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**Masking The Divide:
How Officially Reported Prison Statistics Distort the
Racial and Ethnic Realities of Prison Growth**

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MASKING THE DIVIDE:

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Introduction

Academics, politicians and citizen groups are re-examining the choice of focusing so many resources on criminal justice. In particular, the efficacy of incarceration as a crime control measure has come under scrutiny.¹ Just in the last year, a number of studies have called into question the assumption that higher incarceration results in lower levels of crime.² Still others have focused on what has been termed the “racial disparity” in criminal justice, particularly in prisons.³ The United States Department of State, in its report to the United Nations Commission on the Elimination of Racial Discrimination (CERD), asserts that “[d]iscrimination in the criminal justice system” is a “principal causative factor” hindering progress toward ending racial discrimination in society.⁴

Findings from the 2000 census show that the racial/ethnic composition of American society is rapidly changing. The Hispanic/Latino population grew by 60 percent during the 1990s.⁵ This brings the number of Hispanic/Latinos equal to the number of African Americans. And according to the Census Bureau, more than 90% of Hispanic/Latinos in American choose “white” as their race.

While the census has attempted to differentiate non Hispanics of any race from Hispanic/Latinos, prison statistics have not followed suit. We do know that there are

over 200,000 Hispanic/Latinos in prison. But we also know that all of these men and women are also counted as white, African American, Native American, Asian, Hawaiian or of an undetermined race. We are left then without an accurate picture of the racial/ethnic breakdown of prisoners.⁶

Given the demographic shift in the country's population and the knowledge that many Hispanic/Latino prisoners may be hidden in other racial categories, we question whether "racial disparity" in the criminal justice system can be understood in stark black and white differences. This study, the first of its kind, simultaneously differentiates between whites, African Americans and Hispanic/Latinos under the jurisdiction of correctional authorities. Because prison statistics don't separate out Hispanic/Latinos from other racial groups, we believe the scale of the racial divide in American prisons is masked.

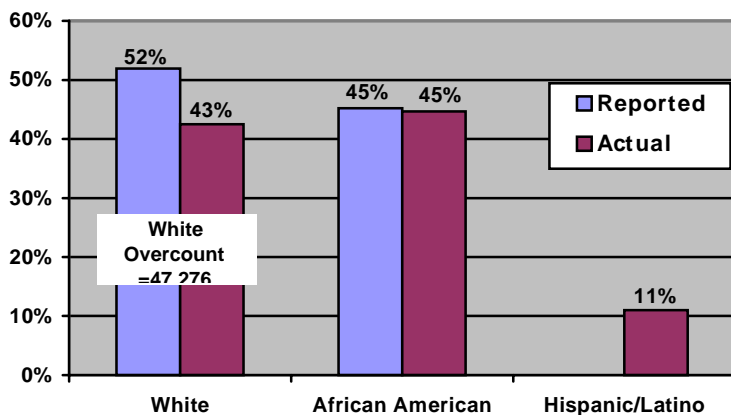
This study tracks the change in prison populations on a state-by-state basis between 1985 and 1997, adding Hispanic/Latinos to the analysis. We ask a number of fundamental questions. What is the magnitude of racial and ethnic disparity in incarceration when Hispanic/Latinos are separated from other racial groups? How does this disparity differ from state to state? And how has it changed over time?

Findings

A. Whites Systematically Overcounted in Prison Statistics

Without distinguishing between Hispanic/Latinos, whites and African Americans, the number of white prisoners is significantly overstated. In 1985, we find white prisoners over estimated by 22% or 47,276 more than their actual number because thousands of Hispanic/Latinos were included in the count of white prisoners. Whites were reported to be 52% of the total prison population in 1985 when they actually constituted only 42.5%. Because very few Hispanic/Latinos identify African American as their race, the reported percent of the total prison population that is African American remains virtually unchanged, from 45.2% to 44.7%. Hispanic/Latinos accounted for 11% of the prison population in 1985.

Figure 1: Reported vs. Actual Percent of Prison Population by Race, 1985

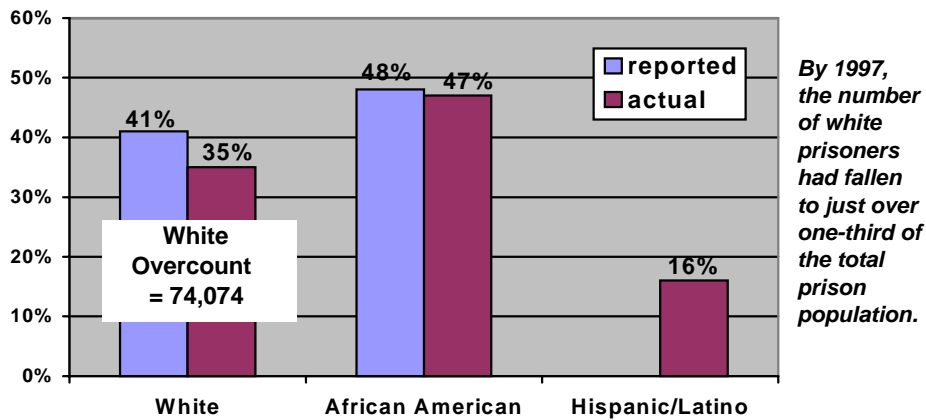


White prisoners overestimated when Hispanic/Latinos are counted as whites.

By 1997 (the most recent data available) the reported white percentage of the prison population had dropped from the 52% in 1985 to 41%. Again, by accounting for the Hispanic/Latino population being lumped in with whites in many states, we find an

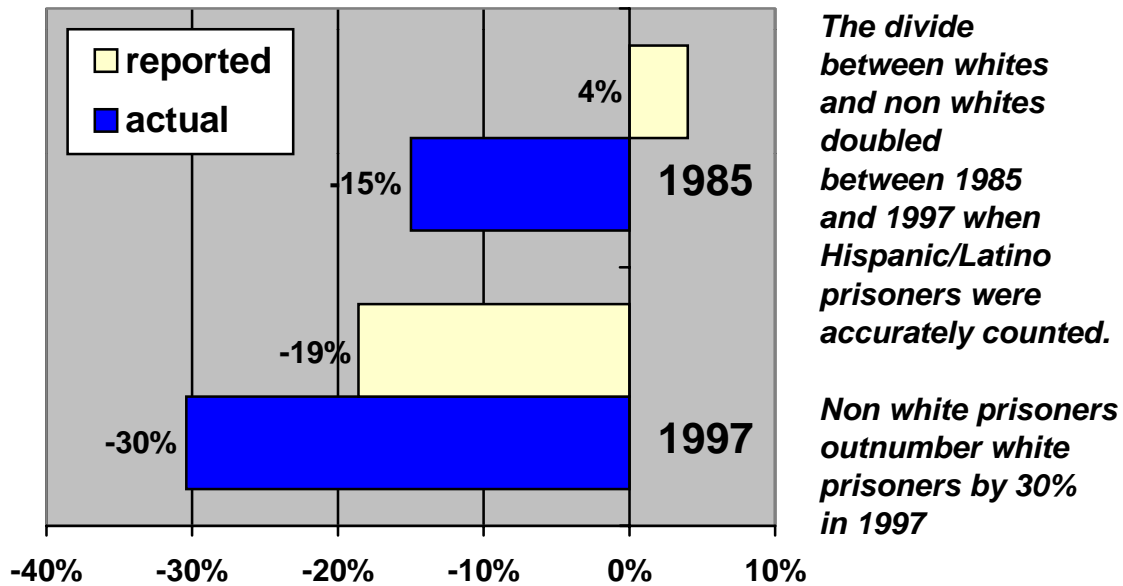
inflated reporting of white incarceration. In fact, a 17% (74,074) over-count in the number of whites occurs when Hispanic/Latino prisoners are distinguished from whites. This brings the percent of the prison population that is white down to 35% — meanwhile, white non Hispanics are 75% of the adult population. African Americans are 47% of the prison population (11% of the adult population) and Hispanic/Latinos increased to 16% of all prisoners (10% of the adult population).

Figure 2: Reported vs. Actual Percent of Prison Population by Race, 1997



It is clear that each year the gap between the proportion of white prisoners and non white prisoners is vastly *understated* because of how some states and the federal government classify Hispanic/Latinos. As **Figure 3** shows, the divide between white and non white prisoners doubled over the twelve years examined.

Figure 3: Percent Difference Between Non White and White Prisoners



With more than 47,000 Hispanic/Latino prisoners counted as white in 1985, it appears that there are 4% more white prisoners (52%) than non white (48%). When Hispanic/Latinos are taken from the white category the racial imbalance becomes a gap, with non white prisoners outnumbering white prisoners by 15%. In 1997, what was reported to be a 19% difference between whites (40.7% of the prison population) and non whites (59.3%) is actually a much wider 30% difference when Hispanic/Latinos are removed from the other racial categories. *Between 1985 and 1997 the divide between the percent of the prison population that is white and non white doubled from 15% to 30%.*

B. Reporting of Race Statistics Masks the Truth Behind Bars.

Figure 4 provides data on race and ethnicity for eleven jurisdictions whose reporting of prisoner race masks the reality of who is incarcerated (**Appendix Tables 1 & 2** provide this analysis for all jurisdictions). Most of these states reported more than 1,000 Hispanic/Latino prisoners in 1997 and all categorized some or all Hispanic/Latinos as white for at least one of the two years.

In New Jersey, the “official” percent of white prisoners was already very low at 34% in 1985. Removing the state’s Hispanic/Latino prisoners from whites drops New Jersey’s white prisoners to only 21% of the total 1985 prison population (that year white non Hispanics were 80% of the state’s population). By 1997, the official count had New Jersey’s white prisoners at 26% of the total population. However, by subtracting Hispanic/Latinos, the white percent bottoms out at 18% while non whites rise to 82% of prisoners. The divide between white and non white prisoners in New Jersey is 64 percentage points -- in the state as a whole, whites outnumber non whites 3 to 1. Between 1985 and 1997, while the New Jersey prison population was tripling in size, the percent of white New Jersey prisoners dropped 3.5 points.

Figure 4: Percent of Prison Population that is White, 1985 & 1997

STATE	1985 % White Prisoners			1997 %White Prisoners		
	Reported	Actual	<i>White Overcount</i>	Reported	Actual	<i>White Overcount</i>
New Jersey	33.9%	21.2%	12.7%	25.8%	17.7%	8.1%
New York	49.1%	27.1%	22.0%	42.9%	18.3%	24.6%
Texas	58.5%	38.0%	20.5%	27.6%	27.6%	0.0%
New Mexico	83.7%	34.2%	49.5%	83.0%	28.9%	54.1%
California	61.9%	35.8%	26.1%	30.1%	30.1%	0.0%
Federal	64.9%	41.7%	23.2%	58.0%	31.3%	26.7%
Florida	50.1%	43.1%	7.0%	42.5%	36.0%	6.5%
Colorado	77.9%	54.0%	23.9%	71.0%	45.0%	26.0%
Arizona	79.9%	55.4%	24.4%	79.6%	48.8%	30.8%
Utah	88.0%	70.9%	17.1%	86.2%	68.2%	18.0%
Idaho	93.6%	84.5%	9.1%	80.9%	68.8%	12.1%

New York reported that nearly one half (49%) of its prison population was white in 1985 when in fact the white non Hispanic population was closer to half of that (27%). In 1997, New York reported only a slightly lower percentage of whites (43%) than it had in 1985. The reality is that whites were actually less than one-fifth (18.3%) of the state's prison population, a 25% difference in the number of whites. This change in the racial composition of prisons is even more pronounced in Arizona where in both 1985 and 1997 it appears that 80% of the state's prisoners are white. By removing Hispanic/Latinos from the whites we find that in 1985 whites fall to 55% of the prison population. In 1997, the difference between the reported and actual white prisoner percentage drops 31 points from 80% to 49%. Similarly, Colorado reports

in 1997 that 71% of its prison population is white. But by accounting for Hispanic/Latinos this number is lowered 26 points to 45%. But without correctly counting Hispanic/Latinos, the Mile High State appears to have a prison population that is racially proportional to the overall state population.

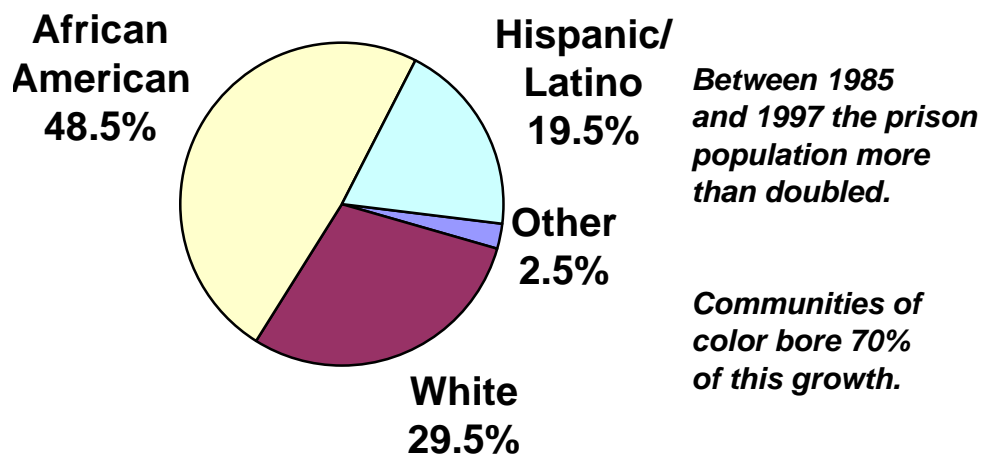
Two states from **Figure 4** can be examined for the effect that the change in the process of recording and reporting prisoner race statistics has had. In 1985, Texas and California counted Hispanic/Latino prisoners with other races. Texas' white prisoners were reported to be 58.5% of the population when they actually were 38%; California's white prisoners in 1985 were reported to be 62% of all prisoners when they actually were 36%.

By 1997 these two states had changed the way they counted Hispanic/Latino prisoners by placing them in the "other" category of the race table. For these two states the reported white, African American and Hispanic/Latino figures do not need adjusting. In Texas in 1997, whites accounted for 27.6% of the prison population, ten percentage points lower than in 1985. In California whites shrunk to 30% of the prison population. What must be remembered, however, is that using the reported race numbers in 1985 for these states will blur our understanding of how much non whites have contributed to the growth in prison populations from the mid 1980s through the late 1990s.

C. Seventy Percent of Prison Growth Borne by Communities of Color

During the twelve years we examined, the U.S. prisoner population more than doubled from 502,376 to 1,240,962. *Nationally, non whites accounted for 70% of this growth in state and federal prisons. African Americans were 49% of the increase and Hispanic/Latinos 20% with Native Americans, Asians and others contributing 3% of the increase (Figure 5). Without separating Hispanic/Latinos from the whites, we would instead find that whites accounted for 33% of the prisoner increase, African Americans 49% and “others” 18%.*

Figure 5: Percent Increase in Prison Population by Race from 1985 to 1997

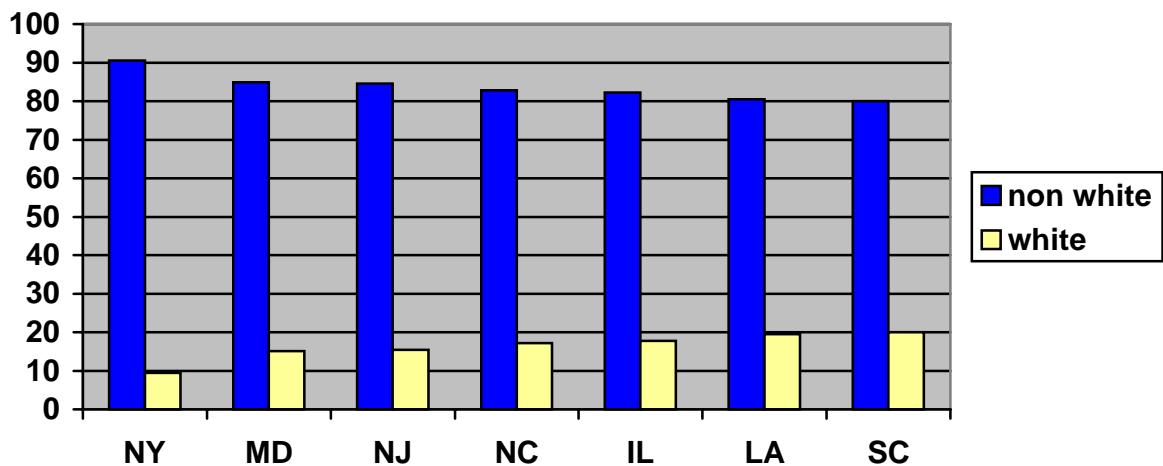


D. 90% of Prisoners added in New York between 1985 and 1997 were minority.

This widening of the racial divide in incarceration is even more dramatic as we look at the prison populations of selected states (**Figure 6**). The state of New York offers

the prime example of how racial disparity in incarceration has grown to a gaping divide. **Between 1985 and 1997, as the state’s prison population doubled, more than 90% of the change in the number of New York’s prisoners were from minority communities.** Of the 34,396 prisoners added to New York’s prison population, 16,647 (48%) were African American, 13,148 (38%) Hispanic/Latino, but only 3,253 (9.5%) were white. Yet New York is a state whose adult minority population is 31.7% of the state’s citizenry. With nine of ten new prisoners added being an ethnic or racial minority, New York outstrips all other states in the pace at which it incarcerates non whites.

Figure 6: States with 80% or More of Prison Growth from 1985-1997 that is Accounted for by People of Color.



In neighboring New Jersey whites make up 72% of the state’s adult population. But in terms of prison growth, non whites were 85% of the increase—with African Americans accounting for nearly 11,000, Hispanic/Latinos 3,500 and whites 2,600 of the 17,000 state prisoners added between 1985 and 1997. Maryland (85%), Illinois

(82%), North Carolina (82%), Louisiana (80%) and South Carolina (80%) are also states whose prison growth was more than 80% non white but whose state-wide population is two-thirds or more white.

The same pattern holds true for federal prisons as well. During the time studied, federal prison growth is 75% accounted for by people of color. Blacks were 41% of the growth and Hispanic/Latinos 32%. These statistics for federal courts and corrections are important because in 1987 Congress enacted “sentencing guidelines.” These guidelines were largely implemented to bring fairness to the sentencing process. With statistics like these, fairness seems more like a fallacy.

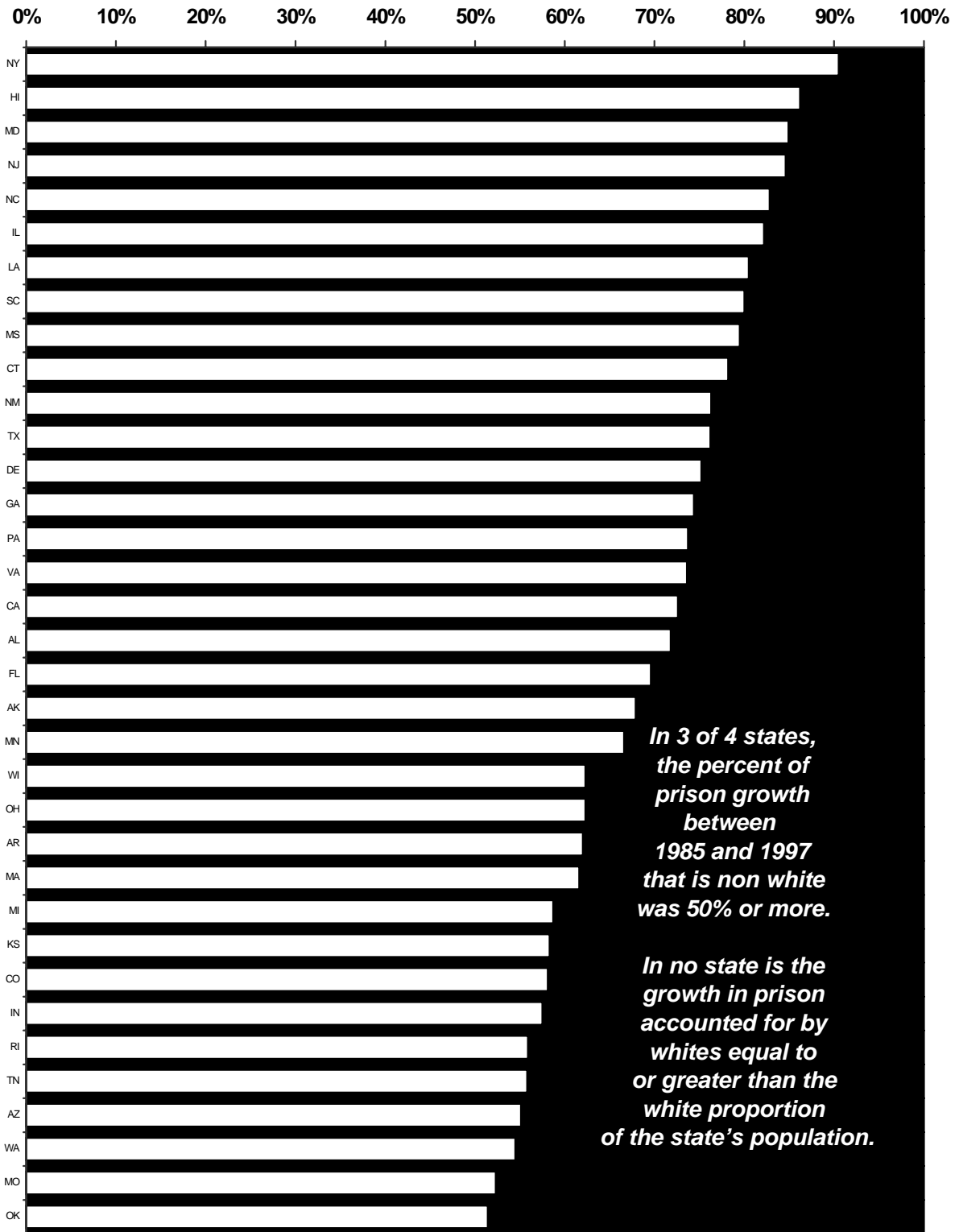
E. In Most States the Majority of the Prison Growth Accounted for by Non Whites

In 37 states (74%) non whites accounted for more than half the growth in the number of prisoners (**Figure 7**). Yet in only Hawaii and the District of Columbia does the non white population outnumber the white population. In Connecticut the prison population almost tripled from 6,149 in 1985, to 17,241 in 1997. Even though 17% of Connecticut’s adult population is non white, 82% of the growth in the prison population in Connecticut came from minority communities (78% of it from African American and Hispanic/Latino communities). In Massachusetts, where white adults make up 88% of the population and the prison population doubled, 61% of the increase was comprised of non white prisoners. In Alabama, which is 75% white, 71% of the growth in the prison population was African American. 66% white

Mississippi had a prison population that more than doubled (from 6,392 to 14,296), with 80.2% of that increase African American. In California (73%), New Mexico (76%) and Pennsylvania (74%) non white prisoners far outpace their white counterparts in populating the expanding state prison systems. **Appendix Table 3** reports the percent of prison growth from 1985 to 1997 that is accounted for by each racial/ethnic group.

The trend of non whites fueling the growth in prison populations holds true for every state and the federal prisons. In no state is the growth in prison racially or ethnically proportional to the group's overall population. Whites are systematically excluded from prison in every jurisdiction while people of color are locked up at levels that far exceed their proportion of the population or their involvement in crime.

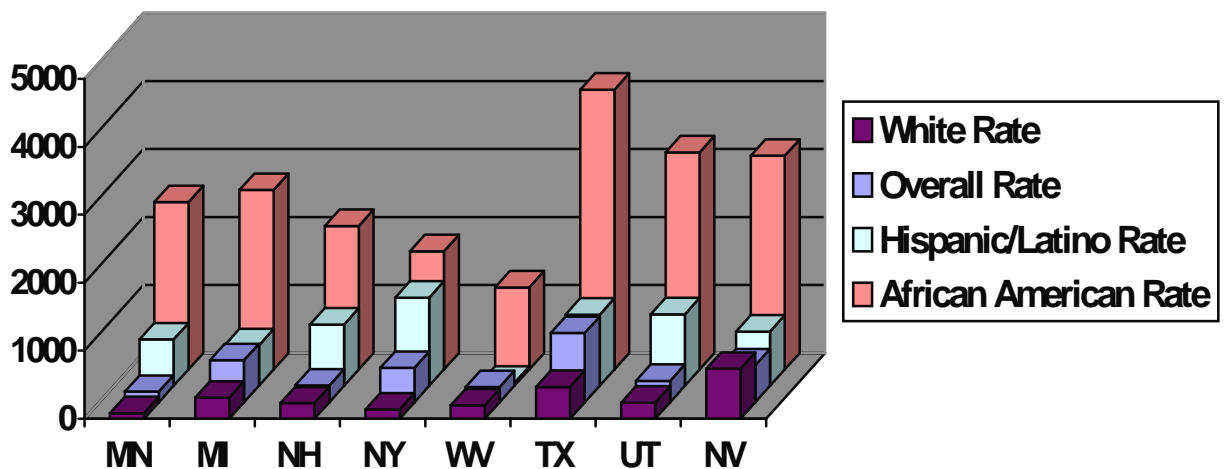
Figure 7: Percent of Prison Increase that is Non White from 1985 to 1997



F. Rate of Incarceration Nearly Four Times Higher for Hispanic/Latinos, Nine Times Higher for African Americans

African Americans and Hispanic/Latinos are not only much more likely to be incarcerated than whites, their rate of incarceration far outpaces that of white non Hispanics. Hispanic/Latinos have a rate of incarceration (1,058) that is nearly four times the rate of whites and the African American rate (2,629) is nine times that of whites (289).⁷ **Figure 8** charts rates of incarceration (number per 100,000 adults) for eight states. The states with the lowest and highest rates were chosen from each of the four regions of the country. Along with the overall rate, the rates for whites, Hispanic/Latinos and African Americans are provided.

Figure 8: Rates of Incarceration for Selected States, 1997



Minnesota has the lowest overall rate of incarceration in the country (155), the rate in Texas (1,018) is the highest of any state (except Washington, D.C.) and nearly seven times that of Minnesota's. The Texas white rate of incarceration (467) is nearly six times Minnesota's (80), and the African American (4,115) and

Hispanic/Latino (1,045) rates in Texas are 1.7 and 1.5 times Minnesota's rate. Yet within each of these states, both African Americans and Hispanic/Latinos are incarcerated at rates that dwarf whites. In Texas the African American rate is 8.8 times higher than the white rate while the Hispanic/Latino rate is 2.2 times that of whites. In Minnesota, these rate differentials are even more pronounced. African Americans are incarcerated at a rate 30.8 times that of whites and Hispanic/Latinos at 8.6 times the white rate. In 1997, the state with the lowest overall rate of incarceration has the largest gap between the rates of African Americans and whites. **Appendix Table 4** provides rates by jurisdiction for each racial/ethnic group.

G. The Divide Can Not Be Explained by Criminal Activity

There are those who believe the relationship between crime and incarceration is as easy as “connecting the dots.”⁸ This simplistic reasoning may also lead some to assume that the increase in minority incarceration rates resulted from higher levels of criminal activity. As we previously reported, there are instances when the opposite actually occurs. For example, whites, African Americans and Hispanic/Latinos all consume drugs at a rate that is nearly identical to their proportion of the population. Yet at every juncture of the criminal justice system whites receive disproportionately lenient outcomes while non whites are many times more likely to be arrested, prosecuted and incarcerated.

Further analysis of the Uniform Crime Reports⁹ data also show that the proportion of serious crime that is committed by non whites has not increased over the time period

examined in this study. In 1985, whites were arrested for 53% of violent crimes and 62% of index crimes. Twelve years later those percentages remain virtually unchanged with whites arrested for 56% of all violent crimes and 62% of index crimes while African Americans were arrested for 40% of violent and 36% of index crimes.

What is largely driving the expanding prison population is the “war on drugs” and the associated laws, enforcement practices and sentencing schemes that fuel the divide in how the drug issue is dealt with in communities. The outcome of this system is higher rates of entry into prison for drug offenses and communities of color experiencing the pains of prison at a level far exceeding whites. Admissions to prison for drug offenses increased a whopping 1040% between 1986 and 1996. Non violent admissions rose 200% while violent admissions were *11 times less* than drug offenses (82%). Overall, the rate of prison admission for drug offenses increased six fold for African Americans while the rate of white admissions doubled. In seven states the rate of admission for drug offenses declined between 1985 and 1995 for whites. In the same seven states the rate of admission for African Americans increased by an average of 285%.¹⁰ If prison growth was driven by crime, especially serious crimes warranting a year or more behind bars, we would expect to find the increase in the number of prisoners aligned with the level of crime for each racial or ethnic group.

Conclusion

No where do we believe the issue of race and ethnicity needs to be more closely scrutinized than in America's prisons. Dostoevsky, Tocqueville and Churchill each saw prison as a barometer of society. Others have called prison the "canary in the coal mine of society."¹¹ Early on, scholars recognized that the poorest, most dispossessed and least powerful groups in a society populate prisons.¹² America's prisons are full to overflowing with half of all prisoners confined for non violent offense and half of these for drug offenses. While the racial disparity between the number of white and African American prisoners has received a fair share of attention, the reality of the racialized nature of prison growth has not been adequately explored along lines that clearly spell out the burden borne by racial and ethnic minority communities.

Our analysis reveals that understanding the demographics of America's prisons is not as simple as black and white. When Hispanic/Latino prisoners are disaggregated from whites the percent of the prison that is white is much lower than previously reported. Communities of color are far and away bearing the brunt of the escalation in the prison population. New York has the dubious distinction of leading the nation in populating its prisons with minorities – 90% of the nearly 35,000 prisoners added in New York were from communities of color. In 75% of all states, minorities accounted for more than half of this increase. Even in some states where 3/4ths of the population is white, more than 80% of new prisoners over a twelve year

period were minority. The once presumed racial disparity in incarceration is actually a gaping divide and the canary has no breath left to sing.

Recommendations

The overuse of incarceration is causing severe and potentially irreparable divisions in society. Below are few simple recommendations that could help turn the criminal justice system off its racist path and begin to repair the damage it is causing.

- A. States and the federal government should adopt uniform guidelines for gathering and reporting prisoner data on race and ethnicity. Specifically, a separate category for Hispanic/Latino prisoners that is comparable to currently gathered racial categories should be adopted.
- B. Any proposed expansion of state or federal prison systems, including new construction, should be subject to a “racial impact” assessment.
- C. In jurisdictions where the race/ethnicity of the prison population is incongruent with the racial/ethnic proportions of the general population and the racial/ethnic crime rate, a thorough assessment of the processes leading to this imbalance should be undertaken.
- D. End the systematic use of civil disabilities resulting from criminal conviction. These forms of “civil death” weigh heavily on individuals and communities. Being barred from voting, certain types of employment, education, public assistance and participation in other forms of civil life can seriously hinder the integration of an ex-offender into the community. When these civil penalties are implemented across communities of color they severely impinge on those communities right and ability of self determination.
- E. Invest in correctional policies that eschew bricks and mortar. Building new prisons diverts much needed resources from the communities that need them most. Community corrections strategies of supervision, safety and rehabilitation can work if they are properly supported. \$25,000 spent sending a non violent offender from an inner city to a rural prison is a disinvestment of \$25,000 in a community desperate for help. Savings realized through alternatives to incarceration should be put into prevention programs in at-risk communities.

Methodology

Three sets of data are used to calculate the statistics for this study:

1985 prisoner data: *Correctional Populations in the United States 1985*. Washington, D.C.: Bureau of Justice Statistics. December 1987. Table 5.6, p. 57 and Table 5.9, p. 60. Also see explanatory notes pp. 75-81.

1997 prisoner data: *Correctional Populations in the United States 1997*. Washington, D.C.: Bureau of Justice Statistics. November 2000. Table 5.6, p. 77 and Table 5.9, p. 80. Also see explanatory notes pp. 95-104.

1985 and 1997 population data by state from <http://www.census.gov/outgoing/>.

Tables 5.6 and 5.9 from the 1985 and 1997 *Correctional Population* series are used to calculate the number of white, African American and Hispanic prisoners under the jurisdiction of each state. We use the under jurisdiction count as it gives a more complete and accurate portrait of those under the control of prison authorities. “In custody” counts underestimate the number of prisoners by excluding state prisoners held in local jails due to overcrowding, those temporarily held in another facility such as a hospital or those from one state held in another state’s prison. There is variation from state to state in how and who is counted as a prisoner under jurisdiction. A few smaller states include their jail population and a number of states report only “in custody” figures. Please see the explanatory notes in the *Correctional Population* series for state-by-state details.

Correctional Populations Table 5.6 reports the racial breakdown of under jurisdiction prisoners as “White”, “Black”, “American Indian”, “Asian” or “Unknown” but does not include the number of Hispanics. Table 5.9 in *Correctional Populations* reports

prisoners of Hispanic origin but does not break those numbers down by race. Thus “official” statistics provide a prisoner count that is most accurate for Hispanics but is actually an estimate for the racial groups.

To separate out the number of Hispanic/Latino prisoners counted in white, African American or other race categories we examined census reports for each jurisdiction. While most Hispanic/Latinos report their race as white, 91.2% nationally in 1997, there is variation in this figure over time and from state to state. In those states that count Hispanic/Latino prisoners in race categories (white, black, American Indian, Asian, other/not known), we used the percent of Hispanic/Latinos who report their race as white, black, etc. in that state’s general population. We then multiplied that percentage by the number of Hispanic/Latino prisoners in that state. This number is then subtracted from the race categories to give the actual number of whites, African American and Hispanic/Latino prisoners.

For example, New York had a prison population of 69,108 in 1997. New York reported 29,655 whites, 37,488 African Americans, 204 American Indians, 391 Asians and 1,370 others/unknown race prisoners. However, NY also separately reported that distributed throughout these races were 22,421 Hispanic/Latino prisoners. In New York State 75.8% of Hispanic/Latinos report their race as white to the census bureau, 21.6% as African American and 2.6% as some other race. We multiplied the 22,421 Hispanic/Latino prisoners by .758. This yields 17,000 Hispanic/Latinos in New York prisons that report their race as white. We then

subtract these 17,000 from the 29,655 whites New York originally reported. The remaining 12,655 equal the true number of white prisoners in New York prisons in 1997.

These new figures for each state are then used to calculate the proportion of the change in the prison population that is accounted for by African Americans, Hispanic/Latinos and whites. In some states this procedure was not possible and we therefore believe that a white prisoner overcount still exists.

Acknowledgments

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About NCIA

The National Center on Institutions and Alternatives is a non profit that promotes fair and humane treatment for those who come in contact with justice and human services systems. NCIA provides alternatives to institutionalization through national and local initiatives in the criminal justice, juvenile justice, education, mental health and developmental disability fields.

Appendix 1

Number of Prisoners by Race/Ethnicity Before and After Removing Hispanic/Latinos From Race Categories, 1985 and 1997												
State	White				African American				Hispanic/Latino			
	1985		1997		1985		1997		1985		1997	
	Before	After	Before	After	Before	After	Before	After	Before	After	Before	After
U.S.Total	260,847	213,571	505,513	431,439	227,137	224,396	590,454	582,439	54,672	54,672	198,673	198,673
Federal	26,123	16,774	65,539	35,343	13,066	12,604	43,786	41,932	10,053	10,053	33,110	33,110
Alabama	4,436	4,435	7,615	7,614	6,560	6,560	14,594	14,594	1	1	1	1
Alaska	1,309	1,305	1,895	1,895	218	218	600	600	5	5	138	138
Arizona	6,813	4,730	18,686	11,451	1,362	1,341	3,523	3,323	2,164	2,164	7,732	7,732
Arkansas	2,347	2,328	4,448	4,382	2,264	2,260	5,543	5,538	23	23	74	74
California	31,027	17,963	46,957	46,957	16,954	16,694	48,331	48,331	13,793	13,793	53,580	53,580
Colorado	2,624	1,818	9,562	6,051	705	695	3,320	3,219	833	833	3,731	3,731
Connecticut	2,210	2,210	4,630	4,630	2,765	2,765	8,059	8,059	1,162	1,162	4,471	4,471
Delaware	1,107	1,045	1,942	1,759	1,443	1,433	3,481	3,458	74	74	212	212
District of Columbia	172	172	91	88	6,232	6,232	9,096	9,095	n/a	n/a	4	4
Florida	14,330	12,329	27,445	23,275	14,142	14,069	35,771	35,544	2,088	2,088	5,542	5,542
Georgia	6,483	6,483	11,983	11,720	9,531	9,531	24,392	24,366	n/a	n/a	300	300
Hawaii	504	504	1,034	900	102	102	232	223	73	73	238	238
Idaho	1,258	1,135	3,165	2,690	32	31	65	50	128	128	513	513
Illinois	6,052	6,052	9,995	9,995	11,132	11,132	26,522	26,522	1,345	1,345	4,149	4,149
Indiana	6,433	6,351	10,132	9,753	3,464	3,460	7,707	7,685	88	88	413	413
Iowa	2,177	2,177	4,800	4,800	568	568	1,696	1,696	46	46	283	283
Kansas	2,975	2,807	4,608	4,131	1,678	1,671	3,028	3,002	181	181	525	525
Kentucky	3,382	3,382	8,976	8,920	1,592	1,592	5,586	5,581	n/a	n/a	64	64
Louisiana	3,858	3,858	6,852	6,852	10,032	10,032	22,360	22,360	n/a	n/a	n/a	n/a
Maine	1,193	1,191	1,469	1,469	15	15	58	58	2	2	0	0
Maryland	3,609	3,609	4,998	4,998	9,370	9,370	17,196	17,196	n/a	n/a	n/a	n/a
Massachusetts	3,527	3,067	5,590	5,590	1,849	1,776	3,448	3,448	542	542	2,634	2,634
Michigan	7,332	7,332	18,482	18,482	10,076	10,076	24,936	24,936	206	206	953	953
Minnesota	1,563	1,563	2,559	2,559	502	502	1,964	1,964	86	86	330	330
Mississippi	1,940	1,932	3,560	3,553	4,324	4,320	10,663	10,662	13	13	54	54
Missouri	5,878	5,878	12,917	12,653	3,918	3,918	10,968	10,949	n/a	n/a	296	296
Montana	889	859	2,058	2,058	16	16	35	35	34	34	48	48
Nebraska	1,173	1,117	2,237	2,056	553	552	1,008	999	59	59	197	197
Nevada	2,236	2,236	5,049	5,049	1,240	1,240	2,407	2,407	215	215	1268	1268

State	White				African American				Hispanic/Latino			
	1985		1997		1985		1997		1985		1997	
	Before	After	Before	After	Before	After	Before	After	Before	After	Before	After
New Hampshire	669	662	2,019	1,930	14	14	120	113	7	7	98	98
New Jersey	3,841	2,406	7,316	5,022	7,483	7,353	18,572	18,294	1,565	1,565	5,029	5,029
New Mexico	1,935	791	3,892	1,354	239	235	545	499	1,161	1,161	2,640	2,640
New York	17,032	9,402	29,655	12,655	17,497	15,996	37,488	32,643	9,273	9,273	22,421	22,421
North Carolina	7,591	7,591	10,044	10,044	9,341	9,341	20,418	20,418	n/a	n/a	n/a	n/a
North Dakota	344	342	611	576	5	5	20	18	2	2	40	40
Ohio	10,986	10,837	21,846	21,072	9,553	9,541	25,938	25,876	165	165	864	864
Oklahoma	5,259	5,259	11,188	11,188	2,434	2,434	7,097	7,097	112	112	762	762
Oregon	3,718	3,570	5,839	5,839	503	501	1,010	1,010	158	158	867	867
Pennsylvania	6,184	6,184	11,632	11,632	8,035	8,035	19,847	19,847	n/a	n/a	3291	3291
Rhode Island	926	838	2,157	1,749	378	365	1,175	1,096	103	103	504	504
South Carolina	4,159	4,136	6,282	6,273	6,326	6,317	14,762	14,761	34	34	119	119
South Dakota	785	778	1,705	1,705	22	22	99	99	9	9	n/a	n/a
Tennessee	3,904	3,904	8,114	8,114	3,153	3,153	8,437	8,437	n/a	n/a	75	75
Texas	21,961	14,264	38,697	38,697	15,548	15,424	63,883	63,883	7,821	7,821	37,137	37,137
Utah	1,437	1,157	3,709	2,933	149	146	328	303	292	292	836	836
Vermont	n/a	n/a	1,193	1,172	n/a	n/a	36	35	n/a	n/a	22	22
Virginia	4,914	4,914	9,221	9,221	7,111	7,111	18,970	18,970	n/a	n/a	91	91
Washington	4,863	4,863	9,376	7,731	1,273	1,273	2,962	2,885	384	384	1,858	1,858
West Virginia	1,465	1,464	2,643	2,640	260	260	502	502	1	1	3	3
Wisconsin	3,224	2,938	7,910	7,027	2,072	2,060	7,788	7,738	307	307	974	974
Wyoming	690	628	1,190	1,190	36	36	82	82	64	64	182	182

Note: U.S. total may not add due to rounding

Appendix 2

Percentage of Prisoners by Race/Ethnicity Before and After Removing Hispanic/Latinos From Race Categories, 1985 and 1997												
Jurisdiction	White				African American				Hispanic/Latino			
	1985		1997		1985		1997		1985		1997	
	Before	After	Before	After	Before	After	Before	After	Before	After	Before	After
U.S. Total	51.9%	42.5%	40.7%	34.8%	45.2%	44.7%	47.6%	46.9%	10.9%	10.9%	16.0%	16.0%
Federal	64.9%	41.7%	58.0%	31.3%	32.5%	31.3%	38.8%	37.1%	25.0%	25.0%	29.3%	29.3%
Alabama	40.3%	40.3%	34.2%	34.2%	59.6%	59.6%	65.5%	65.5%	0.0%	0.0%	0.0%	0.0%
Alaska	56.2%	56.0%	45.5%	45.5%	9.4%	9.4%	14.4%	14.4%	0.2%	0.2%	3.3%	3.3%
Arizona	79.9%	55.4%	79.6%	48.8%	16.0%	15.7%	15.0%	14.2%	25.4%	25.4%	32.9%	32.9%
Arkansas	50.9%	50.5%	44.4%	43.7%	49.1%	49.0%	55.3%	55.3%	0.5%	0.5%	0.7%	0.7%
California	61.9%	35.8%	30.1%	30.1%	33.8%	33.3%	31.0%	31.0%	27.5%	27.5%	34.4%	34.4%
Colorado	77.9%	54.0%	71.0%	45.0%	20.9%	20.6%	24.7%	23.9%	24.7%	24.7%	27.7%	27.7%
Connecticut	35.9%	35.9%	26.9%	26.9%	45.0%	45.0%	46.7%	46.7%	18.9%	18.9%	25.9%	25.9%
Delaware	43.4%	40.9%	35.7%	32.4%	56.5%	56.1%	64.0%	63.6%	2.9%	2.9%	3.9%	3.9%
District of Columbia	2.7%	2.7%	1.0%	0.9%	97.3%	97.3%	97.3%	97.2%	n/a	n/a	0.0%	0.0%
Florida	50.1%	43.1%	42.5%	36.0%	49.4%	49.2%	55.4%	55.0%	7.3%	7.3%	8.6%	8.6%
Georgia	40.5%	40.5%	32.8%	32.1%	59.5%	59.5%	66.8%	66.7%	n/a	n/a	0.8%	0.8%
Hawaii	23.9%	23.9%	20.8%	18.1%	4.8%	4.8%	4.7%	4.5%	3.5%	3.5%	4.8%	4.8%
Idaho	93.6%	84.5%	80.9%	68.8%	2.4%	2.3%	1.7%	1.3%	9.5%	9.5%	13.1%	13.1%
Illinois	32.5%	32.5%	24.5%	24.5%	59.7%	59.7%	65.0%	65.0%	7.2%	7.2%	10.2%	10.2%
Indiana	65.0%	64.1%	56.6%	54.5%	35.0%	34.9%	43.0%	42.9%	0.9%	0.9%	2.3%	2.3%
Iowa	76.9%	76.9%	69.2%	69.2%	20.1%	20.1%	24.4%	24.4%	1.6%	1.6%	4.1%	4.1%
Kansas	62.9%	59.3%	58.2%	52.2%	35.5%	35.3%	38.3%	37.9%	3.8%	3.8%	6.6%	6.6%
Kentucky	68.0%	68.0%	61.5%	61.1%	32.0%	32.0%	38.3%	38.2%	n/a	n/a	0.4%	0.4%
Louisiana	27.8%	27.8%	23.4%	23.4%	72.2%	72.2%	76.4%	76.4%	n/a	n/a	n/a	n/a
Maine	97.3%	97.1%	90.7%	90.7%	1.2%	1.2%	3.6%	3.6%	0.2%	0.2%	0.0%	0.0%
Maryland	27.8%	27.8%	22.5%	22.5%	72.0%	72.0%	77.3%	77.3%	n/a	n/a	n/a	n/a
Massachusetts	65.4%	56.9%	46.8%	46.8%	34.3%	33.0%	28.9%	28.9%	10.1%	10.1%	22.0%	22.0%
Michigan	41.3%	41.3%	41.3%	41.3%	56.8%	56.8%	55.7%	55.7%	1.2%	1.2%	2.1%	2.1%
Minnesota	66.7%	66.7%	48.0%	48.0%	21.4%	21.4%	36.9%	36.9%	3.7%	3.7%	6.2%	6.2%
Mississippi	30.4%	30.2%	24.9%	24.9%	67.6%	67.6%	74.6%	74.6%	0.2%	0.2%	0.4%	0.4%
Missouri	60.0%	60.0%	53.8%	52.7%	40.0%	40.0%	45.7%	45.6%	n/a	n/a	1.2%	1.2%
Montana	78.7%	76.0%	81.8%	81.8%	1.4%	1.4%	1.4%	1.4%	3.0%	3.0%	1.9%	1.9%
Nebraska	64.7%	61.6%	65.8%	60.5%	30.5%	30.4%	29.6%	29.4%	3.3%	3.3%	5.8%	5.8%
Nevada	59.3%	59.3%	56.0%	56.0%	32.9%	32.9%	26.7%	26.7%	5.7%	5.7%	14.1%	14.1%

Jurisdiction	White				African American				Hispanic/Latino			
	1985		1997		1985		1997		1985		1997	
	Before	After	Before	After	Before	After	Before	After	Before	After	Before	After
New Hampshire	98.0%	96.9%	93.3%	89.2%	2.0%	2.0%	5.5%	5.2%	1.0%	1.0%	4.5%	4.5%
New Jersey	33.9%	21.2%	25.8%	17.7%	66.0%	64.9%	65.5%	64.5%	13.8%	13.8%	17.7%	17.7%
New Mexico	83.7%	34.2%	83.0%	28.9%	10.3%	10.2%	11.6%	10.6%	50.2%	50.2%	56.3%	56.3%
New York	49.1%	27.1%	42.9%	18.3%	50.4%	46.1%	54.2%	47.2%	26.7%	26.7%	32.4%	32.4%
North Carolina	43.8%	43.8%	31.8%	31.8%	53.9%	53.9%	64.6%	64.6%	n/a	n/a	n/a	n/a
North Dakota	81.5%	81.0%	76.7%	72.3%	1.2%	1.2%	2.5%	2.3%	0.5%	0.5%	5.0%	5.0%
Ohio	52.7%	51.9%	45.5%	43.9%	45.8%	45.7%	54.0%	53.9%	0.8%	0.8%	1.8%	1.8%
Oklahoma	63.1%	63.1%	54.5%	54.5%	29.2%	29.2%	34.5%	34.5%	1.3%	1.3%	3.7%	3.7%
Oregon	83.5%	80.2%	73.0%	73.0%	11.3%	11.2%	12.6%	12.6%	3.5%	3.5%	10.8%	10.8%
Pennsylvania	43.5%	43.5%	33.3%	33.3%	56.5%	56.5%	56.8%	56.8%	n/a	n/a	9.4%	9.4%
Rhode Island	70.8%	64.2%	64.0%	51.9%	28.9%	27.9%	34.9%	32.5%	7.9%	7.9%	15.0%	15.0%
South Carolina	39.6%	39.3%	29.7%	29.6%	60.2%	60.1%	69.7%	69.7%	0.3%	0.3%	0.6%	0.6%
South Dakota	75.0%	74.2%	76.0%	76.0%	2.1%	2.1%	4.4%	4.4%	0.9%	0.9%	n/a	n/a
Tennessee	54.8%	54.8%	48.7%	48.7%	44.2%	44.2%	50.6%	50.6%	n/a	n/a	0.5%	0.5%
Texas	58.5%	38.0%	27.6%	27.6%	41.4%	41.1%	45.5%	45.5%	20.8%	20.8%	26.5%	26.5%
Utah	88.0%	70.9%	86.3%	68.2%	9.1%	8.9%	7.6%	7.0%	17.9%	17.9%	19.4%	19.4%
Vermont	n/a	n/a	94.0%	92.4%	n/a	n/a	2.8%	2.8%	n/a	n/a	1.7%	1.7%
Virginia	40.7%	40.7%	32.5%	32.5%	58.9%	58.9%	66.8%	66.8%	n/a	n/a	0.3%	0.3%
Washington	70.4%	70.4%	71.0%	58.5%	18.4%	18.4%	22.4%	21.8%	5.6%	5.6%	14.1%	14.1%
West Virginia	84.9%	84.9%	84.0%	83.9%	15.1%	15.1%	15.9%	15.9%	0.1%	0.1%	0.1%	0.1%
Wisconsin	59.2%	54.0%	48.6%	43.2%	38.1%	37.9%	47.8%	47.5%	5.6%	5.6%	6.0%	6.0%
Wyoming	91.0%	82.8%	76.8%	76.8%	4.7%	4.7%	5.3%	5.3%	8.4%	8.4%	11.7%	11.7%

Appendix 3

Percent Increase in Prison Population Accounted for by Race/Ethnicity, 1985 to 1997									
Jurisdiction	Change in Prison Pop	White		Black		Hispanic		Other	
		Change	Percent	Change	Percent	Change	Percent	Change	Percent
U.S. total	738,586	217,869	29.5%	358,043	48.5%	144,001	19.5%	18,673	2.5%
Federal	72,750	18,569	25.5%	29,328	40.3%	23,057	31.7%	1,796	2.5%
Alabama	11,275	3,179	28.2%	8,034	71.3%	0	0.0%	62	0.5%
Alaska	1,836	590	32.1%	382	20.8%	133	7.2%	731	39.8%
Arizona	14,953	6,721	44.9%	1,982	13.3%	5,568	37.2%	681	4.6%
Arkansas	5,410	2,054	38.0%	3,278	60.6%	51	0.9%	27	0.5%
California	105,679	28,994	27.4%	31,637	29.9%	39,787	37.6%	5,261	5.0%
Colorado	10,092	4,233	41.9%	2,523	25.0%	2,898	28.7%	437	4.3%
Connecticut	11,092	2,420	21.8%	5,294	47.7%	3,309	29.8%	69	0.6%
Delaware	2,882	714	24.8%	2,025	70.3%	138	4.8%	6	0.2%
District of Columbia	2,949	-84	-2.9%	2,863	97.1%	4	0.1%	166	5.6%
Florida	36,026	10,947	30.4%	21,475	59.6%	3,454	9.6%	151	0.4%
Georgia	20,491	5,237	25.6%	14,835	72.4%	300	1.5%	120	0.6%
Hawaii	2,867	396	13.8%	121	4.2%	165	5.8%	2,184	76.2%
Idaho	2,567	1,555	60.6%	19	0.7%	385	15.0%	608	23.7%
Illinois	22,154	3,943	17.8%	15,390	69.5%	2,804	12.7%	17	0.1%
Indiana	7,999	3,402	42.5%	4,225	52.8%	325	4.1%	47	0.6%
Iowa	4,106	2,623	63.9%	1,128	27.5%	237	5.8%	118	2.9%
Kansas	3,179	1,324	41.7%	1,331	41.9%	344	10.8%	180	5.7%
Kentucky	9,625	5,538	57.5%	3,989	41.4%	64	0.7%	34	0.4%
Louisiana	15,375	2,994	19.5%	12,328	80.2%	0	0.0%	53	0.3%
Maine	394	278	70.5%	43	10.9%	-2	-0.5%	75	19.1%
Maryland	9,227	1,389	15.1%	7,826	84.8%	0	0.0%	12	0.1%
Massachusetts	6,557	2,523	38.5%	1,672	25.5%	2,092	31.9%	271	4.1%
Michigan	27,016	11,150	41.3%	14,860	55.0%	747	2.8%	259	1.0%
Minnesota	2,983	996	33.4%	1,462	49.0%	244	8.2%	281	9.4%
Mississippi	7,904	1,621	20.5%	6,342	80.2%	41	0.5%	-100	-1.3%
Missouri	14,202	6,775	47.7%	7,031	49.5%	296	2.1%	100	0.7%
Montana	1,388	1,199	86.4%	19	1.4%	14	1.0%	155	11.2%
Nebraska	1,588	939	59.1%	448	28.2%	138	8.7%	63	4.0%
Nevada	5,253	2,813	53.6%	1,167	22.2%	1,053	20.0%	220	4.2%
New Hampshire	1,481	1,268	85.6%	100	6.7%	91	6.1%	22	1.5%
New Jersey	17,026	2,616	15.4%	10,941	64.3%	3,464	20.3%	5	0.0%
New Mexico	2,375	563	23.7%	265	11.1%	1,479	62.3%	68	2.9%
New York	34,396	3,253	9.5%	16,647	48.4%	13,148	38.2%	1,348	3.9%
North Carolina	14,268	2,453	17.2%	11,077	77.6%	0	0.0%	738	5.2%
North Dakota	375	234	62.3%	13	3.5%	38	10.1%	90	24.0%
Ohio	27,152	10,235	37.7%	16,335	60.2%	699	2.6%	-117	-0.4%
Oklahoma	12,212	5,929	48.6%	4,663	38.2%	650	5.3%	970	7.9%
Oregon	3,545	2,269	64.0%	509	14.4%	709	20.0%	58	1.6%
Pennsylvania	20,737	5,448	26.3%	11,812	57.0%	3,291	15.9%	186	0.9%
Rhode Island	2,064	911	44.1%	731	35.4%	401	19.4%	21	1.0%
South Carolina	10,663	2,137	20.0%	8,444	79.2%	85	0.8%	-3	0.0%
South Dakota	1,195	927	77.6%	77	6.5%	-9	-0.8%	199	16.7%

State	Change in Prison Pop	White		Black		Hispanic		Other	
		Change	Percent	Change	Percent	Change	Percent	Change	Percent
Tennessee	9,532	4,210	44.2%	5,284	55.4%	75	0.8%	-37	-0.4%
Texas	102,819	24,433	23.8%	48,459	47.1%	29,316	28.5%	611	0.6%
Utah	2,668	1,776	66.6%	157	5.9%	544	20.4%	191	7.2%
Vermont	593	1,172	197.7%	35	5.9%	22	3.7%	-637	-107.4%
Virginia	16,312	4,307	26.4%	11,859	72.7%	91	0.6%	55	0.3%
Washington	6,305	2,868	45.5%	1,612	25.6%	1,474	23.4%	350	5.6%
West Virginia	1,423	1,176	82.7%	242	17.0%	2	0.1%	3	0.2%
Wisconsin	10,835	4,089	37.7%	5,678	52.4%	667	6.2%	401	3.7%
Wyoming	791	562	71.0%	46	5.9%	118	14.9%	65	8.2%

Appendix 4

Prisoners by Race/Ethnicity, 1997 and 1985								
Rate per 100,000 Adult Residents								
	White Rate		African American Rate		Hispanic/Latino Rate		Overall Rate	
	1997	1985	1997	1985	1997	1985	1997	1985
U.S. total	289	151	2,629	1,221	1,058	471	626	286
Federal	24	12	189	69	176	87	57	23
Alabama	315	200	1,906	1,015	4	5	689	379
Alaska	594	470	4,011	1,750	940	58	993	664
Arizona	473	261	3,510	2,300	1,281	657	710	369
Arkansas	282	160	2,111	969	274	198	538	269
California	366	138	3,128	1,266	865	372	669	257
Colorado	259	91	3,067	857	1,062	341	469	142
Connecticut	224	104	4,240	1,780	2,697	1,157	695	254
Delaware	406	272	3,609	2,144	1,365	965	977	549
District of Columbia	65	112	3,672	1,998	14	0	2,213	1,296
Florida	289	179	2,610	1,476	350	234	577	324
Georgia	306	204	1,706	915	225	0	664	371
Hawaii	329	193	960	654	392	178	561	276
Idaho	341	177	1,577	1,609	1,046	508	455	197
Illinois	151	90	2,220	1,028	561	284	462	221
Indiana	250	174	2,368	1,289	468	159	411	248
Iowa	236	106	4,807	2,077	873	266	326	134
Kansas	243	173	3,046	1,930	649	388	411	265
Kentucky	332	135	2,869	920	313	0	499	184
Louisiana	326	176	2,452	1,207	0	0	932	444
Maine	158	141	1,411	561	0	56	171	143
Maryland	195	148	1,754	1,297	0	0	576	395
Massachusetts	137	75	1,652	1,039	1,187	429	256	121
Michigan	308	130	2,640	1,272	596	197	619	269
Minnesota	80	53	2,459	1,127	684	361	155	77
Mississippi	275	156	1,645	774	365	101	725	350
Missouri	362	179	2,735	1,131	549	0	600	265
Montana	340	154	1,869	1,166	506	540	387	191
Nebraska	185	102	2,439	1,698	485	310	281	157
Nevada	543	374	3,144	3,246	796	408	732	527
New Hampshire	227	91	2,109	387	900	135	247	92
New Jersey	116	53	2,447	1,156	754	384	468	199
New Mexico	209	138	2,166	1,356	589	342	384	231
New York	136	94	1,739	946	1,294	725	507	259
North Carolina	238	209	1,818	1,019	0	0	569	372
North Dakota	128	73	780	244	985	83	167	86
Ohio	289	155	3,010	1,303	778	213	574	265
Oklahoma	558	258	4,302	1,666	1,052	258	844	350
Oregon	267	193	2,784	1,964	767	312	330	225
Pennsylvania	145	77	2,551	1,106	1,722	0	382	159
Rhode Island	261	121	4,369	1,746	1,298	508	450	176
South Carolina	315	237	1,894	984	384	162	748	433
South Dakota	349	164	3,232	1,227	0	370	424	209
Tennessee	240	130	1,414	644	200	0	411	202
Texas	467	182	4,115	1,226	1,045	340	1,018	324
Utah	237	121	3,193	2,267	1,051	707	314	158
Vermont	270	0	1,679	0	588	0	285	171
Virginia	242	146	2,009	972	56	0	557	283
Washington	218	167	2,310	1,584	921	419	319	214
West Virginia	197	107	1,206	606	42	14	225	121
Wisconsin	199	89	4,476	1,670	1,272	705	423	156
Wyoming	372	193	3,434	1,577	1,019	408	445	217

Endnotes

¹ Former President Clinton, Republican Governors George Pataki of New York, and Gary Johnston of New Mexico and other elected officials have called for a reform of drug sentencing laws. In California, 62% of voters favored an initiative [Proposition 36] that will divert more than 35,000 people convicted of drug crimes from prison to treatment programs.

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³ Tonry, Michael, *Malign Neglect: Race, Crime and Punishment in America*. New York: Oxford University Press, 1995.

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⁴ "Initial Report of the United States of America to the United Nations Committee on the Elimination of Racial Discrimination." U.S. Department of State. Washington, D.C.: September 2000. Available on-line at http://www.state.gov/www/global/human_rights/cerd_report

⁵ "Hispanic" is defined as those who have Spanish-speaking ancestry but may belong to any race. Schmidt, Eric. "Census figures Show Hispanics Pulling Even with Blacks." *The New York Times*. March 8, 2001.

⁶ Prison populations and prisoner demographics are compiled in the Department of Justice, Bureau of Justice Statistics publication entitled "Correctional Populations in the United States." Prisoner race and ethnicity for each state is reported in two separate tables. One table (5.6) reports the race of each prisoner. "Hispanic" is not included as a racial category in this table, however Hispanic prisoners are contained somewhere within the other five racial categories. In addition, there is great variability in the way the states decide which racial category Hispanic/Latino prisoners will be reported in. Some states put all or some Hispanic/Latinos in the "other" category. Other states put them only in "white" and some allow Hispanic/Latino prisoners to choose which racial category they

prefer. In this last scenario Hispanic/Latinos may be distributed across all racial categories.⁶ A second table (5.9) reports ethnic origin as either “Hispanic” or “Non Hispanic” but does not break down these numbers by race.

⁷ Rate of incarceration is calculated using the adult population as prisons hold very few youth. Because of the way census data were reported in 1985, “adults” are those ages 20 and over. For 1997, the ages 18 and over are used.

⁸ Morgan Reynolds in Cose, Ellis. “The Prison Paradox.” *Newsweek*. November 17, 2000.

⁹ Federal Bureau of Investigation, *Uniform Crime Reports 1985 and 1997*.

¹⁰ Schiraldi, Holman and Beatty, 2000.

¹¹ Miller, Jerome G., “American Gulags”. *Yes Magazine*. August 2000

¹² Reusche, George and Kirchheimer, Otto. *Punishment and Social Structure*. New York: Columbia University Press, 1939.