduced in Appendix G, describes in detail how 361 of the 4861 total bookings that originated in 1997 and the first 6 weeks of 1998 were selected and studied to determine executed sentences issued.

### Notes

1. Since the 2001 report covers jail bookings for all of 1997 and the first 6 weeks of 1998, the year designation “1997+” is used in this report when referring to the data.
2. The colored annotations (boxes) in Appendix G were not part of the original report; they were added to make locating cited text easier for the reader of this report.

### Relevant Data

The 2001 report (Appendix G) includes text and data used in this report, some of which is copied here and reformatted for easier reference.

Page 4 of the 2001 report includes the number of total bookings and the number of Black bookings for the 13.5 month period studied:

**Table 20: Booking Counts and Percentages by Race in 1997+**

Race	Count	Percent
Black	522	10.7%
non-Black	4,339	89.3%
Total	4,861	100.0%

Table 1 of the 2001 report includes the average executed sentence length overall and by class of crime for the 361 cases studied in detail. This table is highlighted with a red box in Appendix G and the relevant data copied here and reformatted for easier reference:

**Table 21: Count and Average Days of Executed Sentence for Bookings in 1997+**

Class of Crime	Blacks		Whites	
	Count	Average Sentence	Count	Average Sentence
Misdemeanor	120	9 days	123	23 days
D felony	35	119 days	41	168 days
C felony	9	138 days	13	442 days
B felony	8	1524 days	3	1948 days
A felony	7	2111 days	2	549 days
All Sentences	179	187 days	182	123 days

### Calculated Statistics

Using the raw data shown in Table 21, additional statistics were computed (with rounding):

**Table 22: Average Length of Executed Sentence by Race for Bookings in 1997+**

Class of Crime	Blacks			Whites			Both Blacks and Whites		
	Count	Average Number of Days	Total Days	Count	Average Number of Days	Total Days	Count	Average Number of Days	Total Days
Misdemeanor	120	9	1,080	123	23	2,829	243	16	3,909
D felony	35	119	4,165	41	168	6,888	76	145	11,053
C felony	9	138	1,242	13	442	5,746	22	318	6,988
B felony	8	1,524	12,192	3	1,948	5,844	11	1,640	18,036
A felony	7	2,111	14,777	2	549	1,098	9	1,764	15,875
All Crimes	179	187	33,456	182	123	22,405	361	155	55,861
Misdemeanor and D felony	155	34	5,245	164	59	9,717	319	47	14,962

# Exhibit H - 2017 Population Estimates for Monroe County, Indiana

## Data Source

The Race and Hispanic Origin estimates for 2017, shown in [Appendix H](#), were obtained August 20, 2018 from the United States Census Bureau online QuickFacts site:

<https://www.census.gov/quickfacts/fact/table/monroecountyindiana/PST045217>

## Notes

1. The contents of the referenced QuickFacts site are updated periodically to reflect the most current population estimates available. Therefore, the V2017 data shown in Appendix H and used in this report will not be available indefinitely at the QuickFacts site.
2. Bloomington campus Indiana University students are counted by the Census Bureau as residents of Monroe County, not of the counties where their families live.

## Relevant Data

Three pieces of data from the QuickFacts table shown in Appendix H were used in this report. They are annotated with red arrows in the Appendix, and copied here for easier reference:

**Table 23: 2017 Census Bureau Estimated Population Demographic for Monroe County**

Race and Hispanic Origin	
White alone, percent	86.4%
Black or African American alone, percent	3.6%
Hispanic or Latino, percent	3.5%



## Exhibit I - 2012 Population Estimates for Monroe County, Indiana

### Data Source

The Race and Hispanic Origin estimates for 2012, shown in [Appendix I](#), were obtained in 2013 from the STATS INDIANA site which compiles various statistics relevant to. The U. S. Census Bureau was the source of the population estimate data that is shown in the Appendix.

The STATS INDIANA link that was used to obtain the data is:

[http://www.stats.indiana.edu/profiles/profiles.asp?scope\\_choice=a&county\\_changer=18105&button1=Get+Profile&id=2&page\\_path=Area+Profiles&path\\_id=11&panel\\_number=1](http://www.stats.indiana.edu/profiles/profiles.asp?scope_choice=a&county_changer=18105&button1=Get+Profile&id=2&page_path=Area+Profiles&path_id=11&panel_number=1)

### Notes

1. The contents of the referenced site are updated periodically to reflect the most current statistics. Therefore, the 2012 data shown in Appendix I and used in this report is no longer available from the STATS INDIANA link shown above.

### Relevant Data

Three pieces of data from the table shown in Appendix I were used in this report. They are copied here for easier reference:

**Table 24: 2012 Census Bureau Estimated Population Demographic for Monroe County**

Race and Hispanic Origin	
White alone, percent	88.2%
Black or African American alone, percent	3.4%
Hispanic or Latino, percent	3.1%

# Exhibit J - 2000 Population Demographics for Monroe County, Indiana

## Data Source

The Race Demographic data for the 2000 Census, shown in [Appendix J](#), was obtained on September 19, 2018 from the United States Census Bureau Fact Finder site:

([https://factfinder.census.gov/bkmk/table/1.0/en/DEC/00\\_SF1/DP1/0500000US18105](https://factfinder.census.gov/bkmk/table/1.0/en/DEC/00_SF1/DP1/0500000US18105))

## Notes

1. The screen capture in Appendix J was truncated and does not show the full data set. This was done so that the race and ethnicity demographic information used in this report was more legible.
2. The “Actions / Modify Table / Table Tools” option on the Census Fact Finder site was used to hide SEX AND AGE data from view, so that the data relevant to this report was visible.
3. If the link provided does not display the 2000 Census demographics for Monroe County Indiana, you may be able to follow these steps to access the data:
  - a) Go to <https://www.census.gov/main/www/cen2000.html> and click on “Enter a street address to find 2000 data”.
  - b) Under “Community Facts”, enter *Monroe County, Indiana* then select “GO”.
  - c) Under “Census 2000” (near the bottom of the box that starts with the Census 2010 information), select “General Demographic Characteristics”.

## Relevant Data

Three pieces of data from the Fact Finder table shown in Appendix J were used in this report. They are copied here for easier reference:

**Table 25: 2000 Census Population Demographic for Monroe County**

Race and Hispanic Origin	
White alone, percent	90.8%
Black or African American alone, percent	3.0%
Hispanic or Latino, percent	1.9%

## Appendix A - Monroe Circuit Court 2017 Incarceration Information

Mr. Loftman,

I am responding to your recent inquiry concerning incarceration by race in the Monroe County Correctional facility for the entire year of 2017.

The report provided demographic analysis of individuals incarcerated and an average time of incarceration by demographic factors.

The result showed an average length of stay for **all 4,120 inmates** was **12 days, 9 hours**.

The break down by demographic factor of inmates race results in **648 Black Non-Hispanic spent an average of 11 days, 8 hours of incarcerated. 3,175 White Non-Hispanic spent an average of 13 days, 9 hours incarcerated. 134 Hispanic spent an average of 3 days, 5 hours incarcerated.**

Concluding that:

White Non-Hispanics spent 18% longer in the Monroe County Jail than Black Non-Hispanic.

White Non-Hispanics spent 333% longer in the Monroe County Jail than Hispanics.

Black Non-Hispanics spent 266% longer in the Monroe County Jail than Hispanics.

Respectfully,

Jama Chandler  
Deputy Court Administrator

## Appendix B - Department of Corrections 2017 Incarceration Information

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1														
2														
3		Avg Number of Incarcerated from Monroe County by Month in 2017												
4	<b>RACE1</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Average</b>
5	ASIAN	1	1	1	1	1	1	1	1	1	1	1	1	1.0
6	BLACK	79	78	80	81	88	85	81	81	79	83	85	84	82.0
7	HISPANIC	2	1	1	1	1	1	1	1	.	1	1	1	1.1
8	MULTIPLE RACES, NOT HIS	2	2	2	2	2	2	2	2	1	3	5	5	2.5
9	WHITE	234	226	218	217	219	212	215	216	215	215	215	211	217.8
10	UNKNOWN	.	.	.	.	.	.	.	.	.	1	.	.	1.0
11	<b>Total</b>	<b>318</b>	<b>308</b>	<b>302</b>	<b>302</b>	<b>311</b>	<b>301</b>	<b>300</b>	<b>301</b>	<b>296</b>	<b>304</b>	<b>307</b>	<b>301</b>	<b>304.3</b>
12														
13														
14														
15		Avg sentence in days of those incarcerated from Monroe county by month in 2017												
16	<b>RACE1</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Average</b>
17	ASIAN	2737	2737	2737	2737	2737	2737	2738	2738	2738	2737	2737	.	2737.3
18	BLACK	6878	6827.1	6681.51	6607.2	6562.88	7025.48	7021.89	7012.88	7044.75	7269.17	7162.56	7214.55	6942.3
19	HISPANIC	2906.5	2160	2160	2160	2160	2160	2160	2160	.	1826	1826	1826	2136.8
20	MULTIPLE RACES, NOT HIS	2816.5	2816.5	2816.5	2816.5	2816.5	2816.5	2816.5	2816.5	3653	2069.67	2796.4	2796.4	2820.6
21	WHITE	7887.53	8084.2	8276.56	8267.13	8202.55	8451.38	8363.15	8318.47	8299.93	8213.58	8215.98	8315.02	8241.3
22														

## Appendix C - Prosecutor's Office 2017 Pretrial Diversion Program (PDP) Information

Please find attached four tables reflecting 2017 filings and dispositions for the Pretrial Diversion Program here in the Prosecutors Office. The tables shows both filings and dispositions broken down by race, sex, and type of offense involved.

By way of perspective, the participants are overwhelmingly young. Only 22 of 924 (2.4%) of the dispositions and 21 of 886 (2.4%) were born prior to 1990. Further, these tended be for atypical crimes such as hunting or fishing violations, etc. The bulk of the charges were for typical offenses associated with college aged persons- alcohol, marijuana, general mischief.

2017 PDP FILINGS BY CHARGE BY RACE				
CHARGE	WHITE	BLACK	OTHER	TOTAL
Alcohol	443	19	40	502
Marijuana	121	25	17	163
Other Drug	28	2	1	31
Theft/conversion	27	6	5	38
Criminal misch/tr	19	2	1	22
DOC	23	1	2	26
ID	93	6	5	104
<b>TOTAL</b>	<b>754</b>	<b>61</b>	<b>71</b>	<b>886</b>
PERCENTAGES	WHITE	BLACK	OTHER	TOTAL
Alcohol	59%	31%	56%	57%
Marijuana	16%	41%	24%	18%
Other Drug	4%	3%	1%	3%
Theft/conv	4%	10%	7%	4%
Crim misch/tr	3%	3%	1%	2%
DOC	3%	2%	3%	3%
ID	12%	10%	7%	12%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

2017 PDP Filings by RACE X SEX				
SEX	WHITE	BLACK	OTHER	TOTAL
Male	486.0	42.0	50.0	578.0
Female	268.0	19.0	21.0	308.0
<b>Total Number</b>	<b>754.0</b>	<b>61.0</b>	<b>71.0</b>	<b>886.0</b>
<b>% of Total</b>	<b>85%</b>	<b>7%</b>	<b>8%</b>	<b>100%</b>
<b>% within race</b>				
SEX	WHITE	BLACK	OTHER	TOTAL
Male	0.64	0.69	0.70	0.65
Female	0.36	0.31	0.30	0.35
<b>Total</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>

2017 PDP DISPOSITIONS BY CHARGE BY RACE				
CHARGE	WHITE	BLACK	OTHER	TOTAL
Alcohol	500	13	48	561
Marijuana	109	11	8	128
Other Drug	45	3	6	54
Theft/conversion	24	4	17	45
Criminal misch/tr	60	2	5	67
DOC	10	0	0	10
ID	53	1	5	59
TOTAL	801	34	89	924
PERCENTAGES	WHITE	BLACK	OTHER	TOTAL
Alcohol	62%	38%	54%	61%
Marijuana	14%	32%	9%	14%
Other Drug	6%	9%	7%	6%
Theft/conv	3%	12%	19%	5%
Crim misch/tr	7%	6%	6%	7%
DOC	1%	0%	0%	1%
ID	7%	3%	6%	6%
TOTAL	100%	100%	100%	100%

2017 PDP Dispositions by RACE X SEX				
SEX	WHITE	BLACK	OTHER	TOTAL
Male	586.0	22.0	49.0	657.0
Female	215.0	12.0	40.0	267.0
Total Number	801.0	34.0	89.0	924.0
% of Total	87%	4%	10%	1.0
% within race				
SEX	WHITE	BLACK	OTHER	TOTAL
Male	0.73	0.65	0.55	0.71
Female	0.27	0.35	0.45	0.29
Total	1.0	1.0	1.0	1.0

## Appendix D - Sheriff's Office 2013 Jail Information

Run: 15-MAY-2014 14:17		MONROE COUNTY SHERIFF						Page: 1	
JBS40 - Run By: PAM LENTZ									
AGENCY: 00									
J A I L M A N A G E M E N T									
Average Length of Stay									
From 01/01/2013 thru 12/31/2013									
PARAMETER	MON	TUE	WED	THU	FRI	SAT	SUN	TOT	
-----	---	---	---	---	---	---	---	---	
HOURS 00-02	31	30	17	38	33	25	29	203	
HOURS 02-04	18	21	16	19	19	26	28	147	
HOURS 04-06	28	24	21	33	26	21	30	183	
HOURS 06-08	48	92	40	73	50	40	41	384	
HOURS 08-10	82	78	90	89	66	53	60	518	
HOURS 10-12	84	127	119	117	100	57	60	664	
HOURS 12-14	120	94	132	105	138	93	71	753	
HOURS 14-16	80	58	70	63	86	59	60	476	
HOURS 16-18	119	111	104	86	125	48	48	641	
HOURS 18-20	102	66	63	72	62	32	82	479	
HOURS 20-22	31	34	29	24	36	23	35	212	
HOURS 22-24	22	28	34	24	28	29	30	195	
REL 12 HOURS-M	108	123	123	137	150	266	209	1,116	
REL 24 HOURS-M	96	109	129	118	149	100	154	855	
REL 36 HOURS-M	1	4	3	3	1	1	1	14	
REL 48 HOURS-M	49	21	28	27	36	8	72	241	
REL 60 HOURS-M	1	2	0	2	3	1	0	9	
REL 72 HOURS-M	44	20	5	18	24	6	4	121	
REL 84 HOURS-M	0	0	0	0	0	0	0	0	
REL 4 DAYS-M	20	33	7	9	28	4	3	104	
REL 5 DAYS-M	16	18	20	8	17	2	2	83	
REL 6 DAYS-M	23	13	10	15	15	1	2	79	
REL 7 DAYS-M	15	24	19	32	24	4	0	118	
REL<2 WEEK-M	77	48	57	49	36	6	5	278	
REL<1 MONTH-M	45	40	49	42	31	10	6	223	
REL<2 MONTHS-M	19	53	48	47	11	2	5	185	
REL OVER 2 MO-M	50	102	67	66	58	7	7	357	
COUNT OF MALES	564	610	565	573	583	418	470	3,783	
AVE DAYS -M	18.86	41.86	24.67	23.21	20.08	4.09	3.50	20.74	
TOTAL DAYS-M	10,638	25,536	13,943	13,304	11,708	1,713	1,649	78,491	
REL 12 HOURS-F	36	45	41	43	60	58	37	320	
REL 24 HOURS-F	41	33	32	37	54	19	37	253	
REL 36 HOURS-F	0	2	0	0	0	0	0	2	
REL 48 HOURS-F	22	7	10	14	17	2	22	94	
REL 60 HOURS-F	3	0	0	0	0	0	0	3	
REL 72 HOURS-F	20	5	7	2	7	1	2	44	
REL 84 HOURS-F	0	0	0	0	0	0	0	0	

JBS40 - Run By: PAM LENTZ

AGENCY: 00

J A I L M A N A G E M E N T  
Average Length of Stay  
From 01/01/2013 thru 12/31/2013

PARAMETER	MON	TUE	WED	THU	FRI	SAT	SUN	TOT
-----	---	---	---	---	---	---	---	---
REL 4 DAYS-F	8	15	4	6	7	1	1	42
REL 5 DAYS-F	8	1	6	1	2	0	0	18
REL 6 DAYS-F	4	1	6	3	2	0	0	16
REL 7 DAYS-F	4	10	11	7	4	0	0	36
REL<2 WEEK-F	26	9	11	15	12	2	1	76
REL<1 MONTH-F	10	7	9	17	8	3	1	55
REL<2 MONTHS-F	9	6	18	14	8	0	0	55
REL OVER 2 MO-F	10	10	15	10	4	2	2	53
COUNT FEMALES	201	151	170	169	185	88	103	1,067
AVE DAYS -F	13.41	12.60	18.00	16.72	9.33	3.62	3.41	12.07
TOTAL DAYS-F	2,697	1,929	3,061	2,844	1,737	319	355	12,942

PRISONER COUNT	765	761	735	742	768	506	573	4,850
AVE DAYS -TOT	17.43	35.99	23.13	21.73	17.48	4.01	3.49	18.83
TOTAL DAYS-TOT	13,335	27,465	17,004	16,148	13,445	2,032	2,004	91,433

PRIS DAYS > 7:	84,875	COUNT OF PRIS:	1,282	AVERAGE STAY:	66.20
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PRIS DAYS > 14:	81,162	COUNT OF PRIS:	928	AVERAGE STAY:	87.45
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PRIS DAYS > 30:	75,058	COUNT OF PRIS:	650	AVERAGE STAY:	115.47
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PRIS DAYS > 60:	64,428	COUNT OF PRIS:	410	AVERAGE STAY:	157.14
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## By Race:

REL 12 HOURS-W	129	146	142	147	174	274	213	1,225
REL 24 HOURS-W	113	112	134	129	168	98	160	914
REL 36 HOURS-W	1	6	2	3	1	1	1	15
REL 48 HOURS-W	52	21	35	32	39	10	73	262
REL 60 HOURS-W	4	1	0	1	2	0	0	8
REL 72 HOURS-W	55	18	11	17	25	4	6	136
REL 84 HOURS-W	0	0	0	0	0	0	0	0
REL 4 DAYS-W	22	43	10	14	29	4	4	126
REL 5 DAYS-W	20	10	21	8	15	2	2	78
REL 6 DAYS-W	21	12	14	11	13	1	2	74
REL 7 DAYS-W	13	31	23	31	26	4	0	128



JBS40 - Run By: PAM LENTZ

AGENCY: 00

J A I L M A N A G E M E N T  
Average Length of Stay  
From 01/01/2013 thru 12/31/2013

PARAMETER -----	MON ---	TUE ---	WED ---	THU ---	FRI ---	SAT ---	SUN ---	TOT ---
REL<2 WEEK-W	85	49	55	50	38	7	4	288
REL<1 MONTH-W	46	40	52	54	33	8	6	239
REL<2 MONTHS-W	24	50	52	50	13	2	4	195
REL OVER 2 MO-W	41	86	69	58	46	8	6	314
COUNT OF WHITES	626	625	620	605	622	423	481	4,002
AVE DAYS -W	14	31	22	20	16	3	3	17
TOTAL DAYS-W	9,373	19,650	13,823	12,574	10,426	1,677	1,503	69,026
REL 12 HOURS-B	8	17	14	21	24	28	16	128
REL 24 HOURS-B	17	25	21	17	30	14	22	146
REL 36 HOURS-B	0	0	0	0	0	0	0	0
REL 48 HOURS-B	15	7	2	5	13	0	20	62
REL 60 HOURS-B	0	0	0	1	1	1	0	3
REL 72 HOURS-B	6	5	1	2	5	3	0	22
REL 84 HOURS-B	0	0	0	0	0	0	0	0
REL 4 DAYS-B	5	4	1	1	5	1	0	17
REL 5 DAYS-B	2	8	3	0	4	0	0	17
REL 6 DAYS-B	6	2	2	6	4	0	0	20
REL 7 DAYS-B	6	2	7	8	1	0	0	24
REL<2 WEEK-B	16	8	11	13	8	1	2	59
REL<1 MONTH-B	9	4	6	5	3	4	0	31
REL<2 MONTHS-B	4	7	11	8	4	0	0	34
REL OVER 2 MO-B	15	24	11	18	14	1	2	85
COUNT OF BLACKS	109	113	90	105	116	53	62	648
AVE DAYS -B	27	64	30	31	21	5	4	29
TOTAL DAYS-B	3,015	7,261	2,727	3,350	2,507	297	258	19,415
REL 12 HOURS-I	1	0	0	1	0	1	2	5
REL 24 HOURS-I	0	0	1	0	0	1	0	2
REL 36 HOURS-I	0	0	1	0	0	0	0	1
REL 48 HOURS-I	0	0	0	0	0	0	0	0
REL 60 HOURS-I	0	0	0	0	0	0	0	0
REL 72 HOURS-I	0	0	0	0	0	0	0	0
REL 84 HOURS-I	0	0	0	0	0	0	0	0

JBS40 - Run By: PAM LENTZ

AGENCY: 00

J A I L M A N A G E M E N T  
Average Length of Stay  
From 01/01/2013 thru 12/31/2013

PARAMETER -----	MON ---	TUE ---	WED ---	THU ---	FRI ---	SAT ---	SUN ---	TOT ---
REL 4 DAYS-I	0	0	0	0	0	0	0	0
REL 5 DAYS-I	0	0	0	0	0	0	0	0
REL 6 DAYS-I	0	0	0	0	0	0	0	0
REL 7 DAYS-I	0	0	0	0	0	0	0	0
REL<2 WEEK-I	0	0	0	0	0	0	0	0
REL<1 MONTH-I	0	0	0	0	0	0	0	0
REL<2 MONTHS-I	0	0	0	0	0	0	0	0
REL OVER 2 MO-I	0	0	0	0	0	0	0	0
COUNT OF INDIANS	1	0	2	1	0	2	2	8
AVE DAYS -I	1	0	1	1	0	1	1	1
TOTAL DAYS-I	1	0	3	1	0	2	2	9
REL 12 HOURS-A	3	1	4	4	8	5	4	29
REL 24 HOURS-A	2	3	1	1	0	0	5	12
REL 36 HOURS-A	0	0	0	0	0	0	0	0
REL 48 HOURS-A	1	0	0	0	0	0	0	1
REL 60 HOURS-A	0	0	0	0	0	0	0	0
REL 72 HOURS-A	1	1	0	0	0	0	0	2
REL 84 HOURS-A	0	0	0	0	0	0	0	0
REL 4 DAYS-A	0	0	0	0	0	0	0	0
REL 5 DAYS-A	0	1	0	0	0	0	0	1
REL 6 DAYS-A	0	0	0	0	0	0	0	0
REL 7 DAYS-A	0	0	0	0	0	0	0	0
REL<2 WEEK-A	0	0	0	0	0	0	0	0
REL<1 MONTH-A	0	1	0	0	0	0	0	1
REL<2 MONTHS-A	0	0	1	0	1	0	0	2
REL OVER 2 MO-A	0	0	0	0	0	0	0	0
COUNT OF ASIANS	7	7	6	5	9	5	9	48
AVE DAYS -A	1	5	7	1	5	1	1	3
TOTAL DAYS-A	10	35	46	5	46	5	9	156
REL 12 HOURS-U	3	4	4	7	5	16	12	51
REL 24 HOURS-U	5	3	4	8	5	6	4	35
REL 36 HOURS-U	0	0	0	0	0	0	0	0
REL 48 HOURS-U	3	0	1	4	1	0	1	10

JBS40 - Run By: PAM LENTZ

AGENCY: 00

J A I L M A N A G E M E N T  
Average Length of Stay  
From 01/01/2013 thru 12/31/2013

PARAMETER -----	MON ---	TUE ---	WED ---	THU ---	FRI ---	SAT ---	SUN ---	TOT ---
REL 60 HOURS-U	0	1	0	0	0	0	0	1
REL 72 HOURS-U	2	1	0	1	1	0	0	5
REL 84 HOURS-U	0	0	0	0	0	0	0	0
REL 4 DAYS-U	1	1	0	0	1	0	0	3
REL 5 DAYS-U	2	0	2	1	0	0	0	5
REL 6 DAYS-U	0	1	0	1	0	0	0	2
REL 7 DAYS-U	0	1	0	0	1	0	0	2
REL<2 WEEK-U	2	0	2	1	2	0	0	7
REL<1 MONTH-U	0	2	0	0	3	1	1	7
REL<2 MONTHS-U	0	2	2	4	1	0	1	10
REL OVER 2 MO-U	4	2	2	0	2	0	1	11
COUNT UNK RACE	22	18	17	27	22	23	20	149
AVE DAYS -U	42	28	23	8	21	2	11	18
TOTAL DAYS-U	936	519	405	218	466	51	232	2,827
RACE COUNT	765	763	735	743	769	506	574	4,855
AVE DAYS RACE	17	35	23	21	17	4	3	18
TOTAL DAYS RACE	13,335	27,465	17,004	16,148	13,445	2,032	2,004	91,433

## By State/Federal Prisoners:

REL 12 HRS-ST	0	0	0	0	0	0	0	0
REL 24 HRS-ST	0	0	0	0	0	0	0	0
REL 36 HRS-ST	0	0	0	0	0	0	0	0
REL 48 HRS-ST	0	0	0	0	0	0	0	0
REL 60 HRS-ST	0	0	0	0	0	0	0	0
REL 72 HRS-ST	0	0	0	0	0	0	0	0
REL 84 HRS-ST	0	0	0	0	0	0	0	0
REL 4 DAYS-ST	0	0	0	0	0	0	0	0
REL 5 DAYS-ST	0	0	0	0	0	0	0	0
REL 6 DAYS-ST	0	0	0	0	0	0	0	0
REL 7 DAYS-ST	0	0	0	0	0	0	0	0
REL<2 WEEK-ST	0	0	0	0	0	0	0	0
REL<1 MONTH-ST	0	0	0	0	0	0	0	0
REL<2 MONTHS-ST	0	0	0	0	0	0	0	0
REL OVER 2 MO-ST	0	0	0	0	0	0	0	0

JBS40 - Run By: PAM LENTZ

AGENCY: 00

J A I L M A N A G E M E N T  
Average Length of Stay  
From 01/01/2013 thru 12/31/2013

PARAMETER -----	MON ---	TUE ---	WED ---	THU ---	FRI ---	SAT ---	SUN ---	TOT ---
COUNT STATE PRIS	0	0	0	0	0	0	0	0
AVE DAYS -ST	0	0	0	0	0	0	0	0
TOTAL DAYS-ST	0	0	0	0	0	0	0	0
REL 12 HRS-FED	0	0	0	0	0	0	0	0
REL 24 HRS-FED	0	0	0	0	0	0	0	0
REL 36 HRS-FED	0	0	0	0	0	0	0	0
REL 48 HRS-FED	0	0	0	0	0	0	0	0
REL 60 HRS-FED	0	0	0	0	0	0	0	0
REL 72 HRS-FED	0	0	0	0	0	0	0	0
REL 84 HRS-FED	0	0	0	0	0	0	0	0
REL 4 DAYS-FED	0	0	0	0	0	0	0	0
REL 5 DAYS-FED	0	0	0	0	0	0	0	0
REL 6 DAYS-FED	0	0	0	0	0	0	0	0
REL 7 DAYS-FED	0	0	0	0	0	0	0	0
REL<2 WEEK-FED	0	0	0	0	0	0	0	0
REL<1 MONTH-FED	0	0	0	0	0	0	0	0
REL<2 MONTHS-FED	0	0	0	0	0	0	0	0
REL OVER 2 MO-FE	0	0	0	0	0	0	0	0
COUNT FED PRIS	0	0	0	0	0	0	0	0
AVE DAYS -FED	0	0	0	0	0	0	0	0
TOTAL DAYS-FED	0	0	0	0	0	0	0	0
STATE/FED COUNT	0	0	0	0	0	0	0	0
AVE DAYS ST/FED	0	0	0	0	0	0	0	0
TOTAL DAYS ST/FE	0	0	0	0	0	0	0	0

## Appendix E - Sheriff's Office 2011 Jail Information

Average Length of Stay 01/01/2011 thru 12/31/2011

Average Length of Stay								
01/01/2011 thru 12/31/2011								
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Totals
HOURS 00-02	26	23	17	25	24	19	38	172
HOURS 02-04	27	15	18	12	12	22	41	147
HOURS 04-06	40	39	20	19	39	25	53	235
HOURS 06-08	43	50	45	57	49	39	53	336
HOURS 08-10	104	72	111	98	89	77	91	642
HOURS 10-12	105	129	174	136	156	89	136	925
HOURS 12-14	132	159	151	156	163	102	118	981
HOURS 14-16	51	81	74	80	115	89	112	602
HOURS 16-18	188	142	163	158	125	57	51	884
HOURS 18-20	126	82	81	60	96	51	108	604
HOURS 20-22	51	40	48	32	39	48	30	288
HOURS 22-24	27	36	15	26	22	60	15	201
REL 12 HOURS-M	125	156	140	140	203	324	369	1,457
REL 24 HOURS-M	167	158	184	166	194	170	194	1,233
REL 36 HOURS-M	5	0	2	5	3	4	6	25
REL 48 HOURS-M	83	32	34	51	37	13	69	319
REL 60 HOURS-M	1	0	1	2	1	2	0	7
REL 72 HOURS-M	71	25	13	18	27	6	10	170
REL 84 HOURS-M	0	0	0	0	0	0	0	0
REL 4 DAYS-M	27	40	8	8	28	4	5	120
REL 5 DAYS-M	16	12	17	8	26	1	3	83
REL 6 DAYS-M	13	10	21	21	18	2	1	86
REL 7 DAYS-M	14	22	45	44	35	2	1	163
REL <2 WEEK-M	61	53	78	42	45	6	8	293
REL <1 MONTH-M	40	36	57	50	32	4	4	223
REL <2 MONTHS-M	48	37	50	44	33	6	6	224
REL OVER 2 MO-M	66	94	81	65	47	9	9	371

Average Length of Stay 01/01/2011 thru 12/31/2011

<b>COUNT OF MALES</b>	737	675	731	664	729	553	685	4,774
AVE DAYS -M	19.68	30.55	23.25	21.81	16.11	4.85	3.58	17.49
TOTAL DAYS-M	14,511	20,624	16,997	14,487	11,748	2,687	2,457	83,511
REL 12 HOURS-F	30	48	49	44	82	79	94	426
REL 24 HOURS-F	43	57	44	76	63	32	42	357
REL 36 HOURS-F	2	1	0	0	0	0	1	4
REL 48 HOURS-F	27	10	13	12	10	4	20	96
REL 60 HOURS-F	0	1	0	0	0	0	0	1
REL 72 HOURS-F	25	13	3	5	4	0	3	53
REL 84 HOURS-F	0	0	0	0	0	0	0	0
REL 4 DAYS-F	10	15	5	3	4	1	0	38
REL 5 DAYS-F	2	0	1	0	6	0	0	9
REL 6 DAYS-F	3	2	6	4	5	0	0	20
REL 7 DAYS-F	3	13	11	7	3	0	0	37
REL<2 WEEK-F	8	7	23	14	8	2	0	62
REL<1 MONTH-F	12	6	11	11	8	0	1	49
REL<2 MONTHS-F	6	8	10	8	2	3	0	37
REL OVER 2 MO-F	11	11	9	10	5	2	0	48
<b>COUNT FEMALES</b>	182	192	185	194	200	123	161	1,237
AVE DAYS -F	13.43	13.87	10.82	9.7	8.04	5.33	1.32	9.27
TOTAL DAYS-F	2,458	2,677	2,014	1,893	1,609	667	214	11,532
PRISONER COUNT	919	867	916	858	929	676	846	6,011
AVE DAYS -TOT	18.44	26.84	20.73	19.06	14.37	4.94	3.15	15.79
TOTAL DAYS-TOT	16,969	23,301	19,011	16,380	13,357	3,354	2,671	95,043
PRIS DAYS > 7:	86,7	27	CO	UNT OF P	RIS: 1	,307	AVERAGE	STAY: 66.35

Average Length of Stay 01/01/2011 thru 12/31/2011

PRIS DAYS > 14:	83,1	34 CO	UNT OF P	RIS:	952	AVERAGE	STAY:	87.32
PRIS DAYS > 30:	77,2	87 CO	UNT OF P	RIS:	680	AVERAGE	STAY:	113.65
PRIS DAYS > 60:	65,9	65 CO	UNT OF P	RIS:	419	AVERAGE	STAY:	157.43
<b>By Race:</b>								
REL 12 HOURS-W	135	171	165	160	246	343	404	1,624
REL 24 HOURS-W	170	186	188	204	209	173	212	1,342
REL 36 HOURS-W	7	1	1	5	3	2	7	26
REL 48 HOURS-W	84	32	43	47	38	15	84	343
REL 60 HOURS-W	1	0	1	2	0	2	0	6
REL 72 HOURS-W	73	27	14	22	21	4	11	172
REL 84 HOURS-W	0	0	0	0	0	0	0	0
REL 4 DAYS-W	27	46	11	9	27	4	3	127
REL 5 DAYS-W	13	12	14	5	24	1	2	71
REL 6 DAYS-W	13	10	25	19	18	2	0	87
REL 7 DAYS-W	14	30	48	38	29	1	1	161
REL<2 WEEK-W	56	49	77	45	37	8	7	279
REL<1 MONTH-W	41	37	54	50	32	1	4	219
REL<2 MONTHS-W	39	34	47	41	30	6	5	202
REL OVER 2 MO-W	58	78	67	53	44	9	8	317
<b>COUNT OF WHITES</b>	731	713	755	700	758	571	748	4,976
<b>AVE DAYS -W</b>	16	22	18	15	14	4	2	13
<b>TOTAL DAYS-W</b>	11,842	16,161	14,157	10,662	11,307	2,660	2,227	69,016
REL 12 HOURS-B	12	17	17	14	22	35	31	148

Average Length of Stay 01/01/2011 thru 12/31/2011

REL 24 HOURS-B	33	23	34	27	43	20	11	191
REL 36 HOURS-B	0	0	1	0	0	2	0	3
REL 48 HOURS-B	20	7	4	14	5	2	5	57
REL 60 HOURS-B	0	1	0	0	0	0	0	1
REL 72 HOURS-B	17	10	1	1	8	2	2	41
REL 84 HOURS-B	0	0	0	0	0	0	0	0
REL 4 DAYS-B	7	7	1	2	4	0	2	23
REL 5 DAYS-B	4	0	4	3	6	0	1	18
REL 6 DAYS-B	3	1	2	5	5	0	0	16
REL 7 DAYS-B	3	5	8	10	5	1	0	32
REL<2 WEEK-B	13	8	21	10	13	0	1	66
REL<1 MONTH-B	11	4	13	8	6	2	1	45
REL<2 MONTHS-B	14	10	11	10	3	2	1	51
REL OVER 2 MO-B	19	25	20	22	8	2	1	97
<b>COUNT OF BLACKS</b>	156	118	137	126	128	68	56	789
<b>AVE DAYS -B</b>	32	53	32	43	13	8	7	30
<b>TOTAL DAYS-B</b>	5,014	6,254	4,453	5,537	1,789	571	397	24,015
REL 12 HOURS-I	0	0	0	0	2	1	1	4
REL 24 HOURS-I	1	0	0	1	0	1	1	4
REL 36 HOURS-I	0	0	0	0	0	0	0	0
REL 48 HOURS-I	0	0	0	0	0	0	0	0
REL 60 HOURS-I	0	0	0	0	0	0	0	0
REL 72 HOURS-I	0	0	0	0	0	0	0	0
REL 84 HOURS-I	0	0	0	0	0	0	0	0
REL 4 DAYS-I	0	0	0	0	0	0	0	0
REL 5 DAYS-I	0	0	0	0	0	0	0	0
REL 6 DAYS-I	0	0	0	0	0	0	0	0



Average Length of Stay 01/01/2011 thru 12/31/2011

REL 7 DAYS-I	0	0	0	0	0	0	0	0
REL<2 WEEK-I	0	0	0	0	0	0	0	0
REL<1 MONTH-I	0	0	0	0	0	0	0	0
REL<2 MONTHS-I	0	0	0	0	0	0	0	0
REL OVER 2 MO-I	0	0	0	0	0	0	0	0
<b>COUNT OF INDIANS</b>	1	0	0	1	2	2	2	8
<b>AVE DAYS -I</b>	1	0	0	1	1	1	1	1
<b>TOTAL DAYS-I</b>	1	0	0	1	2	2	2	8
REL 12 HOURS-A	1	5	3	3	4	5	8	29
REL 24 HOURS-A	0	1	0	0	0	3	1	5
REL 36 HOURS-A	0	0	0	0	0	0	0	0
REL 48 HOURS-A	2	0	0	0	0	0	0	2
REL 60 HOURS-A	0	0	0	0	0	0	0	0
REL 72 HOURS-A	0	0	0	0	0	0	0	0
REL 84 HOURS-A	0	0	0	0	0	0	0	0
REL 4 DAYS-A	0	1	0	0	0	0	0	1
REL 5 DAYS-A	0	0	0	0	0	0	0	0
REL 6 DAYS-A	0	0	0	0	0	0	0	0
REL 7 DAYS-A	0	0	0	0	1	0	0	1
REL<2 WEEK-A	0	0	0	0	0	0	0	0
REL<1 MONTH-A	0	0	0	0	0	0	0	0
REL<2 MONTHS-A	0	0	0	0	0	0	0	0
REL OVER 2 MO-A	0	0	0	0	0	0	0	0
<b>COUNT OF ASIANS</b>	3	7	3	3	5	8	9	38
<b>AVE DAYS -A</b>	1	1	1	1	2	1	1	1

Average Length of Stay 01/01/2011 thru 12/31/2011

<b>TOTAL DAYS-A</b>	5	10	3	3	11	8	9	<b>49</b>
REL 12 HOURS-U	8	11	4	8	11	20	19	81
REL 24 HOURS-U	6	5	6	10	5	5	11	48
REL 36 HOURS-U	0	0	0	0	0	0	0	0
REL 48 HOURS-U	4	3	0	2	4	0	0	13
REL 60 HOURS-U	0	0	0	0	1	0	0	1
REL 72 HOURS-U	6	1	1	0	2	0	0	10
REL 84 HOURS-U	0	0	0	0	0	0	0	0
REL 4 DAYS-U	3	1	1	0	1	1	0	7
REL 5 DAYS-U	1	0	0	0	2	0	0	3
REL 6 DAYS-U	0	1	0	1	0	0	1	3
REL 7 DAYS-U	0	0	1	3	3	0	0	7
REL <2 WEEK-U	0	3	3	1	3	0	0	10
REL <1 MONTH-U	0	1	1	3	2	2	0	9
REL <2 MONTHS-U	1	1	2	1	2	1	0	8
REL OVER 2 MO-U	0	3	3	0	0	0	0	6
<b>COUNT UNK RACE</b>	29	30	22	29	36	29	31	<b>206</b>
<b>AVE DAYS -U</b>	3	29	18	6	6	3	1	<b>9</b>
<b>TOTAL DAYS-U</b>	107	876	398	177	248	113	36	<b>1,955</b>
<b>RACE COUNT</b>	920	868	917	859	929	678	846	<b>6,017</b>
<b>AVE DAYS RACE</b>	18	26	20	19	14	4	3	<b>15</b>
<b>TOTAL DAYS RACE</b>	16,969	23,301	19,011	16,380	13,357	3,354	2,671	<b>95,043</b>
<b>By State/Federal Prisoners</b>								
REL 12 HRS-ST	0	0	0	0	0	0	0	0

Average Length of Stay 01/01/2011 thru 12/31/2011

REL 24 HRS-ST	0	0	0	0	0	0	0	0
REL 36 HRS-ST	0	0	0	0	0	0	0	0
REL 48 HRS-ST	0	0	0	0	0	0	0	0
REL 60 HRS-ST	0	0	0	0	0	0	0	0
REL 72 HRS-ST	0	0	0	0	0	0	0	0
REL 84 HRS-ST	0	0	0	0	0	0	0	0
REL 4 DAYS-ST	0	0	0	0	0	0	0	0
REL 5 DAYS-ST	0	0	0	0	0	0	0	0
REL 6 DAYS-ST	0	0	0	0	0	0	0	0
REL 7 DAYS-ST	0	0	0	0	0	0	0	0
REL<2 WEEK-ST	0	0	0	0	0	0	0	0
REL<1 MONTH-ST	0	0	0	0	0	0	0	0
REL<2 MONTHS-ST	0	0	0	0	0	0	0	0
REL OVER 2 MO-ST	0	0	0	0	0	0	0	0
COUNT STATE PRIS	0	0	0	0	0	0	0	0
AVE DAYS -ST	0	0	0	0	0	0	0	0
TOTAL DAYS-ST	0	0	0	0	0	0	0	0
REL 12 HRS-FED	0	0	0	0	0	0	0	0
REL 24 HRS-FED	0	0	0	0	0	0	0	0
REL 36 HRS-FED	0	0	0	0	0	0	0	0
REL 48 HRS-FED	0	0	0	0	0	0	0	0
REL 60 HRS-FED	0	0	0	0	0	0	0	0
REL 72 HRS-FED	0	0	0	0	0	0	0	0
REL 84 HRS-FED	0	0	0	0	0	0	0	0
REL 4 DAYS-FED	0	0	0	0	0	0	0	0
REL 5 DAYS-FED	0	0	0	0	0	0	0	0

Average Length of Stay 01/01/2011 thru 12/31/2011

REL 6 DAYS-FED	0	0	0	0	0	0	0	0
REL 7 DAYS-FED	0	0	0	0	0	0	0	0
REL<2 WEEK-FED	0	0	0	0	0	0	0	0
REL<1 MONTH-FED	0	0	0	0	0	0	0	0
REL<2 MONTHS-FED	0	0	0	0	0	0	0	0
REL OVER 2 MO-FE	0	0	0	0	0	0	0	0
COUNT FED PRIS	0	0	0	0	0	0	0	0
AVE DAYS -FED	0	0	0	0	0	0	0	0
TOTAL DAYS-FED	0	0	0	0	0	0	0	0
STATE/FED COUNT	0	0	0	0	0	0	0	0
AVE DAYS ST/FED	0	0	0	0	0	0	0	0
TOTAL DAYS ST/FE	0	0	0	0	0	0	0	0

## Appendix F - 2003 Monroe County Racial Justice Task Force Report (cases originating in 2000)

### **RACE AND CRIMINAL JUSTICE IN MONROE COUNTY, INDIANA**

### **2003 REPORT FROM THE MONROE COUNTY RACIAL JUSTICE TASK FORCE**

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October 2003

*Title Page*

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## EXECUTIVE SUMMARY

In March, 2001, the Monroe County Racial Justice Task Force (RJTF) was convened to explore the issue of racial disparity within the Monroe County justice system. The Task Force was developed in response to a February, 2001, report on racial disparity that had been prepared by the Monroe County Branch of the NAACP and the “What Color is Community?” Task Force of the Unitarian Universalist Church (2001 report). The 2001 report analyzed racial disparities in the justice system and issued recommendations to the County, including the creation of a task force. The RJTF is comprised of representatives of the Monroe County justice system, city government, and community members.

Due to the data limitations of the 2001 report, the Task Force felt it necessary to conduct a more comprehensive analysis of arrests and case processing in order to provide more detail and analysis than was possible in the original study. Working with the Monroe County Prosecutor and other court officials, the RJTF obtained data on bookings in 2000 and outcomes for these cases. With the aid of researchers at Indiana University, these data have been compiled to produce the findings contained in this report.

The conclusions of this study are based on an analysis of 966 of the 5,092 bookings in Monroe County in 2000. The 966 bookings consist of all 483 black bookings and 483 white bookings selected randomly for comparative purposes. Highlights of this report include the following:

### **Assessment of Racial Disparity**

**Arrests** – Blacks constituted 9.5% of all bookings in Monroe County during 2000, about three times their share of the county’s total population. Since there are no county-specific data on involvement in crime (e.g., information on prior criminal history and/or from a victimization survey), we cannot conclusively identify the causes of this racial disparity. However, this study’s data do provide important, if partial, information concerning this disparity: (1) Thirty-seven percent of black bookings, compared to 25 percent of white bookings, were for reasons other than for commission of a new crime, such as failure to appear, probation violation, and court ordered transport; and (2) blacks were 33 percent *less* likely than whites to be arrested and booked through police officer-initiated arrests.

- **Racial Profiling by Law Enforcement?** – An area of concern nationally in regard to racial bias has been the prevalence of racial profiling by law enforcement agencies, including data from some jurisdictions that police are disproportionately targeting black motorists and others. In this area, we find no such disproportionate impact in Monroe County. In fact, 50.2% of the sample of 483 white bookings and arrests, compared to 33.5% of the 483 black bookings and arrests, resulted from officer-initiated actions. Although the high number of alcohol-related arrests for whites contributed in part to this difference, there were still more white arrests (40.8%) than black arrests (30.4%) resulting from police officer-initiated action when alcohol-related arrests were excluded.

**Booking Charge Distribution** – Whites (55.7%) in Monroe County were considerably more likely than blacks (37.5%) to be arrested for a misdemeanor charge. Blacks were also more likely than whites to be arrested for a felony charge (24.2% vs. 18.2%), for a probation violation (9.5% vs. 6%), and for failure to appear (12.6% vs. 6.2%).

**Pretrial detention** – Blacks were held in jail more than twice as long as whites prior to release for misdemeanor offenses (7.7 days vs. 2.8 days) and nearly twice as long for felony offenses (40 days vs. 24.6 days).

**Charging Decisions** – For cases in which a charge was made after booking, there was no significant difference between blacks and whites in the degree to which misdemeanors and felonies were charged. That is, the rate at which prosecutors charged arrests for misdemeanors or felonies as similar offenses did not differ significantly by race.

**Pretrial Diversion** – Whites charged with misdemeanors were over three times more likely than blacks (26.1% vs. 7.7%) to receive pretrial diversion. The pretrial diversion program is essentially non-discretionary; that is, anyone charged with an eligible offense who meets the criteria for diversion and is able to pay program-related fees is offered the option of the program. However, those who benefit most from the pretrial diversion program are frequently persons charged with alcohol-related offenses (such as illegal consumption and public intoxication) which, in this study, were disproportionately committed by whites.

**Sentencing** – Our data analysis reveals mixed findings with regard to sentencing disparities. Overall, blacks were slightly more likely than whites to be sentenced to incarceration for both misdemeanors and felonies. Because the mean days sentenced, suspended, and executed are sensitive to one or two cases that might have an extremely low or extremely high value, the mean should be taken in context with the median in interpreting the findings regarding sentencing.

In looking at *median* days of executed sentence, we find blacks served more time than whites but not in all circumstances. For example, for misdemeanor cases with no prior bookings, whites and blacks both served a median of two days, but for those with a prior booking, blacks served a median of six days compared to three days for whites. In looking at *mean* days of executed sentence, we find that for misdemeanor cases with no prior bookings, blacks served a mean of 36.3 days and whites, a mean of 4.7 days. For misdemeanor cases with a prior booking, blacks served a mean of 45.6 days compared to 25.6 days for whites.

For felonies, there were relatively few convictions for A, B, and C felonies, and so while disparities were noted, the small number of cases suggests caution in interpretation. But in examining median and mean days of executed sentence for D felonies, the most numerous, there were significant racial differences both for offenders with no prior bookings and for those with priors. In cases with no prior bookings, blacks served a median of 106 days compared to 2 days for whites, while the mean days served were 191.4 days for blacks and 83.9 days for whites. In cases with prior bookings, blacks served a median of 181.5 days compared to 90 days for whites, while mean days served were 322.8 days for blacks and 164.5 days for whites.



## Recommendations

The results of this study show significant racial disparities in several aspects of the criminal justice system in Monroe County. These include disparities in arrests, pretrial detention, pretrial diversion, and sentencing. As thorough as this data analysis is, though, in most of these areas we cannot conclusively assess the extent to which these disparities reflect legally relevant variables or biased decision-making.

The primary significance of the data presented is that it offers local policymakers and practitioners a range of useful information regarding the impact of decision-making and case processing at various stages of the justice system. This information can be used to develop strategies and practices that can contribute to reducing unwarranted racial disparities in the county. Development of such strategies should be based on the following principles:

- Racial disparity can be reduced through the development of sound criminal justice practices that produce appropriate outcomes for all persons in the justice system. Policies to reduce racial disparity should be consistent with sound fiscal policy and promoting public safety.
- In selecting strategies for reducing racial disparity, policymakers should target areas of the justice system where disparities are most significant and, therefore, ones which contain the potential for producing the greatest impact.
- New initiatives should be monitored and evaluated to assess their impact on criminal justice practice overall and on reducing racial disparity.

Specific areas of the justice system to be targeted should include:

### **Reduce disparities in arrests**

- **Reduce disparities in failure to appear rates** – Blacks were two times more likely than whites to be booked for failure to appear for court dates and represented 15% of all such bookings. Local officials should examine this issue with a goal of identifying strategies to improve appearance rates. These strategies may include changes in notification process for court dates, scheduling issues, greater involvement of defense attorneys in notification, and other procedures.
- **Reduce disparities in probation violations** – Blacks constituted 15% of bookings for probation violations in Monroe County and were booked for this offense at a rate 50% higher than whites. Probation officials should assess the reasons for violations, enhance proactive strategies to prevent failure such as increased access to substance abuse treatment programs, increase the use of non-jail options as responses to violations, and monitor the use of discretion by probation officers in responding to violations.

**Reduce disparities in pretrial detention** – Blacks booked into the jail on misdemeanors were held in jail more than twice as long as whites prior to release and nearly twice as long for felony charges. Since the purpose of bail is solely to assure appearance at trial, local policymakers should explore a variety of options to increase the speed and frequency of pretrial release. This

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should include a review of cash bail options and obstacles, the use of release options such as third-party or electronic monitoring, and other methods.

**Reduce disparities in pretrial diversion** – Whites were over three times more likely than blacks to be admitted to the pretrial diversion program. Since alcohol-related offenses are the most common charge for this program, this policy disproportionately favors whites, who are more likely to be charged with such offenses. Local officials should consider expanding the range of eligible offenses for this option and/or any obstacles to greater participation by blacks in this option.

**Reduce sentencing disparities** – Blacks convicted of D felonies in particular served considerably more incarcerated time than whites. While there may be legally relevant variables that account for these disparities, court officials should carefully examine such cases to determine the causes. Following this analysis, prosecutors, defense attorneys, and judges should explore a range of sentencing options for such cases with a goal of expanding the use of non-jail options.

### **Conclusion**

Monroe County has many dedicated criminal justice officials and practitioners, many of whom have contributed significantly to the formulation and completion of this study. Over the course of the past two years, it has been clear that there is a real concern about the issue of racial disparity in the criminal justice system and a commitment to reducing unwarranted disparity. We believe that the findings of this study demonstrate that remediable disparities exist and that these disparities can be alleviated through coordinated activities on the part of the entire Monroe County community.

inmates in the U.S. were non-white. Even though blacks represent approximately 12 percent of the population, they accounted for almost 40 percent of jail inmates compared to Hispanics, who constituted also nearly 12 percent of the population and 15 percent of jail inmates. In contrast, whites accounted for 44 percent of jail inmates and 70 percent of the population. Similar disparities exist among the prison population: blacks, 46 percent; whites, 36 percent; and Hispanics, 16 percent. According to the most recent Bureau of Justice Statistics' report, the incarceration rate for whites in jail is 147 per 100,000, compared to a rate of 740 per 100,000 for blacks and 256 per 100,000 for Hispanics (Bureau of Justice Statistics, May 2002).

This growing disparate impact of criminal justice system policies and laws poses extraordinary challenges to a nation which prides itself on equal enforcement of the law guaranteed by its Constitution and to the notion that this system is fundamentally fair and unbiased:

As we enter the new millennium, America has become the most racially diverse and wealthiest nation on the planet. Our gains in economic prosperity, however, are not uniformly shared across society as whole segments of American communities have become marginalized—seemingly unimportant to society at large. One fundamental aspect of this marginalization is the disparate treatment of persons of color which occurs incrementally across the entire spectrum of America's criminal justice system. This disparity, rarely a result of clear-cut decisions to provide unfair treatment, threatens to produce in communities in every city and state an unhealthy and counterproductive distrust of the criminal justice system. And a society that cannot trust its institutions to protect the people and treat them fairly cannot effectively control the crime that we rightly fear.  
*Reducing Racial Disparity in the Criminal Justice System—A Manual for Practitioners and Policymakers*, The Sentencing Project, 2000, p.

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## ***B. Definition, Impact and Causes of Racial Disparity<sup>1</sup>***

### **1. Definition of Racial Disparity**

Racial disparity in the criminal justice system exists when the proportion of a racial/ethnic group within the control of the system is greater than the proportion of such groups in the general population. The causes of such disparity may be varied and include differing levels of criminal activity, law enforcement emphasis on particular communities, legislative policies, and decision making by criminal justice practitioners who exercise broad discretion in the justice process.

*Illegitimate* or *unwarranted* racial disparity results from the dissimilar treatment by the criminal justice system of similarly situated people based on race. In some instances this may involve overt racial bias, while in others it may reflect the influence of factors that are only indirectly associated with race.

There are four key aspects to addressing racial disparity in the criminal justice system:

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<sup>1</sup> The following narrative is adapted, with permission from The Sentencing Project, from *Reducing Racial Disparity in the Criminal Justice System— A Manual for Practitioners and Policymakers*, pp 2-10.

- The problem of racial disparity is one which builds at each stage of the criminal justice continuum of arrest through parole, rather than the result of the actions of any single agency.
- In order to combat unwarranted disparity, strategies are required to tackle the problem at each stage of the criminal justice system, and to do so in a coordinated way. Without a systemic approach to the problem, gains in one area may be offset by reversals in another.
- Each decision point and component of the system requires unique strategies depending on the degree of disparity and the specific populations affected by the actions of that component.
- Systemwide change is impossible without informed criminal justice leaders who are willing and able to commit their personal and agency resources to measuring and addressing racial disparity at every stage of the criminal justice system, and as a result, for the system as a whole.

Addressing racial disparity in the criminal justice system is entirely consistent with a commitment to public safety and to a fair system of justice. If unwarranted racial disparities can be reduced, the justice system will gain credibility and serve a more effective role in preventing and responding to crime.

## **2. The Impact of Racial Disparity**

Statistics from communities and the nation as a whole show evidence of the impact of racial disparity at all levels of the criminal justice system. Disparities have a cumulative effect, whereby decisions made at one stage of the system contribute to increasing disparities at the following stages. Disparities in the system can be seen in the following:

- The widely-discussed phenomenon of “driving while black” illustrates the potential abuse of discretion by law enforcement. Traffic stops recorded on Interstate 95 in Maryland over a two-year period revealed that African Americans represented 70 percent of drivers stopped and searched by police, while only 17.5% of all drivers – as well as speeders – were black.
- A New York state study found that minorities charged with felonies were more likely to be detained than whites. The researchers concluded that 10% of minorities detained in New York City and 33% in other parts of the state would have been released prior to arraignment if minorities were detained at the rate of comparably situated whites.
- 46% of prison inmates and 40% of jail inmates are African American, compared to their 12% share of the overall population.
- Hispanics constitute 16% of the prison population and 15% of the jail population, compared to their 12% share of the population.
- A black male born in 1991 has a 29% chance of spending time in prison at some point in his life, a Hispanic male 16%, and a white male 4 %.

In a recent book, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (2002), Marc Mauer and Meda Chesney-Lind reveal how two million imprisoned Americans and their families—of which disproportionately high numbers are blacks and other minorities—are being punished by factors that extend beyond incarceration. This “invisible punishment”—in part the result of “get tough on crime” laws that may well have backfired—has created a plethora of obstacles for both incarcerated and returning inmates: denial of welfare benefits for even minor drug-related offenses; employment and housing restrictions; loss of voting rights; disqualification from public housing, job training, and student loans; as well exposure to fatal

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Table 10 also demonstrates that a higher percentage of black bookings, 10.6 percent, resulted from a domestically-initiated complaint compared to white bookings in this sample, of which 4.7 percent were domestically-initiated. However, black and white cases proved rather similar with respect to the percentage of cases initiated via commercial, private, and dispatch methods.

**Table 10 (a). Initial complainant status with alcohol charge as first offense excluded**

Complainant	Black		White	
	<i>N</i>	<i>Percent</i>	<i>N</i>	<i>Percent</i>
Officer	49	30.4	49	40.8
Commercial	30	18.6	23	19.2
Government	21	13	4	3.3
Private	37	23	33	27.5
Domestic	19	11.8	8	6.7
Dispatch	5	3.1	3	2.5
Missing	26	----	12	----
<b>Total</b>	187*	100	132*	100

\*This table is based on the 187 black and 132 white cases where the type of crime for count I could be determined and was not alcohol-related (see, Table 5). Because this table looks at the type of crime with which an individual was charged, the 31 black and 23 white “no charge” cases (see, Table 2) are not included in this table, in contrast to Tables 9 and 10.

### C. Sentencing

#### 1. Overview

This section examines and compares sentencing length of black and white cases which ended in either a guilty plea (either a straight guilty plea or a guilty plea pursuant to a negotiated plea) or a straight conviction *and* which resulted in a sentence to incarceration. As Table 11 demonstrates, for both black and white misdemeanor and felony cases in which there was a conviction, there were no substantial differences between blacks and whites with regard to whether or not a sentence to incarceration was given.

**Table 11. Sentence to incarceration for cases resulting in conviction**

	Felony				Misdemeanor			
	Black		White		Black		White	
	<i>N</i>	<i>Percent</i>	<i>N</i>	<i>Percent</i>	<i>N</i>	<i>Percent</i>	<i>N</i>	<i>Percent</i>
Sentenced to incarceration	53	100	46	100	63	72.4	98	75.4
No sentence to incarceration	0	0	0	0	24	27.6	32	24.6
Missing	1	---	1	---	4	---	1	---
<b>Total</b>	54	100	47	100	91	100	131	100

Because of the small number of women in the sample and in an effort to reduce the number of variables that might be influencing what we see, much of the following discussion will focus on male bookings so that the cases compared are as similar as possible. Unfortunately, there were no satisfactory means available within the scope of this study to measure prior record, which becomes especially important in discussions of sentencing and any ensuing disparity. The jail

number, which counts the number of times an individual is booked into the Monroe County jail, was used as the closest estimate available for this study. Much of the remaining analysis here separates those cases where a prior booking was recorded from those with no prior booking. However, a caveat should be noted: differences in sentence length are difficult to interpret without good prior record indicators; while prior bookings may offer *some* benchmark, differences should be interpreted with caution. It should also be noted that another problem with use of prior Monroe County bookings as a measure of “prior record” is that this measure does not include any information about prior convictions or about out of county arrests and/or bookings.

Moreover, it should be noted that, as mentioned in Section II, the literature demonstrates a link between race, class and involvement with the criminal justice system. Poor people generally are overrepresented at every stage of the criminal justice system, and people of color are disproportionately poor. Thus, although we recognize the importance of socioeconomic status as a factor in criminal sentencing, our data do not offer a direct measure of socioeconomic status. We do, however, have evidence that indirectly suggests that blacks in Monroe County may be disproportionately poor: According to the year 2000 census data for Monroe County, black families are 60 percent more likely than white families to have a household income less than \$25,000. Further, although involvement of a public defender is not a conclusive marker for socioeconomic status, we have previously noted that a higher percentage of black cases involved a public defender for both felony and misdemeanor charges (see, Table 8).

## **2. Misdemeanors**

In this study, misdemeanors accounted for the largest number of cases booked, filed and sentenced to incarceration for both blacks and whites. With respect to booking charges, misdemeanors accounted for 37.5 percent of all black cases and for 55.7 of all white cases (see, Table 3). For type of cases filed by the prosecutor’s office, misdemeanors comprised 55.5 percent of all black cases and 72 percent of all white cases (see, Table 2). And as Table 11 demonstrates, in cases resulting in convictions which were sentenced to incarceration, misdemeanors accounted for 72.4 percent of all black cases and for 75.4 percent of all white cases.

Table 12 presents the mean and median number of days sentenced to incarceration, days of sentence suspended, and days of executed sentence by race for males charged with a misdemeanor who had no prior booking, either pleaded or were found guilty, and who were sentenced to some type of incarceration. Because the average days sentenced, suspended, and executed are sensitive to one or two cases that might have an extremely low or extremely high value, for example, the mean should be taken in context with the median in interpreting the findings in the remainder of this section.

Black males in this category were sentenced to a slightly higher average of 196.3 days of incarceration compared to 178 days for whites, while the median days sentenced were the same for both groups. The 175.5 mean days suspended for whites were slightly higher than the mean days suspended for blacks, 151.1, but the median days suspended for whites were approximately twice the median days suspended for blacks. The mean days of executed sentence for blacks

were approximately 7.7 times that of whites, but the median days of executed sentence for both groups were exactly 2.

**Table 12. Mean and median days sentenced to incarceration for misdemeanors with no prior booking**

	Black Males (N = 20)		White Males (N = 55)	
	Mean	Median	Mean	Median
Number of Days Sentenced	196.3	180	178	180
Number of Days Suspended*	151.1	88	175.5	178
Days of Executed Sentence*	36.3	2	4.7	2

\* Information on suspended sentence was not available for one black case and one white case, therefore suspended sentence and executed sentence information is based on 19 black cases and 54 white cases.

Table 13 demonstrates the mean and median number of days sentenced, suspended, and executed by race for males who had at least one prior Monroe County booking, were charged with a misdemeanor, and received a sentence to incarceration.

Here, we see that the mean number of days sentenced for black males, 181.7, was just slightly higher than the 177.7 mean days sentenced for whites, but the median number of days sentenced for blacks was double that of whites. White males had a slightly higher mean, 152.1, for number of days suspended than the black mean of 136.1, but the median days suspended for both groups were almost equal. The 45.6 mean days executed for black males were higher than the 25.6 mean days executed for whites, and median days executed for blacks were twice that of whites.

**Table 13. Mean and median days sentenced to incarceration for misdemeanors with prior booking**

	Black Males (N = 36)*		White Males (N = 28)	
	Mean	Median	Mean	Median
Number of Days Sentenced	181.7	180	177.7	90
Number of Days Suspended	136.1	58	152.1	59
Days of Executed Sentence	45.6	6	25.6	3

\* One black case was excluded from the analysis because of missing data, there were 37 total applicable cases.

### 3. D Felonies

In all, there were 38 black male D felonies and 41 white male D felonies in this sample, although not all of those charges led to a conviction. Table 14 presents information for D felony cases in which an offender had no prior booking, was charged with a D felony, and the case ended with a conviction and sentence. The mean and median days sentenced to incarceration for whites, 622.5 and 575, respectively, were both higher than the 428.2 mean and 365 median days sentenced for blacks. The mean days suspended for whites were, however, more than two times the mean days suspended for blacks, and the median days suspended for blacks was zero, compared to 483 for whites. Although the mean and median days sentenced for whites were higher than for blacks, the greater number of days suspended for whites leaves blacks with a greater number of days executed. The mean days executed for blacks were 191.4 compared to 83.9 for whites, and the median days executed for blacks were 106, compared to 2 for whites.

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**Table 14. Mean and median days sentenced to incarceration for D felonies with no prior booking**

	Black Males (N = 9)		White Males (N = 8)	
	Mean	Median	Mean	Median
Number of Days Sentenced	428.2	365	622.5	575
Number of Days Suspended	236.8	0	538.6	483
Days of Executed Sentence	191.4	106	83.9	2

Table 15 provides the mean and median days sentenced, suspended, and executed for male D felony cases where the offender had a prior booking. The mean days sentenced for blacks, 652.3, were slightly higher than for whites, though the median days sentenced for whites were higher than for blacks. The mean and median days suspended for blacks, 329.4 and 315, respectively, were lower than the 474.1 mean and 365 median days for whites. For blacks, the 322.8 mean days executed were nearly twice the 164.5 mean days executed for whites, which was consistent with the 181.5 median days executed for blacks being just over twice the 90 median days executed for whites.

**Table 15. Mean and median days sentenced to incarceration for D felonies with prior booking**

	Black Males (N = 16)		White Males (N = 21)	
	Mean	Median	Mean	Median
Number of Days Sentenced	652.3	635	638.6	730
Number of Days Suspended	329.4	315	474.1	365
Days of Executed Sentence	322.8	181.5	164.5	90

\* One black case and one white case were excluded from the analysis because of missing data, there were 17 total applicable black cases and 22 applicable white cases.

#### 4. C Felonies

Table 16 demonstrates the mean and median days sentenced, suspended, and executed for males with no prior booking who were convicted and sentenced based on a C felony charge. Although the mean and median days, 1885 and 1825, respectively, for blacks were higher than the 1182.5 mean days for whites, it should be noted that there were only three applicable black cases and two applicable white cases to analyze, meaning these numbers must be interpreted with caution. While blacks had a higher mean and median days suspended, than whites, blacks also had a mean executed sentence of 1033.3 days and a median of 910 compared to 395 days for whites. However, there are not enough applicable cases to make these comparisons meaningful.

**Table 16. Mean and median days sentenced to incarceration for C felonies with no prior booking**

	Black Males (N = 3)		White Males (N = 2)	
	Mean	Median	Mean	Median*
Number of Days Sentenced	1885	1825	1182.5	---
Number of Days Suspended	851.7	1095	787.5	---
Days of Executed Sentence	1033.3	910	395	---

\*Because there are only two white male cases, the median is the same as the mean.

Table 17 presents the mean number of days sentenced, suspended, and executed for male bookings resulting in a conviction on a C felony charge where the defendant had a prior booking.



White males in this category had a higher mean and median days sentenced, suspended, and executed than black males. However, once again, the small number of applicable cases (only two white male cases) makes it impossible to draw any meaningful conclusions from these data.

Because of the small number of C felony cases filed, it is more instructive to examine the mean and median days sentenced, suspended, and executed for C felonies by combining males with and without a prior booking. As Table 18 demonstrates, combining those cases with no prior booking with those where there was a prior booking allows comparison of 12 black males cases to four white males cases. Given that there are only four white male cases, these results should be interpreted with caution.

**Table 17. Mean and median days sentenced to incarceration for C felonies with prior booking**

	Black Males (N = 9)		White Males (N = 2)	
	Mean	Median	Mean	Median*
Number of Days Sentenced	1047.9	377	1734	---
Number of Days Suspended	650.4	365	968.5	---
Days of Executed Sentence	395.2	116	765.5	---

\*Because there are only two white male cases, the median is the same as the mean.

Table 18 shows that the mean days sentenced for white males, 1458.3, charged with a C felony were higher than the 1257.2 mean days sentenced for black males, with the white male median of 1186.5 also being higher than the 729 median days for blacks. Whites had a higher mean, 878, and median, 787.5, days suspended than blacks, 700.8 and 396.5, respectively. However, the executed sentences for both groups were similar with the mean days, 554.8 of executed sentence of black males being just slightly lower than the 580.3 mean days executed for whites. The median days executed for blacks and whites were also quite similar, 365 days and 400.5 days, respectively.

**Table 18. Mean and median days sentenced to incarceration for all male C felony cases**

	Black Males (N = 12)		White Males (N = 4)	
	Mean	Median	Mean	Median
Number of Days Sentenced	1257.2	729	1458.3	1186.5
Number of Days Suspended	700.8	396.5	878	787.5
Days of Executed Sentence	554.8	365	580.3	400.5

**5. A and B Felonies**

A and B felonies are the most serious charges that can be brought against a defendant (other than murder) and, therefore, make up the fewest cases processed by the justice system. The small number of A and B felonies creates a number of problems for comparison in this study. Eleven of the 12 total A and B felonies associated with black cases were of males. The remaining case was a B felony charge against a black woman, the only female A or B felony charge in this study. Of the already small number of 11 black male A or B felonies, information was incomplete for two cases, and, thus, these two cases were excluded from the analysis of sentence

length. Five of the nine black felony cases included here involved a prior booking, and four did not. Of the six white cases that included an A or B felony charge, five involved a prior booking, and one of those cases could not be used in this analysis because of incomplete information. There was only one white male A or B felony that did not involve a prior booking.

It should be noted that our method of distinguishing cases based on the presence of a prior booking, as demonstrated clearly for C felonies, is only useful when there are a sufficient number of cases. As seriousness of the charge rises and the number of cases in each group begins to diminish, distinguishing between prior booking cases and no prior booking cases can actually begin to cloud rather than clarify questions about comparing black and white sentence lengths. Therefore, we combine here A and B felonies for males regardless of whether there was a prior booking. Even doing this does not completely allow for fair comparisons. One black case in our study, in which a 75-year sentence was given, skews the results dramatically, since a 75-year sentence is quite extraordinary (the second highest maximum sentence in our study was 14 years). Because this “outlier” is so dramatic, we seek to draw attention to its influence. Therefore, Table 19 provides the results of male A and B felony cases regardless of prior booking status, and for black cases, two results are provided. The first column for blacks includes the 75-year outlier sentence; the second column excludes that sentence.

The results of Table 19 demonstrate how drastically one dramatic sentence can skew comparisons. Analysis of black cases, including the 75-year sentence when compared to A and B felonies for white males, indicates that blacks received dramatically longer sentences than whites and that the executed sentences for blacks were more than 2.3 times that for whites. However, given our concern that we should compare sentences for blacks and whites based on cases as similar in nature as possible, it makes little sense to include such an extraordinary sentence.

Therefore, comparing the second column of black male cases that excludes the 75-year sentence allows for a more legitimate comparison between sentences for blacks and whites. Here, we see that the white mean days sentenced for an A or B felony, 2591.6, are 1.6 times that for blacks, who received a mean sentence of 1669.3 days. The median of 2738 days is also dramatically higher for whites than the black median of 1095 days. Black days suspended had a mean of 539.6 days and median of 178, both lower than the white mean of 1161.8 and median of 1757 days. However, the number of days executed for blacks was also dramatically lower than that for whites, with the mean days executed for whites (1429.8) over twice that for blacks (638.1), and the median days executed for whites (1460) over 6.5 times the median for blacks (224).

**Table 19. Mean and median days sentenced to incarceration for A and B felonies**

	<b>Black Males including 75 year sentence (N = 9)*</b>		<b>Black Males excluding 75 year sentence (N = 8)*</b>		<b>White Males (N = 5)</b>	
	<i>Mean</i>	<i>Median</i>	<i>Mean</i>	<i>Median</i>	<i>Mean</i>	<i>Median</i>
<b>Number of Days Sentenced</b>	4525.4	1095	1669.3	1095	2591.6	2738
<b>Number of Days Suspended</b>	1156.5	545.5	539.6	178	1161.8	1757
<b>Days of Executed Sentence</b>	3295.9	388	638.1	224	1429.8	1460

\* Days suspended and days executed were unavailable for one black case; therefore, the mean and median days sentenced are provided for all nine cases in the first column for black cases (including the 75 year sentence) and all eight in the second column for black cases (excluding the 75 year sentence). However, this case does not figure into the data for days suspended or executed. is not included in the days suspended or executed for either black case column.

## V. SUMMARY OF KEY FINDINGS

As described in Section III of this report, this study is the second investigation of race and crime in the Monroe County criminal justice system. The basic question posed by researchers in both studies was whether racial disparity and/or racial bias exist in the criminal justice system. In addition, a goal of this study at the outset was to identify strategies and “best practices” for preventing and reducing racial disparities—or the perception of racial disparities—in the system. To that end, this study examines Monroe County jail bookings in the year 2000, provides a detailed comparison of black and white case processing stemming from those jail bookings, and includes recommendations for preventing and reducing racial disparities. Because this study examines all black bookings in 2000, we are not only able to compare black versus white processing in an effort to tease out racial disparity, but we are also able to examine the entire population of black cases for this time frame.

As detailed in Section II, we know that blacks are overrepresented—and that racial disparities exist—in the criminal justice system at the federal, state, and local levels, and at every stage of the criminal process. We also know these overrepresentations and disparities exist for males, females, juveniles, and adults. Further, we recognize that these disparities, while “...rarely a result of clear-cut decisions to provide unfair treatment, threaten to produce in communities in every city and state an unhealthy and counterproductive distrust of the criminal justice system” (*Reducing Racial Disparity in the Criminal Justice System*, 2000, p. 1). Finally, we note that addressing racial disparity in the criminal justice system is entirely consistent with a commitment to public safety and to a fair system of justice.

### ***A. Key Findings: Disparity in Several Areas of Criminal Justice Processing***

The data collected in this study clearly show differential impact in case processing between blacks and whites. In a number of categories, though not all, blacks are overrepresented in the Monroe County justice system. The following—and other—findings are discussed in greater detail in Section IV and below:

- **Arrest:** Blacks were arrested and booked at more than three times their share of the Monroe County population.
- **Officer-initiated arrest:** Blacks were 33 percent *less* likely than whites to be arrested and booked through police officer-initiated arrests (33.5 percent vs. 50.2 percent).
- **Bookings other than for new crimes:** Blacks were 48 percent more likely than whites to be booked for reasons other than for commission of a new crime, such as failure to appear, probation violation, and court ordered transport (37 percent vs. 25 percent).
- **Pretrial detention:** Blacks were held in jail more than twice as long as whites prior to release for misdemeanor offenses (7.7 days vs. 2.8 days) and nearly twice as long for felony offenses (40 days vs. 24.6 days).
- **Pretrial diversion:** Blacks were only one-third as likely as whites to be eligible for or enroll in the pretrial diversion program (7.7 percent vs. 26.1 percent).

- **Charges dismissed:** Blacks were slightly more likely than whites to have misdemeanor charges dismissed (10.9 percent vs. 10.0 percent), and slightly less likely than whites to have felony charges dismissed (8.8 percent vs. 12.1 percent).

- **Sentencing:** Blacks served more incarcerated time than whites in most categories of offenses, when looking at both mean and median days of executed sentence. For misdemeanor cases with no prior booking, the mean days of executed sentence for blacks (36.3 days) were 7.7 times those of whites (4.7 days), but the median days of executed sentence for both groups were the same—2 days. For misdemeanor cases with a prior booking, the mean days of executed sentence for blacks (45.6 days) were nearly twice that of whites (25.6 days), and the median days of executed sentence for blacks (6 days) were double those of whites (3 days). For Class D felonies with no prior bookings, the mean days of executed sentence for blacks (191.4 days) were over twice that of whites (83.9 days), and the median days of executed sentence for blacks (106 days) were more than 50 times that of whites (2 days). For Class D felonies with a prior booking, the mean days of executed sentence for blacks (322.8 days) were nearly twice that of whites (164.5 days), and the median days of executed sentence for blacks (181.5 days) were double those for whites (90 days). For Class A, B, and C felonies, the number of cases was too small to allow for meaningful comparisons.

### ***B. Data Interpretation: Difficulty in Assessing Causes of Disparity***

We have pointed out in Section II that overrepresentation does not necessarily imply that racial disparities are unwarranted. These disparities may result from factors other than racial discrimination, profiling or bias. For example, if disparities reflect higher rates of involvement in crime, a more substantial criminal history, or lower socioeconomic status, then high arrest, sentencing, and incarceration rates might be explained by such factors. To what extent, then, can we draw conclusions about these findings?

The limitations of even as extensive a study as this one make it difficult to draw strong conclusions about these issues. For example in this study, we have examined what happened to cases at various decision-making points in the criminal justice system; however, we have little data concerning *how* and *why* these decisions took place. Because of resource and data availability constraints inherent in this study, we also lack robust proxies, or substitutes, for criminal history and socioeconomic status. Thus, a relatively large slice of the picture is obscured from our view from the very start. In other words, our data reveal little about the decision-making process, the prior records, or socioeconomic backgrounds of individuals in our sample. Given that prior involvement with the justice system and socioeconomic status are prime predictors of case processing, these are important limitations to consider as the data are interpreted. Thus, although this study offers a detailed snapshot of what decision-making looks like at different points in the criminal justice process, we cannot determine that race *per se* was the reason that any particular decision was made.

### ***C. Implications for Policy and Practice***

Although Mauer comments that it would be useful to conduct further research to shed light on the causes of racial disparity in the Monroe County criminal justice system, he points out that

that identifying such causes is not a prerequisite to the remediation of disparity. As Mauer notes, the data collected in this study provide a trove of useful information on decision-making and case processing at various points in the system. This information should enable local leadership to “develop strategies designed to reduce existing disparities through the promotion of criminal justice policies and practices that are both fiscally responsible and consistent with promoting public safety” (p. 2).

In his analysis, Mauer also outlines the basic strategy for the development of such policies and practices:

- Develop sound criminal justice practices to produce appropriate outcomes for all persons in the justice system. Such an approach is likely to have a disproportionately beneficial effect for African Americans due to their higher rates of involvement in the system.
- In selecting strategies for reducing racial disparity, target areas of the justice system where disparities are most significant and, therefore, ones which contain the potential for producing the greatest impact. (p. 2)
- Monitor and evaluate new initiatives to assess their impact on criminal justice practice overall and on reducing racial disparity.

In the following section, we outline a series of strategic steps that can be taken to reduce unwarranted racial disparity in the Monroe County justice system, consistent with the above guidelines for development of sound criminal justice practice.

## **VI. RECOMMENDATIONS FOR REDUCING RACIAL DISPARITY**

Racial disparity in the criminal justice system is a cumulative process that builds at each stage of the justice system. As such, no single intervention can be expected to reduce all unwarranted disparity, nor should we expect that the burden of addressing the problem rests on a single component of the system. Thus, efforts to reduce racial disparity should be systemic and involve coordinated actions by all stakeholders.

Reducing racial disparity is also not solely the responsibility of the criminal justice system, but requires coordinated approaches between the justice system and the community. Strategies such as community-based crime prevention, community policing, and a focus on reentry services for released prisoners can produce beneficial effects for offenders while also addressing disparities.

The following recommendations for reducing racial disparity are based on the data analysis produced in this study. The goal is to target specific areas of the justice system in which disparities have been documented and to develop sound policies that can begin to reduce these disparities. While in many cases we cannot be certain as to the causes of the disparities, this should not inhibit the development of new approaches.

These recommendations are focused on specific objectives and are not directly targeted at any single actor in the system. In most cases, implementation of these recommendations will require coordinated approaches by a range of justice system leaders.

We begin with three general recommendations, followed by specific target areas.

#### ***A. General Recommendations for the Monroe County Criminal Justice System***

##### **1. The Monroe County Racial Justice Task should continue its leadership role in the community**

All components of the Monroe County Criminal Justice System should be involved in an ongoing and interactive process of examining and developing policies, practices and strategies—“best practices”— to reduce racial disparity consistent with public safety. The RJTF should continue its role in assisting in the facilitation, coordination, and monitoring of these activities with the input of community stakeholders.

##### **2. Race of defendants should be reflected in all criminal court records.**

At the time this study was undertaken, race was reflected only in jail booking records. The Monroe County Circuit Court recently implemented the documentation of race in court records. Documentation of race by the courts will help local justice system actors to continually monitor areas of overrepresentation and disparity as well as the effects of initiatives to target disparities. This practice has been approved by the United States Department of Justice as constitutional and consistent with federal law

##### **3. Ongoing agency and public education concerning the criminal justice system should be established.**

Both the criminal justice system and the community would benefit from greater mutual education and coordination. For citizens, this includes such practices as learning appropriate responses when stopped by the police, how to report victimization, and how to obtain feedback on case processing in the court system. For the justice system, benefits would include greater understanding of the needs of both victims and offenders, better coordination with community services designed to both prevent and respond to crime, and the implementation of appropriate training for all employees.

#### ***B. Criminal Justice Strategies to Reduce Disparity***

##### **1. Arrest/Bookings**

***Issue:*** During 2000, more than 9 percent, or 483, of the 5092 bookings in Monroe County were of blacks. (85.7 percent, or 4366, of those bookings were of whites; for the remaining 243 bookings, another race, besides black or white, was recorded.) The black bookings in some cases represented multiple arrests among 327 individuals. Because blacks comprised just over 3

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percent of the Monroe County population, these figures indicate that blacks were arrested and jailed at three times their share of the county population.

Because of the study limitations described throughout this report, we cannot conclusively identify the causes of this racial disparity. However, our data do provide important, if partial, information concerning this disparity: (1) Thirty-seven percent of black bookings (compared to 25 percent of white bookings) were for reasons other than for commission of a new crime, such as failure to appear, probation violation, and court ordered transport, i.e., cyclical bookings; and (2) blacks were 33 percent *less* likely than whites to be arrested and booked through police officer-initiated arrests.

The prevalence of racial profiling by law enforcement agencies, including data from some jurisdictions that police are disproportionately targeting black and other motorists of color, has been an area of concern nationally in regard to racial bias. In this area, we find *no* such disproportionate impact in Monroe County, and, as noted above, there were more white arrests (50.2%) that resulted from officer-initiated actions than for blacks (33.5%). Although the high number of alcohol-related arrests for whites contributes in part to this difference, there were still more white arrests (40.8%) than black arrests (30.4%) resulting from police officer-initiated action when alcohol-related arrests are excluded.

Thus, the strategies suggested below are two-pronged: (a) reducing *actual* racial disparity in arrests through a focus on reducing cyclical bookings involving failure to appear and probation violations; and (b) reducing the *perception* of racial disparity in arrests through enhancing best practices in community policing.

**a. Cyclical Bookings**

**i. *FAILURE TO APPEAR***

**Issue:** Black bookings were more likely to be “cyclical” than white bookings (37 percent vs. 25 percent). These included such factors as failure to appear, probation violations, court ordered transport, and serve time/contempt. Failure to appear was the third most frequent category of bookings, constituting 8 percent of all bookings for the year. Further, blacks were twice as likely as whites (12.6 percent vs. 6.2 percent) to be booked for failure to appear, and remained in jail more than twice as long as whites for these bookings, 17.4 days vs. 7.1 days.

**Strategy:** Court officials should convene a working group to examine the higher rate of failure to appear among blacks and to develop strategies to reduce these rates.

Specific actions to be considered include:

- Analyzing the factors that contribute to failure to appear. For example, are defendants missing court appearances because they miss notices or are unable to get time off from work? Because scheduling is impractical? Do repetitive appearances and lack of transportation have a detrimental effect on the ability of some defendants to make appearances?

- Reviewing the notification process for court hearings to determine whether these could be enhanced such as via defense attorney communications, telephone or mail contacts, and other measures designed to secure appearances in a fair manner.

**ii. PROBATION VIOLATIONS<sup>14</sup>**

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**Issue:** Probation violations accounted for the fourth largest category, 5.8 percent, of jail bookings in Monroe County in 2000. Blacks were 1.5 times more likely than whites (9.5 percent vs. 6 percent) to be booked for a probation violation and accounted for 15.6 percent of the 295 bookings.

**Strategy:** *Court and probation officials should assess the factors that contribute to violations and expand the range of responses to violations.*

- Monitoring and assessment of why violations occur, with a goal of developing proactive responses to preventing probation failure, such as increased availability of substance abuse treatment if a substantial number of violations are found to be substance-related.
- Policies on handling violations should be examined to ascertain whether departmental discretion in handling violations is clear and whether there exists any unwarranted variation among probation officers that may contribute to disparate outcomes.
- Local officials should explore a greater range of non-jail options to violations. These may include increased monitoring and reporting, referrals to treatment programs, and other conditions of supervision.

**b. Perception of Racial Bias in Law Enforcement**

**Issue:** Even though the data in this study do *not* support a finding that systemic racial profiling or bias by law enforcement is a cause of racial disparity in arrest activity in Monroe County, the RJTF recognizes that addressing the *perception* of racial bias is essential to the development of public confidence and trust that are critical to effective crime control policies.

**Strategy:** Strengthen Community Policing Strategies and Provide Feedback to the Community on Policing Practices

Police agencies in the county can engage in coordinated efforts to provide feedback to the community on arrest practices and to cooperatively develop partnerships with the community. Such approaches can include:

- Police should document and videotape all vehicle stops, arrests and bookings. Whether or not discrimination can be documented or proven in a community, the perception of discrimination by law enforcement within certain groups is detrimental to both the community and the criminal justice agents who serve in the community. The best way for

<sup>14</sup> Parole violations are included under "Probation Violations."



law enforcement officials to address these misperceptions is to have a clear record of arrests and other contacts. Documentation and videotaping of all vehicle stops and arrests will give all citizens in the community, irrespective of race, the opportunity to observe the evenhandedness of police at work, or any lack thereof, while allowing them to feel more involved in the accountability process. Videotapes should be made available for viewing when appropriate.

- Law enforcement agencies should develop and coordinate community policing approaches. A community policing model of service creates structures and processes, especially in high crime neighborhoods, to encourage participation of community leaders and residents in defining the major concerns of the community, as well as in designing and implementing appropriate problem-solving strategies to address them.
- Law enforcement agencies should develop special orientation training for police personnel working in neighborhoods or with populations which contain substantial numbers of minority group members.

## **2. Pretrial Detention**

**Issue:** Although most individuals who are booked into jail bond out within 24 hours, blacks charged with misdemeanors averaged more than twice as many days in jail before release as whites (7.7 days compared to 2.8 days). Similar disparities exist for felonies, with blacks being jailed for an average of 40 days and whites for 24.6 days. Our data show that blacks and whites differed in the types of crimes for which they were charged, with whites having a much higher rate of alcohol-related charges than blacks. It is safe to assume that many of the white misdemeanor bookings involved college students who were arrested for alcohol violations.

The current bond schedule requires payments of a \$500 deposit, which covers costs, fines and fees at the end of the case. This expense, on top of the premium paid to a bondsman, presents a major financial hardship for the poor. However, there is little reason to believe it affects appearance in court as ordered. Assuring appearance in court is the only legitimate purpose of bond under Indiana law. The complication is that the \$500 deposit brings many thousands of dollars of court costs to the court system that would otherwise go uncollected. Since the 2000 Census figures indicate that blacks were 60 percent more likely to have an annual income below \$25,000 than whites, addressing how bonding issues create disparate effects would benefit black defendants.

**Strategy:** Court officials should assess the factors that contribute to lengthier pretrial detention for blacks and develop appropriate remedies that are consistent with the goal of assuring appearance at trial.

- Bond schedules should be evaluated so that low-income defendants are not jailed for longer periods than those who can afford to post bail. Court officials should consider development of a bond schedule more directly based on ability to pay.

- Court officials should examine the criteria used to make pretrial release decisions, with a particular emphasis on ties to the community. For example, are college students charged with alcohol offenses considered more likely to appear at trial than city residents? Which criteria are most reliable in demonstrating ties to the community?
- Officials should also consider what additional release options would provide greater assurance of appearance at trial while also resulting in speedier release. Such options might include third-party or electronic monitoring.

### **3. Pretrial Diversion**

**Issue:** Whites were over three times more likely than blacks to be admitted to the pretrial diversion program (PDP). PDP is available to first time offenders charged with nonviolent misdemeanors, such as public intoxication or shoplifting. After completing mandatory community service/road crew, attending related educational classes, and paying restitution and program-related fees, the case is dismissed.

Over 26 percent of whites in our sample participated in pretrial diversion compared to only 7.7 percent of blacks. The pretrial diversion program is essentially non-discretionary; that is, anyone charged with an eligible offense who meets the criteria for diversion and is able to pay the program fees is offered the option of the program. Those who benefit most from the pretrial diversion program are generally persons charged with illegal consumption and public intoxication, offenses disproportionately committed by whites. We cannot discern from our data, however, what percentage of blacks were eligible for pretrial diversion.

**Strategy:** Local officials should examine the criteria for diversion and any obstacles to participation with a goal of considering expansion of the program.

- Officials should consider expanding diversion eligible offenses to other low-level categories of crime which might benefit a greater number of black defendants, while also diverting persons who do not have a criminal record away from the cycle of acquiring a criminal conviction.
- The reasons for nonparticipation by eligible black defendants should be investigated. If the cost of the program is prohibitive to participation for some, the local justice system should consider developing a sliding scale based on need.

### **4. Sentencing**

**Issue:** Sentencing is a complex process and involves consideration of a range of variables such as severity of the offense, prior criminal history, and other factors. The data presented in this study indicate that blacks are more likely than whites to be sentenced to incarceration for some categories of misdemeanors and felonies but serve considerably more time incarcerated for D felonies in particular (both for cases with no prior bookings and those with prior bookings).

**Strategy:** Local officials should examine sentencing disparities in D felony cases in particular to determine the causes of disparity and to develop appropriate remedies.

- Prosecutors, defense attorneys, and judges in particular should analyze a range of such cases to determine if legally relevant variables explain the disparities in these cases.
- Officials should explore the range of sentencing options for such cases with a goal of expanding the use of non-jail alternatives.

## VII. CONCLUSION

The growing disparate impact of criminal justice system policies and laws on people of color in the United States constitutes one of the most challenging issues facing American society today:

Many of the racial tensions and problems in society manifest themselves most prominently in high-profile cases and in the composition of the prison and jail population nationally. Addressing these problems is critical for many reasons. If the criminal justice system is to be viewed as effective and fair, then it needs the support and cooperation of all citizens and all communities. The perception or existence of bias or unwarranted disparities can only interfere with the development of confidence and trust that is critical to effective crime control policies. *Reducing Racial Disparity in the Criminal Justice System—A Manual for Practitioners and Policymakers*, The Sentencing Project, 2000, p 80

The Monroe County Racial Justice Task Force acknowledges that criminal justice officials and practitioners cannot eliminate all racial disparities from the system. However, we recognize that these individuals have the opportunity, as well as the obligation, to address those disparities over which they have some control or influence.

This report and its recommendations—and the study which gave rise to both—evinced the commitment and dedication of many local officials and practitioners to reducing unwarranted racial disparities in the Monroe County criminal justice system. The Monroe County Racial Justice Task Force believes that the findings of this study demonstrate that remediable disparities exist *and* that these disparities can be alleviated through coordinated activities on the part of the entire Monroe County community.

## **APPENDIX B**

### **Study Methods**

#### **2003 Report from the Monroe County Racial Justice Task Force**

The 2001-2003 Monroe County Racial Justice Study seeks to explore the issue of race in the Monroe County Justice system. This study draws its sample from 966 of the 5092 bookings recorded in the Monroe county jail in 2000. The 966 bookings consist of *all* 483 black bookings and 483 white bookings, which were selected randomly for comparative purposes.

Each case in this study begins with a jail booking, which is followed through to its termination. First, every booking where an individual's race was entered as black by jail staff was selected for the study. Then, an equal number of white bookings was selected randomly. Therefore, all black bookings in 2000 are compared to a random sample of an equal number of white bookings. The distribution of bookings per month is offered in Table 1.

The jail booking logs provided the name, age, marital status, booking and release date, booking charge, and jail number for each booking. The jail number is a unique identification number assigned to an individual upon being booked into the Monroe County jail. The last three digits of the jail number indicate the number of times that individual has been booked into the jail, with 000 being assigned upon the first booking. These last three digits of the jail number were used to collect data on the number of Monroe County prior bookings for individuals represented in this analysis.

The bulk of the data collected for this study was gathered from the prosecutorial files maintained by the Monroe County Prosecutor's office. There were 298 black bookings for a misdemeanor or felony, and 357 white misdemeanor or felony bookings (see Table 3 in the General Findings section). Those cases were selected for further analysis. The name and booking charge representing each case in this study was used to locate that case's corresponding file in the prosecutor's office. As Table 2 indicates, there were 241 black and 319 white misdemeanor or felony cases in which it could be determined that a formal charge ensued, and the associated file was available for examination during this study. Thirty-one black bookings with a misdemeanor or felony booking charge did not result in a charge by the prosecutor's office, and 23 white bookings were also never formally charged. However, the incident numbers associated with those bookings did allow information on the arresting agency, depiction of race in the police report, and initial complainant status to be gathered from the police reports, which are maintained in the records of the prosecutor's office.

For the 241 black and 319 white misdemeanor or felony cases that did result in a formal charge and for which a file was available, the contents of the file used in this study include the charging sheet, police report, work product sheet (containing the disposition, sentence, arresting officer, and prosecutor information at sentencing), and negotiated plea agreements, or pretrial diversion forms when applicable. In some instances when files contained missing, contradictory, or unclear information for particular variables, that information was corroborated or filled in using

the county's Judicial Tracking System, a co-defendant file, or subsequent file for that individual that might contain information about the case in question. To determine if and how race was depicted in the police report, for the variable describing race in police report, the narrative of the report was examined to determine whether or not the arrestee's race was mentioned, and if so, whether it was stated to be black or white.

A variable describing the status of the initial complainant was also derived from the narrative of the report. Six basic categories were determined for this variable: officer-initiated arrests, commercial complainants, government oriented initiation, private complaints, domestic complaints, and dispatch. Commercially-initiated arrests were determined to be those where an individual acting in association with a commercial establishment requested the services of the police. Privately-initiated arrests were distinguished from domestically-initiated arrests dependent on the location where the call for service originated and the relationship of the requestor for service to the arrested person. For example, arrests were coded as domestically-initiated when a call was made from within a household by a member of that household. If a neighbor overheard a domestic disturbance and called for assistance, the incident was coded as a privately-initiated call because it originated from outside the residence by a non-member of the household.

In cases where the arrest was not officer-initiated and it could be determined that there was a call for service, the case was coded as dispatch to indicate that a complaint was lodged, but its origin could not be determined. The category of government institutions as initial complainant was constructed to include public institutions, such as Indiana University, authoritative entities, such as a court (e.g., issuing an arrest warrant when the primary reason for officer contact with the suspect was the warrant), other law enforcement agencies calling for backup, or police using an informant's tip. Cases originating on the Indiana University campus as a public institution were coded as government-initiated arrest when the initial complainant was acting in his or her capacity as a representative of the University, e.g., when a residential advisor initiated police action in response to maintaining order in a dormitory.

When offenders were convicted of a charge either through a guilty plea, guilty plea pursuant to a negotiated plea or via a straight conviction *and* a sentence to incarceration was given by the court, that sentence to incarceration was recorded in days. The number of days suspended from that sentence was also recorded. The executed sentence was considered the number of days sentenced to incarceration less the number of days suspended from that sentence.

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## Appendix G - 2001 NAACP-UU Report (cases originating in 1997+)

### APPENDIX A

#### **RACE AND CRIMINAL JUSTICE IN MONROE COUNTY, INDIANA**

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February 10, 2001

#### **Executive Summary**

All those identified as Black who were booked into the Monroe County, Indiana jail in 1997 and the first 6 weeks of 1998 were matched with a comparable number of those identified as White who were booked into jail during this period. We studied the executed sentences issued by the six divisions of the Monroe County Circuit Court for the 179 Blacks and 182 Whites, and the class of crime (Misdemeanor, Class D, C, B, or A Felony) for which they were charged. Our results show:

- Blacks are arrested and jailed more than three times as frequently as Whites.
- Blacks are disproportionately prosecuted for A and B Felonies, which leads to overall longer sentences for Blacks.
- No evidence of bias against Blacks in sentencing was found.

We recommend:

- Recording easily accessible racial data in court records.
- Studying racial profiling in Monroe County.
- Creating a task force to end racial discrimination in the Monroe County criminal justice system.

#### **Objectives**

In January of 2000, a joint committee was formed by the Monroe County Branch of the National Association for the Advancement of Colored People (NAACP) and the What Color Is Community? Social Justice Task Force of the Unitarian Universalist Church of Bloomington (UU Task Force) with the objective of studying race and sentencing in Monroe County, Indiana. We recognized a widely held perception, especially in the Black community, that Blacks are sentenced to longer terms of incarceration than Whites in Monroe County. We decided to seek information that would shed light on whether this perception was accurate or not. Thus we sought to answer the following question:

**In Monroe County, are average sentences for Blacks longer than average sentences for Whites?**

We also collected data that would bear on the distribution of charges between the races, such as the percentages of Blacks and Whites arrested or charged with particular classes of crimes in our county.

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### **Monroe County Criminal Justice System and Technical Vocabulary**

**Appendix A** (page 9) describes the workings of the Monroe County Justice System. Readers not familiar with it might want to read Appendix A before proceeding with this report. Many technical terms used in this report are explained in the appendix and marked with bold italics.

#### **Administrative Procedures**

A plan was drafted and, as a courtesy, presented to the Monroe County Circuit Court Judges, Prosecutor, Public Defender, Clerk, and Court Services Office, inviting suggestions as to how to proceed. We gathered data with assistance from the offices of the Monroe County Sheriff, Clerk, and Court Services. They were gathered and analyzed by numerous volunteers from the NAACP and the UU Church. Statistical analysis was done by committee members with professional experience analyzing social science data.

#### **Methods**

The only record of the race of arrested individuals is compiled at the Sheriff's office. Information about disposition of each case was only available at the Monroe County Courthouse. We obtained printouts from the Sheriff's office showing the name and race of each person booked into the jail during 1997 and the first six weeks of 1998, a time interval of 13.5 months. This time period was chosen so that we could be confident that almost all of the cases would have been processed through the court system at the time of our project. That sometimes takes a year or more, especially for serious crimes.

The Court Services computer files (which are publicly accessible) were examined for all the criminal cases filed against the Blacks according to the jail booking list. However, since there were almost 8 times as many Whites arrested in this interval, studying all the Whites was not feasible, given our resources. Thus a subset of Whites was randomly selected across the same time interval to match the number of Black cases, using the following procedures. The Sheriff's arrest lists were in order of jail identification number. The jail identification number assigned to each person at the time of their first arrest in Monroe County is used permanently for that person. Since the ID number reflects arrest history and therefore might affect sentencing, for each Black we alternately chose the White who preceded and who followed each Black on the list. After discarding some inappropriate cases, we established a data set of 179 Blacks and 182 Whites, for a total of 361 cases.

The number of days of incarceration that were ordered for each subject was ascertained along with the class of crime charged plus the division of the Circuit Court in which the case was handled. Revoked portions of sentences that were originally suspended were included in the number of incarceration days. Cases that were dismissed without conviction and convictions that led to no executed time were all treated as zero day sentences. Some dismissals represent defendants who failed to appear. Each case filed against a defendant from a new arrest was treated as a separate case. From these data we computed the average executed sentence overall, by each class of crime charged, and by the sentencing court, for both racial groups.

## Results

We note that most of our findings did not meet standard criteria of statistical significance. For discussion of this issue, please see **Appendix B, Note on Statistical Tests**, page 10.

### Sentence length and race

Look first at **Figure 1**, on page 12 of this report. It shows the shape of the distribution by race for all 361 cases. (Note that neither axis is linear; both the Number of Cases and the Length of Sentence are compressed.) The distribution of Number of Cases by Sentence Length is clearly highly skewed toward zero days. Many cases had sentences of only a few days. This is not surprising since 2/3 of all the cases were Misdemeanors. (See the bottom row of **Table 1**.)

Looking then at the sentence lengths for each class of crime, the **bold numbers of Table 1** show the number of executed sentence days for Blacks and Whites. Toward the right end of the table, it can be seen that the average sentence length for Blacks is 50% longer than for Whites (187 days vs. 123). But looking at the sentence for each class of crime shows that it is actually shorter for Blacks than Whites for Misdemeanors and the Class D, C, and B Felonies. It is longer only for the Class A Felonies. The difference is especially noticeable for the Misdemeanors where Blacks got an average of 9 days and Whites an average of 23 days (about 2.5 times as long). We found a significantly greater number of zero day sentences for Blacks than Whites who were charged with misdemeanors. ( $\chi^2=17.45$ , degrees of freedom = 1, probability < 0.0001.)

**Table 1**

**Mean Sentence and Number of Defendants**  
by Class of Crime and Race

	Misde- meanor sent #	D Felony sent #	C Felony sent #	B Felony sent #	A Felony Sent #	<i>Mean Sentence</i>	<i>Total # of Cases</i>
<b>Blacks</b>	<b>9</b> <i>120</i>	<b>119</b> <i>35</i>	<b>138</b> <i>9</i>	<b>1524</b> <i>8</i>	<b>2111</b> <i>7</i>	<b>187</b>	<i>179</i>
<b>Whites</b>	<b>23</b> <i>123</i>	<b>168</b> <i>41</i>	<b>442</b> <i>13</i>	<b>1948</b> <i>3</i>	<b>549</b> <i>2</i>	<b>123</b>	<i>182</i>
<b>Sum</b>	<i>243</i>	<i>76</i>	<i>22</i>	<i>11</i>	<i>9</i>		<i>361</i>
<i>% of Cases</i>	<i>67.3%</i>	<i>21.1</i>	<i>6.1</i>	<i>3.1</i>	<i>2.5</i>		

**Table 1.** The mean **executed sentence length** in days (sent) is in bold font for each class of crime from least serious on the left to most serious on the right. The *number of defendants* is in italics. The bottom row shows the proportion of all cases of executed sentences that are of each class of crime.

The numbers in italics in **Table 1** show the number of cases for each class of crime by race (as well as row and column sums). As can be seen at the far right, the total number of cases was nearly identical, as planned. Along the bottom is the percent of our combined samples (both racial groups) charged with each class of crime. It can be seen that two-thirds of the cases charged are Misdemeanors, about 20% are Class D Felonies, 6% are Class C and roughly 3% each for Class B and A. Looking at the numbers in each class by race, we find that for



Misdemeanors and Class D and C Felonies, the number of Blacks and Whites charged are roughly the same. However for the most serious crimes, Classes B and A, we find that 75% of them are Black (15 cases) and 25% are White (5 cases).

Several other observations can be made from our data:

- **Arrests for Class A Felony drug cases.** The crime with the longest sentences was “Cocaine and Narcotic Drug Dealing”, a Class A Felony. One White was arrested for the charge, while seven Blacks were. Only one other Class A Felony was found in our sample, that against a White (on a child molestation charge). In order to increase our sample of Whites, we looked at another random sample of 60 more Whites arrested in 1998 (whose cases were not matched with Blacks used in this study). Adding them in gave a total of 242 Whites, but we found no additional Class A Felonies for Whites.
- **Arrests by race.** Jail booking records during the period we studied included 522 Blacks and 4339 who were not Black, for a total of 4861 bookings. Thus Blacks made up 10.74% of those booked, while comprising only about 3% of the county population. (See **Appendix C, Census Data**, page 11.) Of the 522 Black bookings, there were 325 individual Blacks, with 197 repeat arrests. This shows that 9.42% of Blacks living in Monroe County were booked into jail during the period of our study.
- **Arrests without prosecutions.** We were surprised that we could not find prosecutions for most Blacks booked. For instance, of 522 Blacks arrested and booked, we found prosecutions in the Court records of only 179. Bookings that would not lead to prosecutions include out-of-county-warrants, people showing up to serve sentences, and people jailed whom the prosecutors decided not to charge in court. In some cases, it could be that system spelling errors or data gathering errors kept us from finding cases actually filed. Nonetheless, it was quite surprising that we could find no charges filed against two-thirds of Blacks booked into Monroe County Jail. Unfortunately, we could not gather comparable data on Whites, since there were almost 8 times as many Whites as Blacks.

#### Sentences by Court

Although this experiment was not designed to permit careful study of specific Circuit Courts in the Monroe County system, we can nevertheless obtain a glimpse of what these data look like in **Table 2**, recognizing the limitation that there are only 50-70 cases per court and that the distributions of crime classes and races are not balanced. A very small number of Class A and B felonies accounts for a large fraction of the sentenced days. They are not distributed evenly across the 6 courts. Thus the data shown in **Table 2** are difficult to draw inferences from. Accordingly, we present a modified version of this table in **Table 3**, in which we have excluded all Class A and B felonies.

# Appendix H - 2017 Population Demographics for Monroe County, Indiana

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**Table**

Race and Hispanic Origin

Population estimates, July 1, 2017, (V2017) **146,986**

**PEOPLE**

Race and Hispanic Origin	Percentage
White alone, percent (a)	86.4%
Black or African American alone, percent (a)	3.6%
American Indian and Alaska Native alone, percent (a)	0.3%
Asian alone, percent (a)	7.0%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.1%
Two or More Races, percent	2.5%
Hispanic or Latino, percent (b)	3.5%
White alone, not Hispanic or Latino, percent	83.5%

**Value Notes**

Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources. Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2017) refers to the final year of the series (2010 thru 2017). Different vintage years of estimates are not comparable.

**Fact Notes**


(a) Includes persons reporting only one race  
(b) Hispanics may be of any race, so also are included in applicable race categories


## Appendix I - 2012 Population Demographics for Monroe County, Indiana

Population Estimates by Race and Hispanic Origin, 2012	Number	Rank of	Pct Dist. in County	Pct Dist. in State
American Indian or Alaska Native Alone	416	13	0.3%	0.4%
Asian Alone	8,108	5	5.7%	1.8%
Black Alone	4,823	18	3.4%	9.4%
Native Hawaiian and Other Pac. Isl. Alone	79	10	0.1%	0.1%
White	124,371	12	88.2%	86.6%
Two or More Race Groups	3,222	9	2.3%	1.8%
<b>Hispanic or Latino Origin (can be of any race)</b>				
Non-Hispanic	136,625	12	96.9%	93.7%
Hispanic	4,394	19	3.1%	6.3%

Source: U.S. Census Bureau

# Appendix J - 2000 Population Demographics for Monroe County, Indiana





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Note: This is a modified view of the original table.

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	Monroe County, Indiana	
	Number	Percent
Total population	120,563	100.0
RACE		
One race	118,596	98.4
White	109,510	90.8
Black or African American	3,615	3.0
American Indian and Alaska Native	317	0.3
Asian	4,067	3.4
Native Hawaiian and Other Pacific Islander	56	0.0
Some other race	1,031	0.9
Two or more races	1,967	1.6
HISPANIC OR LATINO AND RACE		
Total population	120,563	100.0
Hispanic or Latino (of any race)	2,235	1.9
Other Hispanic or Latino	875	0.7
Not Hispanic or Latino	118,328	98.1