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*Crit Sociol* 2008; 34; 213

DOI: 10.1177/0896920507085513

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## The Relationship of Race and Criminal Behavior: Challenging Cultural Explanations for a Structural Problem

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### Abstract

Disproportional arrests and conviction rates between blacks and whites in the US criminal justice system is well documented in social research. Many studies have examined the various social explanations for the disproportional arrest rates by race, varying from structural explanations of institutionalized racism and differential poverty outcomes to micro-level analyses of culturally prescribed behaviors. Research that focuses on culturally motivated behaviors may increase the sense of otherness associated with blacks and may minimize the effects of discriminatory criminal justice practices and unequal opportunities. Studies that focus on describing disproportional distributions without also including individual behaviors may also mask successful strategies by blacks avoiding re-arrest as they manage to reintegrate into society. This study analyzes racial differences in recidivism patterns for a cohort of prisoners in the Ohio prison system. Recidivism was tracked for approximately 14 years (through 2006). These ex-prisoners were compared using survival analysis and Cox Regression analysis.

### Keywords

conflict theory, ex-offenders, Merton, prisons, race, recidivism

### Introduction

Social scientists often explain the association between crime, race and poverty by looking to racial identity and cultural factors rather than focusing on structural relationships. Historically, discussions of criminal behavior fluctuate between structural explanations and cultural explanations, focusing on either societal dysfunction and/or the failure of an individual's socialization. However, some have argued the inequality that is inherent in capitalism explains disparate social outcomes, especially when controlling for race.

We can find the roots of these arguments in classical sociological writings. Durkheim's focus on the structural need for socialized morality is the first attempt to explain why

even relatively crime free societies need to establish the sacred and profane (Durkheim, 1893/94)<sup>1</sup> Robert Merton picks up on this argument when he writes:

Emile Durkheim's similar analysis of the social functions of punishment is also focused on its latent functions (unifying consequences for the community) rather than confined to manifest functions (deterrent consequences for the criminal). (Merton, 1996 [1949]: )<sup>2</sup>

Sutherland (1937) introduces the theory of differential association, arguing that deviant behavior is socially transmitted from one individual to another, shifting the focus of crime from the structure of society to the life choices of the individual by examining peer relationships as an explanation for increased deviance. Merton's (1938) theory of anomie introduces the notion that poverty is directly responsible for criminal behavior. He argues that deviant behavior is a function of not having equal access to opportunity in the social structure. Therefore, crime is more likely to occur in poor communities. Merton's theory of anomie places the responsibility for the individual's criminal deviance within the inequality of the capitalistic society. Shaw and McKay (1942) return to social structure by arguing that social disorganization in poor communities keeps crime at a constant regardless of the demographics of the neighborhood. While this theory focuses on poverty as the underlying cause for the social disorganization that leads to crime, it stops short of identifying poverty as a cause of criminal activity.

Merton (1996 [1987]) argues his theory is merged with Sutherland's and Cohen's to develop two new theories. Cohen (1955) argues that it is status frustration along with anomie that leads to delinquency. Status frustration occurs when the poor youth are faced with middle class values in the academic setting. These values are foreign to poor youth which leaves them in a state of frustration. While Cohen acknowledges Merton's theory of anomie, he moves the argument back to focus on the behavior of the individual. More importantly, he views the subculture of the poor as deficient, failing to socialize the young to have law abiding and productive values. Merton also sees elements of anomie in Cloward and Ohlin's theory of differential opportunity (Merton, 1996 [1987], Cloward and Ohlin, 1960). Differential opportunity theory argues that poor youth have more access to illegitimate opportunities. Many of these theories, including Merton's, are criticized by conflict theorists for failing to consider the crime patterns of middle and upper class criminals.<sup>3</sup> Merton also criticizes a cultural interpretation of crime patterns. He writes:

With this problem as its focus, labeling theory has little to say about the sources of primary deviance. As Lemert specified this ignorance, 'When attention is turned to the rise and fall of moral ideas and the transformation of definitions of deviance, labeling theory and ethnomethodology do little to enlighten the process.' It is precisely this problem that the conflict theory of deviance took as central. Its main thrust ... holds that a more or less homogeneous power elite incorporates its interests in making and imposing legal rules. It thus addresses questions neglected by earlier theories: How do legal rules get formulated, how does this process affect their substance, and how are they differentially administered? (Merton, 1996 [1987]: 55).<sup>4</sup>

It is not surprising, given these theories, that there remains a tendency to look to a cultural explanation of crime patterns over a structural one. As a result, race and crime often appear to be synonymous in criminological research. Most criminological studies provide evidence on the disproportional racial characteristics of the criminal population, discuss disparate outcomes by race of offender, and are driven either by the structural qualities of discrimination, or by the interpersonal or cultural characteristics of the individual. Are people of color more likely to have culturally driven values or community deficits that put them at risk for greater levels of crime? Or is the explanation for the over-representation of non-whites merely attributable to racism within the criminal justice system?

Disproportional arrests and conviction rates between blacks and whites in the United States are well documented. That blacks are at greater risk not only for arrest, but also for recidivism and re-arrest has been a consistent finding. Furthermore, identifying factors that affect the failure of parole, especially among blacks, is of increasing interest in current literature. Research that focuses on culturally motivated behaviors may increase the sense of otherness associated with blacks and may minimize the effects of discriminatory criminal justice practices and unequal opportunities. Studies that focus on describing disproportional distributions without also including individual behaviors may also mask successful strategies by blacks avoiding re-arrest as they manage to reintegrate into society.

Wilson (1987) examines the structural reasons for these disparities and focuses on the economically created underclass, which over the decades has been disproportionately non-white. Wilson, among others, argues that economic disparity coupled with structural discrimination can lead to psychological, emotional and economic motivations for criminal deviance (Wilson, 1987). It is necessary for the success of modern capitalism to maintain stronger social control over the underclass through the criminalization of their activities. We must perpetuate a crime myth tied to the reportedly deficient values of the underclass, and especially the minority underclass, in order to maintain the status quo in our system.

While there is much to suggest that the appropriate test of race and class differences in criminality is structural, leaning towards a conflict assessment of the role that capitalism plays in establishing and maintaining deviance, many of our theories focus on characteristics of the individual. This study tests one element of the structural vs individual interpretation of race as a predictor for criminality as it relates to recidivism in a cohort of releasees from the State of Ohio's prison system. This analysis is controlled for race (black/white) to determine if there are differences in patterns of return to prison that are attributable to race that might explain why blacks account for a higher percentage of those who return to prison. It is hypothesized that any cultural differences in the known prison population attributable to race should be evident in patterns of return to prison after release. In the absence of this difference, it would be more logical to assume that race is a socially constructed variable in this case that reflects only skin color and ethnicity, while masking structurally important variables not inherently related to the race of the individual.

## Crime Statistics and Demographics

We can easily recognize patterns around crime, recidivism and race. In 2002, the USA had an incarceration rate of 690 per 100,000 in the population, the highest imprisonment rate in the world at that time (Beck et al., 2002) and between 1990 and 2005, the Justice Department reported that blacks were nearly three times more likely to be arrested than Hispanics and nearly five times more likely to be in prison than whites (Bureau of Justice Statistics, 2006). Non-whites are also more likely to be arrested, charged and later convicted than are whites (Austin and Allen, 2000; Coker, 2003).

The USA has a high recidivism rate to accompany the high incarceration rate. A study of a US cohort of 1994 parolees found that 67.5% of these ex-prisoners were re-arrested within three years of their prison release, and 46.9% were reconvicted (US Department of Justice, 2006). Overall, those arrested for property violations (robbery, burglary, larceny, etc.) accounted for the majority of recidivists with more than 70% in each of these categories returning to the system. For violent offenders the recidivism rates were less than 2% (Langan and Levin, 2002).<sup>5</sup>

Since many of our studies deal with the known criminal population, reducing recidivism remains an important focus of social research, especially as the prison population continues to grow with the construction of many new prisons and a more punitive interpretation of law. Social scientists, policy makers and members of the criminal justice community have invested much into the understanding of social factors that may improve or inhibit the reintegration of the ex-prisoner into the community. These studies have examined the negative effects of social stigma, personality development, employment difficulties and substance abuse and health issues on one's ability to remain outside of the prison system (Brownsberger, 2000; Case and Fasenfest, 2004; Harris et al., 2002; Ingram et al., 1985; Krauss, 2004). They have also examined the positive effects of education, pre-release programs and social support on reintegration (Gendreau et al., 1996; Johnson, 2004; Vacca, 2004).

Given the disproportional negative outcomes of non-whites, race also has been an important variable to consider when looking at recidivism rates. Historically, non-whites, and especially blacks, have been over-represented in criminal arrests, criminal convictions and recidivism rates and tend to get longer sentences (Gorton and Boies, 1999). That non-whites have poorer outcomes when they encounter the criminal justice system is well known. However, there remains a debate in the social science literature as well as in the public domain on how much of the criminality of ex-inmates (and especially non-whites) is actually attributable to structural factors such as institutional racism and poverty, and how much is attributable to the behavior of the individual.

## Race, Imprisonment and Outside the Prison Walls

It is clear that black men are at a greater risk of re-arrest and reconviction. In the 1994 US release cohort, 72.9% of blacks were re-arrested compared to 64.6% of whites. Blacks

were also more likely to be reconvicted (51.1% compared to 43.3%) and were more likely to return to prison with either a new sentence or on a technical violation (54.2% compared to 49.9%) (Langan and Levin, 2002).

Racial disparity in incarceration is so pronounced that Petit and Western argue that incarceration should be viewed as part of the life course for African American males, with 60% of high school drop-outs within this population spending time in prison at some point in their lives (Petit and Western, 2004). Likewise, Sheldon found that 'on any given day, more African American males were more likely to be in prison or jail than in college' (Sheldon, 2004: 5). These high arrest and resulting imprisonment rates for non-white males (especially unemployed young black and Hispanic males) leads to what Spohn and Holleran (2000) refer to as 'an imprisonment penalty'. The non-white men in their study were more likely to be arrested and more likely to get longer sentences than middle aged white males.<sup>6</sup>

These aforementioned studies detail the outcomes for individuals who have been convicted of crimes. It is important to recognize that the effect of race on criminal justice outcomes may begin before the individual encounters the criminal justice system. Bosworth argues that racial disparity in criminal justice extends into the community with blacks being more likely to be over-policed and under-protected by law enforcement (Bosworth, 2000). The use of racial profiling is also well documented (Brownsberger, 2000). These findings refer to the relationship between the average black citizen (the one that has not been arrested and convicted for a crime) and the criminal justice system as demonstrated by the recent 'driving while black' discussion (see Bates and Fasenfest, 2005).

If these are the outcomes for the law-abiding black citizen, needless to say, the formerly incarcerated individual finds life outside the walls even more complicated. For example, individuals that have spent time in prison have worse employment and income patterns than their age/race/sex cohort who have not been convicted of a crime. While employment may not be affected by race for these individuals, non-whites earned less over time (Needels, 1996). Similarly, Western (2002) argues that incarceration changes the trajectory of the life course in terms of employment stability and earnings and that these worsened outcomes are more pronounced for blacks. Stable employment and a living wage are essential to remaining outside of those prison walls and the lack of these conditions may be linked to higher recidivism rates for blacks (Needels, 1996). This appears to be even more likely given that the majority of recidivism is centered in property crimes, indicating that the primary motivator for criminal activity may be economic gain.

Even when these individuals work hard to obey the social norms and reintegrate into society, the label of ex-inmate follows them and worsens their social outcomes (Harding, 2003). Case and Fasenfest's (2004) study of ex-inmates in the Ohio system produced similar results. Ex-inmates report problems finding employment because of the stigma of incarceration and the fact of their arrest records. Given other race-based issues of securing employment we might speculate non-whites will have a harder time integrating economically.

### Characteristics that Reduce Recidivism Risks

Clearly, being black increases the likelihood of incarceration and recidivism. What is less well established is the link between race and individual characteristics that reduce recidivism. Although research has outlined many of the factors that may reduce recidivism risk, many of these studies do not show that there are individual characteristics linked to being black, as opposed to being poor or structural discrimination, which create worse criminal justice outcomes for blacks.

For example, Ingram et al. (1985) conducted a personality survey of prisoners in order to determine if there were underlying differences in the Minnesota Multiphasic Personality Inventory (MMPI)<sup>7</sup> scores for individuals who return to prison and those who do not. They also compared their sample by race. Their findings show that individuals who returned to prison were more likely to have psychopathic deviant characteristics, higher impulsivity and prison adjustment scores and were more likely to attempt to present themselves in a positive light than those who did not return to prison. Violent criminals were significantly more likely to have psychopathic tendencies than non-violent criminals. However, there was no difference by race in negative personality trait outcomes in this sample (Ingram et al., 1985).

Another study by Harris et al. (2002) examined the effect of HIV serostatus and mental health on recidivism. Their study determined that regardless of race, age, and previous criminal history, the most significant predictors for return to prison were HIV serostatus and poor mental health. Furthermore, compliance with medical and mental treatment was significant for predicting success in not returning, regardless of the race of the individual.

Both of these studies used samples where the criminal outcome was known. When comparing blacks and whites that have been convicted of crimes and have similar presence or absence of other symptoms (HIV serostatus and/or mental illness or personality defect) race does not add to the understanding of recidivism. Rather recidivism is associated with something other than racial identity or culture.

Participation in religious programs while in prison appears to provide some protection from recidivism (Johnson, 2004). Johnson found that race was an important variable to consider when looking at the effect of religious programming. However, Johnson's study used Hispanic as his predictor variable, given that 40% of his sample population was Hispanic and 48% was black. Whites (12%) and blacks were combined in that analysis. This study predicts *better* outcomes for minorities as defined in the study; however it does not provide evidence of any differences between the black and white participants.

Of equal interest are the studies that identify predictors for recidivism that are linked to race but not a part of racial cultural identity, such as disparity in sentencing. Krauss (2004) found that when judges deviate from the federal sentencing guidelines (either upwards or downwards) the individual is more likely to return to prison. Judicial discretion guidelines allow the judge to make judgment calls based on the case at hand when assessing length of sentence. It is unfortunate that race was not included as a variable in this study,<sup>8</sup> since other research has established that blacks get longer sentences than

whites. In fact, Krauss points out that the guidelines for sentencing were established to prevent the judge's biases around gender, ethnicity and race from influencing sentencing patterns. He argues that 'further research is necessary to determine whether these suspect rationales for sentencing are re-appearing through the guise of legitimate departure rationale' (2004: 748). A similar study undertaken by Johnson (2003) found that both blacks and Hispanics were less likely to receive downward departures in sentencing with Hispanic outcomes being worse than black outcomes.

Another study that examines the role of judicial bias in disproportional outcomes for race was undertaken by Bontrager et al. (2005). This study of judicial tendencies to withhold adjudication for individuals who plead guilty in the Florida system found that non-whites were more likely to have negative outcomes. Withholding adjudication allows the individual to honestly say they have never been convicted of a felony, even though they have pled guilty to that felony. Of course this leads to a retention of civil rights and improves future employment outcomes for the individual. This study found that all else being equal, blacks and Hispanics were far more likely to be adjudicated than whites.

Similarly, in a review of prison education programs, Vacca (2004) points out that it is the more educated prisoner who is likely to be successful in staying out of prison. College participation may reduce recidivism by 70% or more. Again race is not part of Vacca's discussion. As well, Frolander-Ulf and Yates (2000) report that the more education received, the better the likelihood of staying out of prison. Chappell's (2004) meta-analysis of prison education research finds that prison education programs significantly reduce recidivism and increase social bonding, and yet contains no discussion of race.

It is well established that non-whites in prison generally have poorer levels of educational attainment than whites. Also, the outcomes of poor students are significantly lower in general than their wealthier counterparts. If we are to unpack the relationship between race and criminality, it is essential that studies that examine structural predictors for recidivism, such as education, include an analysis of the intersection between race, poverty and unequal opportunity to obtain pre- and during incarceration education.

## Racial Disparity in Crime Statistics

There has been much discussion on factors external to the individual that may influence the decision-making process. Given the disproportionate arrests of blacks, some of this discussion has focused on finding a cultural explanation for why blackness increases the risk of incarceration and recidivism. Research has been divided in its findings and has many shortcomings. The most notable of these shortcomings is the tendency to assume, especially in the public domain, that blackness is somehow associated with criminality.

Lauritsen (2004) points out that the US is one of only a handful of countries that allows race of offender to be collected by law enforcement agencies, and that when race is collected elsewhere, the classification system includes a cultural variant. The practice of collecting race is seen as being either discriminatory or 'crude' and too inclusive by many



countries. For example, the classification of black in the USA is based on skin color only and does not take into account country of origin, an important distinction when cultural differences are held up as an explanation for criminality. Would we expect a black Caribbean immigrant to hold the same cultural values as a black American born and bred in Des Moines? If two such diverse individuals end up in the US criminal justice system, they are both recorded as black. Likewise Hispanic is assigned to any Latino/a. Would a Mexican immigrant necessarily have the same values as a Colombian immigrant? Or an Hispanic American born and bred in the Midwest? So our difficulty in deciphering the link between blackness and crime begins at the very classification of black in general. Despite this, race is used as an explanatory variable and it is expected to convey a plethora of social conditions that may or may not reflect the true experiences of the individual.<sup>9</sup>

Several explanations for racial differences in crime rates have come in and out of fashion since researchers began to explore these differences. Theories that have been used to explain the deviance of poverty have also been used to explain disproportional arrests in the black community. *The Bell Curve*, Herrnstein and Murray's (1994) infamous book on the genetic basis of IQ and negative social outcomes, puts full responsibility for poverty on the individual. Rather than looking for a socioeconomic explanation for the intergenerational transmission of poverty, this work argues that it is biologically hereditary. This IQ argument has been expanded to racial classifications with Asians being at the top of the IQ ladder and blacks being at the bottom, an argument that not only classifies poverty as genetically preordained, but also adds the fallacy of a genetic link to race (Rushton, 1988, 1990 as cited in Fairchild, 1991). Fairchild argues that science can be used as cloak for racism when these supposedly genetic and racial explanations are used to describe poor social outcomes for non-whites. In fact, the argument that there are three distinct races within *Homo sapiens* has been refuted as a false construct developed for social and political reasons. Furthermore, we have established theories, some as old as sociology itself, that point out the effectiveness of the marginalization of a group to promoting a successful capitalistic society.

The general sense in the public domain<sup>10</sup> is that racial minorities are over-represented in the criminal population because they hold different values than the white majority and are therefore more likely to be criminals (Martin and Myers, 2005; Myers and Martin, 2004). Academically, this argument has been tied to the theory of an independent 'culture of poverty' as well as the theory of social disorganization. Both theories look to an understanding of the way that poverty influences the internalization of a separate set of values.<sup>11</sup>

Shaw and McKay's (1942) work on the nature of social ecology which looked at the effect of poverty on neighborhood dynamics, identifying a cultural disorganization in poor communities that contributes to a higher crime rate, should have laid to rest any notion that criminality was associated with any group characteristic. They found that regardless of the fact that race and ethnicity of the poor Chicago communities varied over time, crime rates remained consistent. This theory of social and cultural disorganization has been interpreted as being associated with race. Since non-whites have a higher probability of being poor, this explanation has been applied to the over-representation of blacks in the criminal justice system.

Characteristics of the sub-culture of poverty include among other factors loose moral conduct. We view the poor as being more prone to deviance and therefore, more prone to crime. The poor are viewed as being less interested in education and as having a lower work ethic, characteristics that not only make the individual more likely to take a criminal path to potential economic success, but also that individual values can fully explain criminal outcomes. Lewis has written children off as young as seven, arguing that by this age the culture of poverty has become absorbed. So not only are poor adults beyond redemption, but poor children are as well (Lewis, 1965, cited in Adeola, 2005).

Another area of inquiry has been to look at the 'deficiency' of the black family in an attempt to explain racial disparity in arrest records by race. Criminal behavior has been blamed on the female-headed household and the absence of the father in the home. Since black families were more likely to be headed by females at the time this research was being undertaken, black children were perceived as being at greater risk for criminality. However, other studies found that black children were at greater risk for criminality when the father was in the home, theoretically because of the financial burden and resulting stress that the father carried. A child seeing his parent struggling and not getting ahead was argued to be a greater risk for the seduction of a criminal life (Harris and Shaw, 2000). Blaming either the absent father or the un- or under-employed father is yet another measure of poverty in the black community.

Again, due to the over-representation of blacks in the impoverished ranks, the culture of poverty theory and social disorganization have often been used to explain higher rates of crime in the black community as if blacks in general have internalized a different set of values or level of social organization. It is true that blacks are more likely to be impoverished, but research has shown that they are no less likely to value work and education than whites in society (Jones and Luo, 1999). In a study of race and violence, Bellair and McNulty (2005) argue that at least in the context of adolescent violence, the association between race and crime is spurious and that race is really a measure of community. Fagan (2005) also reports that the relationship between race and violence in adolescents is non-significant and that childhood violent victimization is a stronger predictor for adult criminality.

It is not possible, or at least not advisable, to examine the link between race and criminality without also looking at the role that poverty plays. Adeola (2005) points out that the attitudes towards the poor in America have always been negative in general. The view of the USA as a perfectly functioning meritocracy may be the dominant cultural belief. When sympathetic views towards the poor and/or oppressed emerge, they typically come out of movements like the Civil Rights and Equal Rights movements of the 1960s. So the sympathy towards the oppressed in the USA originates in the communities of the oppressed. Furthermore, whites are more likely to associate blacks with being lazy and poor and believe that laziness contributes to poverty. The affluent are also far more likely to hold the poor responsible for their poverty.<sup>12</sup>

While each of these arguments provides a layer of understanding to the effect of poverty on the presence of crime, neither is really designed to provide an explanation for why blacks are arrested more frequently than whites. While more blacks than whites live in poverty, the majority of the poor are white. Likewise the majority of the prison population is white. If

poverty is the only structural motivator for criminality and resulting incarceration, then it stands to reason that the only significant predictor for incarceration would be income and not race. Studies show that this is not the case however, with crime rates being higher not only in communities that are economically disadvantaged, but also in communities that are predominantly black or Hispanic (Carmichael, 2004).

### **Tried by Race in the Court of Public Opinion?**

Another issue that drives the relationship between race and crime is the court of public opinion. Public attitudes towards blacks (and other racial minorities) may lead to a self-fulfilling prophecy of greater arrests in the black community and stronger laws to prosecute criminals. Hurwitz and Peffley (2005) argue that the white community may now be dedicated to an equality norm and that overt measures of racist attitudes in descriptions of poverty and crime will be rejected. However, this may drive class- and race-based prejudices into covert representations, such as the use of code words. 'Inner-city' then becomes a pseudonym not only for the poor but also implicitly for poor blacks. Their study found that whites were more likely to favor harsher punitive measures for 'inner-city' criminals than for 'criminals'. Barkan and Cohn (2005) found that prejudiced attitudes increase the likelihood of favoring punitive crime control and that whites were more likely to believe that funding for crime needed to be increased. Chiricos et al. (2004) found that holding a racial typification of crime is a strong predictor for supporting a punitive criminal justice system and that this typification was more concentrated in the white community. Punitive attitudes towards crime were also found to be linked to the notion of the undeserving poor and the 'angry white male' phenomenon (Hogan et al., 2005). Wilcox (2005) found that the press was more likely to create an image of victimized black women as being idealized (beauty) and black men as being demonized (beast).

Studies that summarize the attitudes of the white law enforcement agents and black criminality also point to public opinion and personal bias as being a strong predictor for the classification of black criminality. Police officers are more likely to view behaviors (such as not making eye contact and nervousness) as suspicious in black youth and respectful in white youth. Furthermore, police officers act on behavioral and non-behavioral cues. Non-behavioral cues include traffic violations (speeding, running a red light) and behavioral cues includes acts like females standing alone in areas known for prostitution or apparently poor blacks driving through affluent white communities and affluent whites in poor areas known for drug-trafficking. Alpert et al. found that there was no racial link to non-behavioral cues, indicating that there may not be a racial difference in tendencies to speed or run red lights (commission of crime), however blacks were more likely to be stopped on behavioral cues (non-commission of crime). When a stop occurred, an arrest was more likely to follow (Alpert et al., 2005).

Lundman's 2004 study of the 'driving while black' phenomenon included quotes from law enforcement officers who defended their practices of targeting minority

drivers for searches during routine traffic stops.<sup>13</sup> These justifications included attributing all drug offenses to minorities as opposed to whites and assessing blame as ‘not the fault of the police ... it’s the fault of minority males for committing the crime.’ (2004: 310) This preconceived notion that minorities are more likely to be involved in criminal activity turns into a self-fulfilling prophecy as officers are more likely to target non-whites for search and seizure, insuring that the white drug dealer is less likely to be caught in the act.

Public opinion that influences stronger punitive measures also influences the ways that we interact with the formerly incarcerated. One argument that has been made, especially within the public domain, is ‘once a criminal, always a criminal’. In other words, high recidivism rates can be attributed to the criminal personality, a personal characteristic with no structural attributes. This attitude carries into the post-release environment as the stigma associated with a prison history outweighs any true rehabilitation that may have taken place. Harding identifies this as the Valjean effect, so named for Hugo’s tragic hero, an ex-inmate who despite a lifetime of good works carries the burden of ex-inmate status to the grave (Harding, 2003). As an example, the following is an excerpt from *Medium*, a popular television program that deals with solving horrific crime. In the scene described below, the female lead is preparing to attend a parole hearing with her boss, the District Attorney.

Allison DuBois: I have those parole applications that you asked me to take a look at.

DA: Great. Anything jump out at you?

Allison DuBois: Not really. Just a collection of horrible human beings, looking for a little mercy despite the fact that they had none for their victims.

DA: Yeah, today is the day for parole board hearings. Yahoo! Nothing like spending time in a concrete bunker, listening to a bunch of vermin swear that they’ve seen the light. Found the way. If only you’ll let them out into society they’ll cure cancer. Make the world safe for old ladies and orphans.<sup>14</sup>

This episode goes on to show a variety of inmates giving personal testimonies of how they have changed, with the vast majority of actors in these roles being either black or Latino. There is evidence then, both research-driven and associated with public perceptions that the public holds several opinions to be true:

- 1) There are deficit characteristics of the individual that produce social outcomes such as poverty and low educational attainment.
- 2) These individual characteristics result from or contribute to a deficit set of values that lead to criminality.
- 3) Race, understood as either a biological or socially unifying characteristic, is used as a predictor for these deficit values and criminality.
- 4) The criminal personality cannot be rehabilitated in general and especially if the criminal is black.

## Public Perceptions in the Black Community: Racism vs Criminality

While the white community appears to be influenced by attitudes towards poverty and race in the understanding of the relationship between crime and race, the black community appears to be more likely to view the disproportional arrests of its citizens as a systematic and organized failure of the criminal justice system. Blacks get arrested more because they are targeted more. Blacks go to prison more often because they are cheap labor in a powerful economic machine. Consider Carroll's summary of impression on prison siting in white, rural communities:

They [prison sitings] also unmask the racism that is implicit in the policy to use prisons as a vehicle for the economic development of impoverished rural areas. Given the geographic distribution of the population by race and racial composition of the prison policy, said policy necessitates that people of color, once again, be forcibly removed from their home communities and relocated in 'foreign' territories for the betterment of the largely white population residing there. Once again, we seek to build a rural economy on the backs of black people in bondage ... (Carroll, 2004: 481).

The disparity in arrests and convictions for the population has created a conflicted relationship between the criminal justice system and the African American community in the USA. The prison system may be viewed as a 'revolving door' system that is set up to insure that African American males have little opportunity open to them to avoid incarceration. This 'revolving door' belief is driven by the perceptions of economic advantage from having forced labor from the inmate population (Case and Fasenfest, 2004). This perception is reinforced by the fact that while the disproportional number of African Americans in prison is well documented, the disparity continues to grow rather than being reversed.

Getting to the bottom of the relationship between race and criminality poses challenges for researchers. In the early 1990s, Russell (1992) called for the development of a system of black criminology, arguing that the role of race and racial discrimination will not be fully understood until black researchers are actively involved in community engagement. The reasoning for this is two-fold. First, matching the researcher on race and gender has been shown to be an effective mechanism for breaking down interpersonal barriers between the researcher and the subject. Blacks who feel they have been abused and/or devalued by the system may be less willing or able to open up to a white researcher regarding these experiences.

Second, Russell argues that the relationship between race and crime has become a taboo subject. Statistics of negative outcomes get reported, but the research to explain those negative outcomes is lacking. One mechanism for remedying this would be to include the black perspective. Penn (2003) makes the case that without an inclusion of the black perspective into criminology (i.e. the shared history of the enslavement of the people, the difficulties of antebellum life, segregation and discriminatory laws); the tendency may be to look for a pathological or biological cause for the problem.

In summary, the extant research has established the links between race and disparate outcomes within the criminal justice system, both pre- and post-incarceration. There is much evidence to support that a structural system of discriminatory practices puts blacks at higher risk for arrest, conviction, sentencing and recidivism. However, public opinion, and in some cases research, tends to take a blame the victim approach to explaining the relationship between crime and race. Less clear are the individual-level differences that contribute to these increased risks. Is it true that 'once a criminal, always a criminal?' If so, then the risks for recidivism across the life span should remain relatively stable for all ex-inmates. Incarceration, age and/or death would be the only predictors for the termination of the criminal path. Alternatively, are there cultural differences between blacks and whites that make blacks more at risk for criminal activity? If cultural differences influence the negative outcomes for blacks, we should see a more pronounced risk curve for blacks than for the white population. Furthermore, equalizing social conditions, such as poverty and education, would not have an effect on these outcomes.

However, if disproportionate arrest and recidivism rates are linked to systematic and structural issues, then we should expect that there would be no race-based difference in recidivism risk or risk time. This study is designed to examine variations by race in recidivism risk over time, adopting a survival analysis method that is commonly used in medical research to predict the relapse of a disease.

## Method and Analysis

This risk-time analysis is used to determine whether or not risk for recidivism diminishes disproportionately over time dependent upon the race of the released inmate. Few studies have addressed the question of how recidivism risk changes over time, though many studies focus on differential outcome by some intervention variable, e.g. education or drug rehabilitation programs.

Since the relationship between arrest rates and race is already well established, this study focuses on whether or not there are differences in risk time dependent upon the race of the offender. Risk-time is an important element of post-release support groups, and a better understanding may make it possible to design support programs that target periods of higher risk post-release to improve the chance of a successful outcome. Should risk remain a constant over time, it might signify that the supports currently in place are not effective in lowering the risk of recidivism.

Furthermore, if we can understand how time since release impacts the risk of re-arrest differently for individuals based on their race, then perhaps we can begin to unpack some of the social implications and underlying causes of disproportional arrests in the non-white community. In other words, are blacks truly at greater risk for arrest and recidivism because of some quality of blackness that is culturally inherent? Or, alternatively, are blacks at greater risk because the criminal justice system is overtly or covertly racist?

This study is based upon a sample of persons who have been charged and convicted of some criminal activities. Certain conclusions are drawn a priori on the nature of

Table 1 Characteristics of sample population

	Black		White		Total	
	N	%	N	%	N	%
Sample	10,106	56	8070	44	18177	100
Returned to Prison	3254	70	1368	17	4622	25
Prior Arrests	3571	35	2138	26	5709	31
Substance Abuse Treatment	332	3	297	4	629	3
Greater than Average Sentence	1570	16	1381	17	2951	16

sample characteristics. First, since no measure of pre-arrest or post-release income was available the operational assumption is that persons in this sample have relatively low incomes consistent with national trends regarding poverty levels of prisoners. It is also likely that blacks in this sample, consistent with national trends, face worse economic conditions than do the white prisoners. Second, while pre-arrest education is not measured here, the operating assumption is that the average individual in this data set starts with lower levels of educational attainment. The analysis that follows is driven by the a priori assumption that this sample represents an already socially marginalized group, regardless of racial classification, and blacks and whites start out on equal grounds for critical dimensions of income and education, strong indicators of both criminal activity and the likelihood of recidivism.

This study is based on 2006 data supplied by the Ohio Department of Rehabilitation and Correction (ODRC) for a sample of all prisoners released between July 1, 1991 and June 1, 1992. The sample included 18,177 individuals, 10,106 of whom were black (56%). Overall, approximately 25% ( $n = 4622$ ) of this sample is known to have returned to the prison system within the 14 year interval of follow up. Blacks returned to prison more often than their white counterparts (32% of blacks returning compared to 17% for whites). Of those prisoners who returned, 70% were black ( $n = 3254$ ).<sup>15</sup> Also, dummy variables were created as needed with '1' representing the presence of the desired characteristic as described below. Finally, age at time of release was calculated by subtracting date of birth from date of release (see Table 1 for descriptive statistics). All computations and analyses were run in SPSS.

Along with simple descriptive statistics and analysis of mean differences, this study used two forms of analysis: Cox regression and Kaplan-Meier survival analysis. Cox regression uses recidivism as the status variable and time remaining outside the prison system (measured in months) as the time variable. Recidivism was coded as a dummy variable (RECIDIVISM: 1 = return to prison). Independent variables included length of sentence (AVGSENT: coded 1 = greater than average sentence, 0 = average sentence,<sup>16</sup> history of prior prison terms (PRIORS: 1 = yes, 0 = no), age at time of release (AGE), prison education (PRIEDUC: 1 = participation in prison education program, 0 = no prison education program), and history of substance use treatment participation (SUBSTX: 1 = yes,



0 = no).<sup>17</sup> Cox regression was used instead of logistic regression due to its ability to censor unknown observations. For example, 4622 persons had returned to prison as of 1 August 2006 (approximately 25% of the total). What is not known is the current status of the 75% who did not return to the prison system by this date. How many are still alive? How many are in prison in other states? The individual who is released from prison to return to his/her home state (i.e. Michigan or Kentucky) and imprisoned there does not get recorded as a failure in the Ohio database. Neither would the individual who died, either of natural causes or during the commission of a crime. While death from natural causes would not be considered a failure point, death during the commission of a crime would be. Cox regression calculates a probability of return for those censored individuals (see Kalbfleisch and Prentice, 2002a).

Since the Cox survival curve predicts likelihood of return for the average individual within the sample, a Kaplan-Meier analysis was also used in order to compare time-dependent outcomes for blacks and whites, and because it allows us to compare two groups simultaneously. The Kaplan-Meier product-limit estimator provides a measure of the likelihood of failure from one point in time to the next (Kalbfleisch and Prentice, 2002b). For example, if we are counting 'survival' outside of prison in months and the first person returns at three months, what is the probability of surviving until four months for the others in the sample? The Kaplan-Meier curve was produced using only those in the sample that were known to have returned to prison. The reason for this analysis was to produce a curve that would provide an 'up close' look at risk time differences for blacks and whites. Using only this sample produces a curve that terminates at the final known entry date since 100% of the population has returned and it is easier to distinguish differences by race.

T-tests were done to determine if there were significant differences in sentence length, age and time outside the prison by race. These results showed that blacks were more likely to serve longer sentences ( $t = 3.61$ ,  $p = .000$ ) but were also more likely to have longer times outside the system than whites ( $t=23.77$ ,  $p = .000$ ).<sup>18</sup> These results are consistent not only with other published results on racial differences in incarceration and recidivism rates, but also with Federal reports of recidivism rates. Blacks are at greater risk of arrest and incarceration and are more likely to serve longer sentences. That blacks also have longer survival times is a finding that is specific to this study and will be discussed further in the following paragraphs.

The regression results (Table 2) demonstrate that each of these variables was significantly associated with risk of re-entry, with the most significant predictors prior arrests ( $\exp \beta = 2.389$ ) and race ( $\exp \beta = 1.952$ ).<sup>19</sup>

The results of the Cox regression confirm past research findings as all independent variables predicted a change in recidivism in the expected directions and magnitude. The addition of time indicates that not only are blacks more likely to re-enter the system, but when taking into account the length of time outside the system we find blacks are 90% more likely to return than whites and those with prior convictions are more than twice as likely to return as those without prior convictions.

Furthermore, participating in prison education programs reduces probability of recidivism by 28% ( $\exp \beta = .723$ ;  $p = .000$ ) and drug rehabilitation<sup>20</sup> reduces risk by approximately



Table 2 Cox regression analysis of factors affecting recidivism risk

Time Variable: Time Outside Prison (months)

Status Variable: Recidivism

Variable	B	SE	Wald	df	Sig.	Exp(B)	95.0% CI for Exp(B)	
							Lower	Upper
Age at time of Release	-0.046	0.002	443.536	1	.000	0.955	0.951	0.959
Participation in Prison Education	-0.324	0.056	33.995	1	.000	0.723	0.649	0.807
Participation in Drug Rehabilitation	-0.191	0.091	4.373	1	0.037	0.826	0.691	0.988
History of Prior Incarcerations	0.871	0.031	794.724	1	.000	2.389	2.249	2.538
Greater than Average Prison Term	-0.285	0.049	34.426	1	.000	0.752	0.683	0.827
Race	0.669	0.032	423.841	1	.000	1.952	1.831	2.08

Overall  $\chi^2 = 1642.685$ ; -2 Likelihood: 87604.076

df= 6, sig = .000.

(Significance across all steps = .000).

17% (exp  $\beta = .826$ ;  $p = .000$ ). The impact of age at time of release also supports past research. The effect of 'aging out' of recidivism risk decreases by approximately 4% per year at time of release (exp  $\beta = .955$ ;  $p = .000$ ). The average age for inmates in this sample at time of release was 30.5 years old. An inmate 40.5 years old has his recidivism risk reduced approximately 40% regardless of other characteristics.

When we take into account the combined increased probabilities associated with prior convictions and race, along with the decreased probabilities associated with education and drug rehabilitation, the best outcome group is blacks without prior incarcerations who serve the average sentence of two years or less and take advantage of both rehabilitation for substance use and prison education programs (probability of recidivism reduced to .87; -1.08). In fact, these individuals reduce their likelihood of returning to less than that of their white counterparts. The worst outcomes are for blacks with prior incarcerations who do not participate in any prison programs. These individuals are nearly five times more likely to return to prison (probability = 4.7), double the likelihood of whites with these same characteristics. Table 3 summarizes the probability of recidivism by race when we calculate the combined effect of risks and protective variables.

Table 3 Racial Differences in Likelihood of Return to Prison

Race and Record	1	2	3	4
Black	1.95	1.47	1.21	0.87
Black with Prior Incarcerations	4.7	3.5	2.89	2.09
White with Prior Incarcerations	2.39	1.79	1.48	1.07

1 = No Additional Factors

2 = Race \* > Average Sentence

3 = Race \* > Average Sentence \* Drug Rehabilitation

4 = Race \* > Average Sentence \* Drug Rehabilitation\*Prison Education

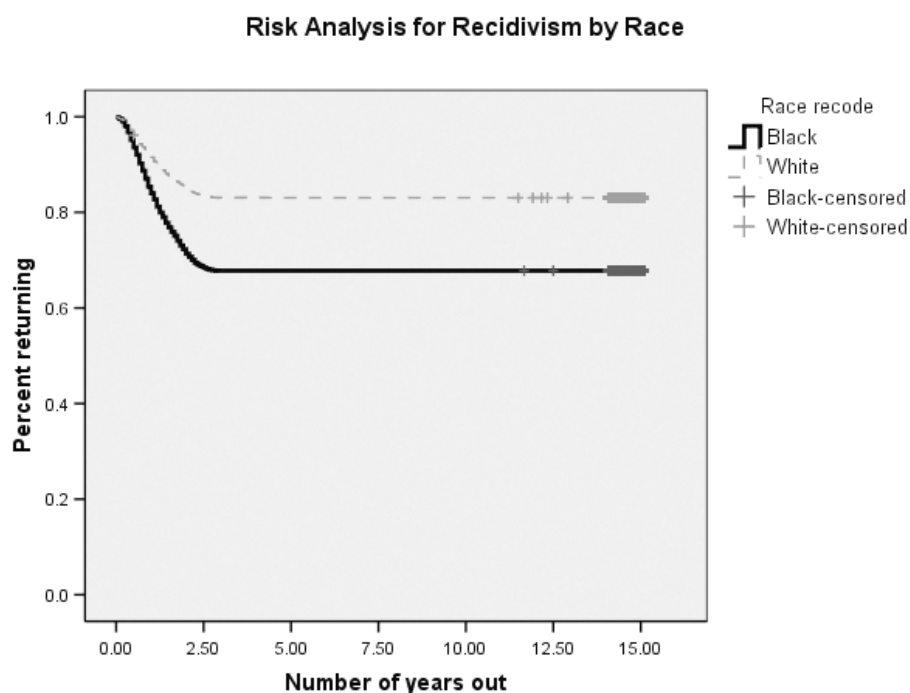


Figure 1 Kaplan-Meier analysis of recidivism risk for sample

The Kaplan-Meier survival analysis uses the entire sample population. Those who have not returned to prison are censored in this analysis. Every step down indicates a known return to prison (see Figure 1) The probability of returning after three years for each group corresponds roughly to the percentage of individuals who have not returned (83% for whites, 68% for blacks), indicating that risk for returning is greater for whites than it is for blacks.<sup>21</sup> However, the majority of these data are censored, and there are more unknown outcomes for whites than for blacks, given the disproportional return of blacks to the system.

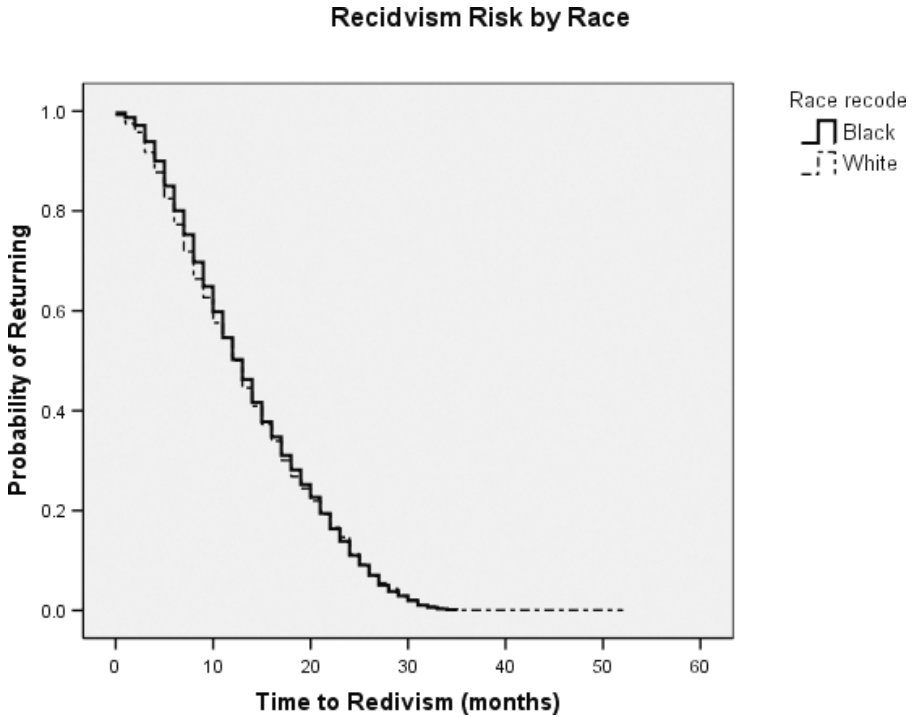


Figure 2 Kaplan-Meier analysis of time to return for known recidivism sample

This analysis was redone using only those individuals whose outcomes were known to the Ohio Department of Rehabilitation and Corrections (see Figure 2). As noted above, every step down on the Kaplan-Meier curve indicates a known return to prison, and the curve ends with the last known prison return. This figure shows survival curves that are nearly identical by race and that there is little difference in risk over time by race. The differences in the two groups are in the first 12 months post-release and after 36 months. Within the first year post-release, the differences by race are negligible. For example, at nine months, white males have roughly a 75% probability of returning while the probability for black males at that time is roughly 78% probability. After two years the probability of returning to prison is approximately 18% for both groups. The curves separate again at 36 months, though the differences after 36 months are exaggerated by an outlier. While one white male returned at 52 months, for the rest of the sample everyone who would recidivate, regardless of race, had returned to prison within 36 months.

## Discussion and Conclusions

The Kaplan-Meier analysis provides an interesting point of comparison for this sample. When examining only those that return to prison using the Cox regression, there are no significant differences in time of return to prison based on the individual's race. On first examination this could be interpreted that since no risk time differences exist, blacks that return to prison more often must be symptomatic of being black and attributable to the culture of 'blackness'. That is, if we note that blacks are more likely to return and return in greater numbers, we might infer that there is a characteristic of blackness that contributes to an increased recidivism rate among blacks.

In fact, this is one of the dangers that we encounter in the public interpretation of crime rates; statistics supposedly prove that more blacks return to prison than whites and so it seems logical to assume that blackness is a predictor of criminality. However, when we examine structural models that we know have a strong racial bias, the inclusion of race as a comparison variable may provide important evidence to unpack the meaning behind the over-representation of blacks in the criminal justice system. For example, if education reduces both incarceration rates and recidivism risk, and we know that blacks have less access to pre-incarceration education, then it is the intersection between lack of opportunity and race that increases the risk of incarceration and recidivism.

The Cox regression analysis provides strong evidence to support the argument that over-representation of blacks in the returned population is an artifact of reduced social opportunities, at least for first convictions. When provided with opportunities to address low levels of pre-incarceration skills (through education) and to deal with pre-incarceration health issues (substance abuse treatment) while in prison, we find that blacks with no prior history of crime have a better probability of staying out of prison than do whites.

It appears that having a longer than average sentence served reduces risk of return in general, controlling for all other factors. This seems to provide evidence that more punitive measures appear to work in the rehabilitation of convicted criminals. However, this conclusion may be confounded by the likelihood that while violent criminals get longer sentences they are also historically less likely to return to prison (only accounting for approximately 2% of the national recidivism rate).<sup>22</sup> Furthermore, for most people the longer you are in prison, the older you are when you are released and so it stands to reason based on these results that the longer you stay in prison in the first place, the less likely you are to return.

These data support a structural interpretation of the relationship between race and crime, at least as regards prisoners with a history of criminal activity. Rather than looking for a cultural reason to explain the increased criminality of blacks, these data suggest that a systematic overhaul of the criminal justice system is in order if we hope to reduce black crime rates. There are no outstanding differences in black and white recidivism patterns. The differences that do exist suggest an interpretation more favorable to blacks than whites. In general, while blacks appear to commit more crimes than whites (in relative terms) when given a chance to redress limitations of education and health in prison they have lower recidivism rates when compared to whites participating in the same programs.

We can explore the issue of whether there is a criminal personality, as indicated by individuals who have histories of prior encounters with the prison system, and if so whether there are racial differences that might be able to explain individual behavior patterns. While blacks are incarcerated more often than whites, when we evaluate the impact of opportunities for personal improvement, both groups reduce their risk of return by 55%, indicating that there are no race-based differences in return risk despite the overall race differentiated rates of return to prison.

Granted, we should hold to a notion of individual responsibility for criminal behavior. However, it does not follow there is some innate characteristic of blackness that can explain increased crime on the part of blacks. Rather, these data suggest that the link between opportunities for improving one's education and receiving proper medical treatment may be more predictive of ongoing criminality. As we turn to a war on drugs, for example, conviction of a drug infraction may perversely be the only opportunity that individuals have for the treatment of their addiction. Since blacks are targeted more often as potential criminals in this war on drugs, and since drugs are more pronounced in poor neighborhoods for which blacks are over-represented, increased black criminality may well only be a statistical artifact. If the war on drugs was framed instead as prevention and rehabilitation programs rather than as punitive programs, and drug offenders were remanded to drug treatment programs more often instead of prison, incarceration rates among blacks would be likely to decrease. Furthermore, if efforts are made to improve the quality of education in impoverished communities, then incarceration rates in general, and especially within the black community, might also decrease.

The classification of race in the USA is problematic. Race as a classification of skin tone in our criminal justice tracking system impedes any effort to identify any underlying cultural factors that contribute to increased criminality in the black community. While this study uses the same classification measure to identify race, these findings suggest that skin color does not serve as a significant negative predictor for return to prison. Rather these data suggest that there are few individual differences in patterns of return for first time offenders and for return offenders other than the volume of arrests.

The use of skin color as a predictor of crime projects a sense of otherness on the black population that is unwarranted. It suggests that the black culture is somehow deficient and this therefore must explain increased criminality among the black population. Furthermore, these arguments turn attention away from the real problem of systematic inequality in our society. Of course there are cultural differences across every ethnic group, and the tendency of the majority (whether it is a racial majority or an ethnic majority) is always to interpret the minority culture as deficient.<sup>23</sup> These data suggest that the underlying explanation for the differences in black/white recidivism rates are structural and individualized, and not group or racially (and by extension culturally) informed.

Research into negative social outcomes for minority groups should first be guided by the perspective of structural discrimination and then by structural inequality. Past research points out that if we focus our efforts on identifying structural discrimination, an example of which are race-based traffic search and seizure decisions, judicial departure

from federal guidelines, and unequal access to education and health care, we can likely explain much of the racial differences in arrest rates.

Additional quantitative and qualitative research is necessary to understand any cultural differences in an individual's decision-making processes to commit a crime. These studies should be undertaken not only with a known criminal population, but also with stratified samples of the overall population, much like the adolescent research that is being undertaken with national-level surveys, such as monitoring the future and adult findings from the General Social Survey. Qualitative research also needs to be conducted among both individuals with known criminal convictions and those from the general population in order to determine if there are cultural differences in the ways that various ethnic groups interpret and internalize the core set of American values.

Most importantly, future studies should focus on the economic differences between the criminal and the non-criminal population. The poor are far more likely to commit crimes that lead to arrest and conviction. They are also likely to suffer lifelong financial consequences of their incarceration, such as loss of earnings while in prison and by being unemployable post release. A true understanding of criminality cannot be examined separately from an understanding of the use of marginalization in a capitalistic economy.

## Acknowledgements

I would like to acknowledge Paul Konicek at the Ohio Department of Corrections and Rehabilitation for his assistance with data management for this study. Also, thanks to the anonymous reviewers for their feedback on multiple copies of this work. And finally, this study developed from an earlier study that was funded by the Hudson-Weber Foundation and the Michigan Department of Corrections.

## Notes

- 1 Durkheim's theory is also the first theory to allude to an explanation for the relationship between crime and race, although he does not specifically point this out. If deviance does in fact unify society, it would make sense that criminalizing the behavior of the minority would further unify the majority.
- 2 Merton's analysis of Durkheim's argument also lends itself to a structural interpretation of the relationship between crime and race. If blacks are punished more, is it for deterrence or unification of the community?
- 3 The theories mentioned here are but a few of the theories that have been established to explain deviance. In the interest of space, I have only attempted to outline the beginnings of the argument on structural vs personal explanations for crime to establish a pattern. Of no less importance to this argument are Hirschi's theory of social control, Wilson's theory of the underclass, Agnew's theory of social strain ...and the list goes on.
- 4 The Lemert quote is from Lemert (1974).
- 5 We can speculate that violent offenders are less likely to repeat the violence – most often on family members or acquaintances – while non-violent offenders may turn again to that form of crime when all else fails in their attempts to return to civil society.

- 6 Not every study has found that non-whites are fully disadvantaged by the criminal justice system. In fact, while Austin and Allen's study of racial disparity in Pennsylvania found that discrimination had grown (Austin and Allen, 2000), Gorton and Boies found that by 1992 race did not have a significant relationship to length of sentence in this same state (Gorton and Boies, 1999). Spohn and Holleran found that in at least one jurisdiction young white males had similar outcomes as young black males when being compared to middle aged white males (Spohn and Holleran, 2000).
- 7 The MMPI is a standard psychological tool for diagnosing personality disorders.
- 8 Arguably, Krauss' study sample was not large enough to provide a reliable assessment of race as a factor.
- 9 For example, can we argue that Robert Downey Jr. and Winona Ryder received preferential treatment in the system only due to their whiteness when it is likely their celebrity status that carried the most weight? Also, can we argue that O.J. Simpson's outcome was merely a function of race? Assumptions are typically made that blacks always have negative outcomes and whites always have positive outcomes when the reality is much more complex than only a racial classification, especially if race is assigned due to the arbitrary nature of skin tone.
- 10 It may be more accurate to say the white public domain, but this article does not provide data to support that statement. However, a discussion of the attitudes within the black community about the relationship between race and criminality follows.
- 11 In fact, both the culture of poverty theory and the theory of social disorganization do not distinguish between black/white behaviors, per se. They focus instead on the course of poverty. Social disorganization theory was developed as a result of the observation that the poorest area of Chicago maintained a high crime rate, even though the nationality and ethnicity of the population was fluid. Means-goals gap also does not distinguish between black/white behaviors. These theories are typically applied to the study of racial minorities because of the increased likelihood that they are living in poverty.
- 12 Anecdotal, the very wealthy also appear to take responsibility for their social position regardless of the validity of the claim. For example, no one publicly challenges Paris Hilton's assertion that she is putting off marriage because she has 'worked too hard to get where' she is, despite the fact that her real claim to fame is a trust fund that she inherited.
- 13 Quotes were pulled from newspaper interviews and other public statements of police officers and administrators. See Lundman (2004) *The Journal of Criminal Law and Criminology* 94(2):309 for full quotes and public citations (see also Bates and Fasenfest, 2005).
- 14 *Medium: The Darkness is Light Enough*, aired 2005, NBC. Despite these caustic remarks about the nature of individuals who have theoretically paid their debt to society, the show does focus on freeing a wrongly convicted innocent man from prison.
- 15 Data provided includes, but is not limited to, sentence length, participation in educational programs, degrees earned, prior convictions and arrests, sex, race and date of birth and return to prison. Where applicable, variables were created here for analysis, i.e. time to recidivism was created by subtracting date of release from date of return from those who returned, and 1 August 2006 from those who had not returned. We have no information on prisoner outcomes for anyone past the 8/2006 date as provided by ODRC.
- 16 Sentence length was calculated as a dummy variable given that the vast majority of the sample had served the average (1.8 years or less). Those that served greater than this length of time typically had much longer sentences, often greater than 20 years.
- 17 Sex was intentionally left out of this equation. There are approximately 2000 female prisoners in this sample. However, the issues around sex differences in recidivism are too complex to be properly discussed here and should therefore be addressed separately.

- 18 This result is clarified by the Cox regression which shows that longer sentence time reduces recidivism risk overall.
- 19 There are several underlying constructs to understanding the relationship between race and recidivism risk. A Cox regression permits a determination of varying degrees of risk associated with multiple variables that may affect successful reintegration into society. This regression included time outside the system (time), return to prison (status), participation in any prison education program, participation in drug rehabilitation programs in prison, age at time of release, prior incarcerations and length of sentence. All variables in the equation were dummy variables with the exception of age at release which was interval. These variables were shown likely to reduce recidivism risk (education, drug rehabilitation, age, prior incarcerations) in past research and to the link between incarceration and race regarding length of sentence (sentence length).
- 20 These data only refer to those individuals that have participated in drug rehabilitation and prison education programs. They do not indicate how many individuals came into prison with high school and or college degrees in hand or those who continued education post release. Also, they do not indicate how many individuals had drug abuse issues but did not attend rehabilitation programs.
- 21 Given the length of time for the censored individuals, the time variable was converted to years for Figure 1. Figure 2 uses months in order to provide a 'closer' view of the data.
- 22 One reason for this may well be that victims of violent crimes are usually family members or acquaintances and the chance to repeat the crime are small, whereas non-violent criminals are apt to return to the kinds of activities that put them in prison in the first place if all other survival options fail.
- 23 This argument is established in our understanding of ethnocentricity and the function of the in-group.

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