

**Race and the Criminal Justice System:
Disentangling the Effects of Racial Self-Identification and Classification by Others**

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Abstract: A large literature has examined racial differences in contact with the criminal justice system. We add to this research by examining whether racial classification by others and racial self-identification are differently related to contact with the criminal justice system. Using data from the National Longitudinal Study of Adolescent Health, we document that among self-identified whites, being seen as black is related to higher levels of contact with the criminal justice system, though there is no parallel effect for self reports of delinquency. The effect of interviewer perceived blackness among self-identified whites exists for nearly all types of contact, including being stopped by the police, being arrested and being convicted, and is particularly linked to assault-related charges. Further, our analyses suggest that the best-fitting models include measures of race from both self-identification and others' classification, and that these two dimensions of race are related in different ways to contact with the criminal justice system.

Recent research on racial inequality has stressed the multidimensional nature of race and called attention to the way that race is measured, suggesting that different measures of race might be more or less salient in different contexts. For example, Saperstein (2009) shows that interviewer-classified race more closely tracks differences in health screenings than self-identification. Likewise, Bruch and Loveman (2011) show that skin color affects performance in school above and beyond the effects of self-identified race, and conclude that these two different measures capture different aspects of race that matter in different ways.

We combine this recent work examining multiple dimensions of race with a longstanding body of research documenting persistent racial differences in a wide variety of criminal justice outcomes. This literature finds, for example, that blacks are stopped more by the police, arrested more, are more likely to be convicted, and receive longer sentences than otherwise similar Americans (Blair, Judd, and Chapleau 2004; Crutchfield, Bridges, and Pitchford 1994; Goff et al. 2008; Lundman and Kaufman 2003). The involvement of African-Americans in the criminal justice system is so disproportionate that Wacquant (2002) suggests that the criminal justice system has become a race-making institution and, in fact, Saperstein and Penner (2010) show that incarceration is linked to subsequent changes in how individuals self-identify and are racially classified by others.

Data and Methods

We use data from the National Longitudinal Study of Adolescent of Health (Add Health), a nationally representative sample of Americans who were enrolled in grades 7-12 in 1994-5. It is one of the few national surveys to collect data on both the respondent's racial self-identification

and the interviewer's classification at multiple points in time, which makes it an ideal survey for examining the influence of different measures of race on young adult life outcomes, such as delinquency and contact with the criminal justice system. We draw on the Wave 3 in-home samples in the analyses that follow. Wave 3 consisted of 15,197 interviews conducted between July 2001 and April 2002 when the respondents were aged 18-26. Our study sample includes 11,768 cases where individuals had data on both their racial self-identification and their interviewer classification in wave 3. For the preliminary analyses presented here, we focus on the 10,058 self-identified whites, and examine whether the interviewer's perception of their race is related to their experiences with criminal justice system in the United States.¹ Table 1 presents the number of self-identified white respondents by how they were classified by the interviewer, along with descriptive statistics on our dependent variables.

When respondents were asked about their race during the survey, they were able to give multiple race responses, but interviewer classifications were limited to one. Respondents who identified more than one race were asked a follow-up question to choose their "best" single race from among the same list of categories (i.e., White, Black, Native American and Asian). In addition, while respondents were asked about self-identification in the beginning of the survey, the interviewer classified the respondent at the end of the survey, allowing information gathered during the survey to color the interviewer's response. For our analyses, we examine all races reported by the respondent, as well as the one race recorded by the interviewer. We introduce a dummy variable to control for respondents who self-identified as Hispanic.

¹ Models restricting to other self-identified racial populations were also run, but as they had smaller sample sizes we focus here on the results for respondents who self-identified as white.

We use two sets of dependent variables. For the first set, we use principle components analysis to create variables indexing contact with the criminal justice system and delinquency.² Our measure of contact with the criminal justice system combines measures including whether the respondent has ever been stopped by the police, arrested, sentenced, and the specific crimes for which respondents were charged and convicted. Our index of delinquency is created from variables that asked respondents about whether they ever engaged in activities such as damaging property, using weapons for stealing, and getting into physical fights. The second set of dependent variables examines each of the measures of contact with the criminal justice system in turn: being stopped by the police, being arrested, and being convicted. Examining these variables one-by-one allows us to identify whether all contact shapes racial classification equally, or whether differences in the degree or severity of contact are related to how the respondent is perceived racially.

Preliminary Findings

Table 2 presents results on how contact with the criminal justice system and delinquency varies by interviewer-classified race for individuals who self-identified as white in Wave 3. Examining the effect of interviewer-classified race among those who self-identified as white, we find a positive relationship between interviewer classification as black and contact with the criminal justice system. This finding can be interpreted as indicating either that respondents who were perceived as black in Wave 3 reported significantly more contact with the criminal justice system than those perceived as white, or that respondents who reported having more contact with the criminal justice system were significantly more likely to be perceived as black by the

² Principle components analysis is a data reduction technique to identify leading eigenvectors from a covariance matrix.

interviewer. For delinquency, we found a different pattern. If anything, interviewer-classified Asian and Native American respondents (who self-identified as white) reported higher levels of delinquency than interviewer-classified blacks, although none of the results were statistically significant. Table 2 thus suggests that how respondents are seen matters for contact with the criminal justice system above and beyond how they identify. Further, finding that the same pattern does not hold for delinquency suggests that self-identified whites who are perceived as black either have more contact with the criminal justice system as the result of bias in the system, or that contact with the criminal justice system triggers racial stereotypes that affect how people are perceived by others in a way that is not true for reports of delinquency.

Table 3 builds on these results by examining particular points of contact with the criminal justice system. We find that being seen as black is associated with higher levels of contact across all three types recorded in the survey—being stopped by the police, being arrested, and being convicted. These results show that the effects of being seen as black are rather uniform across the three different stages, suggesting that the disparities at the later stage are primarily driven by disparities in the earlier stages. Supplementary analyses revealed that the effects for being convicted were particularly high for assault, and future analyses will examine the degree to which accounting for differences in stops can explain the disparities we observe in arrests and convictions.

Other analyses not reported here highlight the importance of taking into account multiple dimensions of race in analyses of inequality. For example, when estimating effects for the full sample, we find that including both measures of interviewer classified and self-identified race

provides a better fitting model (according to BIC) than either measure independently. These preliminary analyses also suggest that self-identified Native Americans are the most likely to have had contact with the criminal justice system. In preparing our final analyses for this presentation, we plan to more fully explore these results with the aim of broadening the project's scope beyond "blacks" and "whites."

Discussion

Given that we examine the effects of wave 3 interviewer classification and wave 3 reports of contact with the criminal justice system, we cannot disentangle whether interviewers are classifying respondents as black because of their contact with the criminal justice system, or whether respondents who were seen as black by interviewers were also subject to racial profiling,³ and thus had more contact with the criminal justice system. In an attempt to disentangle these effects, we also examine the effects of wave 3 race on wave 4 criminal justice outcomes. We find that for wave 3 self-identified whites interviewer classifications of race are not related to wave 4 criminal justice contact. As the criminal justice contact reported by the respondents in wave 4 cannot affect the interviewer's classification of the respondent's race in the earlier survey wave, we interpret our results as evidence that contact with the criminal justice system (or rather hearing about someone's history of contact) influences racial classification, in addition to the more commonly discussed effects in the opposite direction. That is, our results suggest that instead of thinking of individuals as having a fixed race, and the criminal justice system responding to people differentially on the basis of this classification, we should

³ It is worth noting that our results for delinquency suggest that these results are driven by differences in crimes actually committed (e.g., Tonry and Melewski 2008).

conceptualize the criminal justice system as also helping to reinforce the racial distinctions that become the basis for differential treatment.

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Table 1. Descriptive Statistics for Self-identified Whites

Interviewer-classified race (N)	
Black	127
Asian/Pacific Islander	95
Native American	55
White	9781
Self-identified Hispanic (N)	1710
Contact with criminal justice system (Mean)	0
(Standard Deviation)	3.6
Delinquency (Mean)	0
(Standard Deviation)	2.0
Stopped (%)	19.3
Arrested (%)	11.1
Convicted (%)	10.8
Total N	10058

Table 2. OLS Regression Models Predicting Contact with the Criminal Justice System and Delinquency for Self-identified Whites

	Contact with the Criminal Justice	Delinquency
Black	.647* (0.280)	0.172 (0.160)
Asian/Pacific Islander	0.183 (0.324)	0.263 (0.184)
Native American	-0.357 (0.429)	0.320 (0.248)
N	9898	9819

* $p < .05$, ** $p < .01$, *** $p < .001$ (two-tailed tests) Note: Restricted to self-identified whites, standard errors are in parentheses. All models include controls for Hispanic self-identification.

Table 3. Odds Ratios from Logistic Regression Models Predicting Different Levels of Contact with the Criminal Justice System for Self-identified Whites

	Stopped	Arrested	Convicted
Black	1.562* (0.310)	1.708* (0.397)	1.747* (0.406)
Asian/Pacific Islander	1.068 (0.271)	1.118 (0.347)	1.048 (0.338)
Native American	1.254 (0.401)	1.006 (0.438)	1.017 (0.443)
N	9960	9983	10021

*p<.05 **p<.01 ***p<.001 (two-tailed tests) Note: Restricted to self-identified whites, standard errors are in parentheses. All models include controls for Hispanic self-identification.