

# Racial Disparities in Incarceration Increase Acceptance of Punitive Policies

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## Abstract

During the past few decades, punitive crime policies have led to explosive growth in the United States prison population. Such policies have contributed to unprecedented incarceration rates for Blacks in particular. In this article, we consider an unexamined relationship between racial disparities and policy reform. Rather than treating racial disparities as an outcome to be measured, we exposed people to real and extreme racial disparities and observed how this drove their support for harsh criminal-justice policies. In two experiments, we manipulated the racial composition of prisons: When the penal institution was represented as “more Black,” people were more concerned about crime and expressed greater acceptance of punitive policies than when the penal institution was represented as “less Black.” Exposure to extreme racial disparities, then, can lead people to support the very policies that produce those disparities, thus perpetuating a vicious cycle.

## Keywords

inequality, race, crime, incarceration, public policy

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The United States now imprisons more people—both in absolute numbers and as a percentage of the population—than any other country in the world and than at any previous time in U.S. history (Western, 2006). Blacks are the most imprisoned of all groups. Though they comprise only 12% of the U.S. population, Blacks are nearly 40% of the nation’s inmates, with some researchers estimating that more than one in four Black men will spend time behind bars (Bonczar & Beck, 1997; Western, 2006).

Punitive criminal-justice policies are a primary cause of the incarceration boom. During the past few decades, even as violent-crime rates have remained stable or declined, criminal-sentencing schemes in the United States have become ever harsher (Blumstein & Beck, 1999; Schmitt, Warner, & Gupta, 2010). About half of all states, for example, have some form of habitual-offender or three-strikes law that mandates harsh sentences for repeat offenders (Cheeseman, del Carmen, & Worley, 2006). Such laws affect Blacks in particular. In California, where Blacks make up less than 7% of the general population and roughly 25% of the state’s prison population, they constitute 45% of those incarcerated under the state’s three-strikes law (Ehlers, Schiraldi, & Ziedenberg, 2004).

Here, we examined the relationship between racial disparities in incarceration and people’s acceptance of punitive policies. For decades, social psychologists have demonstrated an association between race and crime (e.g., Allport & Postman, 1947; Correll, Park, Judd, & Wittenbrink, 2002; Duncan, 1976; Eberhardt, Goff, Purdie, & Davies, 2004; Payne, 2001). Not only are Blacks strongly associated with violent crime, but also the more stereotypically Black a person’s physical features are perceived to be, the more that person is perceived as criminal (Eberhardt et al., 2004). Even in death-penalty cases, the perceived Blackness of a defendant is related to sentencing: the more Black, the more deathworthy (Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006). In a departure from previous work, the present research focused on

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the perception of institutions rather than on the perception of individuals. We argue that just as the Blackness of a specific defendant can increase people's desire to punish, so too could the Blackness of the penal institution increase people's acceptance of punitive policies.

Typically, researchers treat racial disparities as an outcome of a psychological process. We took a different approach. We manipulated the perception of racial disparities to examine the extent to which such disparities might drive psychological processes. Using a novel methodology in two regions of the country with two different crime-fighting policies, we drew on actual crime statistics to present the racial disparities in the penal institution as more or less extreme. We demonstrated that exposing people to a world with extreme racial stratification increases their support for the policies that help to maintain that stratification.

## Study 1

Study 1 capitalized on a live political issue. We tested whether exposure to extreme racial disparities in the prison population would influence California residents' decision to sign a real petition for a statewide ballot initiative that would lessen the severity of the nation's most punitive three-strikes law (Ehlers et al., 2004). Originally passed in 1994, California's three-strikes law (1994) mandated 25 years to life in prison for anyone convicted of a third felony after two violent or serious felony convictions. Under the law, even a third offense of stealing a dollar in loose change from a parked car or shoplifting a pair of gloves and a spool of wire could result in a life sentence (Stanford Law School, 2014). The proposed amendment would allow a life sentence only when a defendant's third conviction was also for a serious or violent crime (Mills, 2012). The proposed amendment, however, would appear on the 2012 November state ballot only if enough petition signatures were gathered.

## Method

A White female experimenter recruited White registered California voters from a San Francisco Bay Area train station in the spring of 2012. Sixty-two voters (22 females, 40 males; 52% were age 40 or younger) completed the study, which was described as exploring Californians' views on social issues. In exchange, all participants received a \$10.00 gift card.

On an iPad, all participants were shown information about the state prison system. Participants watched a 40-s video in which 80 color photographs (actual mug shots) of Black and White male inmates sequentially flashed across the screen. We manipulated the ratio of Black to White inmates, to portray racial disparities in the prison population as more or less extreme. In the less-Black

condition, 25% of the photographs were of Black inmates (approximating the percentage of Blacks in California's total inmate population). In the more-Black condition, 45% of the photographs were of Black inmates (approximating the percentage of Black inmates incarcerated under California's three-strikes law). As a manipulation check, we asked participants to estimate the percentage of California's total inmate population they thought was Black and the percentage they thought was White.

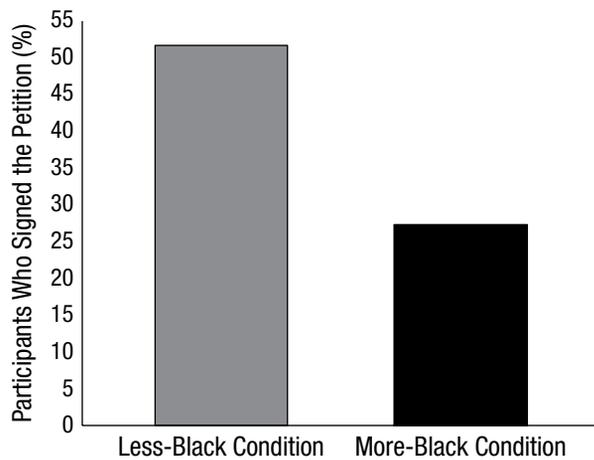
Next, we informed all participants about California's three-strikes law and the petition to amend it. We asked participants how punitive they thought the current three-strikes law was on a scale from 1 (*not punitive enough*) to 7 (*too punitive*). The study "ended," and participants learned that the experimenter had copies of the actual petition, which they could look at and sign. Whether they signed the petition was our primary dependent measure. We told participants that if they chose to sign, we would forward their signatures to the state attorney general to be counted, which we did. We set the data-collection period to end when a sufficient number of petitions were gathered within the state, and the amendment would appear on the ballot. Thus, we collected data until we learned that enough petitions had been gathered. (See the Supplemental Material available online for additional methodological details.)

## Results and discussion

Across conditions, participants believed the prison population to be significantly more Black than we had presented it,  $t_s > 4.99$ ,  $p_s < .0005$  (see the Supplemental Material).<sup>1</sup> Nevertheless, our attempt to shift participants' perceptions of the racial composition of prisons was successful. Participants in the more-Black condition thought Blacks were even more overrepresented (Blacks:  $M = 60.97\%$ ,  $SD = 17.77\%$ ; Whites:  $M = 24.59\%$ ,  $SD = 12.49\%$ ) than did participants in the less-Black condition (Blacks:  $M = 53.11\%$ ,  $SD = 23.15\%$ ; Whites:  $M = 34.89\%$ ,  $SD = 15.15\%$ ). As predicted, the difference between the perceived Black prison population and the perceived White prison population was significantly larger in the more-Black condition (mean difference = 36.14%,  $SD = 26.30\%$ ) than in the less-Black condition (mean difference = 16.81%,  $SD = 32.14\%$ ),  $t(52) = -2.43$ ,  $p = .02$ .

Condition had no effect on the perceived punitiveness of the existing law ( $p = .40$ ). Participants' responses were significantly above the midpoint of the scale ( $M = 5.30$ ,  $SD = 1.33$ ),  $t(60) = 7.59$ ,  $p < .0005$ , which indicates that they believed the law was too punitive rather than not punitive enough.

Finally, we turned to our main analysis. As predicted, exposure to a more extreme racial disparity in the prison population significantly affected whether participants signed the petition. Although 51.72% of the participants in



**Fig. 1.** Results from Study 1: percentage of participants in each of the two conditions who signed a petition to amend the three-strikes law.

the less-Black condition signed the petition, only 27.27% of participants in the more-Black condition signed,  $\chi^2(1, N = 62) = 3.89, p = .049$  (see Fig. 1). Moreover, the racial composition of the prison predicted rates of petition signing even when we controlled for how punitive participants found the existing law,  $\beta = -1.15, SE = 0.57, p = .043$ . Thus, the Blacker the prison population, the less willing registered voters were to take steps to reduce the severity of a law they acknowledged to be overly harsh. (See the Supplemental Material for additional analyses.)

## Study 2

If perceptions of punitiveness do not explain why a Blacker prison population would influence people's acceptance of crime policy, what does? We propose that fear of crime begins to explain this relationship. That is, the greater the proportion of Blacks in prison, the more people fear crime, which then increases their acceptance of punitive policies. In Study 2, we tested this possibility directly using a different crime policy in another region of the country: the controversial stop-and-frisk program enacted in New York City. Each year, the New York City Police Department stops hundreds of thousands of people, the vast majority of whom are Black or Latino, not carrying a weapon, and ultimately, not arrested. Would pushing New Yorkers to view their state's prison population as more Black cause them to be more concerned about crime and, in turn, more accepting of the stop-and-frisk program?

## Method

With the help of a participant-sampling and data-collection company (Survey Sampling International), we recruited 164 adult White New York City residents who were U.S.

citizens (98 females, 66 males; mean age = 45.73 years) to complete an online study in October 2013. Our target sample size was 150 participants.<sup>2</sup>

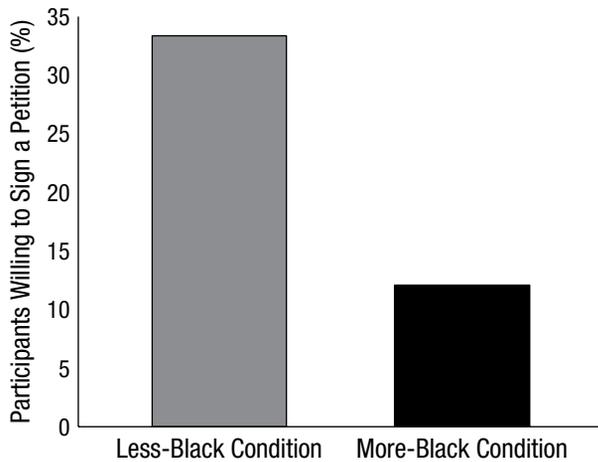
We presented participants with demographic information about New York State's inmates. As in Study 1, we manipulated the percentages of Black and White inmates. In Study 2, however, we presented statistics about the racial composition of the prison population rather than photographs of inmates. In the less-Black condition, participants read that the prison population was 40.3% Black (approximating the percentage of Blacks in the U.S. inmate population) and 31.8% White. In the more-Black condition, participants read that the prison population was 60.3% Black (approximating the percentage of Black inmates in New York City Department of Correction facilities) and 11.8% White.

Next, participants read that in August 2013, a federal judge ruled that the New York City Police Department's stop-and-frisk policy was unconstitutional and that the city was appealing the ruling. Participants answered four questions, which formed our Crime Concern Scale ( $\alpha = .93$ ): (a) "Given the ruling, how worried are you that crime will get out of control without the stop-and-frisk program?" (b) "How comforted were you knowing that people were being stopped as part of the stop-and-frisk program?" (c) "To maintain safety, how justified is it to use stop-and-frisk tactics?" and (d) "How necessary is it to have the stop-and-frisk program in place to keep crime low?" Participants answered each question on a 6-point scale from 1 (*not at all*) to 6 (*extremely*). We also asked to what extent participants agreed that the stop-and-frisk policy was punitive on a scale from 1 (*strongly disagree*) to 6 (*strongly agree*).

Participants then read that before the judge's ruling in August, "there were many petitions to end stop and frisk that were circulating in New York City." They then viewed a sample petition, modeled after MoveOn.org's online petitions, that read "I am a constituent, and I ask you to support ending the stop-and-frisk program." Next, participants were asked: "If you had been approached by someone and asked to sign a petition like the one you just read, would you have signed it?" They had the option of clicking *yes* or *no*. Finally, participants completed manipulation checks and demographic questions. (See the Supplemental Material for additional methodological details.)

## Results and discussion

Our manipulation successfully shifted participants' perceptions of the racial composition of the state's prisons. Participants in the more-Black condition thought Blacks were more overrepresented in prison (Blacks:  $M = 58.76\%, SD = 14.93\%$ ; Whites:  $M = 17.25\%, SD = 10.81\%$ )



**Fig. 2.** Results from Study 2: percentage of participants in each of the two conditions who indicated that they would sign a petition to end the stop-and-frisk policy.

than did participants in the less-Black condition (Blacks:  $M = 47.13\%$ ,  $SD = 13.03\%$ ; Whites:  $M = 31.11\%$ ,  $SD = 11.48\%$ ). As predicted, the difference between the perceived Black prison population and the perceived White prison population was significantly larger in the more-Black condition (mean difference =  $41.92\%$ ,  $SD = 20.67\%$ ) than in the less-Black condition (mean difference =  $15.99\%$ ,  $SD = 17.69\%$ ),  $t(153) = -8.38$ ,  $p < .0005$ . Even though we presented participants with racial disparities using precise percentages, participants in the less-Black condition perceived the prison population as more Black than we had presented it ( $p < .0005$ ). Participants in the more-Black condition, however, perceived the prison population as just as Black as we had presented it ( $p = .45$ ; see the Supplemental Material).

Participants, on average, thought the stop-and-frisk policy was somewhat punitive ( $M = 3.67$ ,  $SD = 1.31$ ). Their responses were marginally above the midpoint of the scale,  $t(162) = 1.71$ ,  $p = .089$ , and not affected by condition ( $p = .38$ ).

Most important, we explored whether exposure to more extreme racial disparities would dampen participants' willingness to end the stop-and-frisk policy. As predicted, participants in the more-Black condition were significantly less willing to sign a petition to end the stop-and-frisk policy than were participants in the less-Black condition,  $\chi^2(1, N = 164) = 10.63$ ,  $p = .001$  (see Fig. 2). In the more-Black condition, only 12.05% of participants reported that they would sign the petition, compared with 33.33% in the less-Black condition. As in Study 1, the racial composition of the prison predicted willingness to sign even when we controlled for how punitive participants found the policy,  $\beta = 1.34$ ,  $SE = 0.44$ ,  $p < .003$ .

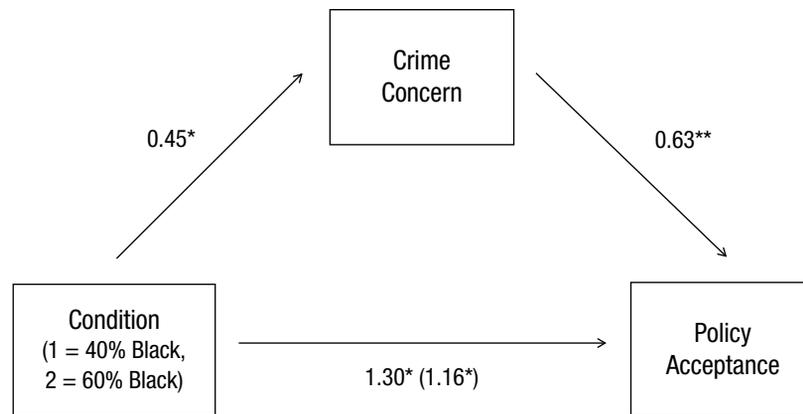
Participants in the more-Black condition were significantly more concerned about crime ( $M = 3.98$ ,  $SD = 1.40$ ) than were participants in the less-Black condition ( $M = 3.52$ ,  $SD = 1.51$ ),  $t(162) = -1.998$ ,  $p = .047$ . Further, controlling for condition, we found that crime concern predicted reported petition signing,  $\beta = 0.630$ ,  $SE = 0.153$ ,  $p < .0005$ . The more participants worried about crime, the less likely they were to say they would sign a petition to end the stop-and-frisk policy.

To test whether fear of crime mediated the relationship between perceptions of institutional Blackness and acceptance of the stop-and-frisk policy, we ran a bootstrap-based, bias-corrected mediation analysis (Hayes, 2013). Using 5,000 bootstrap samples, we calculated the 95% confidence interval for our proposed model. Zero was not included in the confidence interval [.03, .73], which demonstrates that the effect of exposure to racial disparities in incarceration on petition signing was driven, in part, by crime concern (see Fig. 3; see the Supplemental Material for additional analyses).

## General Discussion

The prison boom is one of the largest social transformations in American history, yet experimental studies examining the psychological impact of this expansion on the broader public are almost entirely absent. Using a novel methodology, we manipulated the information participants received about this structural shift: We led participants to believe that the racial disparities that have resulted from the prison boom were more or less extreme. We found that exposing people to extreme racial disparities in the prison population heightened their fear of crime and increased acceptance of the very policies that lead to those disparities. Thus, institutionalized disparities can be self-perpetuating.

Across the country, and increasingly throughout the Western world (Wacquant, 1999), punitive criminal-justice policies have a grossly disproportionate impact on racial minorities (Bobo & Thompson, 2006). Many legal advocates and social activists assume that bombarding the public with images and statistics documenting the plight of minorities will motivate people to fight inequality. Our results call this assumption into question. We demonstrated that exposure to extreme racial disparities may make the public less, not more, responsive to attempts to lessen the severity of policies that help maintain those disparities—even when people agree that such policies are too punitive. This produces quite a challenge for those striving to create a more equal and just society. Perhaps motivating the public to work toward an equal society requires something more than the evidence of inequality itself.



**Fig. 3.** Results of the mediation analysis showing the influence of condition (whether participants read that the prison population was 40% Black or 60% Black) on acceptance of the stop-and-frisk policy, as mediated by concern about crime. Unstandardized coefficients are shown. On the lower path, the value outside parentheses shows the relation between condition and policy acceptance without the mediator, and the value inside parentheses shows the relation with the mediator included. Asterisks indicate significant paths (\* $p < .05$ , \*\* $p < .0005$ ).

### Author Contributions

Both authors developed the study concept and contributed to the study design. R. C. Hetey collected and analyzed the data under the supervision of J. L. Eberhardt. Both authors wrote and approved the final version of the manuscript for submission.

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### Declaration of Conflicting Interests

The authors declared that they had no conflicts of interest with respect to their authorship or the publication of this article.

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### Supplemental Material

Additional supporting information may be found at <http://pss.sagepub.com/content/by/supplemental-data>

### Notes

1. In a pilot study, we found that although Blacks make up nearly 40% of the U.S. inmate population, participants thought the percentage was significantly higher: 56.57% ( $SD = 17.43\%$ ),  $t(76) = 9.35$ ,  $p < .0005$ .
2. We requested that all data be collected before Election Day 2013 because the stop-and-frisk program was an important issue in the New York City mayoral election. Because of our

hard deadline for data collection, the survey company reached out to a higher number of potential participants than were needed to ensure our quota would be met.

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