

# **Finding Discriminatory Legislative Intent when Criminal Justice Outcomes Show Racially Disparate Impact**

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## **Abstract**

Using records from the North Carolina Administrative Office of the Courts, we assess the demographic profile associated with various elements of the criminal code, identify the year the underlying statute was passed for every code, and highlight certain legislative sessions when particularly many laws were enacted that continue to have racially disparate outcomes today. Looking at archival resources, we then review the justifications and demands for the new legislation. We focus here on the passage of “anti-riot” legislation in the 1960s in response to the civil rights era uprisings. We find explicit concern with the need to enact new restrictions on the behavior of Black people. Our analysis goes to the question of whether we can identify possible racially motivated legislative intent. We can clearly identify and measure the patterns of disparate impact from various parts of the criminal code. Our archival analyses suggest that these disparate impacts can be associated with racially discriminatory intent on the part of the legislature at the times when the relevant laws were enacted. Further, the historical periods when these laws were passed are not limited to the distant throes of history. From the traffic laws in the 1930s through the protest and riot-related legislation in the 1960s and the drug laws of the 1980s, we see a steady and consistent motivation to pass laws to control Black Americans. And these laws continue to have the impact that, apparently, they were designed to have.

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## **Introduction**

Current research in the area of inequality in the criminal legal system has focused on the disparate impact that rise in contact with the system (see our own previous work on the topic, Baumgartner et al. 2018, 2019, or Munk 2019). While disparate impact remains an important area of inquiry, we push beyond showing different outcomes and demonstrate that some of the laws currently on the books in North Carolina were created with an intention to target certain groups of people.

In this paper, we begin by describing the Administrative Office of the Court's database used in this paper. We then outline the method we use to identify disparate impact statutes in North Carolina. Next, we demonstrate how certain laws within the criminal code were created with a discriminatory intent, paying specific attention to laws that were created in response to the civil rights movement during the 1960s. Finally, we show that those laws that were created with discriminatory intent continue to be applied in a discriminatory manner. We are able to demonstrate a clear line from discriminatory intent to disparate treatment.

## **Documenting Disparate Impact**

### ***The North Carolina Administrative Office of the Courts Database***

The Administrative Office of the Courts (AOC) database includes every arrest charge in North Carolina from January 1<sup>st</sup>, 2013 to December 31<sup>st</sup>, 2019 with more than 300 variables pertaining to the individual, the charges, and other sentencing information. The total database includes 13,539,271 charges, which is the outcome we focus on here.

When a person is charged with an offence in North Carolina, they are charged with an offense code authorized under a state general statute. For example, there are at least five different offense codes relating to general larceny (2318: aid and abet larceny misdemeanor, 2319: aid and abet larceny felony, 2320 felony larceny > \$400, 2321: felony larceny, and 2322 misdemeanor

larceny) all of which under defined within the statute subsection 14-72(A), statute 14-72. For the purposes of this section, we are concerned with the year that the statute (e.g. 14-72) was codified, rather than the individual offense codes that are associated with the charge.

The first step in our analysis was to collapse the data to the statute number and include demographic counts for each. Then, to identify the year that the statute was codified, we examined the drafting and revision of each statute provided through the North Carolina General Assembly<sup>1</sup> and recorded the origin year for all statutes appearing in the list of active offense codes. As of end of year 2021 there were 2,184 offense codes that appear under 1,084 statute subsections, when aggregated to the chapter and section number, there were 647 statute sections in total, 559 of which appeared in the AOC database. Figure 1 shows the number of current statutes by the year that they were passed, and figure 2 shows the number of charges that appear in the AOC databased by the year passed. There were 38 statutes that did not have an origin year listed, 23 of those have been repealed, 14 have no date listed, and two are broadly defined as local ordinances.

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<sup>1</sup> Data retrieved from the North Carolina General Assembly website: <https://www.ncleg.gov/Laws/GeneralStatutes>

Figure 1: Number of Statutes passed, by Year

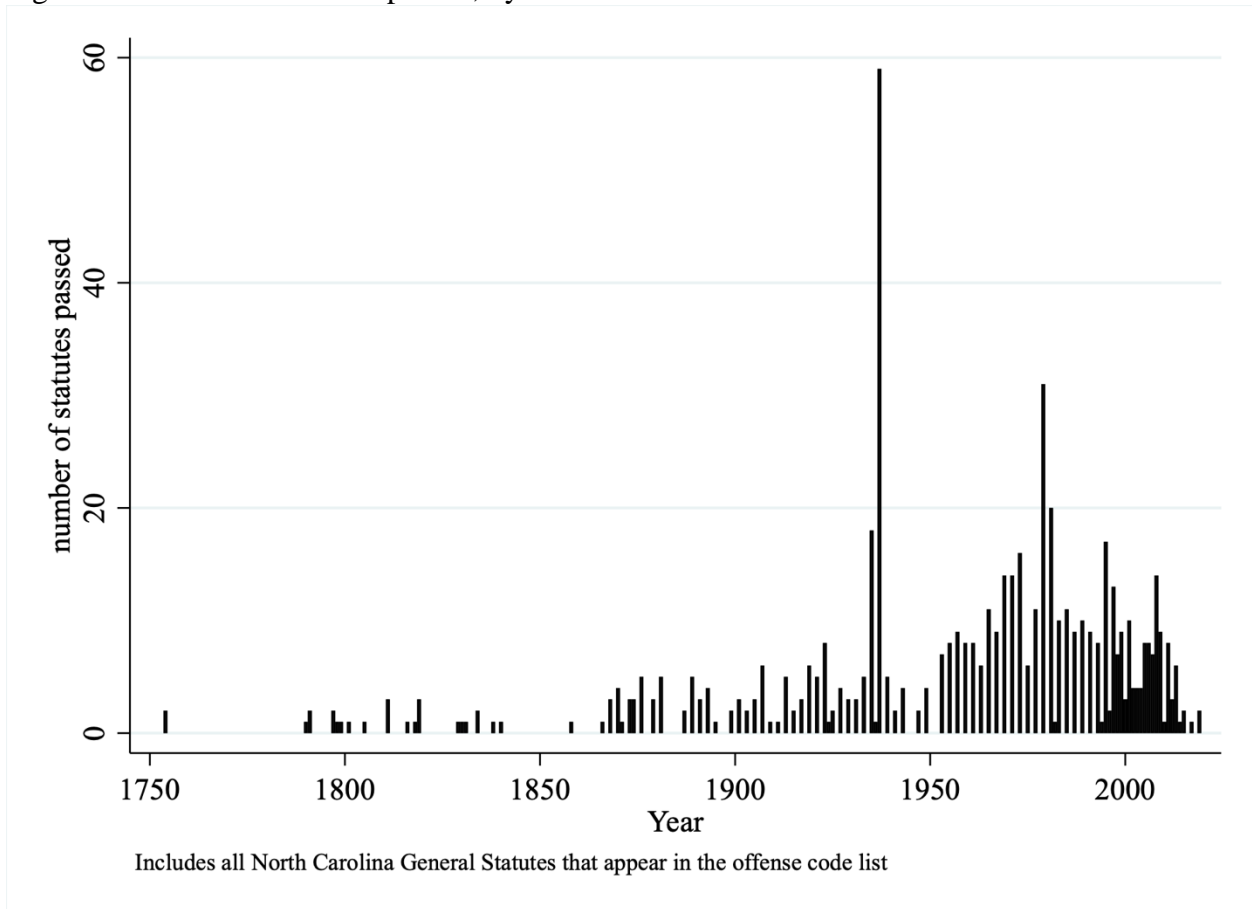
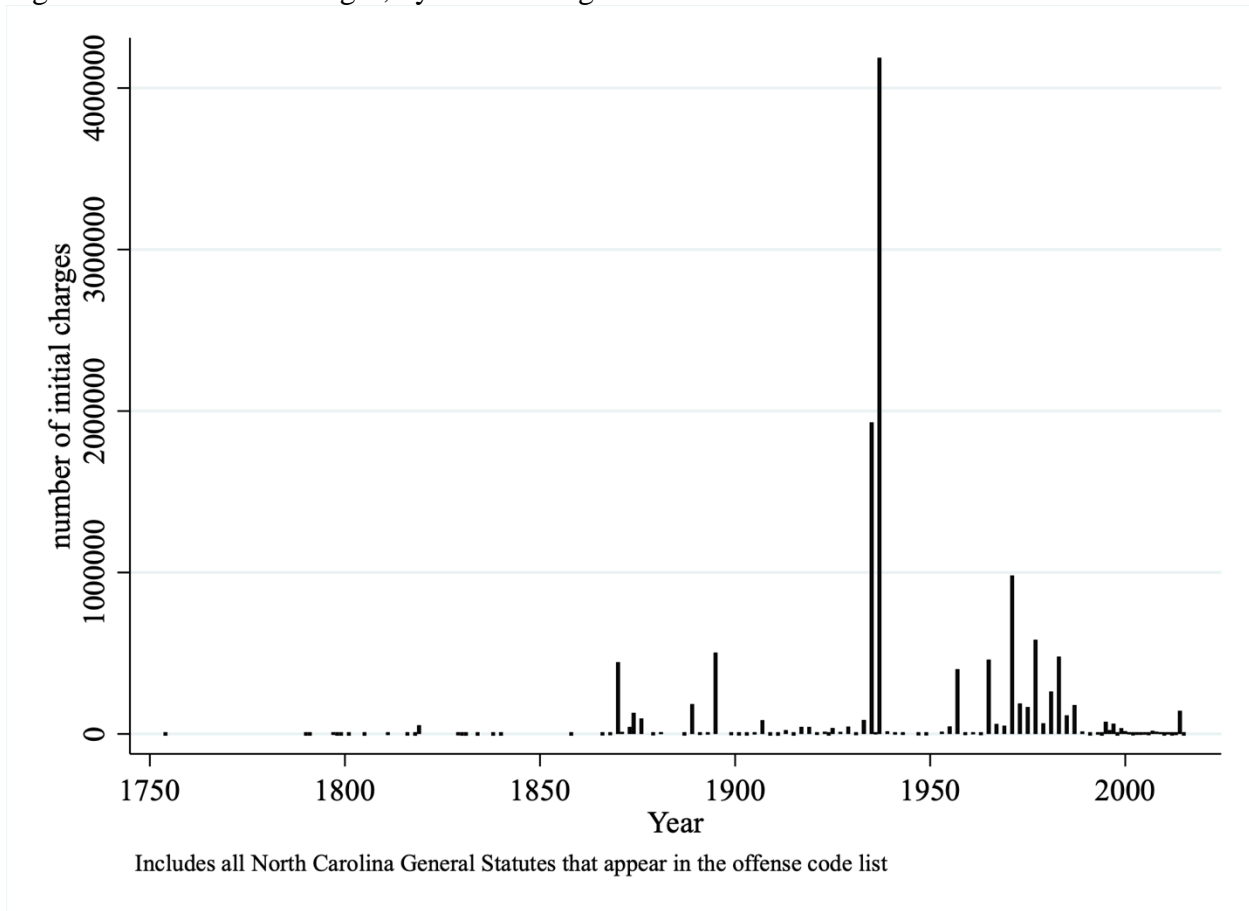


Figure 2: Number of Charges, by Statute Origin Year



We find that there are distinct periods when active statutes were codified. It is important to note that our dataset does not represent the universe of statutes enacted in North Carolina history, as there are likely a number of statutes that have been enacted and subsequently repealed. While this is an important consideration to take into account for understanding the complete history of the law, we are primarily concerned with the legacy of existing statutes and therefore do not need to focus on laws that are not currently active.

### ***Assessing Disparate Impact***

In order to determine whether there are sections of the general statute that targets certain racial groups, we calculate the percent of charges for each racial group for every statute that appears within the AOC. In the legal sector, there is a long and ongoing discussion surrounding the ways in which one might prove that disparate impact has occurred under a specific law or

policy. There are parts of the law that do not take into account statistical evidence at all (Gross 2012), and some that have accepted statistical evidence of disparate impact but have not provided a concrete threshold for what constitutes disparate impact<sup>2</sup>. Although there has been no formal guideline provided through the Fair Housing Act, some commentators have suggested that a policy with disparate impact under the Fair Housing Act is one that has a 20 percent difference between the relevant groups (i.e. a statute that charges at least 120 percent of a group's population share would be considered a law with a disparate impact). Others have conjectured that, absent statistical definitions, there must be a "meaningful difference" between groups.

While there is subjectivity surrounding thresholds in establishing disparate impact, we take a conservative estimate and set the bar at 140 percent of a group's population share, and we focus here only on black and white people. Non-Hispanic white people in North Carolina currently account for 70.6 percent of the population, which means a statute were white people account for at least 98.84 percent of charges would be considered a white disparate impact law. 22.2 percent of the North Carolina population is Black alone, meaning a statute that charges black people at least 31.08 percent would be considered a black disparate impact law. Using these criteria, we find that there are 380 statutes that are currently on the books that result in a disparate impact on either black or white people. 364 statutes have a disparate impact on Black people, and 16 statutes have a disparate impact on white people<sup>3</sup>.

Using our 140 percent definition for disparate impact, we seek to find whether there are certain periods of time that are responsible for the passage of the bulk of currently active disparate impact statutes and whether the origins of these statutes followed a particular pattern

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<sup>2</sup> Definitions within the Fair Housing Act focuses more on which party the burden should fall on to prove that a policy has a disparate impact, see <https://www.hud.gov/sites/documents/DISCRIMINATORYEFFECTRULE.PDF>

<sup>3</sup> Appendix 1 outlines offense codes that result in the highest disparate impact for each group along with information of the types of crime that fall under that statute

for black or white people. Figures 3 and 4 show when disparate impact statutes were passed by race.

Figure 3: Disparate Impact Statutes, Black

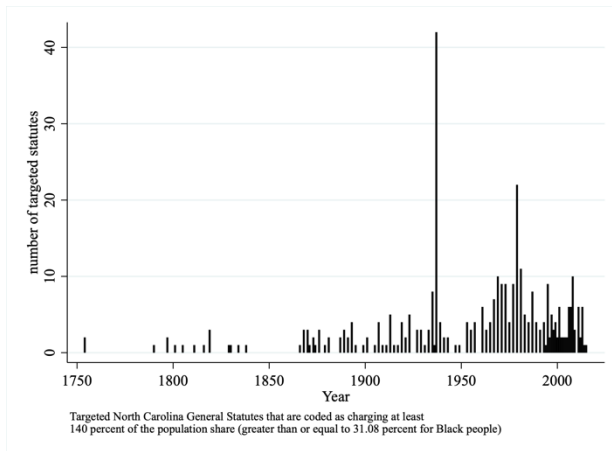
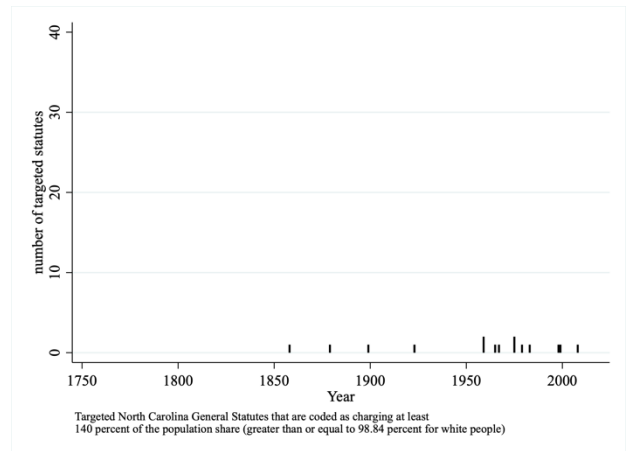


Figure 4: Disparate Impact Statutes, White



We find that most the statutes enacted that have disparate impact are attributable to statutes passed which ultimately have a disparate impact on Black people; the mid-1930s, the late 1960s to 1970s and the late-1990s. Identifying disparate impact alone does not necessarily mean that there is an intention to target a given group. However, given that there were very distinct periods that passed laws that ultimately had a disparate impact might raise cause for concern. It also invites investigation into those legislative sessions, which is what we do here.

To prove that a policy or law has a discriminatory intent requires us to move beyond showing that there are statistical differences in outcomes. A number of methods have been adopted within the legal and academic contexts to determine discriminatory intent. For cases where discriminatory intent is fairly clear, the plain meaning of the words and definitions of terms used at time of passage (*Caminetti v. United States* (1917)). When the wording of a statute seems neutral at face value, better insight might be found by examining either legislative and committee reports surrounding the law or policy in question or establishing the public opinion during the time of passage. In this paper, we use the method of examining legislative and

committee reports to try to uncover whether there were any discriminatory motivations surrounding statutes related to public protest in North Carolina.

There are some statutes and crime codes that are applied in a representative manner or fall below the 140 percent threshold we establish. Out of the 559 statutes appearing in the AOC data, only 15 statutes fall within 10 percent of the population share, and 119 statutes fall below the 40 percent disparate impact threshold.

There could also be instances where there is a disparate impact on a demographic group when there was no original intention to discriminate against that group, but rather, because there is actually a difference in behaviors that pose some kind of public safety concern. Here, we might think of wildlife violations as an example. It has been estimated that non-Hispanic whites are the largest racial group that engages with recreational fishing (Finn and Loomis 1998). While white men are the primary group accountable for the majority of wildlife offenses, there is no indication that those behaviors have been controlled because of racial motivations.

Additionally, while we are able to establish that a large percent of the North Carolina criminal code has a disparate impact on racial groups, particularly Black people, using this identification process alone does not give much insight of whether there is a disparate impact because there are differences in behavior, whether there was no original intention to target a protected group but discretion in law enforcement has led to the observed trends, or whether there was an original intention to discriminate against a protected group and the practice is still being enforced in that way. While we do not examine the entire criminal code in this paper, we focus instead on one area of the law; statutes that seek to suppress public protest.



## ***Assessing Discriminatory Intent: Restricting Public Protest***

Here we compare legislative responses to two racially distinct waves of behavior that the legislature sought to regulate: Klan activity, and the civil rights protests of the 1960s. We look at the response to the Klan first.

Following protracted uprisings sweeping the nation, law enforcement was left with little recourse to suppress the mass movements. During the beginning of the 1950s, a number of laws were passed in response to the increased activity of the Ku Klux Klan. Article 4A, entitled, “Prohibited Secret Societies and Activities”, of chapter 14 of the NCGS was passed in 1953 and included a number of statutes that directly prohibited activities taken by the Klan. The article included 11 punishable statutes, most of which were considered a class 1 misdemeanor, which carries a maximum penalty of 120 days in jail and a discretionary fine, while three others were considered a class I felony, which carries a maximum penalty of three to 12 months in prison (see Table 1 for a list of secret society statutes). None of the statutes that were passed under the Prohibited Secret Societies and Activities statutes appear in the AOC database, despite ample evidence to believe that there are events that could be punished by those statutes.

Table 1: Secret Society and Activities Statutes

Statute	Associated punishment	Minimum punishment (with no prior convictions)
1 14-12.3 Certain secret societies prohibited	Class 1 Misdemeanor	1-day community punishment
2 14-12.4 Use of signs, grips, passwords or disguises or taking or administering oath for illegal purposes	Class 1 Misdemeanor	1-day community punishment
3 14-12.5 Permitting, etc., meetings or demonstrations of prohibited secret societies	Class 1 Misdemeanor	1-day community punishment
4 14-12.6 Meeting places and meetings of secret societies regulated	Class 1 Misdemeanor	1-day community punishment
5 14-12.7 Wearing of masks, hoods, etc., on public ways	Class 1 Misdemeanor	1-day community punishment
6 14-12.8 Wearing of masks, hoods, etc., on public property	Class 1 Misdemeanor	1-day community punishment
7 14-12.9 Entry, etc., upon premises of another while wearing a mask, hood, or other disguise	Class 1 Misdemeanor	1-day community punishment
8 14-12.10 Holding meetings or demonstrations while wearing masks, hoods, etc.	Class 1 Misdemeanor	1-day community punishment
9 14-12.12 Placing burning or flaming cross on property of another or on public street or highway or on any public place	Class 1 Misdemeanor (b) Class H Felony	1-day community punishment
10 14-12.13 Placing exhibit with intention of intimidating, etc., another	Class H Felony	5-month community or intermediate punishment
11 14-12.14 Placing exhibit while wearing mas, hood, or another disguise	Class H Felony	5-month community or intermediate punishment

Note: minimum punishments were pulled from structured sentencing from 1994

In response to the civil rights uprisings and lack of legal authority, Governor Dan K Moore of North Carolina formed the Governor’s Committee on Law and Order (GCLO) in 1967. The GCLO was tasked with studying the existing criminal code, recommending new legislation, and providing guidance on how to reform and build local and state law enforcement agencies with the influx of funding from federal legislation. One particular focus was the various aspects of the law that pertained to riots and civil disorders.

In February 1969, the GCLO released a report, *Proposed Legislation Relating to Riots and Civil Disorders*, which presented an overview of existing laws relating to civil unrest and

protest and put forth proposed legislation. The proposed legislation outlined in the report was formulated into House Bill 321, and ultimately enacted by the North Carolina General Assembly as Article 36A of Chapter 14 of the General Statutes. The introduction of a June 1969 report from the GCLO entitled, *Assessment of Crime and the Criminal Justice System in North Carolina*, frames the civil rights uprisings as, “recurring riots and civil disturbances in American cities have provided a most striking and visible example of crime in the streets. All but a few Americans have been affected by these outbursts of violence and disorder” (GCLO, 1969). Protests during the 1950s and 1960s civil rights movement was portrayed as one the gravest public safety failings, which could only be remedied through the criminal legal system. Table 2 presents the civil rights protest related statutes. Ten of the statutes in Table 2 appear in the AOC data, and account for almost 40,000 charges during the time period we study.

Table 2: Riot and Civil Disturbances Statutes

	Statute	Associated punishment	Minimum punishment (with no prior convictions)
1	14-288.2: Riot, Inciting to Riot	Class 1 Misdemeanor	1-day community punishment
		Class H Felony if there is property damage in excess of \$1,500 OR any participant has in their possession a deadly weapon	5-month community or intermediate punishment
2	14-288.3. Provisions of Article intended to supplement common law and other statutes.		
3	14-288.4. Disorderly conduct	First offense: Class 1 misdemeanor	1-day community punishment
		Second offense: Class I felony	4-month community punishment
		Third or more: Class H felony	5-month community or intermediate punishment
4	14-288.5. Failure to disperse when commanded	Class 2 misdemeanor Can be elevated to 14-288.2 (class 1 misdemeanor)	1-day community punishment
5	14-288.6. Looting; trespass during emergency	Class H felony	5-month community or intermediate punishment
6	14-288.7. Transporting dangerous weapon or substance during emergency; possessing off premises	Repealed in 2012 Class 1 misdemeanor	1-day community punishment
7	14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction	Class F felony	13 months intermediate or active punishment
8	14-288.9. Assault on emergency personnel	Class F felony	13 months intermediate or active punishment
9	14-288.10. Frisk of persons during violent disorders; frisk of curfew violators		
10	14-288.11. Warrants to inspect vehicles in riot areas or approaching municipalities during emergencies		
11	14-288.12. Powers of municipalities to enact ordinances to deal with states of emergency	Repealed 2012 Class 3 misdemeanor	1-day community punishment
12	14-288.13. Powers of counties to enact ordinances to deal with states of emergency	Repealed 2012 Class 3 misdemeanor	1-day community punishment
13	14-288.14. Power of chairman of board of county commissioners to extend emergency restrictions imposed in municipality	Class 3 misdemeanor	1-day community punishment

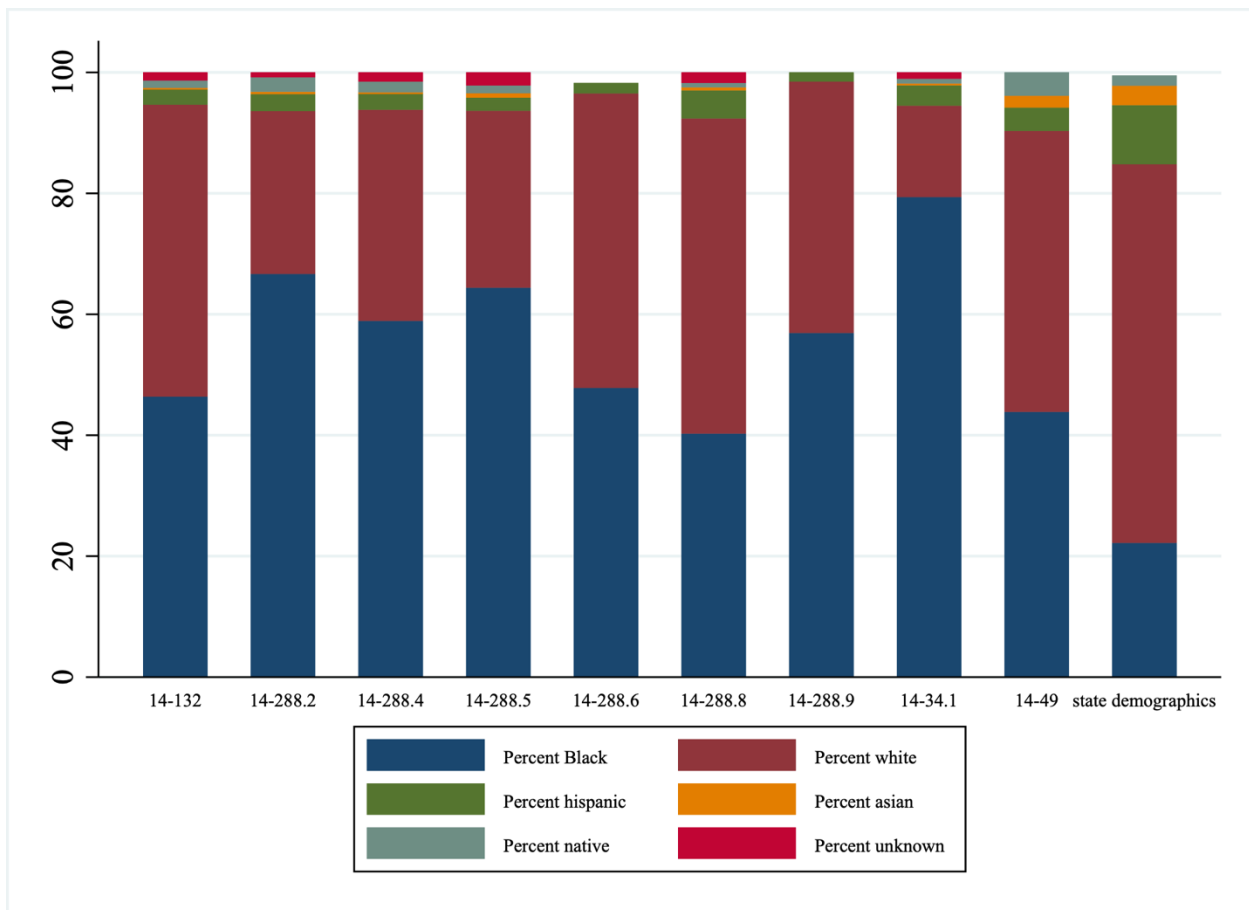
14	14-288.15. Authority of Governor to exercise control in emergencies	Repealed 2012 Class 2 misdemeanor	1-day community punishment
15	14-288.16. Effective time, publication, amendment, and rescision of proclamations	Repealed 2012	
16	14-288.17. Municipal and county ordinances may be made immediately effective if state of emergency exists or is imminent	Repealed 2012	
17	14-288.18. Injunction to cope with emergencies at public and private educational institutions		
18	18-38.1. Authority of the Governor to direct closing of A.B.C. stores		
19	18-129.1. Authority of the Governor to limit sale of wine and malt beverages		
20	14-49. Malicious use of explosive or incendiary	Class D felony	44-month active punishment
		Class G felony	10 months intermediate or active punishment
		Class E felony	20 months intermediate or active punishment
21	14-50. Conspiracy to injure or damage by use of explosive or incendiary; punishment	Repealed in 1994	
22	14-50.1. Explosive or incendiary device or material defined	Provides definition	
23	14-34.1. Discharging firearm into occupied property	Class E felony	20 months intermediate or active punishment
		Class D felony	44-month active punishment
		Class C felony	50-month active punishment
24	14-132. Disorderly conduct in and injuries to public buildings and facilities	Class 2 misdemeanor	30 days community punishment
Note: minimum punishments were pulled from structured sentencing from 1994. Some of the statutes appearing in the table are used as a filler or for definition purposes, and therefore do not carry a punishment			

There are a few points that can be drawn from comparing the two sets of punishments. First, punishments associated with each set are vastly different in severity. North Carolina implemented structured sentencing in 1994, which outlined the minimum and maximum punishments available for any given offense class. Although we do not have access to any sentencing guidelines during the times that each set of statutes were passed, we use the earliest version of the structured sentencing guidelines to gauge an understanding of how serious each of

the offenses would have been measured by the courts in 1994. The majority of the secret society statutes carry only one day community sentence, with two offenses carrying a minimum of five months of community punishment. Civil rights era protest laws were penalized much more harshly. Eight of the statutes carry a 1-day community sentence and seven of them carry more than a year in prison.

Second, the people being charged for crimes within the civil rights era protest statutes are disproportionately black. Figure 5 shows the racial share of charges under each statute appearing in the AOC data and compares those rates with their population share.

Figure 5: Riot and Civil Disobedience Charges, by Race

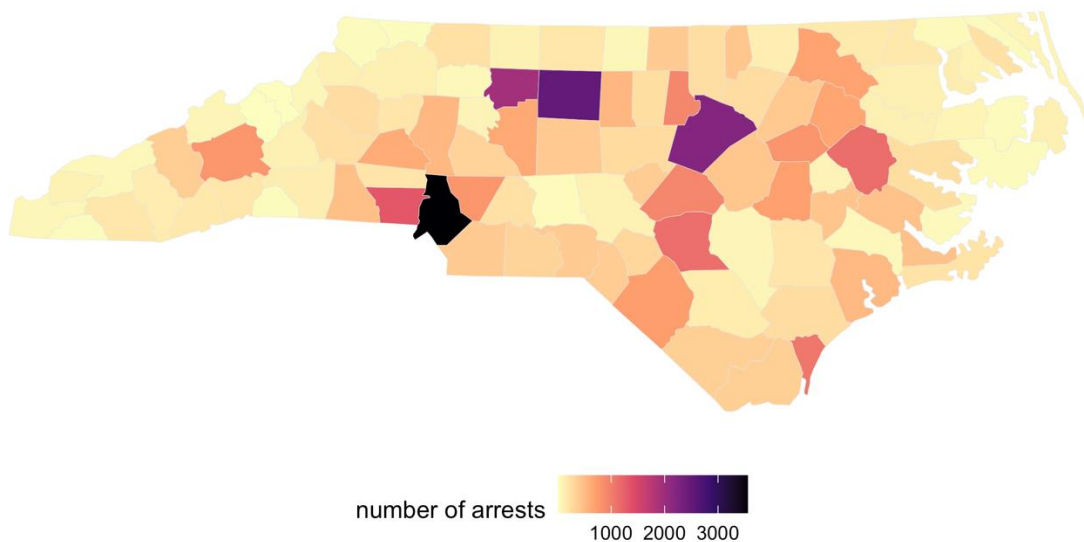


Note: See Table 2 for an explanation of each statute or section of the laws presented in Figure 3. The right-most column shows census population data for the state.

## Assessing Differential Enforcement

Once we established the historical origin of protest laws, we were next concerned with the ways in which those laws are being enforced today. Across the state there have been over 40,000 arrests made for protest related offenses. Figure 6 maps where those people are listed as living.

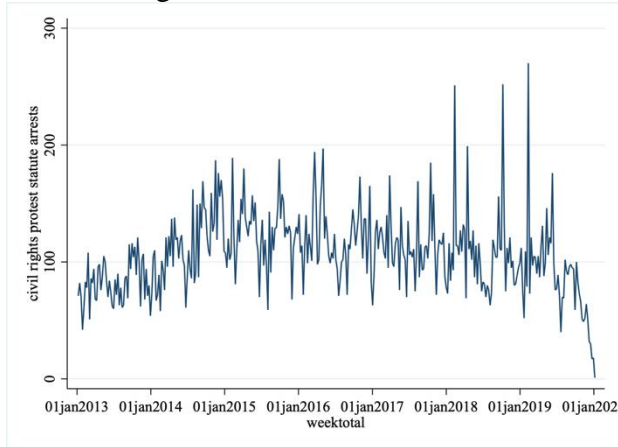
Figure 6: Protest Related Charges Across North Carolina



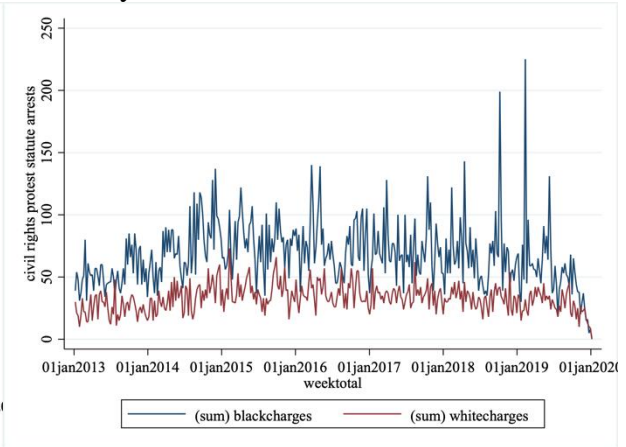
Next, we chart the number of arrests made per week across the state and then present those data by race; we find unsurprisingly that Black people are charged at a higher frequency than their white peers, shown in figures 7A and 7B.

Figure 7: Protest Related Charges by Week.

A. All Charges



B. By Race



Which protests face criminal sanctions? While there are clear differences in who is arrested at protest events, it is also important to understand which protests are subject to law enforcement intervention. Are protests related to civil rights and social justice subject to harsher law enforcement? In attempting to answer this question, we first identify and extract the highest protest arrest weeks in the AOC database, we then calculate the number of white and black people arrested, finally using a combination of the Crowd Counting Consortium data and our own newspaper searches, we document the protest event that happened in the county and week. The results are displayed in table 3.



Table 3: Protest Charges and Associated Events

County	Week ending	Number of arrests	Known protest event	White people arrested	Black people arrested
Wake	8-Oct-18	148	Stop Kavanaugh protest	0	147
Harnett	11-Feb-19	144		0	144
Harnett	12-Feb-18	138	Annual Social Justice March in Raleigh	2	56
Mecklenburg	1-Dec-14	100	Protest Ferguson decision	5	93
Mecklenburg	16-Oct-17	80	Police shooting of Ruben Galindo	2	78
Durham	16-Apr-18	75		0	75
Chatham	26-Jun-17	60		0	60
Durham	28-Nov-16	55	Anti-Trump protests	0	55
Vance	10-Jun-19	54		0	54
Wilson	1-Sep-14	54		0	54
Richmond	21-Mar-16	53		0	53
Mecklenburg	26-Sep-16	51	Police shooting of Keith Lamont Scott	7	38
Mecklenburg	15-Dec-14	48	BLM protest	2	36
Mecklenburg	21-Nov-16	48	Anti-Trump protest	2	46
Mecklenburg	23-Jan-17	43	Immigration Ban protest	2	40

Which protests, or other public events do not face criminal sanctions? In order to identify protests that have not been subject to law enforcement intervention, we identified a number of events that could plausibly be subjected to protest related offenses, but nevertheless resulted in no arrests. Two events were related to white supremacist organizations, and one is a large college sporting event in Chapel Hill. Figure 8 provides photos.

Figure 8. Three Relatively Un-policed Public Protests or Celebrations.

A. Hillsborough, August 24th, 2019

B. Alamance County, May 20, 2017



C. Chapel Hill, April 3, 2017



Figure 8A shows a KKK rally in Hillsborough, NC. Figure 8B shows a protest by Alamance County Taking Back Alamance County (ACTBAC NC), a neo-confederate group, on Saturday May 20th, 2017. Source: SPLC center. Figure 8C shows 55,000 people, largely UNC students and basketball fans, rushing Franklin Street following the NCAA basketball championship. This event included seven injuries Source: <https://www.unc.edu/discover/franklin-street-celebration/>.

## Conclusion

This paper had three different aims. First, we demonstrate that there are clear areas of the North Carolina criminal code that have disparate impact on certain groups of people. Second, using archival evidence, we find that the origins of laws related to protest were rooted in the desire to quash racial uprisings during the civil rights movement. Finally, we demonstrate that while some

of these laws are no longer in use, the anti-protesting laws are routinely used in ways that differentially target Black protesters. As we expand this project to other examples, we hope to link additional cases of current-day disparities in the application of certain elements of the criminal code to historical examples of legislative intent. Sometimes, the law is doing exactly what it was intended to do.

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## Appendix

Table A1: Black Males Charged as a Percent of Each Offense Code

Offense Code	Offense Description	Offense Category	Percent of Offense Black Males
6259	DOG FIGHTING	Wildlife	93
3441	SELL COCAINE	Drug Offenses	83
3456	DELIVER COCAINE	Drug Offenses	82
5219	DIS WEAP OCC PROP SER BOD INJ	Weapons Offenses	82
3435	SELL/DELIVER COCAINE	Drug Offenses	80
5220	DISCHARGE WEAPON OCCUPIED PROP	Weapons Offenses	80
3555	PWISD COCAINE	Drug Offenses	80
3552	MANUFACTURE COCAINE	Drug Offenses	79
3489	M/S/D/P CS W/N 1000FT OF PARK	Drug Offenses	78
5204	POSSESS HANDGUN BY MINOR	Weapons Offenses	77
5242	CARRYING CONCEALED GUN(F)	Weapons Offenses	76
5243	POSS PHONE/COMM DEV BY INMATE		76
0951	ATTEMPTED FIRST DEGREE MURDER	Homicide Related	76
3556	PWIMSD COCAINE	Drug Offenses	75
1221	CONSP ROBBERY DANGRS WEAPON ROBBERY WITH DANGEROUS	Robbery	75
1222	WEAPON	Robbery	74
1228	CONSP ARMED ROBBERY BUS/PERS	Robbery	74
5218	DIS WEAP OCC DWELL/MOVING VEH	Weapons Offenses	74
1202	ATT ROBBERY-DANGEROUS WEAPON	Robbery	73
3491	CONSPIRE DELIVER COCAINE	Drug Offenses	73
3440	SELL MARIJUANA	Drug Offenses	71
8529	FAIL PROVIDE PROOF PROPER FARE	Local Ordinance Violations	71
0999	HOMICIDE - FREE TEXT	Homicide Related	71
3455	DELIVER MARIJUANA	Drug Offenses	71
5211	ALTER/REMOVE GUN SERIAL NUMBER	Weapons Offenses	70
3481	CONSPIRE SELL COCAINE	Drug Offenses	70
8517	FAIL PROVIDE PROOF FARE PAY	Local Ordinance Violations	69
1150	HUMAN TRAFFICKING ADULT VICTIM	Sex Crimes	69
3544	PWISD MARIJUANA	Drug Offenses	68

Table A2: White Males Charged as a Percent of Each Offense Code

Offense Code	Offense Description	Offense Category	Percent of Offense White Males
6312	GILL NET/EQUIP/OPER VIOLATIONS UNLAWFULLY TAKE MIG GAME	Wildlife	94
6219	BIRD	Wildlife	93
6246	FAIL REPORT/TAG BIG GAME	Wildlife	93
6226	POSS DEER TAKEN CLOSED SEASON	Wildlife	92
6374	TAKE MIG WATERFOWL W/O LIC	Wildlife	91
2223	BREAK/ENTER BOAT	Breaking & Entering / Burglary	90
6223	OPER MOTORVESSEL INVALID NUM	Wildlife	89
6230	DWI - MOTOR BOAT/VESSEL	Wildlife	89
6225	USE UNPLUGGED SHOTGUN TAKE GAME DURING CLOSED	Wildlife	88
6221	SEASON	Wildlife	88
6252	HUNT FROM MOTOR VEHICLE	Wildlife	86
3611	SECOND DEG SEX EXPLOIT MINOR FISH TROUT WATER CLOSED	Sex Crimes	85
6264	SEASON	Wildlife	85
2217	BREAK COIN/CURRENCY MACH (F)	Breaking & Entering / Burglary	84
5345	FALSE BOMB REPORT	Public Peace	83
6215	NO BIG GAME LICENSE	Wildlife	83
3612	THIRD DEG SEX EXPLOIT MINOR MOTORVESSEL W/O LIFESAVING	Sex Crimes	83
6216	DEV	Wildlife	82
6203	HUNTING WITHOUT A LICENSE-NR	Wildlife	81
6208	HUNTING WITHOUT A LICENSE SPOTLIGHT DEER/NIGHT DEER	Wildlife	80
6240	HUNT	Wildlife	80
2944	INJURING UTILITY WIRES/FIXTURE OPERATE BOAT RECKLESS	Property Damage	80
9978	MANNER	Vehicle	80
6242	SHINE/SWEEP LIGHT FOR DEER HUNT/FISH/TRAP-NO GAME	Wildlife	77
6217	LICENSE DAMAGE COIN/CURRENCY	Wildlife	77
2219	MACHINE	Breaking & Entering / Burglary	76
5720	DISTURB CASKET/GRAVE MARKER	Vehicle	76
4486	IMPROPER MUFFLER	Vehicle	76
3638	SOLICIT BY COMPUTER/ APPEAR	Sex Crimes	75
6299	WILDLIFE - FREE TEXT	Wildlife	75

Table A3: Black Females Charged as a Percent of Each Offense Code

Offense Code	Offense Description	Offense Category	Percent of Offense Black Females
2619	PUBLIC ASSISTANCE FRAUD (F)	Fraud, False Pretense, & Cheats	60
2354	THEFT OF CABLE TV SERVICE	Larcenies & Related	49
2649	FAIL RETN PROP RENTD PUR OPT	Fraud, False Pretense, & Cheats	43
2615	FOOD STAMP FRAUD (F)	Fraud, False Pretense, & Cheats	42
4414	CHILD NOT IN REAR SEAT FAIL TO RETURN RENTAL		41
2646	PROPERTY FAIL TO SECURE PASSEN UNDER	Fraud, False Pretense, & Cheats	39
4472	16	Vehicle	35
2665	EMPL SEC LAW VIOLATION	Fraud, False Pretense, & Cheats	35
2603	INSURANCE FRAUD	Fraud, False Pretense, & Cheats	34
4531	LIC/PERMIT SEAT BELT VIOL <18	Vehicle	33
2676	FAIL RETURN HIRED MV >\$4000	Fraud, False Pretense, & Cheats	31
2678	MED ASSIST RECEIPIENT FRAUD-F	Fraud, False Pretense, & Cheats	31
9963	TRESPASS/IMPEDE SCHOOL BUS	Vehicle	30
8535	CURFEW VIOLATION	Local Ordinance Violations	30
2637	TRAFFICKING STOLEN IDENTITIES MISREP TO OBTAIN ESC BENEFIT-	Fraud, False Pretense, & Cheats	29
2663	M	Fraud, False Pretense, & Cheats	29
2654	SECRETING LIEN PROPERTY	Fraud, False Pretense, & Cheats	29
1368	SIMPLE ASSAULT	Assaults	29
4018	SOLICIT CRIME AGAINST NATURE	Prostitution	28
5531	AID AND ABET DWLR	Vehicle	28
4718	A&A DWLR NOT IMPAIRED REV	Vehicle	27
1357	SIMPLE AFFRAY	Assaults	27
4011	PROSTITUTION LEARNERS PERMIT VIOLATION	Prostitution	26
5630	>18	Vehicle	26
4013	SOLICIT FOR PROSTITUTION	Prostitution	26
5407	NO REGISTRATION CARD	Vehicle	26
8530	DEFRAUDING TAXI DRIVER	Local Ordinance Violations	26
1318	ASSAULT SCHOOL EMPL/VOLUNT	Assaults	25
2602	ILLEG POSS/USE FOOD STAMPS(M)	Fraud, False Pretense, & Cheats	25
1336	ASSAULT AND BATTERY	Assaults	25

Table A4: White Females Charged as a Percent of Each Offense Code

Offense Code	Offense Description	Offense Category	Percent of Offense White Females
9924	CORPORATE MALFEASANCE EMBEZZLE CS BY EMPLOYEE OF	Other	69
3430	REG	Drug Offenses	66
3597	PROVIDING DRUGS TO INMATE EMBEZZLEMENT-PUB	Drug Offenses	55
2722	OFF/TRUSTEES	Embezzlement	54
3822	SCHOOL ATTENDANCE LAW VIOL	Child Abuse	52
4011	PROSTITUTION	Prostitution	51
2719	EMBEZZLEMENT >=\$100,000 OBT CS PRESCRIP	Embezzlement	51
3345	MISREP/WITHHLD	Drug Offenses	49
4719	AID&ABET DWLR IMPAIRED REV	Vehicle	49
4728	AID&ABET DWLR IMPAIRED REV OBTAIN CS BY FRAUD/FORGERY	Vehicle	48
2658	(F)	Fraud, False Pretense, & Cheats	48
2678	MED ASSIST RECEIPIENT FRAUD-F EXPLOIT DISABLE/ELDER	Fraud, False Pretense, & Cheats	47
1378	CAPACITY	Assaults	47
4904	HARBORING FUGITIVE	Escaping	45
3461	DELIVER SCH III CS	Drug Offenses	43
2661	OBT/ATT OBT ALC OTHER DL	Fraud, False Pretense, & Cheats	42
3432	CONSP SELL/DELIVER SCH III CS LARCENY BY CHANGING PRICE	Drug Offenses	42
2330	TAG	Larcenies & Related	41
2660	OBT/ATT OBT ALC FALSE ID	Fraud, False Pretense, & Cheats	40
2662	OBT/ATT OBT ALC FALSE DL	Fraud, False Pretense, & Cheats	40
4718	A&A DWLR NOT IMPAIRED REV	Vehicle	40
5531	AID AND ABET DWLR	Vehicle	40
4727	A&A DWLR NOT IMPAIRED REV	Vehicle	38
3446	SELL SCH III CS	Drug Offenses	38
3406	SELL/DELIVER SCH IV CS	Drug Offenses	37
4099	COMMERCIAL SEX - FREE TEXT	Prostitution	37
4013	SOLICIT FOR PROSTITUTION	Prostitution	37
6211	ABANDONMENT OF AN ANIMAL	Wildlife	37
2718	EMBEZZLEMENT	Embezzlement	36
3842	NEG CHILD ABUSE-SER PHYS INJ	Child Abuse	36